UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS
FIRST SESSION

VOLUME 153—PART 19

OCTOBER 1, 2007 TO OCTOBER 16, 2007
(PAGES 25993 TO 27370)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
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SENATE—*Monday, October 1, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, teach us the mystery of life. Help us to not be victims but victorious in the living of our days. Lead us to a place of understanding, in spite of sorrow and pain. Make us more than conquerors, because You love us.

Today instruct our lawmakers as they seek to do Your will. As they perform their daily tasks, guide their priorities. Show them Your truth so that they will be instruments of Your purposes. When their light of hope is threatened, renew them with faith in Your providence and power. Transform their lives from a hurried succession of days into a walk with You that brings enduring peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 1, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the prayer, the Pledge, and whatever remarks the two leaders make not count against morning business, that morning business be a full hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following the period of morning business, the Senate will resume consideration of the Department of Defense authorization bill. Last week cloture was invoked on the substitute amendment. Approximately 200 amendments have been cleared or voted upon. There are lots of them still pending. Last week Senators LEVIN and WARNER worked their way through some of these. I don't know how many votes we will have this evening on germane amendments, but we will know before long. Any amendments that might be offered have to be germane and have to be timely filed. Currently pending is a first and second-degree amendment relating to contracting. Any votes today will begin around 5:30. It is too early to indicate how many votes will take place. Once action on DOD authorization has been concluded, it is my intention to have the Senate consider the DOD appropriations bill, to be followed by the consideration of Commerce-Justice-Science. Then we have a circuit court judge and several district court judges we plan on working on this week.

We have a lot to do. Hopefully we can finish quickly. We have next week the work period at home. Because of our being here for the time we are, having the weeks sometimes longer than what we would like, I have a lot to do at home. I am sure all other 99 Senators have as well.

FREEDOM OF SPEECH

Mr. REID. Freedom of speech is one of the country's most cherished values. Nothing sets us farther apart from the countries and regimes we oppose than our belief that everyone's opinion matters—everyone's—and that everyone has a right to express it. That is why when we hear things on the radio and other places that are offensive, by and large we tolerate them. But last week Rush Limbaugh went way over the line. While I respect his right to say anything he likes, his unpatriotic comments cannot be ignored. During his show last Wednesday, Limbaugh was engaged in one of his typical rants. This one was unremarkable and indistinguishable from his usual dribble which has been steadily losing listeners for years, until he crossed that line by calling our men and women in uniform who oppose the war in Iraq "phony soldiers." This comment was so beyond the pale of decency we can't leave it alone. Yet he followed it up with denials and an attack on Congressman JACK MURTHA, who was a 37-year active member of the Marine Corps, a combat veteran.

We have been debating the Iraq war in the Senate and throughout the country, not for months but for years. There are good, patriotic Americans who favor the war and good, patriotic Americans who oppose President Bush's first getting us into war and the way he has handled the war. Neither party holds a patent on patriotism. I know all of my Republican colleagues would agree with this, or at least I hope so. Yet Rush Limbaugh took it upon himself to attack the courage and character of those fighting and dying for him and for all of us. Rush Limbaugh got himself a deferment from serving when he was a young man. He never served in uniform. He

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

never saw a person in the extreme difficulty of maintaining peace in a foreign country engaged in civil war. He never saw a person in combat. Yet he thinks his opinion on the war is worth more than those who have been on the front lines. What is worse, Limbaugh's show is broadcast on Armed Forces Radio which means that thousands of troops overseas and veterans here at home were forced to hear this attack on their patriotism. Rush Limbaugh owes the men and women of our Armed Forces an apology.

This past Friday, many Democrats joined me in drafting a letter to the chief executive officer of Clear Channel, Mark Mays, that we will send out this week. Here is what we wrote:

> Dear Mr. Mays: At the time we sign this letter, 3,801 American soldiers have been killed in Iraq, and another 27,936 have been wounded. 160,000 others awoke this morning on foreign sand, far from home, to face the danger and uncertainty of another day at war. Although Americans of goodwill debate the merits of this war, we can all agree that those who serve with such great courage deserve our deepest respect and gratitude. That is why Rush Limbaugh's recent characterization of troops who oppose the war as "phony soldiers" is such an outrage. Our troops are fighting and dying to bring to others the freedoms that many take for granted. It is unconscionable that Mr. Limbaugh would criticize them for exercising the fundamentally American right to free speech. Mr. Limbaugh has made outrageous remarks before, but this affront to our soldiers is beyond the pale. The military, like any community within the United States, includes members both for and against the war. Senior generals, such as General John Batiste and Paul Eaton, have come out against the war while others have publicly supported it. A December 2006 poll conducted by the Military Times found just 35 percent of service members approved of President Bush's handling of the war in Iraq, compared to 42 percent who disapproved. From this figure alone, it is clear that Mr. Limbaugh's insult is directed at thousands of American service members. Active and retired members of our armed forces have a unique perspective on the war and offer a valuable contribution to our national debate. In August, seven soldiers wrote an op-ed expressing their concern with the current strategy in Iraq. Tragically, since then, two of those seven soldiers have made the ultimate sacrifice in Iraq. Thousands of active troops and veterans were subjected to Mr. Limbaugh's unpatriotic and indefensible comments on your broadcast. We trust you will agree that not a single one of our sons, daughters, neighbors and friends serving overseas is a "phony soldier." We call on you to publicly repudiate these comments that call into question their service and sacrifice and to ask Mr. Limbaugh to apologize for his comments.

Just as patriotism is the exclusive realm of neither party, taking a stand against those who spew hate and impugn the integrity of our troops is a job that belongs to both parties. I can't help but wonder how my Republican colleagues would have reacted if the tables were turned—if a well-known Democratic radio personality had used the same insulting line of attack against troops who support the war. The letter I read will be available on the Senate floor all day. During the votes, after the votes, colleagues on both sides of the aisle will have every chance to add their names to it. I encourage all to do so. If we take the Republican side at their word that last week's vote on another controversial statement related to the war was truly about patriotism, not politics, then I have no doubt they will stand with us against Limbaugh's comments with equal fervor.

I am confident we will see Republicans join with us in overwhelming numbers. "Confident" is the wrong word. "Hopeful" is the right word. I am hopeful we will see Republicans join with us in overwhelming numbers. Anything less would be a double standard that has no place in the Senate.

I ask my colleagues, Democrats and Republicans, to join together against this irresponsible, hateful, and unpatriotic attack by calling upon Rush Limbaugh to give our troops the apology they deserve. I hope all will sign this letter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the time equally divided between the majority and the Republicans, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN

Mr. GRASSLEY. Mr. President, as cochairman of the Senate Caucus on International Narcotics Control, I have had a distinct interest in the National Youth Antidrug Media Campaign and how we can improve its quality and improve its effectiveness. In 1998, the White House Office of National Drug Control Policy, with overwhelming bipartisan support from Congress, launched a historic initiative to encourage kids to stay drug free. That effort in 1998 built upon the success of former First Lady Nancy Reagan's "just say no" campaign. The National Youth Antidrug Media Campaign targets youths age 9 to 18. The campaign also targets parents and other adults who might have influence over the choices young people make about drugs.

Research has clearly shown that if we can keep children free from drugs until the age of 20, chances are very slim that they will ever try or become addicted to drugs. Maintaining a coherent antidrug message begins early in adolescence and continues throughout the growing years. This is essential for educating and enabling our young people to reject illegal drugs. Through realistic portrayals, the media campaign is designed to show kids the harmful effects of drugs and the benefits of a drug-free lifestyle.

I wish to call my colleagues' attention to the poster behind me. This is one of those famous antidrug advertisements that maybe they remember from a long time ago. They might recall this famous advertisement known for its unforgettable slogan: "This is your brain; this is your brain on drugs." Created by the Partnership for a Drug Free America in 1987, it is widely recognized as one of the known influential ads of all time. While most of us have probably never seen an actual brain on drugs, this commercial helped to shape the view of an entire generation regarding the dangers of drugs.

The National Youth Anti-Drug Media Campaign is without a doubt the single most visible symbol of the Federal Government's commitment to youth drug prevention. These advertisements are an important source of information for kids and parents about the risks and dangers associated with illegal drugs. Sadly, though, we have come a long way from the cost and success of those early ads, such as the one you see on the easel.

In the 10 years prior to the creation of the media campaign in 1998, the Partnership for a Drug-free America was able to secure grants from various businesses, foundations, and agencies to create over 1,000 ads. Included in that number is the famous "this is your brain on drugs" ad which ran in 90 percent of America's households every day.

Between 1987 and 1998, national and local media outlets donated over $2.3 billion worth of free advertising space. If you adjust that number for today's pricetag, that would be nearly $3 billion worth of donated media time. Unfortunately, as drug use began to decline, then, as you might expect, so did the generous donations of free air time. By 1998, Congress decided—since it was not going to be free—to fund a paid media campaign employing the partnership's antidrug messages.

Since that time, the Federal Government has spent well over $1.5 billion to create, to research, to produce, and to distribute ads to prevent teen drug use. Yet I fear we are continuing to spend precious antidrug dollars to fund increasingly mediocre ads that fail to effectively reach our Nation's youth. In other words, they are nothing like the brain being fried ad I told you about.

A case in point are the spots running on TV today. The image you can see in this new ad I have before us in the Chamber is entitled "Walk Yourself" from the "Above the Influence" campaign. For those who might not be familiar with this ad, I will give a quick synopsis of what this ad says.

The commercial—which looks as though it could have been drawn by a 5-year-old—begins with a man smoking a marijuana cigarette while his dog looks on. When the man notices that his dog wants to go for a walk, he tells his dog to walk himself, presumably because he is too busy getting high. The dog responds, telling him he is disappointed in his master. The ad ends with the dog leaving and raising an "Above the Influence" flag.

Now, maybe I am missing the point, but I fail to see how an ad such as this realistically portrays the dangers or harmful effects of doing drugs.

We have a moral obligation in this country to ensure our young people have a chance to grow up without being accosted with drug pushers at every turn. We need, as a country, to create a strong moral context to help our young people know how to make the right choices. They need to know how to say no. They need to know that saying no is OK. And they need to know that saying no to drugs is the right thing to do. It is not just the safe thing, it is not just the healthier thing, it happens to be the right thing.

While funding for the media campaign has been relatively modest in terms of our overall Federal drug control budget, it, for many, is the most visible aspect of our Nation's war on drugs. With only so much money to go around, we must ensure we are getting the most bang for our buck. Although I support and encourage any agency that works to reduce or prevent drug abuse, as Members of Congress it is important we be good stewards of the taxpayers' dollars.

So I refer you to the Weiden-Kennedy chart—and I am not referring to Senator WYDEN or Senator KENNEDY. This is a different Weiden and a different Kennedy. We have had numerous studies over the years as to how the effectiveness of the present media campaign is very minimal, if not nonexistent.

In last year's Weiden-Kennedy test results of teenagers, the flags ads I referred to in the previous chart, as these ads are called—they are called "flags ads"—were rated on their believability, persuasiveness, and honesty. When you add up the averages of the flags ads with the rest of the Partnership for a Drug-Free America ads, the flags ads perform well under the ratings of the previous ads. I think the most important categories an antidrug ad must deliver on would be the ones you see listed on this chart. That is why I am concerned the media campaign is failing to reach and deliver an important message to our teens.

Now, I would like to refer back to the funding because these are taxpayers' dollars, and we ought to see how they are being spent.

So I am not alone in this assessment about the believability or the effectiveness of these ads. There is a wide variety of studies beyond just the one I referred to showing a lack of effectiveness. Even the Government Accountability Office recommended that Congress reduce funding for the campaign until it can be proven to be an effective prevention tool.

Congress has slashed funding considerably. As you can see from this chart, the funding for the media campaign is only half of what it was 10 years ago. For fiscal year 2008, the House has slashed another $6 million off the campaign's budget to bring it to $93 million, though our Senate version keeps the funding level. If this is not a wake-up call to the Office of Drug Control Policy, I do not know what is. If Congress is to support the White House's request for a 30-percent budget increase, then the drug czar must take several steps to improve the quality and the effectiveness of the campaign.

The first thing that must be done is to improve the quality of the ads. This does not require a budget increase to do so. The ads need to be simple, they need to be direct, and, obviously, they need to show the consequences of drug use. Exaggerations like a girl flattened on a couch or "smushed" from pot use, along with poorly drawn cartoons where dogs speak and space aliens freely roam show unrealistic scenarios and damage the credibility of the campaign, as you saw in the previous chart.

The early antidrug public service announcements—I am talking about going back to that period of time 1987 through 1998—were simple, they were short, they were memorable. I believe the success of those early ads can be replicated by using a similar formula.

Secondly, the campaign could be more effective if its message was more diversified. Although the media campaign has begun an awareness campaign on meth, it took an act of Congress to force the campaign to spend 10 percent of its budget to do so. Most of the ads produced by the campaign so far have all been about marijuana. Although I believe it is important that we discourage marijuana use, there are new and alarming drug abuse patterns that are starting to emerge among teens.

Recent studies and articles are showing an alarming rate of teenagers who are abusing prescription drugs to get high. These drugs are easily accessible because kids can easily find and purchase them online or grab them from their parents' medicine cabinet. Many parents are not even aware of the trend or how they should go about discarding leftover medication. The media campaign could be a very useful tool to educate young people as well as parents on these new and emerging threats.

Finally, the campaign, along with Congress, should work to encourage media outlets to donate more air time for antidrug messages. Currently, the campaign spends most of its budget in purchasing air time. Although media outlets match the amount the campaign spends, it in no way compares to what was donated 20 years ago. I believe it is imperative we show these outlets the need for more donated time in light of the trends I have previously illustrated. With more donated time, it will enable the campaign to focus on producing more ads on emerging drugs without Congress having to balloon its budget in the process.

Some maybe think I have been against antidrug media campaigns because I have been overseeing some of that for a long period of time. But I am not against media campaigns. I am against wasting taxpayers' dollars on ineffective programs that show no effort at improvement. I believe the campaign can be remade into an effective tool to aid in our prevention efforts against teen drug abuse. But much has to change in order for that to happen.

So I intend to send a letter to Director Walters, our drug czar, to find out why the campaign is not having a positive impact on preventing teen drug use. What do they intend to do to change this trend? I am going to ask him. I look forward to hearing their response promptly and to begin the process of reforming and reenergizing the National Youth Antidrug Media Campaign.

Mr. President, let me ask my colleague from Iowa, who has been waiting to speak, I do not know whether we have the first half hour or whether we are going back and forth, but if the Senator does not need the floor right now, I have other remarks I want to make.

The ACTING PRESIDENT pro tempore. The time is equally divided, but the order says it is 10 minutes to each speaker. So if the junior Senator from Iowa wishes to speak, he is free to do so.

Mr. GRASSLEY. Go ahead.

Mr. HARKIN. Go ahead.

The ACTING PRESIDENT pro tempore. The senior Senator from Iowa is continued to be recognized.

Mr. GRASSLEY. Thank you, Mr. President. And I thank Senator HARKIN.

CHIP

Mr. GRASSLEY. Mr. President, last week, the Senate voted overwhelmingly to approve the bipartisan agreement to reauthorize the Children's Health Insurance Program. On Saturday, on television I saw that the President called our agreement—our bipartisan agreement, I want to emphasize—he called it irresponsible.

Specifically, in his radio address, the President said we "put forward an irresponsible plan that would dramatically expand this program beyond its original intent."

Well, I am here to respond to that accusation by President Bush. To call what we agreed to as irresponsible is an insult to an agreement we reached and is an insult to 67 Members of the Senate and 265 Members of the House who voted in favor of it.

Calling our bipartisan proposal irresponsible ignores reality. The reality is that the current program—the program of the last 10 years, sunsetting yesterday—is out of control. The present program is failing. That is—to emphasize—the reason for passing the bipartisan bill that we passed. Because the present program is not working the way it was intended, and with this legislation we corrected a lot of problems to turn that around.

So the President is about to veto a bill that fixes the problems and improves the program for the future without having put a credible alternative on the table. We have not heard from the President as to what he would do about the SCHIP program except he wanted to save it and expand it.

The current program does not have adequate funding just to keep running with no changes. Under current law, the current program is authorized to spend $25 billion over the next 5 years. That is the baseline amount. But the Congressional Budget Office says the $25 billion baseline amount will not fully fund the program. So the President says he wants to keep the program going. You cannot do it the way it is funded right now.

Now, what does the Congressional Budget Office say? It says that without more funding, 840,000 kids would lose coverage. Without changes, as many as 22 States will not have any funding to run the program next year, and Iowa is one of those States—my home State. Senator HARKIN is on the floor; he would agree with that, I am sure.

Anyway, the President never said he wanted this program to lose kids, but the Congressional Budget Office says, doing what we are doing now, 840,000 kids would lose coverage. So keeping the current level of funding is not responsible, but if the President vetoes that bill, that is what we are doing. Of course, to the President, ignoring that fact is ignoring reality.

Let's look at what the President proposed. The President proposed a $5 billion increase in funding in his budget, but that is also insufficient funding. According to the Congressional Budget Office, the President's proposal would cause 840,000 children to lose coverage. That is right. The President's proposed $5 billion of new funding, without doing anything to get more kids covered, I think is hardly the responsible thing to do.

The proposal put forward by Senator LOTT and Senator KYL that we voted on 2 months ago—now maybe 3 months ago; I guess it was in July we voted on it—was an alternative to the bipartisan product we eventually passed. The proposal by Senators LOTT and KYL devoted twice as much funding as what the President did. To me, that is recognition enough that the President's thinking on the Children's Health Insurance Program is off track. The Lott-Kyl proposal was the alternative children's health insurance proposal offered during floor debate in July. My good friends put some serious thought into what they developed. They proposed about $10 billion in new Children's Health Insurance Program funding. That proposal covered 900,000 additional uninsured children, according to the Congressional Budget Office, but the Lott-Kyl proposal only received 35 votes—barely a third of the Senate.

There are good ideas in the Lott-Kyl proposal. They took a serious look at what populations should be covered by the SCHIP program, and it doesn't result in kids losing coverage as the President's proposals do, as the President's budget does, and that for sure is going to happen with a veto. But with all due respect to my friends, 35 votes is hardly a ringing success.

So how much funding is really needed to keep the program afloat? Well, the Congressional Budget Office says $24 billion of additional funding is needed to provide States with funding so that States can operate their programs as intended. That means $24 billion is needed to make sure there are no funding shortfalls, and $24 billion is needed just to fill the hole in the baseline and cover the kids whom States would like to cover if they had sufficient funding. The compromise agreement provides that level of funding and then goes an additional step by offering States incentives to cover more low-income kids, meaning kids and families under 200 percent of poverty. Now, that is the goal of reauthorization—to cover more low-income kids.

The bill we passed last week makes other important improvements to the program. Those improvements include better dental benefits, improves mental health coverage, with an outreach program to get the word out to kids for the kids to enroll. A bipartisan compromise is a responsible approach to funding the program and returning it to its original intent—covering lower income kids—and not covering more adults in 3 of our 50 States than our kids are being covered in those States.

Now let me shift gears and talk about the alternative to authorizing the program. The alternative to a reauthorization of SCHIP is a simple extension of current law, and calling for a simple extension of the current program without addressing the many problems it has—and I just suggested one: 3 States out of 50 cover more adults in the children's program than they cover children. Now, if you want to talk about the word "responsible" and whether Congress is responsible in this bill, I would say anybody who wants to leave the program the way it is—and that is what is going to happen with a veto—that is an irresponsible position to take, to keep a program going that is covering adults in a children's program. We want to cover kids, low-income kids. So the SCHIP program today, which is the way it has been for the last 10 years, is far off track.

The President has it backward when he says our bipartisan proposal "expands the program beyond its original intent." With no changes, it is the current SCHIP program that has strayed far from the original intent. I wish to remind my colleagues of 1997, passing the State Children's Health Insurance Program. There is no "A" in SCHIP. It was never meant to cover adults, but adults are being covered. We want to get back to the original intent of this program being for kids.

First of all, the current program covers kids at incomes far above what was considered low income in 1997. It covers parents, and in some States it even covers adults who have no kids. Under the bipartisan agreement passed last week, this program will return to its roots: covering kids, covering low-income kids. Even though the administration approved of States covering childless adults—now, I want to emphasize that: This administration approved the States covering childless adults. Under our bill, childless adults will be phased completely out of the program. This is a responsible thing for Congress to do. This is one of the reasons the President should sign the bill, because the present policies are irresponsible.

Even though the administration approved of States covering parents, under our bill States will no longer be able to get enhanced Federal funding for covering parents. Even though the administration approved of States covering childless adults, under our bill States will only be able to cover higher income kids if they demonstrate they have covered their lowest income kids first.

The agreement passed last week creates new financial incentives to discourage States from spending a penny to cover anyone other than low-income children. All the financial incentives in the agreement are entirely focused on low-income children and, let me emphasize, families of under 200 percent of poverty.

The administration has done nothing to turn around this irresponsible program which is now on the books. In fact, they have made it worse. Yet they have the audacity to call our bill irresponsible. Those who say our bill is irresponsible clearly haven't read the bill. This bipartisan compromise provides coverage for more than 3 million low-income children who don't have coverage today.

If this bill is vetoed and if at the end of the day all we do is simply extend the program that has now been on the books for 10 years, what will we have accomplished? Will adults be gone from the program? No. Will States have a disincentive to cover parents? No. Will States be encouraged to cover low-income kids before higher income kids? No. Will the funding formula be fixed so that States are not constantly challenged by funding shortfalls? No. Finally, will we have done anything to cover kids out there who are not covered today? The answer is no. No, no, no, no. Is that responsible? No. It is continuing current law. Let me emphasize, it is a continuation of the current law that is the irresponsible thing to do. The program is broken as evidenced in just one way: the 3 out of 50 States covering more adults than kids, in some instances covering adults who don't have any kids.

The program has strayed. It needs fixing. In fact, the bipartisan agreement follows the path laid down by the President himself. I have said this repeatedly. The President made a promise at the Republican Convention in New York:

> We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs.

President Bush said that. An extension of current law will not do that. He may not want to hear this quote again and again, but until he honors the commitment he made in that speech by making a proposal to cover more low-income kids, I intend to keep repeating it.

The President can keep his commitment by signing the bill we passed last week. But if he is going to veto it, he owes those of us who tried to keep his commitment with our bill a sense of what serious policies Congress can adopt to cover more kids.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business for 2 minutes to pay tribute to a great Louisianan who passed away.

The ACTING PRESIDENT pro tempore. The Senator has that right. We are in morning business.

Ms. LANDRIEU. And that Senator HARKIN would follow me for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, first let me associate myself with the remarks of the Senator from Iowa who just spoke so eloquently, strongly, and forcefully about the need for our children's health program in the country. I will be speaking later on that subject throughout the week as we all battle to get a better plan to cover more children at such a critical time now in that debate.

TRIBUTE TO HARRY LEE

Ms. LANDRIEU. Mr. President, I come to the floor today to speak just very briefly about a loss Louisiana has suffered—and, in many ways, the Nation—of a great political leader, a great political figure, and a friend to many.

Earlier this morning, Sheriff Harry Lee of Jefferson Parish passed away after a battle with leukemia. As my colleagues know, I come from a place of rich political heritage, colorful characters, and of amazing and fantastic stories at times about our political figures. Among the most colorful, though, was Sheriff Harry Lee, who stood out and stood tall for so many years. He served the people of Jefferson Parish since 1979 as their sheriff, but he started life in Louisiana in a much more humble way.

Harry was born in the back room of a Chinese laundry in downtown New Orleans to immigrant parents, Bing and Yip Lee, who instilled in him a strong and very determined spirit that would serve him well and serve all of us well for the rest of his life.

After a promising educational start at Francis T. Nicholls, where he served as both senior class president and student body president, Harry went on to college at Louisiana State University in Baton Rouge. He joined the ROTC Program there and was recognized early on as an outstanding cadet. He didn't stop there, though. His next step was to serve the country in the Air Force during the height of the Cold War. He served in the famous Strategic Command. His Air Force career led him to make a great decision in life, and that was to marry Lai Beet Woo, his wife of 40 years.

When Harry returned to Louisiana, he took over the family restaurant and convinced his father to allow him to attend law school. He excelled and became the first Federal magistrate for the Eastern District of Louisiana. He soon then, through many political contacts and his great spirit and gregarious nature and classwork, became parish attorney for Jefferson Parish.

Then, in 1975 and shortly thereafter, he was elected sheriff, a post he held for more than two decades, and he became a household name in Louisiana. This story has probably been tracked by others, but for Harry Lee, who comes from a Chinese-American background, at the time he was elected sheriff I think he was the highest ranking Chinese official and the only Chinese-American sheriff in the country. He was always extremely proud of that, proud of his heritage, always reminding us of that singular accomplishment.

After being a larger-than-life force in the realm of criminal justice for over 30 years, as I said this morning, he finally lost his own battle with leukemia. He had fought and won many battles on the streets in Jefferson Parish, in the courtrooms, and also in the court of public opinion.

Harry Lee's success says something important about our country—the son of immigrants who goes on to not only serve his parish, his city, his region, but went on to befriend Presidents, Republicans and Democrats, being the go-to person when people of great political distinction would come to our State. They always wanted to see and talk with Harry Lee.

Like all of us in public life, his tenure was not without controversy, but he was fiercely loyal to his deputies. There are thousands of deputies, current and former, who are mourning his passing today.

Looking back on a life like this, you can only think that his father and mother, Bing Yip Lee, who have long passed away, must have looked down and smiled on their son's accomplishments.

The loss of this singular figure in Louisiana politics is not only a loss to Jefferson Parish and to the State of Louisiana, but it is a loss to this great country that we all try our best to serve.

I want to extend my heartfelt condolences to the Lee family, to the deputies, to the law enforcement officials of Jefferson Parish in our State who are mourning this loss today. I hope we will all take some solace from the fact that they are being joined by so many mourners who recognize and appreciate a life well lived.

In closing, a not-so-secret hobby of Harry's was singing. I cannot say he would have ever made records, but he tried and he sang with great zest. At many jazz fests, he would be tempted to the stage by his friend Willie Nelson. They would often sing together. His favorite song was "Welcome to My World." I would like to say to Harry today: Thank you for welcoming us to your world, Sheriff Lee. You served us well, and you will be missed.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that at the closing of my remarks, the Senator from Montana, Mr. TESTER, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senator has 15 minutes. The majority side has 22 minutes 40 seconds remaining.

GUARD AND RESERVE FAMILIES AMENDMENT

Mr. HARKIN. Mr. President, I thank my colleagues for accepting my amendment to support the families of those National Guard and Reserve individuals serving in Iraq and Afghanistan. I thank Senator LEVIN and Senator MCCAIN for their support and assistance in including it as part of the National Defense Authorization Act, on which we will be voting on final passage later today.

This is a new era for our National Guard and Reserves. They are shouldering a huge share of the combat burden in Iraq and Afghanistan, plus a stepped-up role here in homeland security. It speaks volumes that more than four times as many Guard members have been killed in Iraq as during the entire Vietnam war.

With many Guard and Reserve members on their third or even fourth deployment, and with some deployments being stretched to at least 16 months, the stresses on their families are acute. Their children are at greater risk for depression, behavioral disorders, and academic problems. Long family separations often result in financial difficulties and troubled marriages.

Earlier this year, I introduced the Coming Together for National Guard and Reserve Families Act, which is the heart of this amendment. That amendment was accepted by the majority and the minority. The amendment does a number of things: It strengthens the family assistance program to ensure there are adequate resources for Guard and Reserve families throughout the deployment cycle. It provides special attention for the children of deployed servicemembers, who often react to parental separation with acting-out behaviors, anxiety, and depression. Finally, the amendment ensures that Guard and Reserve families receive appropriately timed information about the psychological symptoms that can appear long after coming home—such as anger, depression, alcohol abuse, or post-traumatic stress disorder—to help them take advantage of the services and support they may need.

Shortly after introducing the bill, I received a letter from the fiancé of an Iowa Guard member deployed in Iraq. It was one of many letters I received. I cannot read them all. I thought this portion of it summed it up:

> I received a letter from you today about the S. 902 bill that would help National Guard families, and I just wanted to say thank you. I cried when I first read this; for the first time in 2 years I feel like someone heard me. I hope this bill is passed and carried out. My fiancé is in Iraq with the 133rd Infantry of the Iowa National Guard. He was due home in March but now will be there until August. To say the least, I was devastated when I heard that he was extended, and honestly believe that it is such a terrible thing. Since he has been extended, many of his friends in the unit have tried to commit suicide and even more are deeply depressed. More times than not, I hear him saying how he wishes he could just have his life back. And I ask that you keep fighting for this because our soldiers' lives are hanging in the balance. My soldier and I will have to deal with the long-term consequences of his being in a war zone for so long for the rest of our lives, and we have to stop this before our children and grandchildren have to deal with this as well. . . . I am proud to live in the United States of America. However, my fiancé has done his part; he has protected this country for 22 months and he has been away from my side for that long. Let him come home, give us our lives back.

Mr. President, one happy result is that the brave men and women of the 1st Battalion of the 133rd Infantry of the Iowa National Guard—the same soldiers who inspired this amendment—returned home in July after serving as part of the longest continuous deployment of the Iraq war, spending nearly 2 years in active duty and 17 months in Iraq.

Senator GRASSLEY and I passed a resolution earlier honoring the service and sacrifices made by these brave soldiers and their families. But there is more we can do. Of course, I am working with my colleagues on this side of the aisle, and others, to begin the long, overdue process of redeploying our troops out of the civil war in Iraq. I hope we can make real progress on this in the coming weeks.

Until we are able to accomplish that, we must do everything we can to make sure the loved ones and family members of our deployed soldiers receive the support they need and deserve.

These families, many of whom are just starting their lives together, are dealing with tremendous stress. They include many small children who have grown up while their mothers or fathers were away.

Mr. President, this is a quiet crisis that we don't read about in the morning newspaper, but it is a crisis nonetheless. This amendment addresses that crisis by strengthening family assistance programs and doing outreach to parents and professionals who serve children—including mental health counselors and teachers—to alert them to the special needs of kids in military families, especially those with a parent in a war zone.

This amendment also ensures that families receive support after soldiers come home. The amendment ensures that families receive mental health information for up to 6 months post deployment so they can have access to the services and support they need.

Again, why is the amendment necessary? It became clear, after visiting with families of these National Guard troops and reservists who were overseas in Iraq that we have one set of family services and intervention and support for families of regular military personnel in the Army, Marines, Navy, and Air Force, but don't have the same support services for National Guard and Reserves. Many times in our small towns and communities you have 1 or 2 families who have a husband or a father overseas in the National Guard for an extended time, but those families don't get the same support and services as a family with a loved one in the regular Armed Forces, either throughout the deployment or when the soldier returns. Perhaps this made sense in the past. But the line between the Reserves and National Guard and the regular forces has become very blurred with the war in Iraq. So we see the National Guard carrying out what normally would have been done by the Active-Duty military. That is why this amendment, providing Guard and Reserve families with this support, is so important.

On a final note, the benefits of this amendment will apply to all Guard and Reserve troops, as well as their families—and I might point out, even those who disagree with President Bush and Vice President CHENEY. They can disagree and this amendment will still apply to them. I feel obliged to say this because a prominent conservative leader, Rush Limbaugh, of radio infamy, said men and women in uniform over in Iraq who oppose the war are "phony soldiers," and are presumably unworthy of the American people's support.

Earlier today, I was here and I heard Senator REID, our majority leader, speak about this. This statement is outrageous and despicable. Our men and women in uniform in Iraq have made extraordinary sacrifices. 3,800 have been killed and nearly 28,000 have been wounded, many with amputations and brain injuries they will live with for the rest of their lives. Our troops live in constant danger. Meanwhile, their families at home have had to cope with repeated separations and with the constant dread of bad news from Iraq. The very thought of Rush Limbaugh sitting in his air-conditioned broadcast studio and ranting about "phony soldiers" in Iraq who dare to speak their mind is just shameful. Perhaps in Mr. Limbaugh's case the correct word is "shameless."

I realize he and some other extremists on the right hold the view that you are either with us or you are against us; you are either a good American or a bad American, depending upon whether you agree with the conservative Republican line. But that is not the way most Americans think. We respect disagreement. We value dissent. We don't resort to name-calling when our fellow Americans—especially those in uniform—express a differing point of view.

For the record, by labeling as "phony soldiers" those who disagree with the war or the President's comments, that denigrates many thousands of our Armed Forces serving in Iraq. Listen to this. A December 2006 poll conducted by the Military Times found that fully 42 percent of servicemembers disapproved of President Bush's handling of the war, while just 35 percent supported it.

In other words, our men and women in uniform are not much different from the rest of the American people, the majority of whom also disagree with Mr. Bush's conduct of the war. Frankly, it increases my respect for those soldiers' professionalism and sense of duty. They disagree with their Commander in Chief, but they continue to perform their jobs with enormous courage, confidence, and commitment. That is cause for admiration and praise, not name-calling and denigration.

I must add, as a veteran, I find it offensive that Rush Limbaugh, who never put on the uniform of this country, would attack the patriotism or dedication of any soldier fighting in Iraq. I have often said about someone like that, before they drape themselves in the flag of this country, they ought to put on the uniform first to defend it. In Limbaugh's case, he would not do that.

Well, I also find it disturbing that his offensive comments have not been condemned by our Republican colleagues, or by the Commander in Chief, all of whom were so quick to condemn a similar personal attack on General Petraeus several weeks ago.

The Boxer-Levin-Durbin Amendment to the Defense authorization bill said the Senate "strongly condemns all attacks on the honor, integrity, and patriotism of any individual who is serving in the Armed Services." I just point out that all but two Republican Senators voted against this amendment. Will any one of them stand up and be brave enough to take on Rush Limbaugh? Will anybody on that side of the aisle take on Rush Limbaugh for this statement? We have not heard anything yet, but I hope they do.

The silence from President Bush and the Republican leadership is simply deafening. Is this because they agree with Mr. Limbaugh, or they don't want to risk angering such a prominent conservative by taking him to task.

Mr. President, in August, seven soldiers published an op-ed in the New York Times criticizing the current strategy in Iraq. Tragically, two of those soldiers were subsequently killed in action, making the ultimate sacrifice for their country.

I only can assume by Mr. Limbaugh's definition that they, too, were phony soldiers. What is most despicable, Rush Limbaugh says these provocative things to make more money. So he castigates our soldiers. This makes more news. It becomes the news, more people tune in, he makes more money.

I don't know, maybe he was high on his drugs again. I don't know if he was or not. If so, he ought to let us know. That shouldn't be an excuse.

I wish to make it clear that I respect Mr. Limbaugh's right to say whatever he wants, but we also have a right. We have a right not to listen to him.

So I think the best thing to do for him is to tune him out, tune out Rush Limbaugh and listen to more responsible talk show hosts in this country.

I think that it is time, again, for us to stand up for our troops, as we have, I think, in the past, to give them every bit of support and give their families support. That is what my amendment does. I am pleased this amendment has been included in the National Defense Authorization Act, because it is an important step toward ensuring that our National Guard and Reserve families receive the kind of support the families of our regular forces also receive.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

TRIBUTE TO JOE PAPEZ

Mr. TESTER. Mr. President, I rise to pay tribute and thanks to Joe Papez, Technical Sergeant, U.S. Army retired. Joe is a veteran of World War II. In fact, he is believed to be the oldest living Purple Heart recipient in the United States, and he is one of the brave men who answered the call of their country and who helped the "greatest generation" earn that title.

Joe was injured three times during his stint in the Army, where he served in both Africa and Italy, in the campaigns of 1943 and 1944. He earned three Purple Hearts fighting in Casablanca, on the island of Sicily, and in Italy. But it was his last wound by a German artillery shell during the fierce fighting at Anzio, Italy, that earned him a free ticket back home.

The way Joe tells the story, after he was wounded in Anzio, he was put on a ship and sent home, but he doesn't remember the trip. He woke up in Virginia. After a while, he was shipped to Denver, where he recovered in a hospital. Then he was shipped to Oregon and finally to Santa Barbara.

When he finally got back on his feet, he kept on serving his country by caring for German prisoners of war in Utah, where he remained until the war was over.

Following the war, Joe returned to Red Lodge, MT. Disabled from his war wounds, he was unable to get a job. He made a drawing for a homestead in Powell, WY, but was told he was too sick to have it. However, with help from his brothers and a bank loan, he got into farming and ranching.

On December 19, Joe Papez will turn 100 years old or, should I say, 100 years young. He will turn 100 in the same town in which he has lived for nearly his entire life. Although he was born in Franklin, KS, the State of Montana is proud to claim Joe as one of our own.

Joe's family moved to Red Lodge when he was a year old. Residents of Red Lodge know he is a fixture in the town's Memorial Day parade, he is a regular in the Fourth of July parade, and even at his age, he marches in these parades to remember his brothers in arms with whom he served. And they will always remember him. Fittingly, the Billings chapter of the Military Order of the Purple Heart is named for Joe Papez.

Joe is spry and healthy and said he would serve his country again if he could. Joe Papez has served his country and his community, and he has done it very well.

So today we give thanks to him and Dorreen, and we pray for more folks just like Joe.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DOMESTIC VIOLENCE AWARENESS MONTH

Ms. KLOBUCHAR. Mr. President, today marks the beginning of domestic violence month, and it marks a time when we look at the progress we have made in this area and what challenges remain.

As a former prosecutor, I am well aware of the tragedies we see every day in this country from domestic violence. But it is also a time in our State where we look back at the lives of Paul and Sheila Wellstone, who devoted their time, their passion, and their energy to doing something about a problem that so often is overlooked or about which people do not want to talk.

This is, in fact, a few weeks on the calendar before their tragic death in a plane crash. Today we are going to welcome their son, David Wellstone, to the Capitol, and there will be a quilt displayed in the Russell rotunda, a quilt made by women and children from 13 different domestic violence centers across this country.

At the event today, we are going to have in Paul and Sheila's honor—we are not just going to look back on all they accomplished and stood for, but we are also going to look ahead to the work we all must do to carry their legacy forward, especially that commitment they had to ending domestic violence.

It is hard to believe it has already been nearly 5 years since we lost Paul and Sheila. It feels both so long ago and yet not that long ago. But we know their dreams and passions remain alive in each one of us, and that is why we are gathering tonight.

For me, I get my own special reminder of Paul Wellstone every day. His family gave me the flags that hung in his office. I am also reminded every day by ordinary people in the Capitol when I say I am from Minnesota—the tram drivers in the basement or the police officers or the secretaries in Senate offices who, when you say you are a Senator from Minnesota, they remember Paul, and they remember how well he treated people and the dignity with which he treated people every day.

Above all, I keep in mind, in front of my mind, the fundamental values for which he fought and struggled—being a voice to the voiceless, bringing power to the powerless, bringing justice to those who suffered injustice and above all, bringing hope to all of us that we can change the world and make it a better place.

There is no better way to honor Sheila's groundbreaking work in domestic violence than to mark the beginning of Domestic Violence Awareness Month with that quilt hanging in the Capitol.

I had the honor and opportunity to work with Sheila on many occasions when I was Hennepin County attorney. She was instrumental in creating and funding the Hennepin County Domestic Abuse Service Center. Hennepin County has about 1.1 million people, and this center is a landmark center across the country. It is a single place where women and their children can come. There is a play area for the kids. There are prosecutors there. There are police there. It is one place where they can get through the redtape and come to get help. The center is an international model for serving victims of domestic violence.

Sheila and I shared a particular concern for the fate of children who grew up in homes with domestic violence. There are deeply disturbing statistics on children who witness domestic abuse in their homes. These kids are six times more likely to commit suicide. They are 24 times more likely to commit sexual assault. They are 60 times more likely to exhibit delinquent behavior and, most chilling of all, little boys who witness domestic violence are 100 times more likely to become abusers themselves.

In my job as a prosecutor, I learned very quickly that when there is domestic violence, there is always a victim, the immediate victim, but it ripples through an entire family.

I remember a case we had in a suburban area where a man who had been abusing his wife killed her. There was a little girl, a little daughter who was about 4 years old. When he disposed of his wife's body, he brought the daughter with him in the back seat. A few days later, the grandparents came in from Russia. The woman was a Russian immigrant. They brought the deceased woman's twin sister, identical twin sister. This little daughter had never seen her aunt before. She ran through the airport when she saw her get off the plane and she said: Mommy, mommy, mommy. When you hear stories such as that story, you remember it is not about 1 victim, it is about an entire family.

Sheila knew those stories, and Sheila knew those statistics. But even more, she knew the names and the faces of the real children who witnessed and experienced abuse in the home. It made her all the more determined to do something about it because in America, of all places, kids should be free to grow up with safety, security, and peace of mind.

I remember the last time I saw Sheila. It was 2 weeks before that terrible plane crash. She and I had been asked to speak at a ceremony celebrating the new citizenship of Russian immigrants. It wasn't a campaign event. There were no cameras, even though it was about 3 weeks before one of the biggest elections in the country. It was just new citizens and their families.

We both talked about the immigrant traditions in our own families. She talked about her family growing up in Appalachia. I talked about my family on the Iron Range with the Slovenian roots. As the event was winding down, in walked Paul. He wasn't supposed to be there. He was supposed to be in Washington. It was 3 weeks before this major election, and he was in this little room, with no reporters and no cameras, to greet these new citizens.

I always knew he was there for two reasons. One, he was there because he loved his wife and he wanted to be there to surprise her and support her. But he was also there that night because he truly embraced that immigrant tradition. He embraced the idea that a person could come to this country, an incredible journey to freedom, with nothing, and they could work hard, succeed and send their kids and their grandkids to college because that had been what had happened to him and that had been what happened to Sheila.

It was the same thing for Sheila and Paul with victims of domestic violence, people who had sunk to the lowest in their life, who had no home, who were out on the street, who were out hiding in a shelter. She worked tirelessly to ensure that victims and their families could begin their own journeys to freedom, that they could get a fresh start, with new opportunities, in a new and secure environment.

We will always miss Paul and Sheila, but thanks to their son David, who is going to be with us here this evening, and countless volunteers and friends from all over the country, they have carried on their legacy and their work. They have carried on their legacy to change the world and make it a better and safer place for everyone.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is concluded.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Reid (for Kennedy) amendment No. 3058 (to amendment No. 2011), to provide for certain public-private competition requirements.

Reid (for Kennedy) amendment No. 3109 (to amendment No. 3058), to provide for certain public-private competition requirements.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that later in the afternoon there will be probably two votes, one on the Mikulski-Kennedy amendment and probably a vote on final passage; am I correct?

The ACTING PRESIDENT pro tempore. The amendments that are now scheduled for a vote are the substitute amendment and final passage.

Mr. KENNEDY. Well, Mr. President, parliamentary inquiry: I was under the impression we had a vote agreed upon.

Mr. President, I understand there has been an agreement with the leadership that we will dispose of this amendment at the hour of 5:30. In any event, is the time divided between now and 5:30?

The ACTING PRESIDENT pro tempore. The time is not divided.

Mr. KENNEDY. Mr. President, I desire to talk on the amendment that is sponsored by Senator MIKULSKI, myself, and a number of others, which is an amendment to the Defense authorization bill. I see the ranking member of the committee. If he had other business he wanted to deal with, obviously, I would withhold.

Mr. President, at the end of last week, on Thursday evening, there was an excellent presentation on this issue before the Senate by Senator MIKULSKI. I addressed the Senate on Friday on this issue, and I am going to take a few minutes this afternoon.

This is an exceedingly important issue. It relates to the underlying concept of our national security and our national defense. In this legislation, we are authorizing some $675 billion, which is essentially the backbone of our defense. What this amendment deals with is the personnel who will be working on the tanks, the planes, and the military hardware which needs to be conditioned and updated and improved so it is available and accessible to those men and women who are involved in defending this country. These are the employees who work primarily in the Defense Department.

There is a phenomenon that has arisen that works to discriminate against these excellent workers. They are not only excellent workers but a third of them are veterans. A third of them are veterans. These are men and women who have worn the uniform of our country and have decided that they want to continue in public service and so, therefore, have brought their skills and their training they have achieved in the military to give attention to the Defense Department. This is probably the highest percentage of veterans in any undertaking or employment base we have in this country, because these individuals, highly patriotic, highly motivated, highly skilled, want to continue their service to the country.

Basically, what they are asking is for an opportunity to continue service within the Defense Department, working on the various challenges and contracts which come before the Defense Department. This chart shows that thousands of veterans could lose their jobs under the outsourcing rules. That is what this amendment is about. We are going to get fairness in competition so these workers are treated fairly and the taxpayer is treated fairly, and we get the dollar value for the taxes paid, and the workers will be treated fairly.

Under the current system, the rules that have been developed by the administration undermine that sense of fairness for these workers—a third of whom, as I said, are veterans. That is the issue. Thirty-four percent of the civilian defense employees are veterans. This amendment ensures that these 226,620 dedicated Americans who have served our country will not lose their jobs because of unfair outsourcing. That is what we are talking about—unfair outsourcing.

Let me explain how this works. The chart probably demonstrates it as well as it can be demonstrated. This is the Government here for some particular Defense Department work. You can see from the green box that the Government can provide a lower rate for the cost of providing the service, and can also do it with higher skills than on the private bid. But the fact that the Government employees have health insurance or retirement benefits adds an additional cost to their proposal, which puts them out of competition. So what we are finding now with these new rules and regulations is the bids and contracts are going to companies that are dropping their health care and dropping their pension programs and dropping other security benefits so they can come up underneath the Government contract. Essentially, this is a race to the bottom.

In a country where we have 47 million Americans who are uninsured, and we are having a major national debate about covering children, why are we providing more financial incentives to companies to drop their health insurance? That is what we are doing. The ones who are losing out are, by and large, the ones who have served in the Armed Forces of our country.

This isn't only on Government bids; this could be a responsible contractor and an irresponsible contractor. Maybe a responsible contractor can do it more efficiently even than the Federal Government, but look how it works. If you have a responsible contractor who is trying to provide some benefits, limited benefits, or good benefits for their employees—and that is the combination we are talking about, health and retirement; those are the two, retirement and health—we are seeing those contractors who can provide the services more efficiently and better. Nonetheless, the bid will go to the irresponsible contractor. So this works against responsible contractors and it works against veterans working in the Defense Department.

What we are saying with this amendment—and there are other provisions in the amendment—but what we are saying is let the competition take place. Let the competition take place between the workers in the Defense Department and the private sector, but let them have an even playing ground. Let us exclude the health insurance and retirement benefits. Let us have the competition out there and the best person win. The best bid wins the contracts.

Why would we want to continue to drive out these contracts? We can show what has been happening over time to these workers. We saw in 2004, because of these new regulations, where Federal employees lost on 10 percent of these bids; in 2005, it went to 30 percent; and the best estimate now is it is going all the way up to 78 percent, and basically it is about this issue—not completely, but it is fundamentally about this issue.

Now, in the amendment there are other provisions which I will mention very briefly. Provisions of this amendment, which have been debated on the floor and acted on in the Senate at other times, have also had strong bipartisan support, and I will mention those very briefly.

At the present time, a private contractor can appeal an unfair decision if there is a belief by the private contractor that there is unfairness in terms of the decision in the competition with the Federal workers. They are entitled to get an appeal. On the other hand, if the Federal workers believe it is an unfair competition, they have no right to do so. They have no right to do so. This restores that right. This represents a very similar provision that was sponsored by Senator COLLINS in 2004, and Senators CHAMBLISS, WARNER, THOMAS, and VOINOVICH have also supported appeal rights in the past for Federal employees in previous appropriations legislation. I am not speaking for them, but it is an indication that this is an issue that has been before the Senate at other times and there has been bipartisan support for it.

On this point here—can renew a contract without recompetition—if they have a follow-on contract, they can renew that, if it is a private contract. With the Federal workers, they do not have that right to do that at the present time. So under the outsourcing provisions, these Federal workers are shortchanged.

The provision regarding the submission of the competitive bid that requires the Federal workers to follow procedural and administrative provisions actually increases the cost of their bids. Again, at the request of the employees, all they wish to do is have the same kind of "most competitive bid" they can offer. They would like that one to be on the table so we will get the best in terms of productivity and skill and also get the best in terms of savings for the taxpayers. But they are denied that right.

We provided, through the Appropriations Committee, those protections. Those provisions had been added through the Appropriations Committee. But what has happened is, as the Appropriations Committee process goes along, these provisions expire, and so we have to come back to them. We have to win them again every time. Because if they are added on the appropriations, they do not continue to last and we have to refight those issues.

Finally, there are what they call "quota provisions," which have been put on by OMB and require a certain amount of quotas in terms of the private contracting, which obviously provides some unfairness to the workers and, secondly, to the public and the taxpayers.

These are basically the provisions we have in the legislation. The primary one we have talked about today has been on this competition we have had for the benefit cost. This is the overarching issue and question.

We are going to have a good national debate during the Presidential elections of 2008 about how we are going to address the problems of cost in this country on health care. We have gone from $1.3 trillion to $2.3 trillion in the last 5 years. We have added $1 trillion worth of spending in health care and have added 7 million more people who are uninsured and there would have been a great deal more if we didn't have the CHIP program.

We cannot continue that as a Nation. We are not going to be able to continue that. Our companies are not going to be able to; the costs in terms of local communities have gotten prohibitive. These involve real people and real sacrifices—real important considerations. We are talking about families. We are talking about, by and large, fairly treating people who served in the military. They had health care when they were serving in the military. They could have the health care when they retired. But the real question is going to be, now, when they are continuing to be a part of the whole defense and security of this country, whether we are going to treat them with the kind of respect they need, understanding they have families and they need this health care coverage. They are glad to pay for it and bargain for it. They have to look down the road in terms of their security and the security of their families, in terms of pensions in the future. They are glad to pay for that. But why we should be able to effectively cut them loose at a time of intense competition, I don't know.

I thank the Senator from Connecticut, Mr. LIEBERMAN, who has been involved in the different phases. I mentioned half a dozen different phases on this issue. He has been involved and engaged in these different aspects since he has been on that committee. I enjoy serving with him on the Armed Services Committee. He has been an eloquent and effective voice and has given enormous support to this effort. I see him on the floor and thank him for all of his help and assistance on this issue.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Massachusetts for his eloquent, passionate statement and for his kind words. I appreciate it very much. In a short while, I will be adding my own few words of support for this amendment offered by the Senator from Massachusetts, the Senator from Maryland, and others—including myself.

I am privileged to be managing the bill until the chairman, Senator LEVIN arrives. I thought insofar as there are Members here on both sides, we would go back and forth. I suggest Senator SESSIONS, who is here now, go next. I will follow him.

I ask, through the Chair, of my friend from Alabama, how much time he would like to speak?

Mr. SESSIONS. Mr. President, I would like 10 minutes.

Mr. LIEBERMAN. I ask unanimous consent the Senator from Alabama go next for 10 minutes and then I be recognized for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama is recognized.

THE RETIREMENT OF GENERAL PETER PACE

Mr. SESSIONS. Mr. President, I had the honor today to be at the retirement ceremony, a few hours ago, for the 16th Chairman of the Joint Chiefs of Staff of the armed services of the United States, GEN Peter Pace, and the installation of the 17th Chairman of the Joint Chiefs, ADM Mike Mullen. The weather was beautiful, indeed, in your State of Virginia at Fort Myer, the brass shining in the Sun, the music was stirring, and the uniforms of the services in their bright collars gave appropriate recognition to the passing of the torch from a Chairman proven to a new Chairman challenged.

It is always thus, I suppose. It was a thrill to see the commander of the Honor Guard one last time advance and say: "General Pace, the Honor Guard of the United States is ready for your inspection."

And General Pace did just that, it appeared with pleasure and satisfaction. That he is admired within the military cannot be denied. I understand last week they planned a surprise for him in the Pentagon. He was invited to come to a meeting for some business, it was suggested, and the halls filled with over 1,200 people who appeared and applauded him for 20 minutes. It was a true expression of the admiration and affection in which he is held throughout the military. Such support is not a surprise for anyone who knows that wonderful man.

He made a number of remarks at his retirement or change of command. He expressed his admiration for President Bush's willingness to listen to his advice the entire time of his tenure. He made clear President Bush did listen, and he was a regular briefer of the President; and General Pace's admiration for the President for standing by his commitments when he sent military men and women in uniform into harm's way was quite personal and strong. In other words, General Pace is there. General Pace has been part of this process. General Pace has seen this Congress and this President authorize soldiers and send soldiers into harm's way. He felt a sense of appreciation for President Bush, I would say, for his willingness to not give lightly and to be totally supportive of those troops once they had been sent in harm's way.

He said the No. 1 question he is asked when he goes about with military personnel: Does Congress still support us?

I remember not too many months ago, a gentleman right out there caught me. His son was about to go to Iraq. He told me: Senator, make no mistake, those soldiers over there and in training to go over there are watching what you do like a hawk.

Secretary Gates, President Bush, Admiral Mullen were exceedingly complimentary of General Pace. They discussed his bravery as a young lieutenant at the battle of Hue in Vietnam. They lost quite a number of officers. He was moved up as a second lieutenant to be in command of the company they would have to have led. There was a bitter battle and he lost a number of marines.

He said he felt a debt to those marines, that he had spent 40 years of his career in the military attempting to pay off.

Several people made reference to that. He called those marines he served with, who lost their lives there, by names at that retirement ceremony. He indicated he still did not believe he had paid that debt that he owed those people who had given their full measure to our Nation's defense. But other speakers said he had, and they were most complimentary of him.

Recently, at a hearing, he was encouraged—let me say it that way—to retreat from a statement he had made that reflected his personal moral and faith beliefs; but he admirably, I suggest, declined to pander or to retreat from what he honestly believed, and he restated his personal values. That is the kind of man you want leading us, I suggest.

Our Nation is in the debt, I think, of GEN Peter Pace. He has given tirelessly of himself to support the policies of our country and to make those policies successful.

I say: Well done, good marine, well done.

Mr. President, on a different subject, I want to take a few minutes to note that on Friday, September 21, the Missile Defense Agency had a highly successful missile defense intercept. A target vehicle was launched from Kodiak, AK. It went into space. The interceptor missile was launched at Vandenberg Air Force Base in California. It was, indeed, a realistic test of this capability. According to Rick Lehner, the spokesman for the Missile Defense Agency, "This was a very operationally realistic test."

In those tests we want to determine whether our missile defense capability will actually succeed in knocking down an intercontinental missile. These two missiles were launched, the target vehicle on a track not unlike what we would see if, for example, the North Koreans launched an attack. We launched our defensive missile out of

California. And they collided and destroyed one another over the Pacific, like we planned, a bullet to bullet. There were no explosives in the "kill" vehicle. Just speed, guided by computers and sophisticated guidance systems, allowed those two to collide and to destroy the incoming missile.

The American people have a number of questions and misconceptions about missile defense. Some think we already have a complete missile defense system that can knock down incoming missiles. That is not so. Some think we do not have any capability, that this is a bunch of money being spent on programs that are never going to work. That is absolutely not so. We now have proven the technology. General Obering and his team at the Missile Defense Agency have continued to have success after success. We know we have the capability to knock down an incoming missile that threatens the people of the United States, who knows—with a nuclear weapon or biological or chemical munition contained within it.

This is an important matter for the United States that the President can know. If he is negotiating with some extreme nation that threatens to attack us with a missile and tries to use that threat as leverage or bargaining power, he can say: We are not afraid of you. You send a missile off and we will knock it down.

We are reaching that point in our capability. Intelligence tells us Iran also continues to build its systems and produces greater capability.

I would say, we need a site in Europe. I hope we continue to work toward that. We need to maintain steady appropriations and authorizations in this Senate to make sure our missile system that we have committed so many years to, and so many dollars to, is now completed, since it has been proven to be a good investment from the beginning.

I thank the Chair for giving me this opportunity and note I am excited about this test's success. I do believe it is important for all of us in Congress to note that and make sure about our funding—which I think this year is a bit tight. The President took some money down out of missile defense. The Congress has taken some more. But I believe we have enough funding to keep this program on track.

I see my colleague, Senator LIEBERMAN. I note there are few in the Senate who have studied the issue more or who have been engaged in it longer than he. I know he and Senator THAD COCHRAN offered the resolution, not long after I came to the Senate, to deploy a national missile defense system "as soon as technologically feasible." That was the language, wasn't it, Senator LIEBERMAN? Indeed, we are now deploying it. We are already deploying the system, and the American people took comfort last July 4, when the North Koreans launched missiles to demonstrate their power—they took comfort because of you and others, before I even came into the Senate—such as Senator SHELBY, my colleague from Alabama—who were pioneers moving that forward. We can now take comfort that we do have ability. It means a lot for our people and for the safety of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to extend my statement, which I will now offer for 10 minutes instead of 7; to be followed by the Senator from Alabama, Mr. SHELBY, for 10 minutes; followed by the Senator from Vermont, Mr. SANDERS, for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I extend my time to respond to two things my friend from Alabama, Senator SESSIONS—one of my two friends from Alabama, Senator SESSIONS, mentioned.

The first is the good news from the Missile Defense Program of the successful test last Friday. We wish we did not have to spend money building a missile defense, but the truth is that the number of powers, including a lot of hostile anti-American countries that have the capacity to fire missiles at us and our allies, carrying both conventional weapons and potentially weapons of mass destruction, is increasing and has increased.

The creation of this program has been controversial. The funding of it is controversial. But I believe, just as deeply as anyone can believe anything, that we will, particularly as we hear the success of the testing, look back on the investments we have made in this program and be very thankful we did it because it will protect the security of the United States from attack via a missile from the enemies that exist to our country and to our values.

I wish to just briefly echo what Senator SESSIONS said about General Pace, who has just ended his time as Chairman of the Joint Chiefs of Staff. I put an extensive statement in the RECORD last week without being on the floor. I just say now that this is a good man, a patriot who has served his country with a tremendous sense of excellence, of bravery, of honor, taking on risks and burdens to himself for the defense of America.

When he was appointed and confirmed as Chairman of the Joint Chiefs of Staff, there were two pieces of history, two firsts. We are a country that loves firsts because when people do something for the first time, it talks about the increasing openness, the reality of what we call the American dream. The one that was greatly commented on was Peter Pace was the first marine to become Chairman of the Joint Chiefs of Staff. That was a historic first. The other—perhaps less commented on but a great story of America—Pete Pace was the first Italian American to be Chairman of the Joint Chiefs of Staff—yet another extraordinary accomplishment and act of service to our country from its Italian-American community.

Pete Pace served during a difficult time. He served with honor and integrity. He was intensely devoted to the men and women who serve all of us, and their families. He has maintained the fighting edge of our military going through a very difficult time, oversaw two extraordinary victories in Afghanistan and Iraq and then the post-Saddam war increasingly against al-Qaida in Iran and Iraq—very difficult times. But he leaves office now at a moment when, obviously thanks to the skill and bravery of the American military, there are some reasons for encouragement in Iraq, good reasons.

I thank General Pace, his wife, and his family for their service to America. We wish them well in the years ahead.

AMENDMENT NO. 3058

Mr. President, I rise to speak in support of the amendment offered by Senator KENNEDY and Senator MIKULSKI and others, including myself, which will be voted on later today. This amendment would bring some commonsense reforms to the process by which agencies decide whether to outsource Federal jobs to contractors.

Sometimes, obviously, it makes a lot of sense for agencies to turn to contractors because they are able to perform certain functions more efficiently than the agencies could themselves. That is in everybody's interest, including the taxpayers'. However, in many cases, experience has shown Federal employees can perform the work just as efficiently or more efficiently than the contractors and deserve the right to bid when work is proposed to be outsourced. Additionally, agencies must ensure that inherently governmental work—in other words, work which is intimately related to the public interest—is performed by Federal employees and not by private contractors. That is why the Government was created.

The process for deciding when to outsource jobs has to be a careful one, it has to be fair to contractors, and it has to be fair to Federal employees. Of course, it has to be fair, most of all, to America's taxpayers.

The Kennedy amendment provides Federal employees the same right contractors currently possess to appeal outsourcing decisions. In other words, when a particular function is proposed for outsourcing, open to bidding by private contractors, there is a process—and a good one—that has been created where Federal employees themselves may bid against those contractors for that outsourcing work. What the Kennedy amendment says is Federal employees should have the same rights contractors have to appeal outsourcing decisions. Why just have one of the competitors for the outsourcing have the right to appeal and the other one does not? To me, that is simply a fundamental issue of fairness.

The amendment also contains a provision to ensure that contractors competing for Department of Defense work do not receive an unfair advantage because they offer inferior health or retirement benefits to what we are offering to Federal employees. I do not think any Member of this Chamber would want employees of the Department of Defense to be at a disadvantage in competing for their jobs because they receive health and retirement benefits that we authorize and ordain from the Federal Government.

This amendment also addresses a concern I have had for quite a long time; that is, it sometimes appears as if the Office of Management and Budget pushes agencies to meet arbitrary numerical targets for the outsourcing of jobs. Decisions on outsourcing should be made on a case-by-case basis where it makes sense for agencies to outsource the jobs as opposed to giving them a quota of outsourcing and say they have to hit that quota.

Arbitrary numerical targets, I am afraid, take agencies off the path of pursuing other means of cutting costs. They overtax agencies already struggling to monitor work performed by contractors. I believe they sometimes, without cause, undermine the civil service, which we ought to be elevating as it is elevated in so many of the other industrialized developed democracies. Those types of numerical targets were prohibited by Congress in the fiscal year 2003 Omnibus appropriations bill, but the Office of Management and Budget seems to be continuing to pressure agencies to conduct competitions between Federal employees and contractors on a certain number of jobs each year. That is not right. The amendment before us makes clear that use of such quotas at the Department of Defense is impermissible.

These are all, in my opinion, sensible, modest reforms. They do not and they are not intended to prohibit the outsourcing of Federal jobs, which I support when it makes sense, but, rather, ensure that the process is objective, fair. It essentially puts both parties here on a level playing field.

The core provisions of this amendment have, in fact, received bipartisan support in the Senate over the last few years. I hope we can continue that support when the amendment comes to the vote today.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Vermont.

AMENDMENT NO. 2905

Mr. SANDERS. Mr. President, I wanted to take this opportunity to say a few words about an amendment I have offered, No. 2905, that is cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. This amendment addresses a problem that is huge, that is going to continue to grow in coming years, and is something the Congress must address. All across our country, veterans of the war in Iraq and Afghanistan are going to come home with what we believe to be very high levels of post-traumatic stress disorder as well as traumatic brain injury. These are the signature injuries of the war in Iraq. I worry very much that we are not yet prepared to address this serious problem which not only impacts the returning soldiers, it impacts their wives, their kids, and their communities.

The amendment I have offered would develop a pilot program for State-based outreach to assist servicemembers and their families. The concern I have is that those who return home with TBI or PTSD are not going to get the care they need unless somebody makes contact with them and makes them aware of services and help that might be available. We can have all of the money we want allocated to addressing TBI or PTSD, but unless somebody goes out and brings those people into the system, that money is not going to do any good. I worry about that, especially for those returning soldiers who are in the National Guard who are not part of the active duty, who do not have a military infrastructure in front of them. I worry about soldiers coming home to small towns in Vermont and all across this country who suddenly find that their world is very different than the world they left, that they have nightmares, cold sweats, panic attacks when they go through a tunnel, and they don't know how to address those very serious symptoms of post-traumatic stress disorder.

What this amendment does uniquely is create an outreach effort by which trained personnel from the National Guard or elsewhere are literally going to knock on doors and chat with the individual returning soldier and his or her family and get a sense of what is going on in the family, letting those veterans understand that what they are experiencing is something being experienced by tens of thousands of other soldiers, and there is nothing to be ashamed of about the kinds of problems that individual is having.

The essence of this program is its nature as an outreach effort, not to sit back but to aggressively go out, knock on doors, have dialog, and bring people into the system which might be able to help them.

This amendment is supported by the National Guard Association of the United States. They have pointed out that this amendment, with its unique emphasis on outreach, is a perfect compliment to the reintegration and readjustment policies laid out by the Yellow Ribbon Program in the previously adopted Chambliss amendment to the Defense authorization bill.

This is a very strong amendment. I look forward to having support on both sides of the aisle. If we are serious about addressing the problems of PTSD and TBI, we have to be aggressive in outreach. That is what this amendment does.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COST OF PRIVATE SECURITY CONTRACTORS

● Mr. OBAMA. Mr. President, the recent incident in which Blackwater USA reportedly killed at least 11 Iraqis and wounded several others has prompted a long overdue examination of the role that private security contractors are playing in Iraq. An article in today's Washington Post titled "U.S. Pays Steep Price for Private Security in Iraq" helps to highlight the exorbitant mark-up that private security contractors are reportedly charging the U.S. Government.

Last week, the Senate accepted an amendment to the Defense Department authorization bill that I offered that will require Federal departments to report information to Congress on the total number of contractors in Iraq and Afghanistan, the companies awarded these contracts, and the cost of the contracts. The provisions of the amendment are drawn from the Transparency and Accountability in Military and Security Contracting Act, S. 674, that I introduced in February.

The American people have a right to know how their tax dollars are being spent in Iraq and the role that security contractors are playing in that conflict. We need to make sure that security contractors in Iraq are subject to adequate and transparent oversight and that their actions do not have a negative impact on our efforts to bring the war in Iraq to a responsible end.

I ask to have printed in the RECORD the text of the article from the Washington Post.

The article follows.

[From the Washington Post, Oct. 1, 2007]

U.S. PAYS STEEP PRICE FOR PRIVATE SECURITY IN IRAQ

(By Walter Pincus)

It costs the U.S. government a lot more to hire contract employees as security guards in Iraq than to use American troops.

It comes down to the simple business equation of every transaction requiring a profit.

The contract that Blackwater Security Consulting signed in March 2004 with Regency Hotel and Hospital of Kuwait for a 34-person security team offers a view into the private-security business world. The contract was made public last week by the House Oversight and Government Reform Committee majority staff as part of its report on Blackwater's actions related to an incident in Fallujah on March 31, 2004, when four members of the company's security team were killed in an ambush.

Understanding the contract's details requires some background: Regency was a subcontractor to another company, ESS Support Services Worldwide, of Cyprus, that was providing food and catering supplies to U.S. armed forces in Fallujah and other cities in Iraq. And ESS was a subcontractor to KBR, a subsidiary of Halliburton, which had the prime contract with the Defense Department.

So, Blackwater was a subcontractor to Regency, which was a subcontractor to ESS, which was a subcontractor to Halliburton's KBR subsidiary, the prime contractor for the Pentagon—and each company along the way was in business to make a profit.

Under the contract, Regency was to pay Blackwater $11,082,326 for one year, with a second year option, to put together a 34-person team that would provide security services for the "movement of ESS's staff, management and workforce throughout Kuwait and Iraq and across country borders including the borders of Iraq, Kuwait, Turkey and Jordan."

Blackwater's personnel were to do more than just convoy security. They were also to run command centers in Kuwait and Iraq 24 hours a day, seven days a week, that were to control all ESS security operations; prepare risk assessments; develop security procedures; train ESS personnel in security; and even vet other Iraqi security forces hired by Regency.

But their main role was to provide "tactically sound and fully mission capable protective security details, the minimum team size [being] six operators with a minimum of two vehicles to support ESS movements."

Blackwater's pricing was to be on "a per person support basis, not including costs for housing, subsistence, vehicles and large equipment items," according to the contract. The team would be made up of two senior managers, 12 middle managers and 20 operators.

Regency was to provide Blackwater personnel with housing and necessities, including meals, as well as office space and administrative support. In addition, Regency would provide basic equipment, including vehicles and heavy weapons, while Blackwater was responsible for purchasing individual weapons and ammunition.

According to data provided to the House panel, the average per-day pay to personnel Blackwater hired was $600. According to the schedule of rates, supplies and services attached to the contract, Blackwater charged Regency $1,075 a day for senior managers, $945 a day for middle managers and $815 a day for operators.

Acording to data provided to the House panel, Regency charged ESS an average of $1,100 a day for the same people. How the Blackwater and Regency security charges were passed on by ESS to Halliburton's KBR cannot easily be determined since the catering company was paid on a per-meal basis, with security being a percentage of that charge.

Halliburton's KBR blended its security costs into the blanket costs passed on to the Defense Department.

How much more these costs are compared with the pay of U.S. troops is easier to determine.

An unmarried sergeant given Iraq pay and relief from U.S. taxes makes about $83 to $85 a day, given time in service. A married sergeant with children makes about double that, $170 a day.

Army Gen. David H. Petraeus, the top U.S. commander in Baghdad overseeing more than 160,000 U.S. troops, makes roughly $180,000 a year, or about $493 a day. That comes out to less than half the fee charged by Blackwater for its senior manager of a 34-man security team.•

Mr. CARDIN. Mr. President, when it comes to running the Federal Government and its workforce, the Bush administration is driven too much by ideology and not enough by common sense. In its quest to scuttle a civil service system that has served us well during peace time and war, the administration has embarked on an unprecedented campaign to privatize what most would agree are "inherently governmental" functions.

The Office of Management and Budget, OMB, has spearheaded privatization, claiming it can save taxpayers money. One example: relinquishing tax collection to private contractors. In May 2007, OMB claimed that contracting out Internal Revenue Service, IRS, debt collection to private contractors resulted in saving $35 million in fiscal year 2006. OMB failed to mention that the contractor had missed several deadlines imposed under the contract, leaving IRS employees to perform the bulk of the work. Another concern about that particular contract: our Government is turning over sensitive and private financial information entrusted to it by its citizens and placing that information in the hands of private debt collectors with grave potential for abuse.

An article from the February 3, 2007, New York Times neatly summarizes the situation: "Without a public debate or formal policy decision, contractors have become a virtual fourth branch of government. On the rise for decades, spending on federal contracts has soared during the Bush Administration, to about $400 billion last year from $207 billion in 2000, fueled by the war in Iraq, domestic security and Hurricane Katrina, but also by a philosophy that encourages outsourcing almost everything government does." This unofficial branch of Government is not subject to the same checks and balances of accountability found in the civil service system.

The true cost of the executive branch's decision to privatize is the countless number of dedicated and highly trained Federal workers who will seek employment elsewhere rather than face the uncertainty of working in an environment that is subject to the political whims of an administration that pursues ideology over common sense and sound business policies. Even worse, such a hostile atmosphere will deter highly skilled candidates from ever considering public service, thereby depriving the public sector of the best and brightest who would otherwise seek careers in public service.

Left unchecked, this notion that the Federal Government is divisible and its functions can be auctioned off to the lowest bidder will ultimately deprive us of an experienced Federal workforce and the institutional memory that are essential for the Government to function effectively, especially in a crisis. We don't need each new contractor to start from scratch reinventing the wheel when old problems arise.

At a minimum, Federal employees should be allowed to compete with private contractors on an equal footing, which is where the Kennedy-Mikulski amendment comes in.

Currently, the contracting rules as spelled out in OMB Circular A–76 are overwhelmingly weighed in favor of contractors and against Federal employees. This amendment will correct inequities in the public-private competitive process at the Department of Defense, DOD, to ensure that hard-working civilian defense employees are not unfairly deprived of their jobs. It will also provide basic protection from unfair competition for other Federal employees at other agencies.

The amendment excludes the costs of health and retirement benefits from bids in public-private competitions, so contractors are not rewarded for providing bad benefits or even no benefits at all. Contractors currently have an incentive to shortchange their employees' benefits to gain an unfair advantage in bidding for Government work. The amendment would eliminate this incentive.

The amendment prohibits the use of "privatization quotas." It is unlawful for OMB to set quotas for the amount of work that agencies should outsource away from the Federal workforce, but there is substantial evidence that the administration has a de facto quota system. The amendment would protect agencies' independent decisionmaking by requiring that any decision to conduct a public-private competition be wholly independent of OMB.

The amendment allows Federal employees the same appeal rights as contractors. When Federal employees win a privatization review, contractors can have the agency's decision reviewed by independent third parties, by appealing to the Government Accountability Office, GAO, or the Court of Federal Claims. Federal employees currently have no such appeal rights.

The amendment requires DOD to issue long overdue guidance on outsourcing Federal jobs. These guidelines were due in January, but DOD has failed to act. The amendment requires DOD to issue this guidance.

Finally, the amendment provides a fair opportunity to renew contracts won by Federal employees. Currently, DOD requires managers to "re-compete" contracts that are won by Federal employees at the end of each contract term, rather than extending the contract. But the same managers have discretion to extend contracts for jobs that are awarded to private contractors without reopening them to competition. The amendment gives managers discretion to extend contracts awarded to public employees.

We can and should have a discussion about the proper role of Government, and we should try to make the Government as efficient as possible. What we shouldn't do is carve it up and outsource its essential functions willy-nilly to politically favored contractors. There is money at stake but much more too. The Kennedy-Mikulski amendment is a proper way to proceed with regard to public-private competitions, and I urge my colleagues to support it.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 2937, AS MODIFIED; 3028; 3099, AS MODIFIED; 3102; 2264, AS MODIFIED; 2953, AS MODIFIED; 3005, AS MODIFIED; 2957, AS MODIFIED; 3103, AS MODIFIED; 3107; 3062, AS MODIFIED; 2325, AS MODIFIED; 2897, AS MODIFIED; 2068, AS MODIFIED; 3112; 3032, AS MODIFIED; 2906, AS MODIFIED; AND 3027, AS MODIFIED, TO AMENDMENT NO. 2011, EN-BLOC

Mr. LEVIN. Mr. President, I send a series of 18 amendments to the desk which have been cleared by myself and the now acting ranking member, Senator WARNER, and ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any specific amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2937, AS MODIFIED

At the end of title II, add the following:

SEC. 256. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3028

(Purpose: To allow additional types of vehicles to be used to meet minimum Federal fleet requirements)

At the end of subtitle E of title X, add the following:

SEC. 1070. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking "(3) the term" and inserting the following:

"(3) ALTERNATIVE FUELED VEHICLE.—

"(A) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

"(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

"(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

"(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

"(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.".

AMENDMENT NO. 3099, AS MODIFIED

At the end of subtitle C of title I, add the following:

SEC. 132. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—

(1) $400,000,000 may be available for the procurement of a second ship set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

AMENDMENT NO. 3102

(Purpose: To require the Secretary of Energy to develop and implement a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019)

At the end of title VIII, add the following:

SEC. 81___. (a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

AMENDMENT NO. 2264, AS MODIFIED

At the end of subtitle C of title XIV, add the following:

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: "However, for the purpose of entering into contracts, agreements, or transactions regarding real property and facilities under the control of the Board, the Retirement Home shall be treated as a military facility of the Department of Defense. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense."; and

(2) by striking subsection (g) and inserting the following new subsection (g):

"(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.".

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: "The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care".

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

"SEC. 1515A. CHIEF MEDICAL OFFICER.

"(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

"(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

"(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

"(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

"(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

"(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

"(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

"(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

"(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

"(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

"(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

"(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

"(4) Periodically examine and audit the medical records and administration of the Retirement Home.

"(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

"(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.".

(f) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

"(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

"(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

"(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

"(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.".

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

"(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).".

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

"(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

"(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

"(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

"(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

"(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

"(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

"(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

"(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

"(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1422(a)(2)(g) of this amendment.

"(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

"(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

"(A) the results of the inspection; and

"(B) a plan to address any recommendations and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.".

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

"(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.".

AMENDMENT NO. 2953, AS MODIFIED

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war-related action.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom; or

(iii) the global rebasing plan of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term "military dependent child"—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) ASSISTANCE.—Assistance provided under this section may be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

AMENDMENT NO. 3005, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management may establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 2957 AS MODIFIED

DIVISION —MARITIME ADMINISTRATION

SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Maritime Administration Authorities Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. —001. Short title; table of contents.

TITLE I—GENERAL

Sec. —102. Commercial vessel chartering authority.

Sec. —103. Maritime Administration vessel chartering authority.

Sec. —104. Chartering to state and local governmental instrumentalities.

Sec. —105. Disposal of obsolete government vessels.

Sec. —106. Vessel transfer authority.
Sec. —107. Sea trials for ready reserve force.
Sec. —108. Review of applications for loans and guarantees.

TITLE II—TECHNICAL CORRECTIONS

Sec. —201. Statutory construction.
Sec. —202. Personal injury to or death of seamen.
Sec. —203. Amendments to chapter 537 based on Public Law 109-163.
Sec. —204. Additional amendments based on Public Law 109-163.
Sec. —205. Amendments based on Public Law 109-171.
Sec. —206. Amendments based on Public Law 109-241.
Sec. —207. Amendments based on Public Law 109-364.
Sec. —208. Miscellaneous amendments.
Sec. —209. Application of sunset provision to codified provision.
Sec. —210. Additional Technical corrections.

TITLE I—GENERAL

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

"§ 57533. Vessel chartering authority

"The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

"57533. Vessel chartering authority.".

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting "vessels," after "piers,"; and

(2) by striking "control;" in subsection (a)(1) and inserting "control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;".

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking "or" after the semicolon in paragraph (3);

(2) by striking "Defense." in paragraph (4) and inserting "Defense; or"; and

(3) by adding at the end thereof the following:

"(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. —105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting "(either by sale or purchase of disposal services)" after "shall dispose"; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

"(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

"(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

"(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;".

SEC. —106. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

"(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. —107. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

"(B) activate and conduct sea trials on each vessel at least once every 30 months;".

SEC. —108. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term "nontraditional application" means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term "traditional application" means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE II—TECHNICAL CORRECTIONS

SEC. —201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. —202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

"(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109-304.

SEC. —203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109-163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration."; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.".

(2) Section 53706(c) is amended to read as follows:

"(c) PRIORITIES FOR CERTAIN VESSELS.—

"(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

"(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

"(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

"(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

"(ii) meets a shortfall in sealift capacity or capability.

"(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.".

(3) Section 53707 is amended—

(A) by inserting "or Administrator" in subsections (a) and (d) after "Secretary" each place it appears;

(B) by striking "Secretary of Transportation" in subsection (b) and inserting "Administrator";

(C) by striking "of Commerce" in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting "if the Secretary or Administrator considers necessary," before "the waiver"; and

(ii) striking "the increased" and inserting "any significant increase in".

(4) Section 53708 is amended—

(A) by striking "SECRETARY OF TRANSPORTATION" in the heading of subsection (a) and inserting "ADMINISTRATOR";

(B) by striking "Secretary" and "Secretary of Transportation" each place they appear in subsection (a) and inserting "Administrator";

(C) by striking "OF COMMERCE" in the heading of subsection (b);

(D) by striking "of Commerce" in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary." and inserting "or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator."; and

(F) in subsection (e), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary" and inserting "or financial structures".

(5) Section 53710(b)(1) is amended by striking "Secretary's" and inserting "Administrator's".

(6) Section 53712(b) is amended by striking the last sentence and inserting "If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.".

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking "OF COMMERCE" in the subsection heading; and

(B) by striking "of Commerce" each place it appears.

(8) Section 53732(e)(2) is amended by inserting "of Defense" after "Secretary" the second place it appears.

(9) The following provisions are amended by striking "Secretary" and "Secretary of Transportation" and inserting "Administrator":

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where "Secretary" is followed by "of Energy".

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where "Secretary" is followed by "of the Treasury", "of State", or "of Defense".

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting "or Administrator" after "Secretary" each place it appears in headings and text, except where "Secretary" is followed by "of Transportation" or "of the Treasury":

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting "or Administrator's" after "Secretary's".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. —204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".

(2) Section 51504(f) is amended to read as follows:

"(f) FUEL COSTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

"(A) $100,000 for fiscal year 2006;

"(B) $200,000 for fiscal year 2007; and

"(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(4) Section 51701(a) is amended by striking "of the United States." and inserting "of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.".

(5)(A) Section 51907 is amended to read as follows:

"§ 51907. Provision of decorations, medals, and replacements

"The Secretary of Transportation may provide—

"(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

"(2) replacements for decorations and medals issued under a prior law.".

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

"51907. Provision of decorations, medals, and replacements.".

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCELLANEOUS

"Sec.

"54101. Assistance for small shipyards and maritime communities.".

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

"§ 54101. Assistance for small shipyards and maritime communities".

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking "(15 U.S.C. 632);" and inserting "(15 U.S.C. 632));".

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

"541. Miscellaneous .... 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. —205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" in subsection (a) and inserting "4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,"; and

(2) by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" in subsection (b) and inserting "13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. —206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

"(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.".

(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking "organizations." in paragraph (3) and inserting "organizations; and"; and

(C) by adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

(4) Section 55105(b)(3) is amended by striking "Secretary of the department in which the Coast Guard is operating" and inserting "Secretary of Homeland Security".

(5) Section 70306(a) is amended by striking "Not later than February 28 of each year, the Secretary shall submit a report" and inserting "The Secretary shall submit an annual report".

(6) Section 70502(d)(2) is amended to read as follows:

"(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. —207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking "section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 55102 of title 46, United States Code".

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) ALTERNATIVE SERVICE.—

"(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.".

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

"(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking "MIDSHIPMAN AND" in the subsection heading and "midshipman and" in the text; and

(2) inserting "or the Coast Guard Reserve" after "Reserve)".

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking "under this chapter" and inserting "by this chapter or the Secretary of Transportation".

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking "section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)," and inserting "section 50501 of this title".

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. —208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting "or" after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting "**valueless material or**" before "**dredged material**".

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting "valueless material or" before "dredged material".

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting "on an oceanographic research vessel" after "scientific personnel".

(2) Section 50503 of title 46, United States Code, is amended by striking "An oceanographic research vessel" and all that follows and inserting the following:

"(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

"(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

"(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.".

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking "parts B, F, and G of subtitle II" and inserting "part B, F, or G of subtitle II, section 30104, or chapter 303".

SEC. —209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. —210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting "and" after "Conservation".

(3) Section 12131 is amended by striking "commmand" and inserting "command".

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking "46 App. U.S.C." and inserting "46 U.S.C. App.".

(B) Section 15(30) is amended by striking "Shipping Act, 1936" and inserting "Shipping Act, 1916".

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section "1111" (relating to 46 U.S.C. App. 1279f) and inserting section "1113"; and

(ii) striking the second section "1112" (relating to 46 U.S.C. App. 1279g) and inserting section "1114".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting "and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)" after "of such section".

AMENDMENT NO. 3103, AS MODIFIED

At the end of subtitle E of title X, add the following:

SEC. 1070. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all appropriate aircraft in mission areas including testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than three commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than two air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,200 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

(g) REPORT.—The Secretary of the Air Force shall provide to the congressional defense committees an annual report on the fee-for-service air refueling program to include:

(1) missions flown;

(2) missions areas supported;

(3) aircraft number, type, model series supported;

(4) fuel dispersed;

(5) departure reliability rates; and

(6) any other data as appropriate for evaluating performance of the commercial air refueling providers.

AMENDMENT NO. 3107

(Purpose: To modify the purposes for which the Naval Aviation Museum Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, may operate the National Flight Academy)

On page 508, between lines 3 and 4, insert the following:

SEC. 2854. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-428)) is amended—

(1) by striking "naval aviation and" and inserting "naval aviation,"; and

(2) by inserting before the period at the end the following: ", and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation".

AMENDMENT NO. 3082, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army $15,000,000, may be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program may be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program may be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

AMENDMENT NO. 2325, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. ___. PROVISIONS RELATING TO THE REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

(a) The Secretary of Defense shall submit to the Congressional Defense Committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In making such assessment, the Secretary shall consider:

(1) An evaluation of the Air Force's requirement for additional F-15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at the Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) Opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

AMENDMENT NO. 2897, AS MODIFIED

On page 354, after line 24, add the following:

SEC. 1070. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense may, to the extent consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission as approved by the President, establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center, if established, shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

AMENDMENT NO. 2068, AS MODIFIED

At the end of subtitle A of title XV, add the following:

SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES AND MINES.

(a) REPORT ON EXPLOSIVELY FORMED PROJECTILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report, in both classified and unclassified forms, on explosively formed projectiles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) A comprehensive plan of action for improving capabilities to mitigate the effects of explosively formed projectiles (EFPs), including the development of technologies, training programs, tactics, techniques, and procedures, and an estimate of the funding required to execute the plan.

(B) Detailed descriptions of the effectiveness of any fielded EFP mitigation technologies, training programs, tactics, techniques, and procedures, and ways in which they could be improved.

(C) A description of the individual projects that comprise the plan of action.

(D) A schedule for completing and fielding each project.

(E) The contract delivery dates, progress towards completion, and forecast completion date for each project.

(F) A comprehensive description of any deviation from contract terms and an explanation of any cost and schedule variance and how such variance affects fielding deliverables, and a plan for addressing such deviations and variances.

(G) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field counter EFP capabilities and protection against the effects of EFPs.

(H) An analysis of any industrial base issues affecting the plan outlined under subparagraph (A).

(I) Mechanisms for sharing counter EFP capabilities with appropriate coalition partners.

(J) The most current available data on the effects of EFPs on United States, coalition, and allied forces in Iraq and Afghanistan.

(b) REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on Mine Resistant Ambush Protected (MRAP) vehicles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) The total requirement of all military services for MRAP vehicles, including MRAP I, spiral upgrades, and MRAP II variants.

(B) A comprehensive plan for transporting and fielding all variants to the United States Central Command (CENTCOM) area of operations.

(C) An assessment of completed production, transportation, and fielding of MRAP vehicles and a forecast of future production, transportation, and fielding functions.

(D) An explanation of any deviation between the planned and actual numbers of vehicles fielded for the reporting period.

(E) Funding required to execute production, transportation, and fielding, and an analysis of any industrial base issues affecting such functions.

(F) The required delivery schedule for each contract to procure MRAP vehicles.

(G) A comprehensive description and explanation of cost and schedule variance, and any deviation from contract terms, how that variance or deviation affects overall program performance, and corrective actions planned to address such variance and deviation.

(H) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field MRAP vehicles.

(I) Plans for armor upgrades, and their impact on automotive performance and sustainment.

(J) An explanation of any safety issues or limitations on the vehicles.

(K) Anticipated short and long term sustainment issues, including an explanation of the maintenance concept for sustainment after the initial contractor logistic support period and the projected annual funding required.

(L) A detailed description of MRAP program costs, including research and development, procurement, maintenance, logistics, and end to end transportation costs.

(c) REPORT ON TACTICAL WHEELED VEHICLES STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the near and long term tactical wheeled vehicle fleet modernization strategies of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the impact of the Mine Resistant Ambush Protected vehicle program on the current acquisition strategies and procurement plans of the Army and Marine Corps for the tactical wheeled vehicle fleet, including inventory mix, overall sustainment cost, and logistical and industrial base issues.

(B) Plans for the Joint Light Tactical Vehicle program, including an assessment of the continued validity of previously adopted Key Performance Parameters.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans to support the Long Term Armoring Strategy (LTAS).

(D) A strategy to fund and execute sufficient developmental and operational test and evaluation to ensure that deployed systems are operationally effective, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of the Long Term Armoring Strategy.

(E) Plans to utilize the Army reset and recapitalization process to maintain the legacy tactical wheeled vehicle fleet.

(d) REPORT ON LONG TERM ARMORING STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, on the Long Term Armoring Strategy of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An estimate of the funding required to execute the strategy.

(B) Specific plans for balancing force protection, payload, performance, and deployability requirements across the range of wheeled vehicle variants.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans.

(D) A test and evaluation master plan, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of LTAS.

(E) An analysis of industrial base or manufacturing issues related to achieving sufficient and sustainable production rates.

AMENDMENT NO. 3112

(Purpose: To express the sense of the Senate on the Air Force Logistics Center)

At the end of subtitle D of title III, add the following:

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

AMENDMENT NO. 3032, AS MODIFIED

On page 91, between lines 13 and 14, insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

AMENDMENT NO. 2905, AS MODIFIED

On page 114, between lines 4 and 5, insert the following:

SEC. 583. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing assistance and support to the Adjutant General of a State or territory of the U.S. to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the "National Military Family Readiness and Servicemember Reintegration Outreach Program" (in this section referred to as "the pilot program").

(b) ASSISTANCE PROVIDED.—The Secretary shall carry out the pilot program through assistance and support.

The Adjutant General of a State or territory of the United States.

(d) PURPOSE OF ASSISTANCE AND SUPPORT.—

(1) The pilot program may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

AMENDMENT NO. 3027, AS MODIFIED

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC-26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the C-26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC-26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC-26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number of intelligence, reconnaissance and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

AMENDMENT NO. 2905

Mr. SUNUNU. Madam President, I rise today in favor of the Sanders amendment, No. 2905, to the Department of Defense authorization bill, which would establish a pilot program aimed at providing essential care and services to National Guard soldiers returning home from duty.

Back in the fall of 2004, the New Hampshire National Guard was one of the first Guard units to recognize the unique difficulties encountered by guardsmen and women returning from combat operations in Iraq and Afghanistan. In response, the Guard led the way in addressing these concerns by establishing its own reunion and reentry program, which employs innovative solutions to cope with the difficult transition to life at home.

Under the reentry program, soldiers and their families receive multiple counseling sessions and an introduction to the array of services available to them within the first 36 hours of returning home. The program works to ensure that servicemembers and their families recognize that they are not alone and that the Guard is committed to providing the care and assistance they need after returning from deployment.

This program has proven to be enormously successful, and has become a model for other States, due in part because it removes the burden of seeking and requesting care from the individual soldier. I am proud of the leadership role New Hampshire's National Guard has taken in combating this very serious problem.

I am pleased the Senate adopted the Sanders amendment to provide support that will allow other States to establish programs similar to New Hampshire's.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this juncture, I think the Senator from Michigan and I might commend our staffs for doing a lot of diligent work through a good part of the weekend to achieve this package of amendments. I think this adds up to about 180 amendments we have done now. So much of that work is done by our magnificent professional staff, many of whom have been on the Armed Services Committee for numbers of years.

Mr. LEVIN. Mr. President, I thank my good friend, Senator WARNER, for that suggestion. This is a good moment to do that before we have a vote later on the bill. Our staffs, as always, put in an amazing amount of time—in the evenings, mornings, over weekends—in order for us to get through hundreds of amendments.

Actually, the Senator is right. I think there were 180 cleared amendments and about 35 amendments that have been disposed of separately one way or another.

Mr. WARNER. Mr. President, over 180 amendments.

Mr. LEVIN. So I do not know if we set a record because my good friend from Virginia probably is the recordholder—and probably more than once. But, I say to the Senator, we are going to try to get to where you have been. We are going to try harder.

Mr. WARNER. Well, where have you been?

Mr. LEVIN. With you every time. But when you were chairman and you—

Mr. WARNER. We have both been chairman of this committee, Mr. President, three times.

Mr. LEVIN. One time each, I think, for 18 days.

But, in any event, I thank our staffs. I thank my friend for raising this issue.

Mr. WARNER. Mr. President, I thank the indulgence of our distinguished Presiding Officer and suggest the absence of a quorum.

I withhold the request.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, too, join in thanking our chairman and ranking member, Senator LEVIN and Senator WARNER, for all of their cooperation during the consideration of a number of amendments we have offered these past days. It is typical of their service and their thoughtfulness. They are serious legislators. We are fortunate to have them dealing with these issues of such importance and consequence for our national security. I am grateful to them both.

I wish to take a few moments.

Mr. WARNER. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. Yes.

Mr. WARNER. Mr. President, the Senator from Massachusetts has been on this committee for more than two decades, and there is no one who works harder and more diligently. I wish there were more programs on which we had a concurrence of philosophy and policy, but nevertheless I say to the Senator, you are a very prodigious worker.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. LEVIN. Mr. President, if I could add one word on that subject, the Senator from Massachusetts is not only about as diligent a Senator as one can imagine, but he has had great success on this particular bill. I do not know how he manages to keep all the balls in the air that he does, including the CHIP program, immigration, and so many other issues. But he has had an extraordinary success on this particular bill, and it is a real tribute to him—this bill—for many reasons.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. President, as was described earlier on the floor with the chairman of the committee, on last Friday, there are important provisions dealing with refugees, particularly the select refugees who have been the ones who have been so associated with the American effort in Iraq.

We have differences in this body on the overall policy in Iraq, but I think all of us admire those extraordinary individuals who worked, in many instances, as translators for the American servicemen and risked their lives. Many of them lost their lives in this effort. A number of others who had worked with American forces now have their lives threatened, for which there is a sense of urgency. The amendment was accepted by both Senator LEVIN and Senator WARNER. We are hopeful it will result in saving lives. Also, there are individuals who, by their religious beliefs, were being persecuted as well.

So this was a small amendment, but it will make a big difference. I thank them for their help and assistance on that amendment and a number of other items on our hate crimes legislation, and others.

AMENDMENT NO. 3058

Mr. President, one of the pending amendments is the amendment offered by Senator MIKULSKI and myself, and that is an amendment that affects workers. In this case, we are talking about Defense Department workers. Of those 640,000 Defense Department workers, we are talking about a third of those workers who have proudly served in the Armed Forces of our country. They have worn the uniform of our country, acquired various skills, and then have come back and now are serving in the Defense Department in a wide variety of areas—in information and information technologies, in supplies, in technology and safety equipment—a wide variety of areas. They are using their skills—which they had—their patriotism, their dedication to service to this country and are doing so with great skill and determination.

It means a lot to those who are in the Armed Forces to know they have a backup, first of all by their families, but secondly by skilled men and women who are going to make sure they have the best in technology, the best in terms of equipment, and that they are going to be able to do their job in the way they were trained. Those are the Defense Department employees.

Now, we have found in recent times as to those employees that their futures have been put at risk. They have been put at risk because of a change in the rules and regulations for what they call outsourcing, the bidding for various contracts. These workers are highly skilled, highly professional, and they are prepared to compete on a level playing field with any group of workers—public or private sector—and do so, and do so well, do it skillfully, and also do it in a way that is going to save the American taxpayer resources. But what is added to the bid in various contracts is the fact that these Federal employees have health insurance and also have some retirement benefits.

In this country now we are facing a health care crisis. We hear Democratic candidates for President talk about it, Republican candidates talk about it, business leaders, leaders of the trade union movement talk about it. We were spending $1.3 trillion 6 years ago; we are now spending $2.3 trillion. We have increased the spending by $1 trillion, and 8 million Americans have lost their health insurance—8 million. It would be more than that if we didn't have the SCHIP program. That is another issue for another time, when it will be more than that.

So we are in real danger of seeing middle-class families lose both their retirement in terms of their pensions, as well as their health insurance. Now we have the regulations of the Department of Defense that are accelerating that. Effectively, what they are saying is, if we have good competition between the government bid and the private bid, the fact that we have health insurance and retirement, it is going to make the total cost somewhat higher and therefore the award will go to the private bid. This is sending a powerful message to these private contractors: Don't even think of providing any services, health care, for the families of your workers. Don't think about retirement. Don't think about anything because you can win contracts against those who are working in the Defense Department who are providing those benefits. That is basically unfair.

This competition ought to be for the cost of providing the services. Who can do that more efficiently? We don't want to rush to the bottom—a race to the bottom—and that is what we are having at this time, and that is wrong. That is wrong, and it is unfair. If we continue that, we are going to find out we are going to have not tens of thousands, but we are going to have hundreds of thousands of people who are going to see that their insurance is lost.

This isn't just the employees. If we look at the private contractor, one private contractor was going for a bid, another was bidding for it, and at the present time, if that were the circumstance today, the responsible contractor who is looking out for their employees with health insurance for the families and with a retirement program, they would be somewhat higher than the cost of providing service by the irresponsible contractor, and they would lose out. So it isn't only the workers who are working in the Defense Department but also responsible contractors who are providing services for their employees and who respect their employees.

If we don't accept this amendment, we are going to see a continuing rush to the bottom where it is going to be virtually impossible to get these independent contractors to provide any of the kinds of services to these families who are working in this country. That isn't what we ought to have in terms of the Defense Department rules.

Finally, as I pointed out earlier, but it is worth mentioning again, some of the other provisions that basically work for the unfairness of those who are working in the Defense Department. If there is an unfair decision, the private contractors can appeal that, but the workers over here cannot. That isn't fair. This amendment is about fairness, treating people fairly.

Renew a contract without recompetition, they can do that. Private contractors can do it, but if the Federal workers have that contract, they can't do it. We find out for the most competitive bid, there are administrative rules and regulations that prohibit Federal employees from getting the lowest competitive bid. They know how to do it, they want to do it; nonetheless, they are denied the opportunity to do it.

Then we have these quotas that are set by OMB, which is not right. They establish so many contractors and so much is virtually prohibited, but it has grown into a practice at the present time.

So this amendment is very much about fairness. It is about how we are going to treat people who are part of the whole Defense establishment. And they are these workers, and they are indispensable. A great percentage of them have been a part of the military and have served with great distinction for many years. They want to continue that sense of patriotism, continue that sense of service, continue that sense of giving. The men and women who are in the Armed Forces know they can rely on the quality of the work that the individuals do because these individuals are highly motivated, highly trained, have been in the service, many of them have served for many years, come out of the service, have skills, and say: What I would like to do for the rest of my career is to be able to continue to give support to those who are on the front lines, and they do it. They do it with great distinction, and they do it with great expertise and with extraordinary patriotism.

All they are asking for is to have a fair system, to give them a fair shake.

Give them some respect. Give them the respect they deserve, that they should have. Give some respect for their families as well.

So I hope very much we will have good support for this amendment. As I mentioned earlier in those particular provisions that we put up about disparities between the private contractors and the employees, we have had strong bipartisan support for just about every one of those provisions, but they have been put on appropriations in the past, and therefore at the time the appropriation expires, these provisions expire. Now we are back to try to revisit this once again. So there is a strong and compelling reason for this amendment.

I thank Senator LIEBERMAN and so many of our cosponsors, including Senator MIKULSKI who has spoken so well and who has been such a strong advocate, and so many of our colleagues who have supported the different provisions on both sides of the aisle. Hopefully, we will have a strong vote in an hour from now for those workers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, I rise to support the Kennedy amendment because, frankly, it makes fiscal sense. There has been in this administration a rush to contract. They never saw any function of government that somehow they didn't believe would be better off in the private sector. I am not opposed to privatization just for the sake of being opposed to privatization. I have no problem with contracting, if it is going to save taxpayers' money and we are still going to get quality work on behalf of taxpayers from those contractors working in government. But if we have learned anything over the last 6 years, we have learned that you don't always get a good deal when you contract.

I know we have spent a lot of time talking over the last few weeks about the contracting that went on in Iraq, and I will not dwell on that here, but it is exhibit A of how badly government sometimes does in the name of saving money when it enters into private contracts.

So what this amendment says is pretty simple, and it is kind of what auditors say over and over again until people want us to be quiet; that is, compete, compete, compete. Not only should these contracts be competitive among potential contractors, they must be competitive with the government workers who are currently doing the work. There have been many examples of where, in the name of saving money, someone was hired to do the job, and it ended up costing us more than had the government employees remained on the job. That is just the basics of this amendment.

This is nothing new. This has been in a number of Defense appropriations bills, and it is in effect for the Department of Defense. The A-76 rule, which this is called, is now currently the law within the Department of Defense. This will extend it, codify it, make it uniform across the Federal Government. If you are going to contract out, then the employees have a right to participate in that competition. And if the employees of government can show they can do the job, as they have been doing, and they can do it for less money than the private contractor, then they should get the award in that particular competition.

This is a way to not only make sure we are not getting rid of the expertise we have in government, it is also a way to reinforce how important competition is. We have had competitions that have masqueraded as real competitions in this administration a number of times. This will make sure we are getting the best value for that very precious taxpayer dollar. They are going to have to demonstrate that the contract is going to save money in order for the contract to be put out to a private entity as opposed to government employees.

I think it is a very solid amendment in terms of watching out for taxpayer money. I know it is characterized that this is to protect government employees. It is not. It is called protecting taxpayers' money. That is why I think this amendment is so important. That is why I hope my colleagues will join together to strike another blow on behalf of fiscal accountability and making sure we treat taxpayers' money with respect and deference and making sure we are spending it very wisely.

I yield the floor.

Mr. LEVIN. Mr. President, I wish to rise in support of the pending amendment by Senator KENNEDY on public-private competition. Sometimes this amendment is described as the Kennedy-Mikulski or the Mikulski-Kennedy amendment. Both Senators deserve a great deal of credit for their support.

The Department of Defense has allowed its workforce of civilian employees to atrophy to the point of a human capital crisis. Since fiscal year 2000, the number of contractor employees under DOD service contracts has roughly doubled, while the number of DOD civilian employees has remained virtually unchanged. As a result, the Department of Defense has found in area after area—acquisition management, financial management, even security and intelligence—it must now rely upon contractors to perform functions that were formerly performed by Federal employees.

These adverse trends have been exacerbated by an administration that has consistently pushed to have more Federal work performed in the private sector. In 2001, the Office of Management and Budget established a goal of subjecting half of the work performed by Federal employees to private sector competition within 4 years. While the administration subsequently backed off of this Government-wide goal, OMB continues to establish agency-specific goals, and to grade agencies on their performance in converting work to private sector performance.

The Kennedy-Mikulski amendment would end this artificial effort to drive contracts to the private sector by codifying a commonsense set of rules that govern competition between Federal employees and private contractors.

Some of these rules have already been enacted through appropriations acts in previous Congresses. The Kennedy-Mikulski amendment would make these rules permanent law. Others have already been enacted for the DOD. The Kennedy-Mikulski amendment would make these provisions Government-wide.

I wish to focus on one provision of the amendment which addresses a fundamental element of fairness in competition between the private and public sectors. OMB circular A-76, which governs public-private competitions, establishes rules for what happens after one side or the other wins a competition. If the private sector wins a competition, the work stays in the private sector forever. If the public sector wins, however, the work must be subject to a new competition within 5 years. Attachment B to OMB circular A-76 specifically states that if the public sector competitor wins a competition, "an agency shall complete another . . . competition of the activity by the end of the last performance period" in the performance agreement.

This rule is fundamentally unfair. It also undermines the morale of Federal civilian employees by contributing to the view of civil servants as second-class citizens. At a time when the Department of Defense should be recruiting thousands of new civilian employees to address a human capital crisis, the rule is clearly contrary to the Department's own interests.

The Kennedy-Mikulski amendment would address this problem by stating that OMB may not require the Department of Defense to conduct a new public-private competition within any specified period of time after the public sector wins a competition. That is the right answer. DOD's human capital policies should be driven by the Department's human capital needs—not by arbitrary policies established by the Office of Management and Budget. So I hope our colleagues will support the Kennedy-Mikulski amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, last week, the Senate adopted a historic amendment offered by Senators WEBB, MCCASKILL, and others, to establish an independent commission to review the many problems with fraud, waste, and abuse that have arisen in Iraq relative to contracting and to give us recommendations on how we can avoid similar problems in the future. I wish to commend the Senators that were involved in this effort for the leadership they showed in drafting this amendment and getting it adopted by the Senate.

The Department of Defense faces huge problems in its acquisition system today. Over the last few years, we have seen an alarming lack of acquisition planning across the Department; the excessive use of contracts that make open-ended commitments of DOD funds; and a pervasive failure to perform contract oversight and management functions necessary to protect taxpayers' interest. These problems have been particularly acute in Iraq and Afghanistan, but they are in no way limited to Iraq and Afghanistan.

The contracting commission established pursuant to the Webb-McCaskill amendment should help us identify the sources of these problems and provide us with constructive recommendations to avoid similar problems in the future.

In addition to the commission language adopted last week, there are significant acquisition reform measures already in this bill, as it came to the floor, that will make improvements in the DOD acquisition system and to wartime contracting. Taken together, these provisions will make the bill that is now before the Senate, by far, the most significant acquisition reform measure to be considered by Congress since the enactment of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act more than 10 years ago.

For example, section 821 of the bill would require increased competition in large "umbrella contracts" awarded by the Department of Defense. The Senate Armed Services Committee held a hearing in April on the Department of Defense management of the $20 billion so-called LOGCAP contract, under which a company called KBR—until recently, a subsidiary of Halliburton—has provided services to U.S. troops in the field.

Here are some of the things we learned in our hearing:

The company was given work that appears to have far exceeded the scope of the contract; all of this added work was provided to the contractor without competition; the contractor resisted providing us with information that we needed to monitor and control costs; there were almost $2 billion of overcharges on the contract; and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the massive LOGCAP contract among multiple contractors, allowing for greater competition of the work to be performed under the contract, the Assistant Secretary of the Army for Acquisition, Technology, and Logistics gave the following answer: "I don't have a good answer for you."

The provision in our bill would avoid the kind of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so. If our language stays intact, we should never again see the kind of abuses which existed with the Halliburton-KBR umbrella contracts.

Similarly, section 871 of the bill would require tighter regulation and control over private security contractors operating in areas of combat operations. Over the last 4 years, there has been a number of reports of abuses by private security contractors operating in Iraq. There have been allegations, even films, of contractors shooting recklessly at civilians as they drive down the streets of Baghdad and other Iraqi cities. Some of these contractors work for the Department of Defense, but many others work for other Federal agencies or for contractors of other Federal agencies.

Most recently, the Iraqi Government has complained about an incident in which employees of Blackwater allegedly opened fire on innocent Iraqis in downtown Baghdad. According to published reports, Blackwater employees shot into a crush of cars, killing at least 11 Iraqis and wounding 12. Blackwater officials insist their guards were ambushed, but witnesses described this shooting as unprovoked, and Iraq's Interior Ministry has concluded that Blackwater was at fault.

Last week, the Washington Post reported that senior military officials are deeply concerned about this shootout and other similar incidents which could undermine our efforts to combat terrorists and insurgents in Iraq. This is what the Washington Post article reported:

> "The military is very sensitive to its relationship that they've built with the Iraqis being altered or even severely degraded by actions such as this event". . . .
>
> "This is a nightmare," said a senior U.S. military official. "We had guys who saw the aftermath, and it was very bad. This is going to hurt us badly. It may be worse than Abu Ghraib, and it comes at a time when we're trying to have an impact for the long term". . . .
>
> In interviews involving a dozen U.S. military and government officials, many expressed . . . concern over the shootings. . . .
>
> "This is a big mess that I don't think anyone has their hands around yet," said another U.S. military official. "It's not necessarily a bad thing these guys are being held accountable. Iraqis hate them, the troops don't particularly care for them, and they tend to have a know-it-all attitude, which means they rarely listen to anyone—even the folks that patrol the ground on a daily basis."
>
> "Their tendency is shoot first and ask questions later," said an Army lieutenant colonel serving in Iraq. Referring to the September 16 shootings, the officer added, "None of us believe they were engaged, but we are all carrying their black eyes."
>
> "Many of my peers think Blackwater is oftentimes out of control," said a senior U.S. commander serving in Iraq. "They often act like cowboys over here . . . not seeming to play by the same rules everybody else tries to play by."

The provision in our bill would address this problem by ensuring that the Department of Defense and its combatant commanders are in a position to regulate the conduct of all armed contractors in the battle space, regardless of whether they are employed under contracts of the Department of Defense or other Federal agencies. Under the provision in our bill, private security contractors employed by any Federal agency or any contractor or subcontractor for a Federal agency would be required for the first time to comply with DOD rules on the use of force and with orders, directions, and instructions issued by combatant commanders relating to force protection, security, health, safety, or relations and interaction with local nationals.

Other provisions in our bill would provide added protection for contractor employees who blow the whistle on fraud, waste, and abuse. They would require the DOD to conduct a comprehensive analysis of the billions of dollars it spends every year to purchase contract services. Our bill will tighten rules for the acquisition of major weapons systems; ensure that we get fair prices when we purchase spare parts for those weapons systems; enhance competition requirements for products purchased from Federal prison industries; and address abuses of undefinitized contract actions.

The root cause of these and all the other problems that we read and hear so much about, or at least most of the other problems, in the defense acquisition system is our failure to maintain an acquisition workforce with the resources and skills that are needed to manage the Department's acquisition system.

Earlier this year, the Acquisition Advisory Panel, chartered pursuant to the National Defense Authorization Act for fiscal year 2004, reported that "curtailed investments in human capital have produced an acquisition workforce that often lacks the training and resources to function effectively." And they went on:

> The Federal Government does not have the capacity in its current acquisition workforce necessary to meet the demands that have been placed on it.

The failure of Department of Defense and other Federal agencies to adequately fund the acquisition workforce, the panel concluded, is "'penny-wise and pound-foolish,' as it seriously undermines the pursuit of the good value for the expenditure of public resources."

Senior DOD officials have recognized the deficiencies in the defense acquisition workforce, but they have been unable to obtain significant funds that are needed to remedy the problem. Section 844 of our bill will address this issue by establishing an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce. In the first year, we will provide roughly $500 million for this purpose. It is a large sum of money, but it is a small investment to ensure the proper expenditure of more than $200 billion of taxpayers' money every year.

We look forward to working with the House conferees after we pass our bill, hopefully this evening, to make these important provisions on acquisition reform and the acquisition workforce the law of the land.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I want to speak on final passage of the bill. We are going to have that vote shortly. What is the parliamentary procedure we are in?

The PRESIDING OFFICER. The Senate is currently considering the Kennedy amendment to the bill.

Mr. NELSON of Florida. Madam President, if I may be recognized, I will use these remarks to tell the Senate that it has been a pleasure to work with the chairman of the full committee, Senator LEVIN, who has consistently given this Senator free rein as the chairman of the Strategic Subcommittee of the Armed Services Committee.

What it looked like last winter was that all the thorny issues of nuclear weapons and the follow-on nuclear weapons and the question of national missile defense, the strategic posture of the United States, would get us all wound up around the axle. But it didn't turn out that way, and I want to give credit to my colleague, Senator SESSIONS, the ranking member of our subcommittee, for working with me and the members of the committee in resolving these issues. What we worked out in subcommittee, basically, is what is in the bill.

Although the administration would like to go ahead and start building national missile defense sites in Eastern Europe, the fact is, they haven't even worked it out with the countries involved in Eastern Europe. So what we did was we put a fence around any funding other than the acquisition and the preparation of the land for such a site.

At the end of the day, there is going to have to be continued research and development should the need arise for locating those missiles in Eastern Europe because they are not the same version that is in the silos in Alaska. That is a three-stage version; this is a two-stage version. And it is not the same missile or rocket; therefore, it has to go through all of its subsequent testing.

Now, General Obering just had a successful test a couple of days ago, and for that we want to congratulate him, but if the threat is the Shahab missile from Iran shooting into Europe or into the United States with a nuclear weapon on top of the rocket, if that is the reason to have national missile defense in Eastern Europe, well, we just simply don't know that Iran is going to have that capability. And as we continue to look at this on down the road, that is going to be an evaluation as to whether at the end of the day we are going to need that national missile defense in Eastern Europe. But since we don't know all those answers, we have provided in this bill that if they concluded the agreement with those Eastern European countries, they can go about the process of acquiring the land, the site, and the preparation of the site.

We also noted in our committee that they have not had tremendous success with the airborne laser, and of the approximately $.5 billion that they wanted to continue that program, we cut that program by $200 billion and used that money elsewhere, in kinetic energy intercepts on the boost phase of an intercontinental ballistic missile.

So those are just some of the things in here, and I want to thank all the parties who worked with us to get a bipartisan resolution, which is the way a Defense bill ought to be managed and ought to be passed, and we have that this year, and I am very grateful.

Now, there is another part in here that Senator LEVIN and the ranking member of the full committee approved, and I want to thank him for that. That is the question of widows and orphans. Current law is that a servicemember pays for survivors benefits. They pay once they retire, and they pay for that benefit. It is like an insurance policy. On the other hand, there is another body of law in the Veterans' Administration where there are survivors benefits for widows and orphans. When the servicemember passes away, those two eligibilities, under current law, cancel out each other, and that is not the way we ought to be treating widows and orphans.

It was no less than President Lincoln who said, in his second inaugural address, that the mark of a country is how it treats the victims of war, the widows and orphans. And taking care of the widows and orphans, in fact, is a cost of defense. It is a cost of doing business in defense. Just like you buy tanks and airplanes and guns and materiel, and so forth, taking care of not only the veterans is a cost of war, but taking care of their survivors is a cost of war too. This Nation has long canceled out those two eligibilities, and it is time for us to change this.

Because we were down at the end of our discussion of this bill last week, I did not ask for a rollcall vote, as I had last year. Of course, the rollcall was something like 95 to 3 in favor of the widows and orphans, and we would have gotten some kind of a vote like that again. I was trying to accommodate my chairman and the ranking member in the crush of business, and they were kind enough to put it into the managers' package. So this will become a conference item, where it is always a question about money. A few years ago it was estimated that it would cost an additional $9 billion over 10 years. That is now down to somewhere in the range of about $7 billion or $8 billion over 10 years. So when we get into the conference committee, this Senator is going to try to find how we can get conferees to accept this provision.

So I come to the floor of the Senate to congratulate Senator LEVIN and Senator WARNER, acting in the stead of Senator MCCAIN as the ranking member. What a pleasure it has been to deal with these gentlemen for the last 7 years as a member of this committee.

Madam President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Madam President, first, let me commend the Senator from Florida. As chairman of the Strategic Subcommittee, with his ranking member, the members of that subcommittee have worked through some of the most difficult and thorny issues we faced on this bill this year, and he identified a few of them. He very modestly gives credit to others, but, truly, Senator NELSON deserves most of the credit for working out those very difficult issues on a bipartisan basis.

As a passionate defender of what we should do as a country for the survivors of those men and women we lose in war, I can only assure him we are going to do everything we can possibly do in conference because I assume that had that been brought to a rollcall vote, it would have been unanimous or nearly unanimous on the floor of the Senate. We appreciated his willingness to have that go as part of the managers' package, but for the purpose of that conference, I can assure my dear friend from Florida that there is an assumption on our part that would have been a unanimous or near unanimous vote by the Senate and so, obviously, it is the right thing to do.

I also have a longer statement later—because 5:30 has arrived—about our work as a committee, the subcommittee chairs, the ranking members, and the staff. I will save that statement for after our vote on final passage, which will come immediately after the vote on the Kennedy-Mikulski amendment, but I wanted to add that quick comment.

Mr. WARNER. Madam President, I wish to associate myself with the remarks of our colleague and Senator SESSIONS, the ranking member. I can remember the days on the authorization bill when we would spend a week or more on the one issue, missile defense. I think both sides have pretty well reconciled that the present posture of the program is about where it should be.

Mr. LEVIN. I thank the Senator for that. The hour of 5:30 has arrived. I ask unanimous consent that the Kennedy-Mikulski amendment, No. 3109 be withdrawn and that there be 2 minutes of debate at this time prior to a vote in relation to the Kennedy-Mikulski amendment, No. 3058; that no amendment be in order to the amendment; that no further amendments be in order; that the debate time be equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 3058; that upon disposition of that amendment, the substitute amendment, as amended, be agreed to and that the Senate then vote on the passage of H.R. 1585; that all other provisions of the previous order relating to H.R. 1585 remain in effect and that on Tuesday, October 2, following a period of morning business, the Senate proceed to the consideration of Calendar No. 353, H.R. 3222, the Defense Department Appropriations Act.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 3109 is withdrawn.

AMENDMENT NO. 3058

There are now 2 minutes of debate on the Kennedy amendment.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I seek recognition in these 2 minutes seeking support on this amendment, joined by my colleagues, KENNEDY and AKAKA, who spoke Friday about why this amendment is important. It is important that this amendment be on this bill because we all remember the Walter Reed scandal. Remember the Walter Reed scandal, mold in the hotel and all that? I spoke on this floor more than a year and a half ago, with Paul Sarbanes, for an amendment that tried to deal with the contracting out at Walter Reed. I lost that amendment on the floor by two votes.

We went from 300 employees to 50 employees, and we only saved money after they had 6 different attempts to make sure they had contracting out. Let me tell you, if you want no more Walter Reeds, you want the Kennedy-Mikulski-Akaka amendment. This amendment saves taxpayers money. It says that any attempt at contracting out must save $10 million or 10 percent, so we meet the taxpayer mandate. It eliminates privatization quotas. If you are against quotas and OMB bounty hunters, this amendment is for you. If you want to make sure our contractors have healthy retirement benefits as part of the contract, this amendment is for you.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, the Kennedy-Mikulski amendment is intended to cause the A-76 process to become so cumbersome and expensive it would effectively eliminate the ability of the Federal Government to conduct any future A-76 competitions. What it specifically does is it mandates private contractors match Government health and retirement benefits.

DOD alone has saved taxpayers over $5 billion as a result of competitions completed between fiscal year 2001 and fiscal year 2006. DOD expects these savings to grow to over $9 billion after the completion of all planned competitions initiated in fiscal year 2007 are completed.

Right now the Government bidders win over 80 percent of the competitions. This can hardly be characterized as an unfair process, as supporters of this amendment portray it. It is designed to save taxpayer dollars. It has—$5 billion over the past 5 years.

This amendment makes it so cumbersome, by mandating the private contractors match Government health and retirement benefits, that the A-76 process will be completely undermined.

I urge my colleagues to vote against this amendment.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, is a request for a quorum call in order at this time?

The PRESIDING OFFICER. It is in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The amendment (No. 3058) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Ms. MIKULSKI. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN. Madam President, I rise today to thank my colleagues for their robust debate about this important piece of legislation.

I would also like to highlight a provision included in this bill based on the Stop Arming Iran Act, which I introduced in January of this year. The provision seeks to end the Iranian Government's acquisition of sensitive military equipment by blocking the Pentagon's sale of F-14 fighter jet parts.

It is the sensitive job of the Department of Defense to demilitarize and auction off surplus military equipment. However, recent investigations and reports have uncovered a frightening trend regarding the sale of F-14 Tomcat aircraft parts. U.S. customs agents have discovered F-14 parts being illegally shipped to Iran by brokers who bought F-14 surplus equipment from Department of Defense auctions.

Other than the United States, Iran is the only nation to fly the F-14. The United States allowed Iran to buy 79 F-14s before its revolution in 1979. Fortunately, most of Iran's F-14s are currently grounded for lack of parts. As the F-14 is retired from active service in the United States, a slew of parts are about to be processed by the Pentagon.

We know that Iran is pursuing a nuclear weapons capability. We know that the Department of State has identified Iran as the most active state sponsor of terrorism. We know that the sale of spare parts for F-14s could make it more difficult to confront the nuclear weapons capability of Iran. And yet F-14 parts are still being sold by the DOD.

Iran's F-14s, especially with the parts to get more of them airborne, greatly strengthen its ground war potential, harming our national and global security. Our country should be doing everything possible to deny the brutal regime in Tehran access to spare parts for their F-14 fleet.

The Department of Defense will tell you that it is already taking action to control the sale of F-14 parts. They now say that every F-14 part is frozen and cannot be sold. However, they will not commit to keeping this freeze in place and admit that the Pentagon can choose to rescind or make exceptions to this policy at any time. I have identified three large-scale changes to the Pentagon's policy on F-14 parts in just the last year. And history has shown us that these rules are not enough.

The Department has been caught still selling F-14 parts, even when its rules forbid it. It has sold F-14 parts to companies that have turned out to be fronts for the Iranians. More recently, the DOD sold sensitive technology, including classified F-14 parts, to undercover GAO investigators.

This provision will make it crystal clear to the Department of Defense that it may not sell any F-14 parts to anyone for any reason. There should be no chance for the parts to make their way to the Iranians.

I am very encouraged that both the Senate and House Armed Services Committees have included the Stop Arming Iran provision in both versions of the Defense authorization bill. I commend my colleagues for allowing this important legislation into today's bill.

The provision fixes a very specific but very important problem: the sale of F-14 components to a state sponsor of terrorism. We cannot—and with the passage of this bill, we will not—allow that to happen.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Madam President, I wish to explain my vote against ending debate on the Defense authorization bill. I voted this way for two simple reasons—first, this bill does not do anything to end the war, and second, it does not provide adequate support for the families of our returning wounded warriors.

A few weeks ago, I filed an amendment based on a key recommendation of the Dole-Shalala Wounded Warriors Commission—to expand the Family and Medical Leave Act to allow the families of wounded military personnel to take up to 6 months of unpaid leave to care for their loved ones. Now, because the Senate voted to shut off debate, this critically important amendment will not be considered. Such an expansion of the FMLA is of the utmost importance to our wounded warriors, and I will ask at the end of my statement to have a letter from Senator Bob Dole to Chairman LEVIN and Ranking Member MCCAIN, detailing the tremendous importance of this provision, be printed in the RECORD.

On September 11, 2007, I announced that I would not support legislation dealing with Iraq unless it included a firm and enforceable deadline for withdrawing U.S. combat forces from Iraq—one linked to an explicit cut off of funds after a date certain. Sadly, Republican stalling tactics made it impossible for such a provision to receive an up-or-down vote under regular Senate procedures. Therefore, I could not, in good conscience, call for an end to debate on a bill that has not addressed that issue or the hardships our soldiers and their families face both at home and abroad, and the very security of our Nation.

That said, I commend Chairman LEVIN and Ranking Member MCCAIN for their hard work in making sure this legislation does include many beneficial and important provisions, such as a 3.5-percent pay raise for our men and women in uniform and additional funding to purchase Mine Resistant Armor Protected vehicles. These are important steps in making sure our Armed Forces are appropriately compensated and equipped to defend our Nation. But as long as another year passes without an effective plan to end the war and support our military families, I am afraid that this Congress's work will be incomplete.

Madam President, I ask to have the letter to which I referred printed in the RECORD.

The letter follows.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.
Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: I would like to thank you, once again, for your continued efforts to improve the treatment of our returning combat troops, exemplified by your shepherding of the Wounded Warrior Assistance Act of 2007 through the Senate in July. This important measure provided a good first step; but as you know, much more remains to be done and I appreciate your willingness to consider the recommendations made by the President's Commission on Care for America's Returning Wounded Warriors.

As you know, I, along with former Secretary of Health and Human Services Donna Shalala, recently released the findings of the Commission. One specific finding of this report is currently pending as an amendment to the National Defense Authorization Act currently being debated on the Senate floor. Notably, the Dodd-Clinton-Dole-Graham amendment (S. Amdt. #2647) increases Family and Medical Leave Act (FMLA) job protection benefits to the families of our injured soldiers from the current 12 weeks to 6 months. These families are facing significant challenges to help their loved ones heal, and the last thing they need to worry about is losing their jobs in the process.

There are two very critical points to be made with respect to this recommendation by the Commission. First, the use of already existing FMLA authority is vital to minimizing the delay in implementation of this needed benefit. The FMLA has existed for 14 years and has a proven track record of success. It is understood by those using the benefits, those charged with its oversight, and the employers working within its framework. Second, the length of the benefit has been carefully crafted to best balance the impact on employers on one side and the average time it takes for most injured personnel to regain self-sufficiency. While other pending amendments have either sought to depart from the existing FMLA structure by using other legislative vehicles not intended to extend to families of service members such as the Uniformed Services Employment and Reemployment Rights Act (USERRA), or extended job protection benefits beyond six months, neither are supported by the Commission's findings and may actually hinder the efforts to implement the Commission's work.

The Administration will have a different approach, but it will be some time before the Administration's comprehensive proposal will be acted on.

Thank you for your consideration of this important legislation. I know that you share my belief that it is essential that we supply all necessary and prudent tools to our military families to deal with the hardships of helping their wounded warriors regain self-sufficiency following a severe injury. The Dodd-Clinton-Dole-Graham amendment passes this test. If I may be of any further assistance, please feel free to contact me.

God Bless America,

BOB DOLE.•

Mr. BYRD. Madam President, I will vote against H.R. 1585, the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, H.R. 1585 also includes title XV, which provides authorization for the funding of continued operations in Iraq for the coming year. In my view, this provision constitutes a "poison pill."

I have stated before that the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. That is what title XV does. In effect, it provides a congressional authorization to fund the continuation of President Bush's policy in Iraq for another year, without any strings attached. I offered an amendment to clarify that nothing in the bill constitutes a specific authorization for U.S. troops to remain in Iraq, but the committee was unable to clear the amendment. Other amendments offered to the bill that would have placed limits on the number of troops or otherwise limited the mission of U.S. forces in Iraq were defeated during the floor debate on H.R. 1585. This is regrettable.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotation to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a 'hollow force,' as happened after the Vietnam conflict. That is irresponsible, and it puts our Nation at risk.

There are no provisions in this bill to require the U.S. President or the Iraqi government to meet any benchmarks or withdraw any troops, or even to put limits on sending still more troops to Iraq, if any could be found. It is time for Congress to start reining in this runaway horse, before our military is completely exhausted and our nation made vulnerable.

I support our troops. I do not want them to lack for anything needed to do their job or to keep them safe. But I cannot and will not agree to leave them in Iraq forever, with no limits placed on their mission, no provision to ensure that they at least get as much time at home as they do on the battlefield, with no benchmarks or goals set for the Iraqi Government that might trigger a return of our troops, and no assurances by our commander in Iraq that this war is making the United States any safer. That is a bitter poison pill I cannot swallow.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 2011), as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—92

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Byrd
Coburn
Feingold

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The bill (H.R. 1585), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I voted against the fiscal year 2008 defense authorization bill because it does nothing to bring to a close the open-ended military mission in Iraq, which has overburdened our military, weakened our national security, and cost the lives of thousands of American soldiers.

There were provisions in the bill which I strongly supported, including language I proposed that will make it easier for family members and other trusted adults to take leave to care for children and dependents when their loved ones are deployed. I am also pleased that the Senate approved two amendments I cosponsored. One was an amendment by Senator WEBB creating a Commission on Wartime Contracting to examine waste, fraud and abuse in Iraq and Afghanistan, including the misuse of force by private security contractors. The other was an amendment by Senator SANDERS to ensure that money allocated for research on gulf war illnesses is spent wisely.

But on balance, I could not vote for a bill that defies the will of so many Wisconsinites and so many Americans by allowing the President to continue one of the greatest and most tragic foreign policy blunders in the history of our Nation.

Mr. AKAKA. Mr. President, I was pleased today to vote, along with my Senate colleagues, for the passage of H.R. 1585, the Defense Authorization Bill for Fiscal Year 2008. I thank the managers of this bill, Chairman LEVIN and Ranking Member MCCAIN, for working so diligently and in such a collegial manner toward passage of a bill that addressed so many complicated and potentially divisive issues. It is to their credit that we have been able to move this bill along which is so vital to the support of our brave men and women in our armed services.

This bill was passed out of committee with a number of provisions to improve the lives of our military members and the effectiveness and readiness of our armed services which I, as a senior member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness, worked to ensure were a part of the bill language. They include important acquisition reforms such as a series of provisions that would help the DOD manage its oversight of contract services and the creation of a Chief Management Officer for the Department of Defense. I also was able to work with my colleagues to incorporate language that establishes a Director of Corrosion and Control Policy and Oversight in addition to other provisions that further my efforts to establish effective corrosion control in all branches of our services. H.R. 1585 also contained my legislation to establish a National Language Council to develop and implement a long-term and comprehensive language strategy.

In addition to the provisions that I initiated and supported in the underlying language, I was able to successfully introduce and cosponsor a number of amendments during the Senate's consideration of the Defense Authorization Act. As chairman of the Veterans' Affairs Committee, I was particularly pleased to see that language from the Dignified Treatment of Wounded Warrior Act which addresses shortfalls in the quality of health care provided to our servicemembers was included as an amendment to this bill. Similarly, I was pleased that my amendment related to the Wounded Warrior Act was passed by the Senate. This legislation will enhance the quality of care that members of our Armed Forces receive once they transition to veteran status, improve the capability of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, and improve access to VA mental health and dental care. In addition, my amendment addresses the issue of homelessness among newly discharged servicemembers and recognizes the importance of the National Guard and Reserve in the VA's outreach programs.

This bill also includes an amendment I offered to end the disparate treatment of employees who accepted discontinuation of service retirement following a reduction in force. My amendment ensures that these Federal employees would be able to return to work at DOD and continue to earn toward retirement. It is vital that this Nation have a viable plan to produce individuals who are capable of effective communication in today's global environment. I also applaud the inclusion of the fair competition amendment, introduced by Senator KENNEDY which I cosponsored, which will minimize the harmful effects of the current A-76 process for outsourcing Federal jobs to private contractors by removing several unfair advantages that contractors currently have in the contract competition process.

I was disappointed, however, that the Webb amendment which I was proud to cosponsor was not agreed to by the Senate. The Webb amendment would have lessened the burden placed on our soldiers and their families by setting a minimum time between deployments in order to ensure that members of our Armed Forces have as much time at home with their loved ones as they fight overseas for this Nation.

I was also disappointed that the Levin-Reed amendment which would have set a clear and definitive deadline for the withdrawal of forces from Iraq was not passed. One of the key elements of stabilizing the ongoing chaos in Iraq is for the Iraqi Government to begin to take more responsibility for ensuring their own nation's security and assume primary combat role in protecting and defending their nation. This will not occur without the development and implementation of a coherent exit strategy. The Levin-Reed amendment offered just such a plan.

As a senior member of the Senate Armed Services and chairman of the Subcommittee on Readiness and Management, I will continue to work with my Senate colleagues to change the course of this war by insisting that the administration provide to this Congress and the people of our nation with a comprehensive exit strategy.

UNANIMOUS CONSENT REQUEST—S. 1327

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327, a bill to create temporary district court judgeships, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 535

Mr. LEAHY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 211, S. 535, the Emmett Till Unsolved Civil Rights Act; that the substitute amendment be agreed to; the bill, as amended, be read a third time, passed; the title amendment be agreed to; the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the bill we have just adopted is the 46th consecutive annual Defense authorization bill that has come out of our committee and been brought to the Senate for debate and passage. It has been no secret that this is one of the largest and most complex and important pieces of legislation that comes before the Senate every year. Every year since 1961, it has been a challenge to get it passed. Thankfully, because of its vital importance to our Nation, we have always found a way to do so. This year was particularly difficult, as we continue to debate the war in Iraq. Today is the 19th and final day of debate on this bill. Only two other annual Defense authorization bills have required longer to pass. In 1969, the Senate debated the bill for 37 days. In 1970, it was debated for 28 days. History shows that in time of war, the Senate acts as it should and takes the necessary time to carefully consider this bill and its impact on our Nation.

We had over 400 amendments that were filed to this bill. We were able to work with all Senators and pass several large packages of managers' amendments while we were wrestling with Iraq-related amendments. All told, we acted on a total of 214 amendments during the bill's consideration.

Whenever we reach the point of final passage of legislation, we take a moment to thank Members and staff. To some this may seem to be a routine matter. It is not. All of us who make up the Senate should honor its customs and traditions. They are really the foundation of this Senate.

With that as my motivation, I want to take a moment to express my thanks to those who worked so hard and cooperated so well to bring us to final passage of this bill.

First, my thanks go to Senator McCAIN who is serving as our ranking member for the first time this year. Senator McCAIN's leadership and determination helped forge this bill through the committee and on to final passage.

Next, I thank and acknowledge our former chairman, Senator WARNER. Senator WARNER has made innumerable contributions to this bill. This bill would not be here but for the work of Senator WARNER. Working within arm's reach of Senator WARNER each year for the past 28 years has been truly one of the highlights of my Senate career.

He is a good friend of mine. More importantly, he is a good friend to national defense and to the people who depend upon it and who work for it in this country.

To our majority leader, Senator REID, and his floor staff, a special word of thanks for giving us the time and the tools to get this bill through the Senate.

To all of our committee members who, again, worked on a bipartisan basis, we appreciate their work. We do not often take the time to express it. I am afraid this will kind of have to be that moment. People do not realize our committee has one quarter of the Senate as its members. We work together in the committee. Our differences on the bill did not divide us. We reported the bill by a unanimous vote.

To Charlie Armstrong in the Office of Senate Legislative Counsel, he did his work skillfully. He proved over 400 times, with those 400 amendments, that he knows how to draft amendments.

To our committee staff members, they truly earned the thanks and recognition of the entire Senate for their time and their efforts on this legislation.

I want to mention two of the members of our staff who lead our staff and one woman who has served on our committee staff for the past 19 years.

To Rick DeBobes, our committee staff director, he serves us so brilliantly and well and so unselfishly 24/7. He is within earshot, so I will not embarrass him and have him blush other than to say he is so totally indispensable not just to me but to the Senate and all of the staff that work so well with him. Our gratitude.

To Senator McCAIN's new Republican staff director, Mike Kostiw, his leadership is so effective that it is quite difficult to believe this is Mike's first year.

To Cindy Pearson, our assistant chief clerk and security manager, a special word of thanks and encouragement. Cindy has been serving the committee for the last 19 years. She is the consummate professional in every aspect of her work. She is away from us right now as she undergoes treatment for breast cancer. We want her to know she is ever present in our thoughts and in our prayers. We all look forward to welcoming Cindy Pearson back to the committee family soon.

So Rick's and Mike's and all the other committee staff members' long and hard work and personal sacrifices, day in and day out, to get this bill enacted again this year paid off. They are the backbone of the Senate. They and other people who work for us in this Senate make it possible to turn our ideas into policies and into legislation.

I thank them all. I know I thank them for their expertise and their dedication on behalf of all the members of the committee. They brought us again through to the point of conference with the House. We are hopeful to bring back promptly a conference report. But in the meantime, thanks to them, their professionalism, and their hard work. We are where we are at.

Mr. President, I ask unanimous consent that a list of the entire Armed Services Committee staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMED SERVICES COMMITTEE STAFF

Richard D. DeBobes, Staff Director; Michael V. Kostiw, Republican Staff Director; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; William M. Caniano, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; David G. Collins, Research Assistant; Fletcher L. Cork, Staff Assistant; Christine E. Cowart, Chief Clerk; Daniel J. Cox, Jr., Professional Staff Member; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Marie F. Dickinson, Administrative Assistant for the Minority; Gabriella Eisen, Counsel; Evelyn N. Farkas, Professional Staff Member; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member.

Gary J. Howard, Systems Administrator; Paul C. Hutton, IV, Research Assistant; Mark R. Jacobson, Professional Staff Member; Gregory T. Kiley, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Gerald J. Leeling, Counsel; Peter K. Levine, General Counsel; Derek J. Maurer, Minority Counsel; Thomas K. McConnell, Professional Staff Member; Michael J. McCord, Professional Staff Member; William G.P. Monahan, Counsel; David M. Morriss, Minority Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Research Assistant; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; John H. Quirk V, Security Clerk; Benjamin L. Rubin, Staff Assistant.

Lynn F. Rusten, Professional Staff Member; Brian F. Sebold, Staff Assistant; Arun A. Seraphin, Professional Staff Member; Travis E. Smith, Special Assistant; Robert M. Soofer, Professional Staff Member; Sean G. Stackley, Professional Staff Member; William K. Sutey, Professional Staff Member; Kristine L. Svinicki, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Richard F. Walsh, Minority Counsel; Breon N. Wells, Receptionist; Dana W. White, Professional Staff Member.

Mr. LEVIN. Mr. President, I yield the floor. I see my dear friend Senator WARNER is here. Again, I cannot say too often what it means to have as a partner JOHN WARNER of Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much value the friendship and the working relationship we have had together. It would be interesting if somebody wanted to try to look at records. I suppose since this is our 29th bill we have worked on, that might be a bit of a record. But I think also both of us have been chairman three times. That might be a bit of a record too.

But I say to the Senator from Michigan, I give you a most sincere and warm congratulations for your achieving this bill. This is the 19th day the bill was on the floor, and our good friend, the ranking member, was on the floor many of those days. He has called in each day to our distinguished chief of staff, Mike Kostiw, and has talked with me and other members of the staff. So he is very much hands on.

But I think we probably got through with a little less contention this time than in years past. I think that reflects a lot of credit on the distinguished chairman and the distinguished ranking member and the wonderful staff and very active membership by each and every one of the, as you say, 25 members of the Senate Armed Services Committee.

We work well together as a team. People are very proud to be on this committee. They believe they are serving a most noble cause; that is, the men and women of the Armed Forces, and their families, who tonight are on two battlefronts and, indeed, in many other places of personal danger throughout the world, for the sole purpose of guarding freedom and, most importantly, the freedom we have here at home.

So I thank the chairman. I thank all who made it possible, and say, also, how well our two staffs worked together in a bipartisan way to achieve, as you say, a consensus on almost 200 of those amendments. So I think we have done our job, I say to the Senator. It is at a critical time in the course of our country. Again, I wish the men and women of the Armed Forces and their families only the best.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

Mr. WARNER. Mr. President, my chairman has overlooked a minor item.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator given 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

COSTA RICA AND TRADE POLICY

Mr. BROWN. Mr. President, I rise to speak in this Chamber about a story unfolding right now in Costa Rica.

This country of 4 million people is having a national referendum on October 7—next week—on the Central American Free Trade Agreement, the trade deal this Congress passed by a narrow margin a couple of years ago.

CAFTA stipulates that the last signatory country must approve the deal no later than 2 years after the first signatory country implements the agreement.

So over the past 2 years, the United States, El Salvador, Honduras, Guatemala, Nicaragua, and the Dominican Republic enacted the NAFTA expansion.

The Costa Rican people have resisted it.

My colleagues have seen news reports this weekend about a massive rally of fair traders—people who want trade but under different rules—against CAFTA in Costa Rica. Some 150,000 citizens in a country of 4 million people spoke out expressing their opposition to the agreement—150,000 people—and most thought that a conservative estimate.

The pro-CAFTA government gave up efforts to pass CAFTA in the legislature after continued protest against it, including a 2-day general strike last October.

Their is strong opposition to a NAFTA-style agreement. In fact, the issue of whether to approve CAFTA has stirred up such political upheaval that the Government chose to go to a public referendum instead of going to the legislature. Legislators not unlike our peers in Congress did not want to face voters in their home district if they voted for the pact.

The agreement must be implemented as domestic law—meaning Costa Rica has to enact new laws in order for the trade agreement to take effect. That bothers hundreds of thousands of Costa Ricans because they have in place today strong laws on health, on the environment, on education, on privatization, on generic drugs, on all the kinds of issues that have helped to build the middle class in Costa Rica.

Costa Rica is a progressive country. More than a third of its land is protected in national parks. More than 90 percent of its electricity comes from renewals. Costa Rica's high literacy rates are well known, and it has a strong health care system. Its life expectancy is not too different than our own in this country.

Costa Rica's citizens have also seen what NAFTA—the North American Free Trade Agreement—did to Mexico's middle class, and what especially it has done to Mexican farmers, small peasant family farmers.

These factors have created strong resistance to entering into an agreement that can handcuff policymakers from setting progrowth, prodevelopment policies in their own country.

As this Chamber knows, NAFTA/CAFTA-style deals are about a whole lot more than just tariffs and quotas. These agreements are top-down pacts that lock in new rules on investment, on food safety, on services, and on procurement.

This month, the United Nations Conference on Trade and Development issued a report warning developing countries to be wary of bilateral and regional free-trade deals as they are currently written. They warned them against signing these agreements.

The U.N. report cited NAFTA as an example of a trade agreement that may have short-term benefits but does long-term harm. You hear a lot of talk from the Bush administration that free trade is necessary to address poverty. You hear that the "people," as they say, of these mostly poor countries want trade deals like NAFTA.

But what we are seeing in Costa Rica right now is what we are seeing around the globe when it comes to trade deals that purely and simply give too much power to multinational corporations. What we are seeing is a loud and clear demand for change.

We see it in the WTO negotiations, which continue to falter as developing countries resist WTO expansion. We see it in Ohio—in Lorain and Mansfield, in Youngstown and Lima, in Dayton and Chillicothe—where hard-working men and women who have made America the strongest Nation in the world are betrayed by Washington's trade policy.

Presidents from both parties have entered into trade agreements, agreements such as NAFTA, promising they would create millions of new jobs and enrich communities. Instead, too many of these agreements, too often, have cost millions of jobs and devastated communities.

Two years ago, when I served in the House, we created a bipartisan coalition against the Central American Free Trade Agreement. Religious organizations, labor unions, environmentalists, small businesses, human rights advocates, and small manufacturing companies were part of this bipartisan opposition.

The opposition that was evident in Washington and, more importantly, in congressional districts around the country caused the Bush administration to make deals and promises and—in the word's of one sympathetic lawmaker to the Bush administration—helped us so that we "twist[ed] arms until they break into a thousand pieces."

The Bush administration got what it wanted when it pushed NAFTA through. But we won the debate. Today in Costa Rica, we are seeing similar scare tactics taken by the pro-CAFTA administration.

A memo was leaked to the Costa Rican press, and it has caused an uproar for good reason. In this memo, the Costa Rican Vice President and a Member of Congress outlined a plan to President Arias that uses fear, threats to local officials, and attacks on CAFTA opposition as tactics to win the referendum.

The Second Vice President, one of the memo's authors, had to resign from his government office while officials investigate whether any laws had been broken.

The memo states clearly:

> The mayor that does not win his canton—

Which is their political jurisdiction—

> The mayor that does not win his canton (precinct) will not get a penny from the government in the next three years.

It is pretty simple. The memo says the government then needs to "stimulate fear" among Costa Ricans. It even lists the kinds of fear that are effective: Stimulate fear. Create fear of the loss of jobs if CAFTA is not approved. Stimulate a fear of violence and civil strife. Stimulate a fear of Chavez and Castro if Costa Rica does not approve CAFTA.

Specifically, there has been an informational campaign in Costa Rica that if this agreement fails, then the United States will punish Costa Rica by revoking the existing trade benefits that Costa Rica has under the Caribbean Basin Initiative. That is simply patently false.

Costa Rica will continue to benefit from CBI because it is the law. It is a permanent program. Its existence depends on the U.S. Congress, not an edict from the Bush administration.

These tactics should sound familiar to my colleagues who recall the CAFTA debate. These tactics make it very clear that what is at stake—in Costa Rica this week and when this Chamber takes up issues of trade and globalization—is that there are very different competing ideologies. There is the NAFTA ideology and there is the fair trade ideology.

In truth, I believe the defeat of this referendum may actually do more to improve Costa Rican-U.S. relations because it is clear that there is a fair trade movement on the rise in this Chamber, in the House of Representatives, and surely across the land. Look at elections last year in the Presiding Officer's State of Rhode Island, in Ohio, in Pennsylvania, in Missouri, and in Minnesota and Virginia and Montana, because it is clear there is a fair trade movement on the rise in this country and in Costa Rica.

We have reason to hope. If the referendum is defeated, we can create a new trade agreement that benefits workers and communities, small businesses, religious folks, people who care about an economy that works for more of us, that helps us to create a solid, strong middle class, not just supporting the multinational corporations.

We have a choice. The people of Costa Rica have a choice there this week. We can continue with the fair trade model or we can reject the NAFTA and CAFTA models and work together on a new trade deal, a fair trade deal.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA

Mr. McCONNELL. Mr. President, for the past week the world watched the people of Burma rise up against the oppressive regime that rules that country.

Then, the tyrannical junta that has held power for some 40 years, the State

Peace and Development Council, brought out its soldiers and it brought out its guns. They arrested, brutalized, and killed many who bravely stood up to the misrule of this junta.

So while last week the streets were filled with brave monks adorned in saffron robes demonstrating for freedom, today those same streets are occupied by uniformed thugs and lined with barbed-wire barricades. For now the people of Burma have largely fallen silent. But the silence in Burma is a deafening one that we can still hear. Even if the freedom-loving people of Burma had been temporarily quieted, the rest of us can still lend our voices to their cause.

Earlier today, Senator KERRY and I introduced a sense-of-the-Senate resolution condemning the SPDC for its brutality in snuffing out these cries for freedom. We have already been joined by scores of our colleagues on both sides of the aisle, and I know we will be joined by many more. The House of Representatives is slated to pass a similar measure later this week. In this way, the entire Congress of the United States will be able to speak, when the Burmese citizen, the Buddhist monk, the democracy leader Aung San Suu Kyi herself are forced to be silent.

I urge all of my colleagues to join me and join Senator KERRY on this resolution.

I yield the floor.

TRIBUTE TO MAYER MITCHELL

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mayer Mitchell, a great American and human being who passed away on Wednesday, September 26, 2007. A highly successful businessman and remarkable philanthropist, Mayer Mitchell was a personal friend, and along with the entire city of Mobile, I mourn his passing.

Mayer was born in New Orleans in 1933 and grew up in Mobile, AL. He earned his bachelor of science degree in economics at the University of Pennsylvania's Wharton School of Finance in 1953. He then served as an Army first lieutenant in Korea, earning a commendation ribbon with medal pendant for meritorious service.

Returning home to Mobile with his wife Arlene in 1958, Mayer founded, with his brother Abe, the Mitchell Company, a commercial and residential real estate development firm. He went on to serve as its chairman and chief executive officer for the next three decades, selling his interest in the Mitchell Company in 1986.

The company's final total under the oversight of the Mitchell brothers was remarkable, with 25,000 single family homes, 20,000 apartments and 175 shopping centers built throughout the Southeast.

In fact, the current Mitchell Company that descended from a partnership of Mayer and his brother remains the largest private firm in Mobile and is among the top 40 in Alabama. Mayer's business success earned him an induction into the Alabama Business Hall of Fame in 2006.

Mayer Mitchell leaves a legacy of tremendous philanthropy, touching the lives of many residents of south Alabama. Mayer was a tireless proponent of education and health care, serving more than 32 years on the University of South Alabama's Board of Trustees, including a term as chairman.

He was awarded the University of South Alabama's National Alumni Association Distinguished Service Award in 2005 and an honorary doctorate of humane letters in 2007.

The Mitchell family's philanthropy reached all aspects of the campus at the University of South Alabama, from business and medicine to athletics. Mayer will forever be remembered as a legendary figure in the growth of the University. The Mitchell Cancer Institute, the Mitchell College of Business and the Mitchell Center sports and performance complex, proudly bear the family name.

To date, the Mitchell family holds the distinction of having contributed more than any other single family to a public university in Alabama State history.

The Mitchell Cancer Institute alone is a powerful legacy, providing state-of-the-art cancer care to people throughout the gulf coast region. Mayer always explained his deep commitment to cancer treatment through a personal connection. At the age of 36, he was diagnosed with Hodgkin's disease and was given 6 months to live. After 2 years of treatments, Mayer made an extraordinary recovery.

This victory not only shaped his life, but shaped the future of the Mobile region as well. He never forgot that he had to leave Mobile for his own cancer treatment in Rochester, NY, and he vowed to make certain Mobile had its own cancer center in the future.

This experience shaped his generosity and will to persevere in the form of improved quality of health care for every resident in south Alabama.

Although Mayer Mitchell and his family were critical to the tremendous growth of the University of South Alabama, this was not the only object of Mayer's patronage.

A strong friend to Israel, he served a term as president of the American Israeli Public Affairs Committee and served on the board of the Washington Institute for Near East Policy and the Jewish Seminary of America, which awarded him an honorary doctorate.

Mayer supported several other schools and numerous social and religious organizations. His philanthropic service included work with Alabama Power Company, Wright School, Bishop State Community College, Leukemia Society of America, USA Foundation, AmSouth Bank, Altus Bank, Mobile Area United Way, Mobile Area Chamber of Commerce, Mobile Jewish Welfare Fund, Mobile Federation of Jewish Charities, Mobile County Real Estate Association, Archives of American Art, Anti-Defamation League and the Banc Corporation.

His honors include: Jewish Welfare Fund Man of the Year, Outstanding Young Men of America, Prichard Honorary Citizen of the Year, Mobile County Realtor of the Year, and numerous high honors from the Boy's Club of Mobile, Bishop State Community College, University of Rochester, New Orleans Chapter of Hadassah, Alabama Institute for the Deaf and Blind, Mobile Kiwanis Club and the American Hellenic Educational Progressive Association.

Mayer is loved and will be missed by his wife of 54 years, Arlene; his son Richard; his three daughters, Melinda Wertheim, Joy Grodnick and Lisa Bukstein; and eight grandchildren.

He was an inspiration to many and will be remembered for his dedication and many contributions to Mobile and the University of South Alabama.

I ask the entire Senate to join me in recognizing and honoring the life of Mayer Mitchell.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask the indulgence of the Senator from Vermont. I know Senator SESSIONS wishes to add a few words of tribute to Mr. Mitchell, and then Senator SANDERS will have his 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague Senator SHELBY for recalling the remarkable facts of the life of Mayer Bubba Mitchell, one of Mobile's great citizens, a national leader, as well as a local leader, someone who has friends throughout the country and the world. It is remarkable, the extent of his reach and impact. He had a clear vision. He wanted his life to be a life that made the world a better place. He worked at that. He had a strong will to do that. Senator SHELBY and I were talking about that this morning. It was remarkable. He had an ability to get things accomplished. To me, one of his most remarkable characteristics was the fact that he could have many different activities going on, but he always seemed to complete each one of them and get it done successfully.

At a final AIPAC banquet he attended, realizing it would be his last—it was recalled at his funeral service Friday—he asked these questions about himself but really applying to others. I think it would apply to all of us in the Senate. Knowing that he would not be back, he asked: Have I done enough? Have I done my best? Have I made a difference? All of us ought to ask those questions more and would probably be better performers when we do.

His wonderful partner Arlene is such a fabulous person, so well liked, a former Mobilian of the year. She is so gracious. His son Richard spoke so movingly at his memorial service. His son-in-law Jimmy Grodnick likewise, married to his wonderful daughter Joy, made remarks. His grandchildren read from the Talmud such wonderful passages that reflected his values. His brother Abe, who has been a partner in business and in so many of these activities, told me afterwards it wasn't over. He still had things he wanted to do and he would continue to work at them. I know that is exactly what Mayer would have liked.

The business school I visited at the University of South Alabama is so well endowed by the Mitchell family. The athletics center, the Mitchell Center, is where his memorial service was held, the sports complex. And perhaps in the long term, the greatest financial investment he and his family made is in the Mitchell Cancer Center that will be a place for research as well as treatment of those who have suffered with cancer, because he felt so blessed, having been allowed to survive what many said at the time was a fatal disease.

So many people came from all over the country to that service, it was really remarkable, including the Republican leader in the Senate, MITCH MCCONNELL, who himself came down and was an honorary pallbearer. He was on a first-name basis with Presidents. Indeed, I am aware that President Bush called him twice in recent months. Foreign leaders, Senators, and Congressmen were on a first-name basis with him. His life is a testament to what can happen when a person focuses his life on making a positive difference in the world and living a good life. He accomplished those things. Probably outside of a public official, he was on a first-name basis with more Senators than maybe any other person in our country. There may be some others, but not many would know as many and be as well respected as he was over the years.

I appreciate the opportunity to make these remarks. Not only did he serve on the board, chairman of the board of the University of South Alabama for 32 years, he gave hours and hours of his time and attention and ideas and ability to making that the great university it is. So he not only gave money, he gave of his time and of himself to make it the great university it is. Gordon Moulton, the president, certainly reflected that in his remarks.

I thank the Chair and Senator SHELBY for his excellent remarks and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, Mayer was a wonderful man who a lot of us got to know because of his leadership role in the American Israel Public Affairs Committee. This was a wonderful gentleman, the exemplification of the American dream. He worked extremely hard, made a great success of himself for his family, for his community, for his country. He loved America. He was devoted to Israel and devoted to the strength of the United States-Israel relationship. He was a great American patriot. I don't want to take the time to describe it now, but I am personally grateful for him for the ways in which he stuck with me at tough times in my own career. He didn't just stick with me, but he sort of worked at it to make sure everything came out all right. He was a good friend, a good man. God bless his soul.

HONORING OUR ARMED FORCES

STAFF SERGEANT ZACHARY TOMCZAK

Mr. JOHNSON. Mr. President, I wish to pay tribute to SSG Zachary Tomczak and his heroic service to our country. As a member of the Army's 325th Airborne Infantry Regiment of the 82nd Airborne Division based in North Carolina, Staff Sergeant Tomczak was serving in support of Operation Iraqi Freedom. On September 25, 2007, he was killed in action in Baghdad.

A Huron native, Zachary joined the Army in June 2002 and took great pride in serving his country. His graduation from Ranger School at Fort Benning, GA, in May is described by his father as "one of the proudest moments for him and for me." His captain remembers him as "a leader, mentor, warrior, Ranger, hero." Zachary was on his fourth tour of duty in Iraq and had earned the Purple Heart and Bronze Star Medal, among other awards.

A hard worker, Zachary enjoyed hands-on projects and worked for a construction company during high school. He also enjoyed spending time four-wheeling, pheasant hunting, and deer hunting. Friends and family will remember Zachary's love for life and easygoing personality.

Sergeant Tomczak gave his all for his soldiers and his country. Our Nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family of Staff Sergeant Tomczak. He will be missed, but his service to our Nation will never be forgotten.

PRIVATE FIRST CLASS CHRISTOPHER PFEIFER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of United States Army PFC Christopher Pfeifer of Nebraska. Private First Class Pfeifer died on September 25 from injuries he sustained near Kamu, Afghanistan, when insurgents attacked his unit on August 17. He was 21 years old.

Private First Class Pfeifer grew up in the small town of Spalding, NE, where he played eight-man football at Spalding Academy, as well as the drums in the band. He was assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team based in Schweinfurt, Germany. All the flags in Spalding, a town of about 600 people, are at half-mast in honor of Private First Class Pfeifer.

Private First Class Pfeifer is remembered as a devoted husband, son, and brother. Sadly, he was denied the chance to become a proud father; his wife Karen gave birth to a baby girl the day after his death.

All of Nebraska is proud of Private First Class Pfeifer's service to our country, as well as the thousands of other brave Americans serving in Iraq and Afghanistan.

In addition to his wife and newborn daughter, he is survived by his parents, Mike and Dar, his brother Aaron, and his sister Nicki.

I ask my colleagues to join me and all Americans in honoring PFC Christopher Pfeifer.

HEALTH INSURANCE

Mr. GRASSLEY. Mr. President, I am here today to talk about health insurance. Congress is well aware of the ever increasing number of the uninsured. Not to mention the fact that health costs continue to rise at an alarming rate. Make no mistake, the numbers are sobering.

But I am not here to dwell on the past and present. I stand here today to talk about the future. I stand here to discuss ways to expand access to health insurance and to change the inequities in the tax treatment of health insurance.

During the debate on SCHIP, I engaged in a colloquy with Senators BURR, COBURN, MARTINEZ, CORKER, and BENNETT. During that exchange, I explained that, currently, a taxpayer who receives health insurance through his or her employer is not taxed on the cost of the health coverage. I also explained that individuals who do not receive health coverage through their employer generally do not receive a tax benefit. Similarly, a tax benefit is not afforded to people who are not employed and purchase health insurance on the individual market.

I noted that Republicans and Democrats alike agree that Congress should "level the playing field" and expand access to health insurance. The question is how. Senators BURR, COBURN, MARTINEZ, CORKER, and DOLE have introduced a proposal that would eliminate the exclusion for employer-provided health coverage. It would provide a flat tax credit to all Americans who purchase "qualifying health insurance." I commend the Senators for their leadership, and I intend to work with them on ways to expand access to health insurance.

Senators WYDEN and BENNETT have also introduced a proposal that would expand access to health insurance. Senators GREGG, BILL NELSON, and ALEXANDER have cosponsored the proposal. Most recently, Senators STABENOW, LANDRIEU, and COLEMAN cosponsored the legislation. This bipartisan legislation is a "patient-driven" approach to reforming our health care system. I want to stress, a "patient-driven" approach to reforming health care.

A "patient-driven" approach means the patient can shop for their own health care in a competitive marketplace, which will allow them to choose the type of health insurance that meets their needs. Many in the Democratic Party, including several of the Democratic Presidential candidates, want a government-run single-payer health care system that is not "patient-centered." This is a nonstarter and is bad policy. Recent polling shows that the American public thinks so. That is, the majority of Americans do not want a government-run system.

I want to reform the health care system through the Tax Code. I want to cap or eliminate the exclusion for employer-provided health coverage and offer Americans a choice between a tax credit and a deduction for health insurance. I want to condition these tax subsidies on States undertaking certain insurance reforms. I want to give the States the flexibility to decide what types of reforms are best for their constituencies.

This "patient-driven" approach—with insurance reforms and changes in the tax treatment of health insurance—should make health insurance more affordable. And it should significantly reduce the number of the uninsured.

During my tenure in the Senate, I have sought to build bridges between Republicans and Democrats. I believe that there are times where Republicans and Democrats need to come together to produce results.

An example of my efforts to work in a bipartisan manner is the bipartisan SCHIP legislation that was overwhelmingly passed by this body. In the spirit of bipartisanship, I join Senator WYDEN in cosponsoring the Healthy Americans Act. The Healthy Americans Act is a "patient-driven" approach to reforming our health care system.

While I support this "patient-driven" approach, I have serious concerns about a number of the provisions of the Healthy Americans Act. For example, like many of the Democratic Presidential candidates, the act would require all individuals to buy health insurance. I support accessibility to private insurance and differ with my colleagues on this point. Also, Senator WYDEN's approach is more regulatory than I would prefer.

In addition, I am not endorsing the repeal of the noninterference clause in Medicare Part D. That is not going to be on the table. So my cosponsorship is not an endorsement of these elements. Instead, I am cosponsoring the Healthy Americans Act to add my voice to the call for significant changes in our health care system.

What we have here is Republicans and Democrats coming together to solve a problem. This is what bipartisanship is all about. We are all on the same page when it comes to the big picture; that is, reforming our health care system and expanding access to health insurance.

We have serious problems, and we need serious people to solve them. So let's put politics aside, roll up our sleeves and work in a bipartisan way to reform our health care system.

Make no mistake, my cosponsorship of the Healthy Americans Act is only one step in the process. I intend to work with Senators BURR, COBURN, MARTINEZ, CORKER, and DOLE on their health care reform proposal. I intend to work with Chairman BAUCUS and members of the Senate Finance Committee on small business health reforms, along with more comprehensive health care reform proposals like the Healthy Americans Act. Let's get serious.

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I wish today to pay tribute to the contributions of Hispanic Americans as we commemorate Hispanic Heritage Month. This occasion welcomes the opportunity to celebrate the achievements made by Hispanic Americans to enrich the culture and day-to-day life of the United States.

Today, there is no denying the strength and impact of Hispanic Americans, who are now more than 40 million strong. In my home State of New Mexico, 44 percent of the total population is made up of people of Hispanic descent, which according to the Census Bureau, is the largest proportion of any State in the Union. What has truly been remarkable to me over the years is the extent to which the Hispanic community has thrived in every facet of civic life.

For instance, I am proud to call attention to the remarkable achievement of PFC José F. Valdez, one of 48 Hispanic American Medal of Honor recipients. Born and raised in Governador, NM, José served during World War II near Rosenkrantz, France. He heroically saved the lives of his fellow comrades by engaging in a firefight which allowed the soldiers to escape after an enemy counterattack. Similar tales of bravery are prevalent in the history of Hispanic Americans, who have served with distinction in every U.S. military campaign including our current engagements in Iraq and Afghanistan.

In the areas of science, medicine, sport, art, business, and public service, the various achievements of the Hispanic community are immeasurable. This year, Hispanic Business magazine celebrated its 25th anniversary by profiling 500 of the largest Hispanic-owned companies in the United States, a nearly tenfold increase from the magazine's initial listing in 1982. These companies boast total revenues of $36.6 billion, which is a sizable contribution to the American economy.

Twenty-five of these top-ranked companies join me in calling New Mexico their home. At the top of this list is Manuel Lujan Agencies from Albuquerque, NM, which has also been awarded "Most Admired Company" by New Mexico's top 100 private companies. Also included in this list is Centinel Bank of Taos in Taos, NM, which is one of the very few minority-owned financial institutions in the United States. I am pleased that Manuel Lujan Agencies and Centinel Bank of Taos are joined by such firms as Roses Southwest Papers, Applied Tech Associates, Networx and Sparkle Maintenance Inc. The fact, is Hispanics in New Mexico today lead a growing number of firms that help set the pace for a growing economy in my State, and many of them are firms involving high technology, construction, and service industries.

While there is no doubt that Hispanics have fought to protect our freedoms and made advancements in the corporate world, they are also leaving their imprint on the world of entertainment through sports and the arts. Of the athletes currently playing in the National Football League, 24 players are of Hispanic descent. These players are represented on 16 teams across the country, and during a recent football matchup, Grammy winners Gloria Estefan and the musical group Ozomatli performed the national anthem at the halftime show in honor of this month's celebration. In my home State, music legends like Al Hurricane and the popular Tobias Rene add to the rich cultural contributions being made to our society.

I encourage Americans to take this moment to remember all of the areas of our society that have been influenced by the Hispanic community. I would also like you to recall the sacrifices Hispanics have made to preserve the liberties and freedom that make America a beacon of hope to millions around the world. These men and women have stood up as proud Americans and volunteered to protect their families and communities during the global war on terror. Our Nation is stronger because of these men and women. They deserve the gratitude of the Nation for their sacrifices.

The tradition of Hispanic Heritage Month dates back almost 40 years. In 1968, Congress started by designating a week to celebrate Hispanic heritage. By the early 1980s, we decided to extend the designation to cover a month starting on September 15. The extra time has been a necessary and appropriate change to allow us to recognize the long record of contributions Hispanic Americans have made to our communities and to our Nation. I call on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the month with appropriate ceremonies and activities.

COMMENDING JIM NICHOLSON

Mr. ALLARD. Mr. President, it is my distinct pleasure to recognize my friend and fellow Coloradan Jim Nicholson. Although it is with sadness that his resignation takes effect this week, I would like to take this time to commend him for his service as the Secretary of the Department of Veterans Affairs.

Jim is a veteran's veteran. As a West Point graduate, Army Ranger, highly decorated Vietnam war veteran, and 4 years of service as the ambassador to the Holy See, Jim was well prepared and highly qualified for the duties as the Secretary of Veterans Affairs. Jim was nominated by President Bush to serve as Secretary in December of 2004 and was subsequently confirmed unanimously by the Senate. The confidence bestowed upon Jim Nicholson by the President and all of those who gather here speaks to his unassailable ability to assist our veterans. Sworn into office on February 1, 2004, Jim readily assumed his role as the primary advocate for veterans.

Jim accepted control of the VA at an extremely difficult time and has proven himself to be the right man for the job. He was asked to serve his country in a new capacity and brought with him a great sense of honor and duty. In this time of war, Jim has worked tirelessly to ensure that the VA meet the current needs of those veterans returning from Iraq and Afghanistan. Although there is great urgency in caring for our recently wounded service men and women, Jim has also understood the crucial need to continue to provide the utmost care for our veterans and warriors of past generations. Under his leadership, the VA has earned higher marks for medical services than the private health care industry for customer satisfaction, according to the American Customer Satisfaction Index, for the seventh consecutive year. He has helped to give all our veterans the care they deserve, as they have sacrificed so much for all of us.

I have personally worked with Jim for years. I would especially like to thank him for the instrumental role he played in reinvigorating the construction of a new VA hospital in Aurora on the Fitzsimons campus. Without his support, this project would not have progressed to the point it is at today. This hospital will prove to be a great asset for our veterans in Colorado, and Secretary Nicholson should be commended for his efforts.

As we celebrate the service of Secretary Nicholson, I had also like to take this opportunity to thank his family, notably his wife Suzanne, whose endless support is undoubtedly valued and is greatly appreciated. Jim Nicholson has served this country with honor and valor in many capacities. I will certainly miss Secretary Nicholson, and wish him and his family the best of luck in the future. I thank him for his exceptional service on behalf of all our veterans.

50TH ANNIVERSARY OF THE U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND

Mr. SESSIONS. Mr. President, it is with great pleasure that I recognize the celebration of the 50th anniversary of the U.S. Army Space and Missile Defense Command, an organization that is headquartered in Huntsville, AL.

On this day, October 3, 1957, the Army activated the Redstone Anti-Missile Missile Systems Office. With a staff of 5 military and 19 civilians, this organization set the foundation of the Army's space and missile defense programs. From these beginnings, they have become an international organization of more than 2,000 military and civilians devoted to providing around-the-clock space and missile defense research and development and operational capabilities. I wish to express my congratulations to the Army community in northern Alabama for their splendid record of achievement in space and missile defense and to ask my colleagues to join me in saluting them for their contributions to the security of our Nation and her warfighters.

This organization and the U.S. Army have led the Nation in space and missile defense from the 1957 authorization to proceed with the Nike Zeus system to the deployed hit-to-kill national and theater missile defense systems today. Along the way, the Army's missile defense team has achieved a number of significant milestones: the first successful intercept of an intercontinental ballistic missile, ICBM, in 1962; the first deployed ballistic missile defense system in the United States in 1975: the first non-nuclear intercept of an ICBM in 1984; the first kinetic energy intercept of a tactical missile in 1987; and the first directed energy intercepts of rockets in flight in 1996. Their battletested products are currently deployed around the world defending our Nation, our service members, and our allies.

In 1957, missile defense brought a new facet to the Army's exploration of space in the 1950s. As missions changed, it remained constant. In the 1970s, the Army returned to space exploration with a precedent setting tactical exploration program. From the 1970s through Operation Desert Storm, the first space war, space has become an integral element of the warfighter's life. Since then, this organization has become the focal point for Army Space. They provide research and development to expand the possibilities provided by space. They have established a brigade of space soldiers dedicated to space superiority and the application of space technology. And today, space soldiers and technologies continue to provide battlefield communications, satellite imagery and analysis, three-dimensional visualization, guidance information, precise early warning of threat missiles, and a host of other space-based capabilities tailored for the warfighter.

Together with their Government and industry teammates, the future of space and missile defense rests in the hands of the men and women who work in this Army organization in Huntsville and Colorado Springs, as well as other locations throughout the world.

Mr. President, I salute Huntsville, the surrounding area, and the hardworking men and women of this great region of our country. Most importantly, I wish to extend a warm and hearty congratulations to the U.S. Army Space and Missile Defense Command team for a job well done, and best wishes for its continued success during the next 50 years and beyond. Secure the high ground.

NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, this past Saturday was National Public Lands Day. On September 29, hundreds of thousands of citizens from across the country volunteered to give their time to improve our public lands. These volunteers cleared obstructed trails, picked up litter, planted trees, removed invasive species, and taught young Cub Scouts and Girl Scouts about camping. I commend all volunteers for their commitment.

Now in its 14th year, National Public Lands Day has become the largest grassroots volunteer effort on behalf of our public parks, rivers, lakes, forests, rangelands, and beaches. Last year, an estimated $11 million worth of labor intensive work was carried out, and this year it is expected that $12 million of improvements were added to America's public lands.

On Wednesday, September 27, the front page of USA Today displayed a picture of Coeur d'Alene, ID, with a headline that read "No end in sight for Idaho's growth." The article went on to provide a breakdown of how Idaho's economy has remained strong despite the current slump in the housing market. It reads, "[An] ingredient in Idaho's boom has been the "amenities business"—hiking, hunting, fishing, skiing, whitewater rafting—that attracts tourists and new residents, from billionaires to young outdoor enthusiasts."

Today Idaho is experiencing a new brand of tourists and a new brand of neighbors moving in down the street. These people are focused on the vigorous quest for a quality of life that includes the enjoyment of the outdoors. What ties the third generation Idahoan to a newcomer is an appreciation for the resources and the value that multiple uses contribute to our livelihoods and communities.

The USA Today article also points out that "[t]he federal government owns about two-thirds of the land in Idaho, mostly national forests. The state has 21 million acres of roadless wilderness, about the size of South Carolina and more than any state except Alaska." Public lands have much to offer and are very beneficial for Idaho.

There are a myriad of different resources that can be responsibly harvested or extracted from our public lands. From sustainably managed forests to livestock use to oil and geothermal potential, these lands hold the resources Americans rely on to achieve the standard of living that we have today.

Using the resources on our own public lands, as opposed to relying on foreign resources, affords us the opportunity to fund schools, highways, and national defense, all the while easing the financial burden on the taxpayers.

There are those, however, who would prefer to see land management agencies take more of a preservationist role, prohibiting access to our national forests, parks, beaches, and rangelands and leaving nature to run its course. This is not a value that many Idahoans hold, and neither do I.

We must actively manage our lands so that the recreational and resource benefit can be utilized by every American citizen. Under certain circumstances, active management includes limited access in specific areas; however, we must be cautious not to be overly restrictive of public access to public lands. The same holds true for natural resource management. We cannot use a one-size-fits-all management style when there are so many differing opinions on how to best utilize our domestic natural resources.

In closing, I want to again say thank you to the volunteers for their tremendous efforts to ensure that the public lands we enjoy today will be enjoyed by many, for years to come.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

RETIREMENT OF RICK DIEGEL

• Mrs. CLINTON. Mr. President, I would like to take a moment to recognize the distinguished career of a man who has devoted his life to improving the welfare of working men and women.

Rick Diegel hails from Texas, where he worked as a journeyman wireman and foreman. He served his country in the U.S. Air Force from 1964 to 1968, and is a veteran of the Vietnam War. He also served 3 terms as the mayor pro-tem of the City of Ingleside, Texas, and was elected business manager of International Brotherhood of Electrical Workers Local 278 in Corpus Christie in 1977. He held this post until 1983, when he was appointed to the International Office of IBEW as the director of their Committee on Political Education. In 1998, he became director of the Political/Legislative Department, a position he has held to this day.

For nearly four decades, Rick has fought to improve the working and living standards for our Nation's workers. As director at the International Office, Rick spearheaded the modern political program of the union, and transformed the way that unions effect legislative change. He worked to get more IBEW members elected to office than any other union, and he established a full-time grassroots mobilization program at IBEW to give even a louder voice to workers' needs.

Throughout his career, Rick has been a forceful advocate for the approximately 750,000 members who work in a wide variety of fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government. Rick has served as a powerful champion for the labor movement, not only because he was a skillful advocate on behalf of workers, but also because he encouraged workers to make their individual voices heard. Rick understood the importance of workers engaging in the political process to elect members who made workers' rights a priority.

Rick Diegel is a dear friend and an invaluable ally in the fight to support America's workers. He has left an indelible mark on the country he has served his entire life, and he has improved the lives of millions of workers. I wish him a retirement full of health and happiness.•

HONORING MICHAEL HOOFFSTETTER

• Mr. DOMENICI. Mr. President, I wish today to recognize a fellow New Mexican, Michael Hooffstetter, for his hard work and advocacy on behalf of individuals living with Parkinson's disease.

Michael is in Washington this week receiving a very prestigious award from the Parkinson's Action Network, the Milly Kondracke Award. The award's namesake was a well-known Parkinson's advocate who worked tirelessly to increase awareness of this disease and support Federal funding for research until her death in 2004. The award is presented annually to an advocate who demonstrates the incredible strength of spirit and commitment to advocacy that Milly demonstrated. I am very pleased that this year's recipient is Michael Hooffstetter.

Each of the last several years, Michael and others from New Mexico have come to Washington and met with me to discuss programs that help those suffering with Parkinson's disease. As the New Mexico State coordinator for the Parkinson's Action Network, Michael speaks candidly about his disease, the treatments he has undergone, and the effect it has had on him and his family. Michael's Air Force service has given him a special interest in the Department of Defense Neurotoxin Exposure Treatment and Research Program. I have always appreciated his honesty and insight and admire him for his advocacy.

Michael Hooffstetter has helped many people by dedicating his time and efforts through the Parkinson's Action Network. I congratulate him for this award.•

HABITAT FOR HUMANITY

• Mr. DOMENICI. Mr. President, I wish today to congratulate the New Mexico affiliates of Habitat for Humanity on the completion of their 500th house. This house was built for Frances Marquez and her daughter, 11-year-old Amanda Marquez in San Pedro, NM, which is located right outside of Española. The Española and Los Alamos affiliate of Habitat for Humanity gathered 100 people from Espanola Valley to volunteer on this project and bring a real sense of community to the Marquez family's new home.

This particular house was a very special project. It involved the community not only through the volunteers who built the house, but also through the suggestions of Northern New Mexico College surveying students who helped draft the plans for the house. Drafting instructor Jeff Toomey brought this project to his class in order to give them a real-world lesson on drafting plans for a client. Thanks to their input, this house was specially designed to meet the needs of the Marquez family.

Habitat for Humanity is responsible for the creation and rehabilitation of over 150,000 homes since its 1976 inception. In my home State of New Mexico, there are 18 affiliates of Habitat for

Humanity who have improved the lives of families and communities by striving to provide safe and affordable housing. As a Senator, I am always looking for ways to help New Mexico communities be the best that they can be, and thanks to organizations like Habitat for Humanity, this common goal can be accomplished.•

TRIBUTE TO GRACE PALEY

• Mr. SANDERS. Mr. President, I wish to acknowledge the recent passing of Grace Paley. Grace, who called Vermont her home, was a renowned and award-winning short story writer, a political activist, a wife and mother.

Although she spent much of each year in Thetford, VT, and we considered her an adopted Vermonter, her fiction was set in the apartments, streets and neighborhoods of New York City. Grace Paley was not attracted to the bright lights or famous personalities or glitter of New York; however, she was attracted to the quotidian lives and the interpersonal and ethical problems faced by people very like ourselves. As Grace once said, "I'm not writing a history of famous people, I am interested in a history of everyday life." She wrote about them in her two most noted collections of stories, "The Little Disturbances of Man" and "Enormous Changes at the Last Minute." And she wrote beautifully, and with great sensitivity to both the spoken language and to human relationships. Her work gathered enormous critical acclaim. She was one of the great short fiction writers of our age.

Her home in Thetford, VT, was not some weekend getaway, some means of unwinding from the hectic pace of life in the big city. For Grace, Thetford—and the State of Vermont—was a place where she could carry on her long-standing struggle for peace and for social justice. She was an active, a very active, presence in the local community. Whether it was through her long-standing commitment to bringing peace to the world or her many local readings of her fiction, Grace Paley was a presence in our lives—and a beloved local figure. She never sought the spotlight, but she did not shy away from it when she felt her cause was just. She lived her convictions and served as a model for generations of women, of Vermonters, of activists.

In recognition of her contributions to Vermont, Grace Paley was awarded the title of "Vermont State Poet" in 2003, a position that had been held previously by Robert Frost, among others. She was also awarded the title of "New York State Writer" by Mario Cuomo in 1986. It is a fitting testimony to the quality and importance of her literary work that both States, which she called home, chose to honor her in this fashion.

Grace Paley will be sorely missed, but her work, her passion for peace and justice, and her love of her fellow Vermonters will not be forgotten.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of January 4, 2007, the following enrolled bills and joint resolutions, previously signed by the Speaker of the House, were signed on September 28, 2007, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

H.R. 976. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt.

H.J. Res. 52. Joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on September 29, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Under authority of the order of the Senate of January 4, 2007, the enrolled bill was subsequently signed on September 29, 2007, by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008" (Rept. No. 110–186).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States (Rept. No. 110–187).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. ALEXANDER, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. ISAKSON, Mr. KERRY, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. ROBERTS, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 2119. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. MARTINEZ, Mr. BIDEN, Mr. LUGAR, Mr. DODD, Mr. COLEMAN, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, Mrs. BOXER, Mr. NELSON of Florida, and Mr. CARDIN):

S. 2120. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2121. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. OBAMA, and Mr. SANDERS):

S. 2122. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Mr. DOMENICI, Ms. MIKULSKI, Mr. MARTINEZ, Mrs. MURRAY, Mr. SMITH, Mrs. CLINTON, Ms. SNOWE, Mr. OBAMA, Mr. SPECTER, Mr. SANDERS, Mr. BROWN, Mr. STEVENS, Mr. LIEBERMAN, Mr. SUNUNU, and Mr. PRYOR):

S. 2123. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 2124. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States relative to Proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN:

S. Res. 338. A resolution supporting the goals and ideals of National Passport Month; considered and agreed to.

By Mr. KERRY (for himself, Mr. MCCONNELL, Mr. BIDEN, Mr. LUGAR, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. COLEMAN, Mr. FEINGOLD, Mr. KENNEDY; Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mr. HAGEL, Mr. MCCAIN, Mr. SCHUMER, Mr. CASEY, Mrs. CLINTON, Mr. OBAMA, Mr. CARDIN, Mr. BINGAMAN, Mr. BROWNBACK, Mr. SUNUNU, Mrs. HUTCHISON, and Mr. WHITEHOUSE):

S. Res. 339. A resolution expressing the sense of the Senate on the situation in Burma; considered and agreed to.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. SALAZAR):

S. Res. 340. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 334

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 335

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 741

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 741, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

S. 759

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 759, a bill to prohibit the use of funds for military operations in Iran.

S. 803

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 969

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1139

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1139, a bill to establish the National Landscape Conservation System, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1568

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1627

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1773

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1773, a bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents.

S. 1791

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1791, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize, and increase funding for, the biodiesel fuel education program.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Montana (Mr. TESTER), the Senator from Tennessee (Mr. CORKER), the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1970

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S.J. RES. 13

At the request of Mr. GREGG, his name was added as a cosponsor of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S.J. Res. 13, supra.

S. RES. 319

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 319, a resolution expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary.

AMENDMENT NO. 2068

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2068 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2905

At the request of Mr. SANDERS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2905 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3024

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 3024 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3032

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3032 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3058

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 3058 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3058 proposed to H.R. 1585, supra.

AMENDMENT NO. 3078

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3078 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3082

At the request of Mr. SANDERS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 3082 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. OBAMA, and Mr. SANDERS):

S. 2122. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I am pleased today to join my colleague, Senator MURRAY, in introducing legislation—the Facilitating Outstanding Classrooms Using Size Reduction (FOCUS) Act of 2007—that will provide $2 billion in funding to help, States and school districts hire 100,000 new teachers to reduce class size, particularly in the early grades.

When a teacher is responsible for a classroom of 25, 30, or more students, how can we expect each student to receive enough time and attention? One pillar of our education system should be small classes. The body of research around class size has consistently shown that smaller classes improve student performance, including reading and mathematics, in the early grades as well as in subsequent years when students are placed in larger classes. Research also shows that at the end of fifth grade, students who were in small classes in first through third grades were about half a school year ahead of students from larger classes in all core subjects—reading, language arts, math, and science. Additionally, studies have found that students from small classes earn better grades in high school, take more advanced courses, and are more likely to take college-entrance exams. They are also more likely to graduate from high school than students in larger classes.

Small classes also enable teachers to teach better. Any teacher will tell you that small classes make a difference. Small classes allow teachers to spend more time on instruction, get to know their students better, spend less time on discipline problems, and better identify students who need individually tailored assistance. The difference between teaching large classes and teaching small classes is substantial, and the pedagogy required for each differs.

I have stood with Senator MURRAY on previous legislation to reduce class size in our Nation's schools, and I am proud to stand with her again today in support of a class size reduction bill. The bill we offer today strengthens our earlier efforts to reduce class size. First—the FOCUS Act would provide a dedicated funding stream for class size reduction. The No Child Left Behind Act incorporated the Class Size Reduction Program into title II of the Elementary and Secondary Education Act. The Murray-Biden FOCUS Act would create a separate funding stream in title V for the class size reduction initiative—ensuring that efforts to reduce class size would not have to compete for funding with a broad array of other teacher and administrator professional development and training funds.

Another provision that has been added are instructions that States and schools districts allocate their funding in a manner that creates a continuum of small classes for students as they progress from kindergarten to third grade and beyond. Research has shown that the benefits of attending small classes are the greatest for students in kindergarten through third grade, with further benefits accruing to those students for each additional year spent in small classes. The ultimate goal is that a student in the kindergarten grade matriculates through first, second, and third grades—each with an average class size of 18 students or less.

The bill also establishes a Web-based National Clearinghouse on Class Size that would provide research, best practices, and resources for small classroom instruction. This information needs to be broadly available and easily accessible to the education community as well as the public.

Additionally, the legislation requires an independent evaluation to be conducted to determine the impact and effectiveness of the initiative and the National Center for Education Statistics to report on average class size data. It is imperative that we understand, objectively, how these funds are spent, and what outcomes are achieved.

Mr. President, the ultimate success of our education system depends on teachers. Ask any teacher if it matters whether they are teaching a class of 18 students or 25 students and you will get the same answer every time: absolutely. Smaller classes will provide teachers with the resources they need to create the opportunities for learning that our students deserve.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Mr. DOMENICI, Ms. MIKULSKI, Mr. MARTINEZ, Mrs. MURRAY, Mr. SMITH, Mrs. CLINTON, Ms. SNOWE, Mr. OBAMA, Mr. SPECTER, Mr. SANDERS, Mr. BROWN, Mr. STEVENS, Mr. LIEBERMAN, Mr. SUNUNU, and Mr. PRYOR):

S. 2123. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GREGG today in reintroducing the Public Safety Employer-Employee Cooperation Act, to guarantee that all firefighters, police officers, emergency medical personnel, and other first responders across the country have fundamental collective bargaining rights. The issue is one of basic respect for this valuable workforce, and I urge all of my colleagues to support this bipartisan bill.

The first responders of our State and local governments are on the front lines of the effort to keep America safe. They perform difficult, exhausting work, day and night, to preserve and protect our communities. In this post-9/11 era, they have an indispensable role in homeland security as well. It is vital to our national interest to ensure that these essential public services are carried out as effectively as possible.

Strong partnerships between first responders and the cities and States they serve are vital to public safety. Studies show that cooperation between public safety employers and employees improves the quality of services communities receive and reduces worker fatalities. These strong, cooperative partnerships are built on bargaining relationships. Every New York City firefighter, emergency medical technician, and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement, and those agreements strengthened their ability to respond in that time of crisis.

Unfortunately, many first responders across the country do not have basic workplace protections. Twenty-nine States and the District of Columbia guarantee all public safety workers the right to bargain collectively, but 21 States deny some or all of their public safety workers this fundamental right.

Our Nation's first responders have earned the right to be treated with respect. The Cooperation Act will ensure that they receive that respect and will benefit from the same protections enjoyed by many other workers across the country. The bill gives public safety officers the right to bargain over wages, hours, and working conditions, and ensures that these rights are enforceable in State court. It also provides an efficient and effective means to resolve disputes in labor-management conflicts.

The Cooperation Act accomplishes these important goals in reasonable, moderate ways. States that already have collective bargaining in place for public safety workers are not affected

by the bill. States that do not currently provide these protections may establish their own collective bargaining systems or ask the assistance of the Federal Labor Relations Authority in doing so. This approach respects existing State laws and gives each State full authority to decide how it will comply with the basic standards.

America's public safety workers are prepared to put their lives on the line for their community each and every day. They deserve a voice at the table in the life-and-death decisions about their work. It is essential for their safety, the safety of our communities, and the safety of our entire Nation. It is a matter of basic fairness for these courageous men and women to have the same rights that have long benefited so many other Americans. I urge Congress to act quickly to provide these fundamental protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 338—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PASSPORT MONTH

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas, through international travel, Americans can individually play a major role towards improving foreign relations by building bridges and making connections with citizens of other countries;

Whereas interacting with the global community inspires Americans to reflect on the diverse multi-cultural background that has defined the United States as a great country of cooperation and progress;

Whereas having a passport and traveling abroad creates connections with the global community;

Whereas having a passport and traveling abroad promotes understanding and goodwill throughout the world, opening the doors to increased peace, tolerance, and acceptance;

Whereas having a passport and traveling abroad opens up a wealth of educational opportunities and experiences for Americans of all ages;

Whereas having a passport and traveling abroad enables Americans to see first-hand the effect of the United States on the world, including the tremendous amount of humanitarian aid given by the United States through both public and private sectors;

Whereas having a passport and traveling abroad reminds Americans that they are members of a global family and gives them opportunities to mend rifts around the world;

Whereas fewer than 23 percent of Americans have passports, thereby limiting their ability to travel outside the United States;

Whereas the more Americans travel outside the United States, the more they will experience opportunities to increase their understanding of the world and the place of the United States in it;

Whereas the creation and support of a National Passport Month signals to Americans the important role they can play as ambassadors for the United States by serving as agents of understanding, tolerance, and mutual respect; and

Whereas travel publishers along with travel editors from the most prestigious media outlets in the United States, student travel organizations, and book sellers have designated September as "National Passport Month" to educate the public about the importance of having a passport and the positive impact international travel has on individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Passport Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Passport Month with appropriate ceremonies, programs, and activities.

SENATE RESOLUTION 339—EXPRESSING THE SENSE OF THE SENATE ON THE SITUATION IN BURMA

Mr. KERRY (for himself, Mr. MCCONNELL, Mr. BIDEN, Mr. LUGAR, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. COLEMAN, Mr. FEINGOLD, Mr. KENNEDY, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mr. HAGEL, Mr. MCCAIN, Mr. SCHUMER, Mr. CASEY, Mrs. CLINTON, Mr. OBAMA, Mr. CARDIN, Mr. BINGAMAN, Mr. BROWNBACK, Mr. SUNUNU, Mrs. HUTCHISON, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas hundreds of thousands of Burmese citizens, including thousands of Buddhist monks and students, engaged in peaceful demonstrations against the policies of the ruling State Peace and Development Council (SPDC), demanding that the State Peace and Development Council release all political prisoners, including Nobel Peace Prize laureate Daw Aung San Suu Kyi, and urging that the government agree to a meaningful tripartite dialogue with Suu Kyi, the National League for Democracy (NLD), and the ethnic minorities towards national reconciliation;

Whereas the State Peace and Development Council violently dispersed the peaceful demonstrators, killing at least 10 (and reportedly more than 200) unarmed protesters, including a number of monks and a Japanese journalist, and arrested hundreds of others, and continues to forcibly suppress peaceful protests;

Whereas the National League for Democracy won a majority of seats in the parliamentary elections of 1990, but the State Peace and Development Council refused to uphold the results or to negotiate a transition to civilian rule and subsequently placed Aung San Suu Kyi under house arrest;

Whereas Aung San Suu Kyi has spent most of the past 18 years under house arrest or in jail, and is currently being held in government custody, cut off from her followers and the international community;

Whereas 59 world leaders, including 3 former presidents of the United States, have called on the State Peace and Development Council to release Aung San Suu Kyi and all other political prisoners;

Whereas the State Peace and Development Council has destroyed more than 3,000 villages, systematically and violently repressed ethnic minorities, displaced approximately 2,000,000 Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas the United States Department of State's 2006 Reports on Human Rights Practices found that Burma's junta routinely restricts its citizens' freedoms of speech, press, assembly, association, religion, movement, and traffics in persons, discriminates against women and ethnic minorities, forcibly recruits child soldiers and child labor, and commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives;

Whereas the Government of Burma relies heavily on the unconditional military and economic assistance provided by the People's Republic of China;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas on January 13, 2007, China and Russia vetoed a United Nations Security Council Resolution calling on Burma to release all political prisoners, allow a more inclusive political process and unhindered humanitarian access, and end human rights abuses, and on September 26, 2007, China blocked a United Nations Security Council Statement from condemning the State Peace and Development Council crackdown against the peaceful demonstrators;

Whereas the prevalence of tuberculosis in Burma, with nearly 97,000 new cases detected annually, is among the highest in the world, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005, and over 600,000 are currently infected, and the World Health Organization has ranked Burma's health sector as 190th out of 191 nations;

Whereas the failure of the State Peace and Development Council to respect the human rights and meet the most basic humanitarian needs of the Burmese people has not only caused enormous suffering inside Burma, but also driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas the State Peace and Development Council continues to restrict the access and freedom of movement of international humanitarian organizations to deliver aid throughout Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to strongly condemn the use of violence against peaceful protestors in Burma, and to call on the Government of Burma to refrain from further violence, release the demonstrators it has arrested, immediately cease attacks against ethnic minorities, release Aung Sang Suu Kyi and all other political prisoners, and begin a meaningful tripartite political dialogue with Suu Kyi, the National League for Democracy, and the ethnic minorities;

(2) to call on the People's Republic of China to remove objections to efforts by the United Nations Security Council to condemn the actions taken by the Government of Burma against the peaceful demonstrators;

(3) to call on the People's Republic of China and all other nations that have provided military assistance to the Government of Burma to suspend such assistance until civilian democratic rule is restored to Burma;

(4) that the Government of Burma should engage in a peaceful dialogue with opposition leaders and ethnic minorities to implement political, economic, and humanitarian reforms that will improve the living conditions of the Burmese people and lead to the restoration of civilian democratic rule;

(5) to recognize and welcome the many constructive statements issued by various nations, and particularly the statement issued by the Association of Southeast Asian Nations on September 27, 2007, which demanded an immediate end to violence in Burma, the release of all political prisoners, and a political solution to the crisis;

(6) that the United States and the United Nations should strongly encourage China, India, and Russia to modify their position on Burma and use their influence to convince the Government of Burma to engage in dialogue with opposition leaders and ethnic minorities towards national reconciliation;

(7) to support the United Nations mission to Burma led by Ibrahim Gambari, and to call on the Government of Burma to allow the mission freedom of movement and access to top government leaders in order to prevent additional violence and to further peaceful dialogue towards national reconciliation; and

(8) that the United States should work with the international community to pressure the Government of Burma to lift all restrictions on humanitarian aid delivery and then allow international humanitarian aid organizations to work to alleviate suffering and improve living conditions for the most vulnerable populations.

SENATE RESOLUTION 340—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 340

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the 7th annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 6, 2007;

Whereas proceeds from the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Louis A. Martin-Vega as the honoree of the 7th annual National Hispanic Scientist of the Year Award, in recognition of his accomplishments developing foundation-wide programs aimed at integrating research and education in science and engineering and in increasing the participation of women and underrepresented minorities in these fields; and

Whereas Dr. Martin-Vega is also to be commended for his years of leadership in engineering education at such fine institutions as the University of Puerto Rico at Mayaguez, the University of Florida, Florida Institute of Technology, Lehigh University, the University of South Florida, and North Carolina State University, and for his service at the National Science Foundation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates the 2007 National Hispanic Scientist of the Year designated by the Museum of Science & Industry, for ongoing dedication to improving the quality of, and access to, science and engineering research and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3112. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 3113. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3114. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3115. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3112. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

SA 3113. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Joint and Multiservice Matters

SEC. 161. SENSE OF SENATE ON THE JOINT CARGO AIRCRAFT.

It is the sense of the Senate that the Army and the Air Force should pursue an integrated maintenance and sustainment strategy for the Joint Cargo Aircraft that takes maximum advantage of capabilities organic to the United States Government.

SA 3114. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense may conduct a pilot program to operate a shared facility that will provide health care services to beneficiaries of both the Department of Veterans Affairs and the Department of Defense. The purpose of conducting the pilot program will be to determine the effectiveness of operating a shared facility with the Department of Defense.

SA 3115. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 13 and 14, insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 11, at 10 a.m., in the Thomas & Mack Moot Court at the William S. Boyd School of Law at the University of Nevada, Las Vegas, located at 4505 Maryland Parkway, Las Vegas, Nevada.

The purpose of the hearing is to consider the major environmental threats to the Great Basin in the 21st century.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Rachel Pasternack at (202) 224-0883.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Daniel Gutman and Jordan Anderson of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that MAJ John Muller, an Army fellow in my office, be granted the privilege of the floor for duration of consideration of H.R. 1585.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that Jacqueline Beatty-Smith, a Brookings Fellow in his office, be granted the privileges of the floor during consideration of the Defense Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

On Tuesday, September 18, 2007, the Senate passed H.R. 1124, as amended, as follows:

H.R. 1124

Resolved, That the bill from the House of Representatives (H.R. 1124) entitled "An Act to Extend the District of Columbia College Access Act of 1999", do pass with the following amendment:

On page 2, after line 11, insert:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) is from a family with a taxable annual income of less than $1,000,000.".

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking "through (F)" and inserting "through (G)".

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1585

The PRESIDING OFFICER. Under the previous order, with respect to H.R. 1585, the Chair appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. MCCAIN, Mr. WARNER, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. MARTINEZ, and Mr. CORKER conferees on the part of the Senate.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 110-8

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on October 1, 2007, by the President of the United States:

Protocols of 2005, the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf (Treaty Document 110-8).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the "2005 SUA Protocol") and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the "2005 Fixed Platforms Protocol") (together, "the Protocols"), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Protocols.

The Protocols are an important component in the international campaign to prevent and punish maritime terrorism and the proliferation of weapons of mass destruction and promote the aims of the Proliferation Security Initiative. They establish a legal basis for international cooperation in the investigation, prosecution, and extradition of those who commit or aid terrorist acts or trafficking in weapons of mass destruction aboard ships at sea or on fixed platforms.

The Protocols establish the first international treaty framework for criminalizing certain terrorist acts, including using a ship or fixed platform in a terrorist activity, transporting weapons of mass destruction or their delivery systems and related materials, and transporting terrorist fugitives. The Protocols require Parties to criminalize these acts under their domestic laws, to cooperate to prevent and investigate suspected crimes under the Protocols, and to extradite or submit for prosecution persons accused of committing, attempting to commit, or aiding in the commission of such offenses. The 2005 SUA Protocol also provides for a ship-boarding regime based on flag state consent that will provide an international legal basis for interdiction at sea of weapons of mass destruction, their delivery systems and related materials, and terrorist fugitives.

I recommend that the Senate give early and favorable consideration to the Protocols, subject to certain understandings that are described in the accompanying report of the Department of State.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 1, 2007.*

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PASSPORT MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 338, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 338) supporting the goals and ideals of National Passport Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today in support of this resolution that would designate the month of September as "National Passport Month."

Travel book publishers, along with travel editors from some of the most prestigious media outlets in the United States and many student travel organizations, have designated September as "National Passport Month" as part of a campaign to educate the public about the importance of having a passport.

This resolution supports the goals and ideals of "National Passport Month" and calls on the Federal Government, States, schools, businesses and the people of the United States to observe the month of September with programs and activities that will encourage Americans to get their passports and see the world.

Since 2000, the number of passport applications received by the U.S. State Department has increased by 66 percent. This year, the State Department is expected to issue a record 17 million passports, up from last year's record of 12 million.

This surge in passport applications has led to longer processing times, averaging 6 to 8 weeks. As a result, there have been significant increases in public requests for expedited processing.

The designation of September as "National Passport Month" will serve as an important reminder for the American people to plan ahead and begin their passport application process early.

Despite the significant increase in the number of passport applications being processed, fewer than 23 percent of Americans have passports.

This number is far too low. International travel provides a unique perspective of the world and is an invaluable opportunity to interact with the global community and experience world cultures first hand.

I want to encourage the American people to get their passports and see the world.

The designation of September as "National Passport Month" will not only encourage the American people to avoid delays and get their passports early, but it will also acknowledge the positive impact of international travel in promoting understanding, tolerance, acceptance, and goodwill throughout the world.

On September 5, 2007, the U.S. House of Representatives unanimously agreed to an identical resolution introduced by Congresswoman BARBARA LEE. It is my hope that this body will do the same. I urge my colleagues to support this resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 338

Whereas, through international travel, Americans can individually play a major role towards improving foreign relations by building bridges and making connections with citizens of other countries;

Whereas interacting with the global community inspires Americans to reflect on the diverse multi-cultural background that has defined the United States as a great country of cooperation and progress;

Whereas having a passport and traveling abroad creates connections with the global community;

Whereas having a passport and traveling abroad promotes understanding and goodwill throughout the world, opening the doors to increased peace, tolerance, and acceptance;

Whereas having a passport and traveling abroad opens up a wealth of educational opportunities and experiences for Americans of all ages;

Whereas having a passport and traveling abroad enables Americans to see first-hand the effect of the United States on the world, including the tremendous amount of humanitarian aid given by the United States through both public and private sectors;

Whereas having a passport and traveling abroad reminds Americans that they are members of a global family and gives them opportunities to mend rifts around the world;

Whereas fewer than 23 percent of Americans have passports, thereby limiting their ability to travel outside the United States;

Whereas the more Americans travel outside the United States, the more they will experience opportunities to increase their understanding of the world and the place of the United States in it;

Whereas the creation and support of a National Passport Month signals to Americans the important role they can play as ambassadors for the United States by serving as agents of understanding, tolerance, and mutual respect; and

Whereas travel publishers along with travel editors from the most prestigious media outlets in the United States, student travel organizations, and book sellers have designated September as "National Passport Month" to educate the public about the importance of having a passport and the positive impact international travel has on individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Passport Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Passport Month with appropriate ceremonies, programs, and activities.

EXPRESSING THE SENSE OF THE SENATE ON BURMA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 339, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 339) expressing the sense of the Senate on the situation in Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I support the resolution offered by Senator KERRY on the current crisis in Burma.

In his April 16, 1963, letter from a jail cell in Birmingham, AL, Dr. King wrote that "freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed."

The people of Burma, are demanding freedom. They are peacefully marching in the streets to demand freedom from an oppressor that is one of the world's worst human rights abusers. They are demanding freedom from a government that restricts the basic freedoms of speech and assembly, engages in human trafficking, discriminates against women and ethnic minorities, uses children as soldiers and laborers, imprisons arbitrarily, abuses prisoners and detainees, and rapes and tortures.

This military junta is now engaged in an attempt to violently suppress the Burmese people who refuse to be silenced anymore. Those who have taken to the streets are doing so at great personal risk. Thousands were killed in a similar uprising in the summer of 1988. This brutal regime is responsible for the destruction of 3,000 villages and the displacement of 2 million people. The people of Burma are saying enough is enough.

Dr. King also wrote from his jail cell that "injustice anywhere is a threat to justice everywhere." That is why this resolution is so important and why I am so proud to be a cosponsor. It sends a strong message to those marching in the streets of Rangoon and Mandalay that the United States is witness to what is happening. It also says that the United States is working to rally the international community behind the Burmese people as they strive for justice after years of oppression.

This resolution recognizes that we can all play a positive role in bringing justice and peace to Burma, and that we must work with the international community to pressure the Burmese Government to lift restrictions on humanitarian aid. It also calls on the United Nations to play a unique role in furthering dialogue toward reconciliation and concurs with the Association of Southeast Asian Nations decision to demand an end to the violence, the release of all political prisoners, and a political solution to the crisis. Finally, this resolution rightly urges that China end its military assistance to the Burmese regime, and that it no longer block the efforts of the United Nations Security Council to condemn the oppressive action of the Burmese junta.

I want to end with a quote from the icon of freedom in Burma, Aung San Suu Kyi: "We will prevail because our cause is right, because our cause is just . . . History is on our side. Time is on our side."

We must continue to stand beside the people of Burma in that cause.

Mr. SMITH. I wish today to denounce the savage actions of Burma's military government. During this past week, a familiar pageantry of riot police and soldiers deployed to stop the peaceful demonstrations of Burmese monks and citizens. These protestors demanded an end to the dictatorship which has governed Burma for most of the past 4½ decades. They carried no weapons, incited no violence, and made no demands beyond those which constitute basic human freedoms.

Their military junta reacted as that government always has: with silence, with threats, and then at last with violence. I had hoped that the course of these protests would not conform to Burma's old pattern of repression. So often in this decade we have seen the forces of peaceful revolution triumph over the institutional relics of an earlier, more brutal age. In Georgia, Ukraine, and Kyrgyzstan the old regime was toppled with barely a hint of violence. Elsewhere, like Lebanon, strident democratic blows were struck against the ruling order. I remember not two decades ago, when the Soviet Union peacefully dissolved, its citizens having had finally enough of communism, misery, and the KGB.

Sadly, these bloodless successes are not always the norm. Events in Uzbekistan and Belarus have shown us—as did Tiananmen Square 18 years ago—that governments which are serious about holding power do not topple easily. They draw on their full arsenal of modern repression, from electronic surveillance and torture to indiscriminate beatings and murder. This is what has happened in Burma. We hoped for a bloodless success, and we are rewarded with a bloody failure. For me, this is particularly hard to bear.

I have been involved with Burmese political issues throughout my tenure in the Senate. I have cosponsored numerous bills and resolutions condemning Burma's military tyranny and its human rights record. Congress after Congress, session after session, I have pushed for stricter sanctions on the Burmese regime. In 2003, I was a cosponsor of S. 1215, the Burmese Freedom and Democracy Act, which cut off all imports to the United States from Burma and authorized support for Burmese democratic activists. I likewise supported H.R. 2330, the House version of that act which was eventually passed into law. Just this past summer, as I have done repeatedly before, I cosponsored a bill renewing the sanctions of the Freedom and Democracy Act. In October 2001, I voted for S.A. 1933 to the Foreign Operations bill, denying Burma outside aid unless Rangoon changed its behavior. And in March 2005, I introduced S. Res. 91, which urged China to stop enabling Burma with military support.

It is clear, however, that there is a limit to what my colleagues and I can effect from our seats in Washington. The regime which rules Burma is nearly impervious to outside pressure. The true wielders of influence—such as China and India—have been effectively silent thus far on the junta's latest brutalities. And so today, the Burmese protests have ended much the way I feared they would. There has been no peaceful overthrow of the government. There is now only the sight of thousands of soldiers patrolling the streets, the monks locked in their monasteries, Internet and broadcast communication nearly cut off. We will probably never know how many dissidents were thrown into jail over the past week. We have only the haziest idea of how many Burmese were killed. A regime deserter—a government intelligence officer—claims that thousands were killed. We do know that Japan has confirmed the death of one of its nationals, a photographer who was caught up in last week's events. And we also know that Burma's emblem of democracy, the activist Aung San Suu Kyi, remains under house arrest. She was allowed to speak with the U.N.'s special envoy last Sunday, the first foreigner she has met in 10 months. She has languished under house arrest for the past 4 years, and under severe travel restrictions before then. Her father, Aung San, was another famous Burmese leader and revolutionary who was murdered before his dream of an independent Burma realized. I can only pray that history does not repeat itself.

I imagine that Aung San Suu Kyi herself, however, would have more mixed feelings. Her father fell shortly before achieving a free nation. I imagine that such is her dedication, his daughter might readily accept the same bargain. Ten years ago, when her husband was dying of cancer in London, Suu Kyi was offered the opportunity to go visit him. It was an agonizing choice. On the one hand, she was compelled to be with her husband in the last days of his life, a man she had been prevented from seeing for years. On the other, she had absolutely no doubt that once she left the country the regime would not allow her to return. It is not inappropriate to acknowledge here that the generals ruling Burma are clever, having survived many threats to their rule. But their semblance of cleverness does not detract from their barbarity. There was much of both in their offer to Suu Kyi. They dangled her dying husband in front of her as incentive to leave Burma, possibly the cruelest bait imaginable. She declined.

I cannot begin to imagine how heartrending that decision was. Aung San Suu Kyi has sacrificed almost everything for her country. I have little doubt that at some point, perhaps not far in the future, the regime will decide to take her life as well. As long as the military junta is in power, Suu Kyi and other brave Burmese who dream of freedom face a bleak fate. Watching the monks' showdown with police over the past week, she must have hoped against hope that this time would be different. It would not be like 1988. Today there is the Internet, satellite television, and digital cameras to shame the generals into restraining their response. Sadly, and perhaps predictably, they did not.

In a few more weeks, the world will go back to its other interests. The U.N. envoy will make desultory progress in achieving his political solution, and he will go home. But the Burmese people know, as I do, that a political solution is unlikely. The military junta has stayed in power through brute force, though it sought legitimacy from Burma's monasteries. After last week's beatings and killings of those monks, that relationship is shattered. Stripped of its last veneer of legitimacy, the government will fall back on its guns. But for its weapons, and its will to rule, this regime would long ago have gone the way of other bunker regimes, and today be little missed.

The one weapon it does not have, however, is time. Sooner or later, all tyrannies collapse. The effort of repression is ultimately self-immolating; and then the regime's only lasting historical legacy will be the misery it has inflicted. For the Burmese people, who suffer through this misery and resist the best they can, life will be unbearably harsh. I believe they will continue to resist regardless. My colleagues and I will assist them however we can, in whatever small way is open to us. And one day, when the orange robes of the monks line the streets once more and the troops are nowhere to be found, we shall have victory, and a new day will break over Burma. They—and I—await that day.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas hundreds of thousands of Burmese citizens, including thousands of Buddhist monks and students, engaged in peaceful demonstrations against the policies of the ruling State Peace and Development Council (SPDC), demanding that the State Peace and Development Council release all political prisoners, including Nobel Peace Prize laureate Daw Aung San Suu Kyi, and urging that the government agree to a meaningful tripartite dialogue with Suu Kyi, the National League for Democracy (NLD), and the ethnic minorities towards national reconciliation;

Whereas the State Peace and Development Council violently dispersed the peaceful demonstrators, killing at least 10 (and reportedly more than 200) unarmed protesters, including a number of monks and a Japanese journalist, and arrested hundreds of others, and continues to forcibly suppress peaceful protests;

Whereas the National League for Democracy won a majority of seats in the parliamentary elections of 1990, but the State Peace and Development Council refused to uphold the results or to negotiate a transition to civilian rule and subsequently placed Aung San Suu Kyi under house arrest;

Whereas Aung San Suu Kyi has spent most of the past 18 years under house arrest or in jail, and is currently being held in government custody, cut off from her followers and the international community;

Whereas 59 world leaders, including 3 former presidents of the United States, have called on the State Peace and Development Council to release Aung San Suu Kyi and all other political prisoners;

Whereas the State Peace and Development Council has destroyed more than 3,000 villages, systematically and violently repressed ethnic minorities, displaced approximately 2,000,000 Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas the United States Department of State's 2006 Reports on Human Rights Practices found that Burma's junta routinely restricts its citizens' freedoms of speech, press, assembly, association, religion, movement, and traffics in persons, discriminates against women and ethnic minorities, forcibly recruits child soldiers and child labor, and commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives;

Whereas the Government of Burma relies heavily on the unconditional military and economic assistance provided by the People's Republic of China;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas on January 13, 2007, China and Russia vetoed a United Nations Security Council Resolution calling on Burma to release all political prisoners, allow a more inclusive political process and unhindered humanitarian access, and end human rights abuses, and on September 26, 2007, China blocked a United Nations Security Council Statement from condemning the State Peace and Development Council crackdown against the peaceful demonstrators;

Whereas the prevalence of tuberculosis in Burma, with nearly 97,000 new cases detected annually, is among the highest in the world, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005, and over 600,000 are currently infected, and the World Health Organization has ranked Burma's health sector as 190th out of 191 nations;

Whereas the failure of the State Peace and Development Council to respect the human rights and meet the most basic humanitarian needs of the Burmese people has not only caused enormous suffering inside Burma, but also driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas the State Peace and Development Council continues to restrict the access and freedom of movement of international humanitarian organizations to deliver aid throughout Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to strongly condemn the use of violence against peaceful protestors in Burma, and to call on the Government of Burma to refrain from further violence, release the demonstrators it has arrested, immediately cease attacks against ethnic minorities, release Aung Sang Suu Kyi and all other political prisoners, and begin a meaningful tripartite political dialogue with Suu Kyi, the National League for Democracy, and the ethnic minorities;

(2) to call on the People's Republic of China to remove objections to efforts by the United Nations Security Council to condemn the actions taken by the Government of Burma against the peaceful demonstrators;

(3) to call on the People's Republic of China and all other nations that have provided military assistance to the Government of Burma to suspend such assistance until civilian democratic rule is restored to Burma;

(4) that the Government of Burma should engage in a peaceful dialogue with opposition leaders and ethnic minorities to implement political, economic, and humanitarian reforms that will improve the living conditions of the Burmese people and lead to the restoration of civilian democratic rule;

(5) to recognize and welcome the many constructive statements issued by various nations, and particularly the statement issued by the Association of Southeast Asian Nations on September 27, 2007, which demanded an immediate end to violence in Burma, the release of all political prisoners, and a political solution to the crisis;

(6) that the United States and the United Nations should strongly encourage China, India, and Russia to modify their position on Burma and use their influence to convince the Government of Burma to engage in dialogue with opposition leaders and ethnic minorities towards national reconciliation;

(7) to support the United Nations mission to Burma led by Ibrahim Gambari, and to call on the Government of Burma to allow the mission freedom of movement and access to top government leaders in order to prevent additional violence and to further peaceful dialogue towards national reconciliation; and

(8) that the United States should work with the international community to pressure the Government of Burma to lift all restrictions on humanitarian aid delivery and then allow international humanitarian aid organizations to work to alleviate suffering and improve living conditions for the most vulnerable populations.

RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF HISPANIC SCIENTISTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 340, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) recognizing the efforts and contributions of outstanding Hispanic scientists in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the 7th annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 6, 2007;

Whereas proceeds from the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Louis A. Martin-Vega as the honoree of the 7th annual National Hispanic Scientist of the Year Award, in recognition of his accomplishments developing foundation-wide programs aimed at integrating research and education in science and engineering and in increasing the participation of women and underrepresented minorities in these fields; and

Whereas Dr. Martin-Vega is also to be commended for his years of leadership in engineering education at such fine institutions as the University of Puerto Rico at Mayaguez, the University of Florida, Florida Institute of Technology, Lehigh University, the University of South Florida, and North Carolina State University, and for his service at the National Science Foundation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates the 2007 National Hispanic Scientist of the Year designated by the Museum of Science & Industry, for ongoing dedication to improving the quality of, and access to, science and engineering research and education.

ORDERS FOR TUESDAY, OCTOBER 2, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 2; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two sides, with the Republicans controlling the first half and the majority controlling the final portion; that following morning business, the Senate proceed to H.R. 3222, as provided for under a previous order; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Tuesday, October 2, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. DAVID A. RUBENSTEIN, 6677

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BERNARD J. MCCULLOUGH III, 4147

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN T. VARGO, 7730

HOUSE OF REPRESENTATIVES—*Monday, October 1, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

EFFECTIVE JOB TRAINING FOR OUR RETURNING WARRIORS

Mr. STEARNS. Madam Speaker, when our soldiers come home from combat, they often face an uphill battle. For many servicemembers, the transition from active duty to veteran status and returning to a full, meaningful civilian life is daunting, fraught with many challenging obstacles and bureaucratic barriers. Many times, these brave service men and women require job training but for entirely new careers.

Although statistics show that eventually veterans in general enjoy a favorable rate in the Nation's job market, many veterans obviously find it difficult to compete successfully in the labor market. That is why for over a decade the Federal Government has provided job training benefits to veterans through the Department of Veterans Affairs and the Department of Labor. The mission statement for the Department of Labor Veterans' Employment and Training Service, VETS program, is to "provide veterans and transitioning servicemembers with the resources and services to succeed in the 21st century workplace by maximizing their employment opportunities, protecting their employment rights, and meeting labor market demands with qualified veterans today."

Additionally, the Department of Labor offers servicemembers leaving the military with a service-connected disability the Disability Transition Assistance Program, DTAP. DTAP includes a 3-day workshop plus additional hours of individual instruction to help determine job readiness and address the special needs of disabled veterans. However, this is the identical DTAP program offered to all transitioning disabled veterans across this country. This 3-day program is valuable support, but it only provides general employment information and at no time addresses the specific needs of the community in which the veteran lives. Unfortunately, this means that frequently there is a void of information on local labor market conditions that result in veterans using their benefits to train for jobs that do not exist in their community.

Mr. Jeffrey Askew is director of the Marion County Veterans' Service Center in my hometown of Ocala, Florida. He said many veterans have used their Federal job training benefit for information technology (IT) career training. However, Ocala has little demand for IT professionals, and veterans are often advised to move to Orlando where there are many more opportunities for them. Upon finally getting settled back into civilian life, it is frustrating and unfortunate to say the least to be forced to uproot one more time and move your family to an unknown city.

I am concerned about this problem, but I think and I believe that there is an easy solution. That is why I introduced legislation to provide better information to veterans on their local job market needs.

H.R. 3646, the Veterans Effective Training Job Opportunities and Benefits Act of 2007, or VET JOBS Act of 2007, directs the Secretary of Veterans Affairs and the Secretary of Labor to conduct a joint study on the greatest employment needs in various job markets around the country and post these results on the VA Web site. These results would then be updated annually to reflect the current and possibly changing needs in the local job market. With this tool, a veteran could plug in his or her zip code and see a list of the occupations that are most in demand, and subsequently use their Federal job training most effectively.

The Department of Labor already has the infrastructure in place for this kind of research, so this is a practical, low-cost solution. In fact, the Congressional Budget Office has unofficially scored this proposal as having insignificant costs, insignificant costs for immeasurable benefits to our veterans.

I encourage my colleagues to join me in this effort. Help our veterans today. Help them with their quality employment. Help them to find out where the jobs that they wish to be trained for are located, and support the VET JOBS Act that I ask for all of my colleagues to cosponsor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, before the majesty of Your creation and the power of Your will, we humbly stand and present ourselves to You.

We are a people who love freedom. We have proven creative in our work and appear prosperous in the eyes of the world. Yet we are made of the same clay as all others.

Help us to find common cause with others and be proven true to noble purpose in Your sight.

Show us how to use our bountiful blessings, to attain true leadership in the world and a model for others. Thus may we be Your instrument for achieving lasting peace and justice in troublesome times.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFIC OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 28, 2007, at 9:15 am:

That the Senate passed with an amendment H.R. 327.

That the Senate passed without amendment H.J. Res 43.

That the Senate passed without amendment H.J. Res 52.

That the Senate passed without amendment H.R. 3625.

That the Senate passed without amendment H.R. 3668.

With best wishes, I am,
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolutions were signed by the Speaker on Friday, September 28, 2007:

H.R. 976, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes

H.R. 3625, to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency

H.R. 3668, to provide for the extension of Transitional Medical Assistance (TMA), the Abstinence Education Program, and the Qualifying Individuals (QI) Program, and for other purposes

H.J. Res. 43, increasing the statutory limit on the public debt

H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1431

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALZ of Minnesota) at 2 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

COMMENDING THE WINGS OVER HOUSTON AIRSHOW

Ms. CASTOR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 691) commending the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the City of Houston, Texas, and Ellington Field.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 691

Whereas for 23 years the all-volunteer Gulf Coast Wing and West Houston Squadron of the Commemorative Air Force has performed in the Wings Over Houston Airshow at Ellington Field in Houston, Texas;

Whereas the Wings Over Houston Airshow has been rated as one of the top events of its kind in the Nation;

Whereas tens of thousands of people from southeast Texas and all over the United States attend the event each year and experience the unique opportunity to see the United States Air Force, Navy, Marines, and Coast Guard perform and to meet service members of the past and present;

Whereas the Wings Over Houston Airshow has helped to increase awareness and appreciation for the United States Armed Forces and its active duty members and veterans;

Whereas the Wings Over Houston Airshow serves to promote an understanding and appreciation of military history through the reenactment of battles and the acquisition, restoration, and display of vintage aircraft;

Whereas throughout its history, Wings Over Houston Airshow has benefited local and national charities, including the Wings Over Houston Airshow Scholarship Program, the Texas Southern University Aviation Career Academy, the Exchange Club of Sugar Land, and the Commemorative Air Force aircraft restoration and flying historical programs;

Whereas the Wings Over Houston Airshow and its partners, including the Lone Star Flight Museum, the Houston Airport System, the Clear Lake Area Chamber of Commerce, the Bay Area Houston Convention and Visitors Bureau, the Greater Houston Convention and Visitors Bureau, Destination League City, and the cities of Houston, Kemah, Nassau Bay, Seabrook, and Webster, have contributed to the economy and growth of southeast Texas; and

Whereas the Wings Over Houston Scholarship Program has promoted the importance of math and science education by helping southeast Texas students pursue college educations in the fields of aviation and aerospace: Now, therefore, be it

Resolved, That the House of Representatives commends the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the City of Houston, Texas, and Ellington Field.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 691 commending the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the City of Houston, Texas, and Ellington Field.

I would like to thank my colleague from Texas, Mr. NICK LAMPSON, for bringing this measure to the floor of the House.

The Wings Over Houston Airshow is one of the highest rated events of its kind. This coming Saturday and Sunday, folks from Congressman LAMPSON's district and, in fact, from all over America, will come to see these mighty military machines maneuver through the skies with seeming ease. These classic and contemporary airframes break their bounds to Earth and share the heavens with the sun and clouds.

It's a rare experience to see with your own eyes the awe-inspiring airborne arsenal of our Armed Forces. It's difficult to explain the seemingly impossible coordination our pilots execute in midair. No one can truly understand the peril, skill, and thrill involved except for the pilots themselves; yet our extraordinarily talented men and women fly in conditions that require nothing less than perfection. And visitors will have that rare glimpse of airborne art.

Spectators will be visited by the Texas Air National Guard 147th Fighter Squadron. Their TANG F-16s will tear rifts through the sky as they buzz by. The Texas Air National Guard F-16s are at a state of constant readiness, prepared to defend the great State of Texas and our Nation at a moment's call.

Attendees will also have the chance to see Canadian Forces Snowbirds, the P-38, the B-24A, a heritage flight consisting of the F-4 Phantom, the P-51 Mustang, the P-47 Thunderbolt, and the F-15E Strike Eagle, and a number of Navy fighters among them.

Mr. Speaker, the Wings Over Houston Airshow provides an important experience for folks to understand and to see the many machines that help our brave men and women in uniform protect us.

I urge my colleagues to support House Resolution 691.

Mr. Speaker, I reserve the balance of my time.

Mr. REICHERT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Resolution 691, which commends the Wings Over Houston Airshow for its contribution to the appreciation, understanding, and the future of the United States Armed Forces, the City of Houston, and Ellington Field.

Mr. Speaker, for 23 years, the Wings Over Houston Airshow has been delighting aviation enthusiasts and future pilots from around the world with spectacular flying in the skies, and with historical and educational displays on the ground in Ellington Field.

This top-rated aviation event, which is sponsored by the all-volunteer Gulf Coast Wing and West Houston Squadron of the Commemorative Air Force, honors the spirit of the courageous and valiant American military flyers of the past and those who take to the skies today to ensure our Nation's freedoms.

The Wings Over Houston Airshow showcases the United States Air Force, Navy, Marines and Coast Guard, and increases the awareness and appreciation for active duty members and the veterans of our Armed Forces.

But more important than the air show's entertainment, the Wings Over Houston Airshow has awarded $10,000 to $15,000 in scholarships per year to students who are pursuing an education in aviation and in aerospace. In total, this organization has provided over $100,000 to young men and women who have entered into careers in both military and civilian aviation.

The Wings Over Houston Airshow celebrates America's aviation and aerospace history and the courageous military pilots whose sacrifices have ensured our freedom. I am confident that the Wings Over Houston Airshow will continue to ignite the enthusiasm for flying in future generations of American aviators.

I strongly urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am proud to yield 3 minutes to my friend and colleague from Texas, a true champion for Texas and a staunch supporter of our Armed Forces, Mr. LAMPSON, the sponsor of this resolution.

Mr. LAMPSON. Thank you, Mr. Speaker, for allowing me the opportunity to come and speak on this.

I am proud to honor the Wings Over Houston Airshow because each year about 70,000 spectators from around the world gather in the 22nd Congressional District of Texas to view this historic Ellington Field and view re-enactments of great battles, see up-close views of vintage aircraft, and meet yesterday's and today's heroes.

For the last 23 years, as you've heard, pilots from our Armed Forces and around the globe wow audiences with their high-speed acrobatics. And how often do we get to see real-life daredevils? Well, this weekend, the Canadian Forces Snowbirds will demonstrate their seven- to nine-plane close formations, tight turns, and head-on passes. Crowds will get to view state-of-the-art military aircraft, along with planes from days of old.

This year, the air show brings history to life through authentic World War II vehicles, equipment and uniforms at a realistic military camp. They're going to re-enact part of the movie, "Tora! Tora! Tora!" As a former school teacher, I know activities like these help promote an understanding and appreciation of military history.

Visitors are going to be able to see trainers, fighters, and bombers from the World War II, Korea and Vietnam era, and even NASA aircraft. The air show presents a unique opportunity to tour some of the largest aircraft in the world, including the Hurricane Hunter KC-135 and a C-5 cargo plane, walk over the wings of vintage airplanes, and even sit in the pilot's seat.

Children have the opportunity to meet flying aces and decorated war heroes and to hear historical recounts from the people who were there.

This year's show features both Pearl Harbor survivors and the Tuskegee Airmen, who were recently awarded the Congressional Gold Medal. I am proud of these folks, and I know that all Americans are as well. Meeting living legends and air show performers is inspiring for young and old alike, and this show is a rare opportunity to thank these heroes for their service and for their sacrifice.

Wings Over Houston has spent, in the last 23 years, a quarter of a million dollars to help challenge young people to go into aerospace, engineering, and aviation. Many go on to careers in the military and go to work at NASA where they can also gain valuable experience as interns at the Johnson Space Center, which is across the street from Ellington Field. With its important contributions, Wings Over Houston ensures that our Nation leads the way in math and science.

The air show has also donated proceeds to various local and national charities throughout the years, including the Texas Southern University Aviation Career Academy, the Exchange Club of Sugar Land, and the Commemorative Air Force aircraft restoration and flying historical programs. Together with their partner, Wings Over Houston, it has greatly contributed to the economy and growth of southeast Texas.

So I want to thank the members of the House Armed Services Committee, and many of my Texas colleagues, particularly, for their cosponsorship of this resolution. I am pleased to honor the Wings Over Houston Airshow as a leader in the history and the future in the United States Armed Forces.

Mr. REICHERT. Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I would like to thank my colleague from Washington (Mr. REICHERT) and salute my colleague from Texas (Mr. LAMPSON) for bringing this resolution. I know, as a member of the Tampa Bay area and the Armed Services Committee, we value our air show every year at MacDill Air Force Base in Tampa. So I thank my colleague again from Houston for his resolution commending the Wings Over Houston Airshow.

I ask my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 691, commending the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the city of Houston, TX, and Ellington Field, of which I am proud to be an original cosponsor. I would like to thank my good friend and colleague, Congressman LAMPSON, for introducing this legislation, and the chairman of the Armed Services Committee, Congressman SKELTON, for his leadership on this important issue.

The 23rd annual Wings Over Houston Airshow will take place on October 6 and 7, 2007, at Ellington Field, Houston, TX. This year's event will feature an array of modern civilian aerobatic and state-of-the-art military hardware, including the Canadian Forces Snowbirds, as well as historic planes such as a Lockheed P-38 buried under ice in Greenland in 1942 and only recovered 50 years later. Also performing will be the all-volunteer Gulf Coast Wing and West Houston Squadron of the Commemorative Air Force, which has performed for the last 23 years at the airshow.

Mr. Speaker, the Wings Over Houston Airshow has been rated as one of the top events of its kind. Over 70,000 people, both from the local community in southeast Texas and from all over the Nation, gather every year at this event, where they have the opportunity to see the United States Air Force, Navy, Marines, and Coast Guard perform, as well as to meet servicemembers of the past and present. The

Wings Over Houston Airshow has helped to increase awareness and appreciation for the United States Armed Forces and its active duty members and veterans.

The Wings Over Houston Airshow also serves to promote an understanding and appreciation of military history. The airshow's many events include the reenactment of battles and the acquisition, restoration, and display of vintage aircraft. Among these historical reenactments is Tora!Tora!Tora!, an explosive recreation of the air attack on Pearl Harbor. Viewers of all ages will have the opportunity to view this exciting spectacle, while also learning about military and aviation history.

Mr. Speaker, the Wings Over Houston Airshow plays an important role in both local and national communities. The airshow benefits local and national charities, including the Wings Over Houston Airshow Scholarship Program, the Texas Southern University Aviation Career Academy, the Exchange Club of Sugar Land, and the Commemorative Air Force aircraft restoration and flying historical programs.

The Wings Over Houston Scholarship Program is particularly important. This scholarship program promotes math and science education by helping students from southeast Texas pursue college educations in the fields of aviation and aerospace. Scholarships are awarded to students residing in Harris County, or a contiguous county, who have demonstrated academic potential, leadership, and extracurricular involvement, with preference giving to those pursuing an academic degree directly associated with aviation or aerospace. For 2007, a total of $10,000 in scholarships was awarded, and I would like to congratulate the four recipients: Robert Tristan Reeves, David Gehris, Kristen John, and Donovan Johnson.

Mr. Speaker, the Wings Over Houston Airshow is made possible by the collaboration of a number of Houston area organizations. I would like to extend my thanks to the airshow's partners, which include the Lone Star Flight Museum, the Houston Airport System, the Clear Lake Area Chamber of Commerce, the Bay Area Houston Convention and Visitors Bureau, the Greater Houston Convention and Visitors Bureau, Destination League City, and the cities of Houston, Kemah, Nassau Bay, Seabrook, and Webster. Together, the Wings Over Houston Airshow and its generous partners have contributed to the economy and growth of southeast Texas.

Mr. Speaker, the 110th Congress has made the promotion of math and science education for all our Nation's children a legislative priority. Exciting and exhilarating events like the Wings Over Houston Airshow are an opportunity for children of all ages to engage with science, to hear heroic stories that helped shape America's rich aviation history, to get excited about the world of aviation, to meet and interact with members of our Nation's military, and to dream about their own futures.

Mr. Speaker, I strongly support this resolution, and I urge my colleagues to do the same.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the Wings Over Houston Airshow in Houston, Texas for its contribution to the city of Houston, local communities, and the military by fully supporting H. Res. 691.

Wings Over Houston is about to give its 23rd annual show and in those 23 years, the show has continued to bring attention to the history and future of the United States Armed Forces, and its veterans and active duty members while becoming one of the top events of its kind in the country and one of the largest in Metropolitan Houston. An estimated 70,000 to 90,000 people are expected to enjoy the air and static displays this year which will not only help to support many non-profit and charitable organizations, but help to fund the Wings Over Houston Scholarship Program and Aviation Career Education summer camp.

This family-oriented international event is housed at Ellington Field. Originally built in 1917, the field was integral in flight training for both world wars and was one of the airfields selected to maintain a large military force after the end of WWII. It currently is home to local presence of NASA, Texas Air National Guard, Coast Guard, the National Guard, as well as being used for other aviation purposes.

Wings Over Houston not only brings local and international tourists to Houston, but also generates awareness of U.S. Armed Forces by showing a vested interest in education and supporting local students through the scholarship program. That is why I support H. Res. 691.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 691.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE SACRIFICES AND COMMITMENTS OF THE MEN, WOMEN, AND FAMILIES OF THE UNITED STATES TRANSPORTATION COMMAND

Ms. CASTOR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 640) honoring the sacrifices and commitments of the men, women, and families of the United States Transportation Command, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 640

Whereas the passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked the law prohibiting consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a United States Transportation Command;

Whereas October 1, 2007, marks the 20th anniversary of the activation of the Transportation Command at Scott Air Force Base, Illinois;

Whereas the Transportation Command is comprised of the Air Mobility Command at Scott Air Force Base, Illinois, the Military Sealift Command at Washington, DC, and the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas the mission of Transportation Command is to provide air, land, and sea transportation for the Department of Defense, both in times of peace and war;

Whereas Operation Desert Shield and Operation Desert Storm first demonstrated the fully operational capability of the Transportation Command with the movement of approximately 504,000 passengers, 3,700,000 tons of dry cargo, and 6,100,000 tons of petroleum products in 7 months;

Whereas the Transportation Command has continued to serve the Nation during many contingency and peacekeeping operations around the world, including United Nations operations in Iraq, Rwanda, and Somalia, as well as North Atlantic Treaty Organization operations in Serbia and Kosovo;

Whereas the Transportation Command has supported many humanitarian relief operations transporting relief supplies to victims of foreign and domestic natural disasters;

Whereas after terrorist attacks killed nearly 3,000 people and wounded thousands on September 11, 2001, the Transportation Command became a vital asset in the global war on terrorism, supporting members of the Armed Forces in Operation Enduring Freedom in Afghanistan, in Operation Iraqi Freedom, and around the world;

Whereas from October 2001 to September 2007, the Transportation Command, its components, and its national partners have transported approximately 4,000,000 passengers, 9,000,000 short tons of cargo, and over 4,000,000,000 gallons of fuel in support of the global war on terrorism; and

Whereas the 2005 quadrennial defense review recognized the importance of joint mobility and the critical role that it plays in global power projection: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifices and commitment of the approximately 155,000 men and women who comprise the United States Transportation Command, including active and reserve components, civilian employees, and contractors;

(2) honors the families of the United States Transportation Command and their sacrifices while their loved ones are deployed around the world;

(3) owes the men, women, and families of the Transportation Command a debt of gratitude; and

(4) honors the achievements of the Transportation Command during the global war on terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 640, to honor the sacrifices and commitments of the men, women, and families of the United States Transportation Command, or TRANSCOM.

Today marks the 20th anniversary of TRANSCOM's activation at Scott Air Force Base in Illinois, and I would like to thank my colleague from Illinois (Mr. COSTELLO) for bringing this measure before the House.

Charged with the vital duty of providing air, land and sea transportation for the Department of Defense, both in times of peace and war, TRANSCOM consists of the Air Mobility Command, the Military Surface Deployment and Distribution Command, and the Military Sea Lift Command.

Established in 1978, TRANSCOM is the single manager of America's global defense transportation system, and its skilled coordination allows our country to project and sustain our Armed Forces whenever, wherever and for as long as they are needed.

Responding quickly and effectively to the demands of our warfighting commanders, TRANSCOM first proved its crucial capability during Operation Desert Shield and Operation Desert Storm, with the movement of more than 500,000 passengers, 3.7 million tons of dry cargo, and 6.1 million tons of petroleum products in only 7 months.

TRANSCOM has continued to serve the Nation and the world through many contingency and peacekeeping operations around the globe. It has supported numerous humanitarian relief operations, transporting supplies to victims of foreign and domestic natural disasters.

Following the terrorist attacks of September 11, TRANSCOM became an especially vital asset to our Nation, supporting our Armed Forces in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

From October 2001 to September 2007, TRANSCOM and its components have transported approximately 4 million passengers, 9 million tons of cargo, and over 4 billion gallons of fuel. House Resolution 640 honors these great achievements and the men and women who make them happen.

TRANSCOM provides a vital service to our Nation and enables our Armed Forces to carry out their missions effectively and efficiently.

I hope you will join me today in congratulating TRANSCOM on its 20th anniversary, and expressing gratitude to the 155,000 men and women who comprise it for their continued sacrifice and commitment to this country.

Mr. Speaker, I urge my colleagues to support House Resolution 640.

Mr. Speaker, I reserve the balance of my time.

☐ 1445

Mr. REICHERT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in strong support of House Resolution 640, as amended, a resolution that honors the sacrifices and commitments of the men, women and families of the United States Transportation Command. U.S. TRANSCOM was established in 1987 as one of the nine U.S. unified commands. TRANSCOM is tasked with coordination of people and transportation assets to allow our country to sustain forces whenever, wherever and for as long as they are needed. The men, women and families of TRANSCOM have done an extraordinary job of supporting this Nation and our national defense over the past 20 years.

I would like to take a moment to share a story with you that exemplifies the incredible capabilities of this unique organization. On an early morning in July, one of our sergeants was on a raid in Baghdad and found himself the victim of a brutal attack that resulted in a severe head injury. The soldier was immediately transported to Balad Air Base in Iraq for treatment. The wonderful people at the 332nd expeditionary medical group, whom I met on a recent trip to Iraq, examined this wounded soldier and determined that he needed to be quickly returned to the United States for a level of care that they could not provide in the field.

This is the point where the amazing men and women of the U.S. TRANSCOM went into action. A C–17 crew was just getting ready to start their day making normal cargo runs around the theater. As they arrived for duty, they were told of the wounded soldier. They immediately began planning the mission to get him the critical care that he needed. While U.S. TRANSCOM deals with urgent requests almost daily, this one was different. The C–17 crew was notified that due to the nature of the sergeant's head injury, they would have to keep the cabin pressure no higher than 4,000 feet on the flight home. They were also told, by the way, that it wouldn't be prudent to land anywhere on their trip as the pressure changes from climbing and descending could trigger bleeding and the patient would possibly lose his life. In order to make the flight home at a lower than normal altitude, the C–17 would need to be refueled twice along the way. The folks at U.S. TRANSCOM coordinated for the air refueling support over Turkey and England. As the flight was en route, this refueling took place. The extraordinary skills and capabilities of U.S. TRANSCOM personnel brought that flight safely to the ground at Andrews Air Force Base, Maryland, in record time. The wounded soldier was under the care of a neurosurgeon at Bethesda less than 24 hours from the moment of attack.

Now, that miracle is pretty impressive. But there are a few other details that you should know about this story. First of all, the C–17 was a McChord Air Force Base, Washington, airplane, where I happen to serve. It was flown by an active duty crew from Charleston Air Force Base. The doctor who cared for the patient while in flight is a reservist from Langley Air Force Base. The nurse is also a reservist, but he is from MacDill Air Force Base in Florida. The rest of the critical care team is a part of the Air National Guard. The entire mission, Mr. Speaker, was being controlled from Scott Air Force Base, Illinois, by the Tanker Airlift Control Center. That is what U.S. TRANSCOM is all about, bringing together the mobility assets needed to support our war fighters to the medical service that they need.

This is why I am proud to support H.R. 640. The men, women and families of U.S. TRANSCOM have served this Nation well. As we celebrate the 20th anniversary of U.S. TRANSCOM today, let's send them a strong message and support this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I thank my colleague from Washington (Mr. REICHERT), and I thank our colleague from Illinois (Mr. COSTELLO) for bringing this resolution to the floor of the House, House Resolution 640, honoring the sacrifices and commitments of the men, women and families of the United States Transportation Command.

Mr. Speaker, I urge my colleagues to support House Resolution 640.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Res. 640, a resolution honoring the United States Transportation Command (U.S. TRANSCOM) on its 20th anniversary at Scott AFB, IL. I would like to thank Chairman SKELTON and Ranking Member HUNTER for working with me to bring this to the floor expeditiously.

TRANSCOM is responsible for creating and implementing first-class global deployment and distribution solutions to support the President, Secretary of Defense, and our Combatant Commander assigned missions.

Scott AFB, home of U.S. TRANSCOM, Air Mobility Command, the Surface Deployment and Distribution Command, the 375th AW, the 932nd AW, and the 126th ARW, among other units, have made countless contributions to the OEF/OIF.

Since Oct 10, 2001, the U.S. TRANSCOM has moved over 4 million passengers, almost 4.654 billion gallons of fuel, over 9.4 million tons of cargo, over 88,000 airlift missions, over 760 ship loads, more than 164,000 rail car shipments, and approximately 2 million CONUS truck shipments.

They have done all of this with only 2 fatalities in the aeromedical system. Those statistics demonstrate a remarkable commitment to excellence and an indication of true leadership, strong spirit and continued sacrifice.

Each day, the people at TRANSCOM and Scott AFB and their families and friends, are asked to sacrifice for the good of our country. They make that sacrifice without hesitation and should be commended for it.

Mr. Speaker, as we mark TRANSCOM's 20th anniversary at Scott AFB, I would like to commend General Norton Schwartz and the men and women who serve with him. It is truly an honor to have this command at Scott AFB and I look forward to countless more years of this unique partnership. I urge my colleagues to join me in honoring TRANSCOM and supporting this resolution.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 640, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE NAVY UDT-SEAL MUSEUM IN FORT PIERCE, FLORIDA, AS THE OFFICIAL NATIONAL MUSEUM OF NAVY SEALS AND THEIR PREDECESSORS.

Ms. CASTOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2779) to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF NAVY UDT-SEAL MUSEUM IN FORT PIERCE, FLORIDA, AS OFFICIAL NATIONAL MUSEUM OF NAVY SEALS AND THEIR PREDECESSORS.

(a) FINDINGS.—Congress finds the following:

(1) The United States Navy SEALs are the most elite fighting force in the world and bravely serve in combat operations around the World.

(2) The Navy SEALs trace their roots from the Navy Frogmen of World War II.

(3) The location recognized as the birthplace of the Navy Frogmen, where thousands of brave volunteers were trained as members of Naval Combat Demolition Units and Underwater Demolition Teams during World War II, is now home to the Navy UDT-SEAL Museum.

(4) The Navy UDT-SEAL Museum is the only museum dedicated solely to preserving the history of the Navy SEALs and its predecessors, including the Underwater Demolition Teams, Naval Combat Demolition Units, Office of Strategic Services Maritime Units, and Amphibious Scouts and Raiders.

(5) The Navy UDT-SEAL Museum preserves the legacy of the honor, courage, patriotism, and sacrifices of those Navy SEALs and their predecessors who offered their services and who gave their lives in defense of liberty.

(6) The Navy UDT-SEAL Museum finances, operations, and collections are managed by UDT-SEAL Museum Association, Inc., a non-profit organization governed by current and former SEALs and UDTs.

(7) The Navy UDT-SEAL Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of Navy SEALs and their predecessors, then and now.

(8) Since 1985, when the Navy UDT-SEAL Museum first opened, it has become home to artifacts and photos telling the history of Naval Special Warfare from the beginnings of Underwater Demolition training in Ft. Pierce, Florida, through the exploits of Navy Frogmen in the Atlantic and Pacific war theaters of World War II, through the role of Navy SEALs in fighting in the War on Terror and in Iraq.

(9) The State of Florida, St. Lucie County, Florida, thousands of private donors, and philanthropic organizations have contributed millions of dollars to build, restore, and expand the Navy UDT-SEAL Museum.

(10) The United States Navy and the United States Special Operations Command have provided many of the historical materials and artifacts on display at the Navy UDT-SEAL Museum.

(b) RECOGNITION OF NATIONAL MUSEUM.—The Navy UDT-SEAL Museum, located at 3300 North A1A, North Hutchinson Island, in Fort Pierce, Florida, is recognized as the official national museum of Navy SEALs and their predecessors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2779 to honor the legacy of the Navy SEALs by recognizing the Navy Underwater Demolition Team Sea, Air, Land, or UDT-SEAL, Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors. I thank my colleague from Florida (Mr. MAHONEY) for bringing this measure to the floor of the House.

Since the program's inception in 1962, the Special Operations Sailors, known as Navy SEALs, have risked their lives at sea, in the air and on land to protect the United States of America. The most elite fighting force in the world, the Navy SEALs have bravely executed some of the most dangerous combat operations in our Nation's history. Tracing the roots of these historic sailors, the Navy UDT-SEAL Museum in Fort Pierce, Florida, marks the birthplace of the Navy frogmen where thousands of brave volunteers were trained to become the first members of naval combat demolition units and underwater demolition teams during World War II. The Navy UDT-SEAL Museum is the only museum dedicated solely to preserving the legacy of the Navy SEALs and its predecessors.

Since 1985 when the facility first opened, the museum served both as a physical monument to our sailors' bravery as well as an educational repository that preserves the legacy of their honor, skill, courage and patriotism. The museum traces the SEALs' lineage from the UDTs conducting hydrographic reconnaissance on the beaches of Normandy to the present-day professionals who practice conventional warfare and counterterrorism. The museum exhibits memorialize the incredible courage and versatility of the Navy SEALs through emphasizing eyewitness accounts and photographs of sailors on the battlefield as well as on the homefront.

The Navy UDT-SEAL Museum in Fort Pierce, Florida, is an immensely important venture for the Navy underwater combat community as well as for the great State of Florida, preserving the rich history and valiant story of the Navy SEALs for both the program's veterans and future generations.

Our Nation can express its great admiration for these brave sailors and the gratitude for this monument to their sacrifices by recognizing the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

Mr. Speaker, I urge my colleagues to support H.R. 2779, and I reserve the balance of my time.

Mr. REICHERT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in strong support of H.R. 2779, a bill that recognizes the Navy Underwater Demolition Team-SEAL Museum in Fort Pierce, Florida, as the official national museum of the Navy SEALs and their predecessors. H.R. 2779 has the strong bipartisan support of 44 cosponsors, including the distinguished members of the Committee on Armed Services and my good friends SUSAN DAVIS of California and THELMA DRAKE of Virginia whose districts contain the majority of present-day SEALs units.

The Navy SEALs are deservedly renowned around the world for their combat prowess and are a critical part of our special forces team. This elite fighting team and force traces its beginning to the Navy's World War II frogman training facility in Fort Pierce, Florida, where this museum is located. During World War II, the Navy trained thousands of volunteers as combat demolition and underwater demolition experts at Fort Pierce. The brave men who mastered these difficult and dangerous skills set the standard for today's SEALs to attain.

The Navy Underwater Demolition Team-SEAL Museum, which we designate today as the official national museum, has an impressive and comprehensive collection of material about these elite Navy fighting forces, providing the public with an excellent education of today's Navy SEALs and their predecessors.

Mr. Speaker, I am pleased that this bill has been brought to the floor. I urge my colleagues to join me in support of this bill, and I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 5 minutes to my friend and colleague, the gentleman from Florida (Mr. MAHONEY), who is an outstanding leader and staunch supporter of the Nation's Armed Forces.

Mr. MAHONEY of Florida. I would like to thank my good friend, the gentlewoman from Florida, and an original cosponsor of this bill for yielding time to me this afternoon. I would also like to recognize the gentleman from Washington (Mr. REICHERT) for his support for this important bill.

Mr. Speaker, I rise today in support of H.R. 2779, legislation that I introduced to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of the Navy SEALs and their predecessors.

Mr. Speaker, I am sure that there are many today watching and asking how important is it to create a national museum recognizing brave men and women who have served in underwater demolition teams as frogmen and today as SEALs. In my life, I have had the privilege and honor of knowing and learning about brave men who have served our Nation and have seen the hell of combat, people like Reggie White, my daughter Bailey's grandfather, who was a combat engineer and who, like the men of UDT, had the job of clearing Omaha Beach that fateful day of June 6, 1944. My uncle, Bart Mahoney, a B-17 pilot, was one of the first to be shot down over Germany. Bart survived combat and then survived German concentration camps. Bobbie Maynard saw frontline action in Korea and survived some of the heaviest engagements in the Korean War. My friend, Pat Kelley, was a medic in Vietnam who had to endure the life-and-death realities of combat. These men are heroes. These men have seen the horrors of war and survived them. These men never bragged about their service. In fact, they rarely spoke of it, preferring to let the horrors of their experience rest. This bill is important because it gives voice to the heroes whose stories and honor need to be captured and passed down to future generations.

The ground upon which the Navy UDT-SEAL Museum rests was the birthplace of the Navy frogmen. Through World War II, thousands of brave soldiers were trained as members of naval combat demolition units and underwater demolition teams at the site. Since that time, the frogmen have evolved into one of the elite fighting forces in the world, the Navy SEALs.

The Navy UDT-SEAL Museum is the only museum dedicated solely to preserving the legacy of the honor, courage, patriotism, and sacrifices of those Navy SEALs and their predecessors, including the underwater demolition teams, naval combat demolition units, Office of Strategic Service maritime units, and Amphibious Scouts and Raiders.

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I would like to personally thank Captain Mike Howard, a retired Navy SEAL; Ruth McSween; Rolf Snyder; and others, who have made the UDT-SEAL Museum possible. I would also like to thank all the men and women who worked to preserve the legacy of the Naval Special Warfare community. Since the museum was opened in 1985, thousands of visitors have learned of the accomplishments of the Navy SEALs through the museum's artifacts and photos tracing the history of Naval Special Warfare from its beginnings during World War II, through the Navy's SEALs current role in fighting the war on terror and in Iraq.

While we are here today to honor the Naval Special Warfare community, I would like to take a moment to remember Petty Officer First Class Robert Richard McRill and all of those who have paid the ultimate sacrifice while serving our Nation. Petty Officer McRill, from Lake Placid, Florida, was killed while serving in Iraq as part of SEALs Group Two when his team was hit by an IED.

By designating the Navy UDT-SEAL Museum as the official national museum of Navy SEALs and their predecessors, we are honoring Mr. McRill and all the warriors who have served in Naval Special Warfare. I ask all my colleagues to join me in recognizing the honor, courage, patriotism and sacrifices of the SEALs and their predecessors by supporting this legislation.

Mr. REICHERT. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I would like to thank my colleague from Washington (Mr. REICHERT) for his support. I would also like to thank my colleague and friend from Florida (Mr. MAHONEY) for bringing this thoughtful bill to the floor of the House of Representatives.

Mr. Speaker, I urge my colleagues to support H.R. 2779.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of a resolution to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida as the official national museum of Navy SEALs and their predecessors. As an original cosponsor of this legislation, I would like to express my appreciation for the efforts of my good friend from Florida, Congressman TIM MAHONEY, for introducing this important legislation and the House Leadership for bringing it before the House floor for a vote.

The Navy UDT–SEAL Museum in Fort Piece, located adjacent to the District I represent, is in close proximity to the birthplace of the World War II underwater demolition teams or the "Navy Frogman." These "Navy Frogmen" have since evolved into the U.S. Navy SEALs, one of the most elite and distinguished fighting forces in the entire world. This museum is currently the only one of its kind in the world that honors and preserves the Navy SEALs legacy. The museum's mission is essential, and through its daily work to educate the public, continues to recognize the contributions of the brave men and women serving our Nation.

The Navy SEALs are an elite fighting team that have operated in almost every environment known to man—from humid jungles to space stations orbiting the Earth. We owe it to these brave men and women who put their lives on the line every day for the United States' democracy our sincerest gratitude and respect. We owe it to them to memorialize their contributions and their legacy on a national scale.

Since 1985, the Navy UDT–SEAL Museum has been at the forefront of educating our Nation on the historical importance of these special forces. The museum currently contains thousands of artifacts, declassified documents, weapons, and photographs that are a true testament to the courageous exploits of the Navy SEALs and their predecessors.

This legislation before us today would make the museum the Official National Museum for Navy SEALs in the United States. I urge a swift passage of this significant legislation to properly recognize and memorialize the heroic acts of past and present United States Navy SEALs.

Mr. CASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and pass the bill, H.R. 2779.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING THE 1ST BRIGADE COMBAT TEAM/34TH INFANTRY DIVISION OF THE MINNESOTA NATIONAL GUARD

Ms. CASTOR. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 185) commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 185

Whereas the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, known as the Red Bull Division, is headquartered in Bloomington, Minnesota, and deployed approximately 2,700 hard-working and courageous Minnesotans and approximately 1,300 more soldiers from other Midwestern States;

Whereas the 1st Brigade Combat Team has a long history of service to the United States, beginning with the Civil War;

Whereas the 1st Brigade Combat Team was most recently mobilized in September 2005 and departed for Iraq in March 2006;

Whereas the 1st Brigade Combat Team recently completed the longest continuous deployment of any United States ground combat military unit during Operation Iraqi Freedom;

Whereas, during its deployment, the 1st Brigade Combat Team completed 5,200 combat logistics patrols, secured 2.4 million convoy miles, and discovered 462 improvised explosive devices (IEDs) prior to detonation;

Whereas the 1st Brigade Combat Team processed over 1.5 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations;

Whereas the 1st Brigade Combat Team captured over 400 suspected insurgents;

Whereas more than 1,400 members of the 1st Brigade Combat Team reenlisted during deployment and 21 members became United States citizens during deployment;

Whereas the 1st Brigade Combat Team helped start two Iraqi newspapers that provide news to the local population and publish stories on reconstruction progress;

Whereas the 1st Brigade Combat Team completed 137 reconstruction projects;

Whereas the deployment of the 1st Brigade Combat Team in Iraq was extended by 125 days in January 2007;

Whereas the 1st Brigade Combat Team and its members are now returning to the United States to loving families and a grateful nation;

Whereas the families of the members of the 1st Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this lengthy deployment;

Whereas the employers of members and family members of the 1st Brigade Combat Team have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas communities throughout the Midwest are now integral participants in the Minnesota National Guard's extensive Beyond the Yellow Ribbon reintegration program that will help members of the 1st Brigade Combat Team return to normal life; and

Whereas the 1st Brigade Combat Team/34th Infantry Division has performed admirably and courageously, putting service to country over personal interests and gaining the gratitude and respect of Minnesotans, Midwesterners, and all Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States ground combat military unit during Operation Iraqi Freedom;

(2) recognizes the achievements of the members of the 1st Brigade Combat Team and their exemplary service to the United States; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Minnesota National Guard for appropriate display.

The SPEAKER pro tempore (Mr. MAHONEY of Florida). Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 185, commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom. I would like to thank my colleague from Minnesota (Mr. WALZ) for bringing this measure before the House.

The 1st Brigade Combat Team of the 34th Infantry Division was deployed for 22 months, nearly 2 years. That's how long they were continuously deployed. This is longer than any other ground combat unit in Operation Iraqi Freedom. Many Americans count down the hours until the end of the workday, until Friday night, until the end of the work week. Often our commitment to our jobs comes in bundles of 40 hours.

Yet the soldiers of the Red Bull Division had no such luxury. Counting down the time until redeployment was computed in entire weeks, if not months. Just when they and their families thought they were to come home, their deployment was extended by an additional 125 days.

In 22 months some of our brave men and women in uniform missed their infants and their young children taking their first steps, saying their first words. Some of the roughly 5,000-member BCT missed their kids' high school graduations, and they didn't get a chance to move their sons and daughters into a dorm for college.

So much can change in 2 years. So many precious moments that we hold dear pass by during this time. Yet we go about our daily lives and forget that these precious moments that we enjoy are being protected by America's tremendous servicemembers.

Even more amazing is the fact that the members of the 1st Brigade Combat Team/34th Infantry Division are members of the National Guard. These are everyday folks, our neighbors and friends who signed up to be citizen soldiers. Their single deployment lasted as long as some active duty servicemembers' entire time in our Armed Forces. This was an extraordinary commitment and sacrifice on the part of the Red Bull Division.

Mr. Speaker, I know Mr. WALZ and Mr. KLINE, our colleagues from Minnesota, will have much to say about these fine Minnesotans as representatives of that great State. But I would just like to say how proud I am as a Member of the United States House of Representatives and as an American, Mr. Speaker, of the 5,200 combat logistics patrols, the 2.4 million convoy miles, the 400 captured terrorists and the 22-month deployment that the 1st Brigade Combat Team/34th Infantry Division accomplished.

We can never repay these servicemembers for their time and their tremendous sacrifice. But what we can do is enshrine our appreciation and thanks by passing this resolution into law.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 185.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 185, which commends the men and women of the 1st Brigade Combat Team/34th Infantry Division, Minnesota National Guard, for completing the longest continuous deployment of any United States combat team in Operation Iraqi Freedom.

Mr. Speaker, these men and women did not want to set this record. They didn't seek this record. In fact, when they left these shores, they had no idea this record was going to be theirs: 16 months in a combat zone, 22 months of mobilization. But when the word came, they didn't flinch. They set forward, they did their duty and they set a record, one which I certainly hope no other unit will ever be asked to surpass.

The men and women of the 1st Brigade Combat Team are some of this Nation's finest soldiers. Their first-rate service in Iraq carries on the tradition of excellence established by previous generations of the 1st Brigade, through service in the Civil War, the Spanish-American War, and both world wars.

The more than 2,200 Minnesotans and 1,300 more Midwestern soldiers who served in the 1st Brigade in Iraq performed remarkably during their unrivaled tour of duty. These soldiers completed more than 5,200 combat logistics patrols, secured 2.4 million convoy miles, captured over 400 suspected insurgents, and discovered 462 improvised explosive devices prior to detonation. They also helped to start two Iraqi newspapers and completed 137 reconstruction projects.

As a mark of their commitment to the unit and to this Nation, more than 1,400 members of the brigade reenlisted, reenlisted, while in Iraq, and 21 members became United States citizens.

Throughout their long tour of duty, their historic tour of duty, the soldiers of the 1st Brigade Combat Team had the steady support of families and employers. The soldiers are now home and beginning the process of reintegration through the Minnesota National Guard's extensive Beyond the Yellow Ribbon program.

Mr. Speaker, given their admirable and courageous service over so long a period of time, and in recognition of their willingness to put service to country over personal interest, it is only fitting that we take this opportunity to commend the men and women of the 1st Brigade Combat Team.

I want to thank my friend and colleague, the gentleman from Minnesota (Mr. WALZ) for bringing this measure forward and for his service with the National Guard.

Mr. Speaker, I urge my colleagues to vote in strong support of this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I intend to recognize the sponsor of this thoughtful resolution, but I think it is important for our colleagues to recognize his service as well. Mr. WALZ from Minnesota spent 24 years himself in the Army National Guard, so he has had a full life of service to this country. I don't think he knew when he enlisted at the young age of 17 that he would end up so many years in the Army National Guard. He also became a teacher. But he achieved the rank of command sergeant major.

I am pleased to yield 5 minutes to Command Sergeant Major WALZ, my friend and colleague from Minnesota, the sponsor of this thoughtful resolution.

Mr. WALZ of Minnesota. I thank the gentlewoman from Florida for her kind words, and I thank the gentleman from Minnesota for his many years of leadership and his service also and to the whole Armed Services Committee for this important legislation.

I am urging my colleagues, and I am sure it will not take a lot of urging. This House of Representatives understands. This resolution, House Concurrent Resolution 185, has recognized the incredible contributions, courage, and sacrifice of the 1st Brigade Combat Team of the National Guard that they have given to our Nation.

In July of 2005, members of the 1/34th Brigade Combat Team of the famed Red Bull Division were notified of their deployment. Twenty-two months later, in July of 2007, they began returning home, after a 22-month deployment. As my colleague from Minnesota said, they had no intention or no knowledge that they would be setting a record. They simply said yes when they were called upon.

As you have heard from each of my colleagues, the statistics are amazing on what this unit did: 5,200 combat logistic patrols covering 2.4 million convoy miles. You heard Mr. KLINE talk about the number of IEDs that were found. A full 37 percent of the total IED incidents during their time there were attributed to the diligent work of this unit.

They helped start the Iraqi newspapers that you heard about, and they also helped produce documentaries on the positive work that our units are doing in Iraq. They completed 137 reconstruction projects; and during this deployment, as you heard, they reenlisted 1,400 of these brave citizen soldiers. And I think a really special thing is 21 of them became citizens during their time in service to this country.

Although they were originally slated to come home, they endured a 125-day extension, and their families and employers endured that with them. This record of the longest continuous deployment of any U.S. military operation in Iraqi Freedom is something to be incredibly proud of. Being there is one thing. Contributing positively the way they did is quite another.

The soldiers sacrificed 2 years of their lives in service to their country. I know how much they have given, as I was a former member of this Red Bull Division myself; and I know many of these men and women personally.

They have added to the long and impressive list of the Red Bull. Their lineage goes back to the 1st Minnesota Volunteers, the first unit to volunteer for the Civil War. The Red Bulls had 517 days of actual combat in World War II, that is more than any other U.S. division during the war, and captured more enemy hills and territory than any other division in World War II.

I, along with the rest of the Minnesota delegation in both the House and the Senate, introduced this resolution to honor their service and to recognize not just the soldiers, but their families and employers who patiently supported, loved and cared for them and waited for them until they returned to the Midwest.

I want to thank my colleagues from Minnesota for their work in support of this resolution, especially my colleague Mr. KLINE from Minnesota. My colleague from Minnesota himself is a lieutenant colonel, a lifelong and career Marine Corps officer and one that served with distinction. He understands and he too knows the sacrifice that they have given.

I want to thank the 30 other Members of Congress who cosponsored this resolution to show their support of the 1st Brigade Combat Team. But most of all, I want to thank the 2,447 soldiers of the 1st Brigade Combat Team from Minnesota. The other soldiers that augmented this unit came from Iowa, Nebraska, Kansas, Wisconsin, New Jersey, Kentucky, Idaho, and Washington.

The Red Bulls have truly lived up to their long and heroic tradition and have contributed bravely to the war in Iraq and this Nation's security. Regardless of what any American feels about the war in Iraq, it is clear that America's servicemembers, like those from the 1st Brigade Combat Team, have performed brilliantly and magnificently; and they deserve our full support.

Now Congress must do its part to recognize their service and provide them the benefits and the health care that they need. The Minnesota National Guard has a world-class reintegration program, the Beyond the Yellow Ribbon program, which helps soldiers readjust to civilian life.

I want to thank my friend and colleague and fellow Minnesotan, Congressman KLINE, for working to expand this program nationwide for all soldiers. His leadership in this is appreciated by soldiers and families across this Nation.

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Their needs will go far beyond reintegration. Long after the initial fanfare fades, Congress and the Department of Veterans Affairs must stand ready to assist these brave warriors throughout the rest of their lives. They have more than earned our support, and we must be certain they always have it.

Mr. Speaker, I urge all of my colleagues to show their support for the Red Bulls by adopting this resolution.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself a moment to say that I urge all of my colleagues to support this important resolution. The service that these men and women performed is truly historic and commendable. Again, I thank Mr. WALZ for bringing this measure forward.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I would like to thank my colleagues from Minnesota, Mr. KLINE and Mr. WALZ, the sponsor of this thoughtful concurrent resolution, and urge my colleagues to support H. Con. Res. 185.

Mrs. BACHMANN. Mr. Speaker, I rise today in proud support of this legislation which commends Minnesota's First Brigade Combat Team of the 34th Infantry Division for their completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom.

This extraordinary group of men and women, also known as the Red Bulls, is comprised of about 3,700 dedicated Minnesotans and some 1,300 more soldiers from other Midwestern States. Recently, more than 1,000 of our courageous Red Bulls returned home from a 22-month deployment to Iraq.

During their time in the Middle East, the First Brigade Combat Team protected lives and helped to preserve the blessings of liberty here at home. They discovered 462 improvised explosive devices, IEDs, before they were able to wreak havoc on the innocent. By finding these IEDs prior to detonation, the First Brigade Combat Team surely saved the lives of countless fellow soldiers and Iraqi citizens. They also captured over 400 suspected insurgents and completed 137 reconstruction projects. In addition, the First Brigade Combat Team successfully processed over 1.5 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations.

Mr. Speaker, I am pleased to honor the First Brigade Combat Team, whose bravery and commitment to serving our country is as apparent today as it has been in wars long past. These soldiers have returned with an outstanding record of achievement and have earned hundreds of awards including: one Silver Star, 151 Bronze Stars, 32 Purple Hearts, 771 Army Commendation Medals, 136 Combat Infantry Badges, 302 Combat Action Badges and 14 Combat Medical Badges.

The important measure before us today recognizes the service of our Red Bull soldiers, and reminds us of the price of our freedom, and those who have freely chosen to honor it.

To our Red Bulls, and all of the men and women that defend this Nation, my colleagues and I continue to stand in awe of you.

Thank you, and may God bless you and your families.

Mr. ELLISON. Mr. Speaker, I rise today to honor the service of the men and women of the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard and in strong support of H. Con. Res. 185.

I want to thank my colleague and friend TIM WALZ for bringing this important resolution before the floor.

The dedicated men and women of 1st Brigade Combat Team/34th Infantry Division of the Minnesota Guard have just finished serving the longest continuous deployment of any United States military unit during Operation Iraqi Freedom. This Minnesota National Guard unit served 22 months, 16 of which were in Iraq.

Mr. Speaker, I believe our Nation owes a debt of gratitude to the members of the 1st Brigade Combat Team/34th Infantry Division along with all the men and women who have honorably served in Iraq.

H. Con. Res. 185 represents a small token of appreciation for our grateful Nation. The resolution formally recognizes the achievements of these citizen soldiers and officially thanks them for their service.

This resolution thanks the 1st Brigade Combat Team for their work and the time they have sacrificed from their families, neighbors and communities in their valiant service to our country.

I urge my fellow colleagues in Congress to support this important resolution.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today I rise strong support of H. Con. Res. 185. I join the gentleman from Minnesota, Mr. WALZ in offering this resolution. Our entire State joins together in welcoming home the 2,600 members of the Minnesota National Guard's 1st Brigade Combat Team, 34th Infantry Division who recently returned from Iraq.

During the 22-month deployment of the 1/34th BCT, these courageous citizen soldiers served Minnesota and our Nation with honor and dignity. Their service frequently put them in harm's way, and we are grateful for their safe return to their families. Since the war in Iraq began our friends, families and neighbors who serve in the National Guard and Reserves have seen their dual roles as citizen soldiers expand as they have been called to serve in deployments across the world even as they continue the most important mission of all, protecting us in our communities here at home.

The men and women of the 1/34th have demonstrated an exceptional commitment to our country—a commitment to serve and a willingness to sacrifice in combat operations. Their 22-month activation in Iraq was the longest tour of any military unit to have served in Iraq thus far. These Minnesota soldiers have completed some of the most grueling combat assignments. We should also pause to remember the brave members of this unit who made the ultimate sacrifice during their deployment. Their service and sacrifice will never be forgotten.

My office stands ready to assist all military personnel and their families. I believe strongly that our Federal Government must keep its promise to all those who have served. Providing the necessary healthcare, education, and disability benefits to meet the needs of our veterans is both a responsibly and a moral obligation.

Regardless of where individuals stand on the issues that face this Nation in Iraq we all must continue to support the men and women who volunteer to serve in the U.S. Armed Forces all around the world.

As we welcome home members of the 1/34th, we must also keep in our thoughts and prayers the many active duty military personnel, Reservists and Minnesota Guard members who continue to serve in harm's way in Iraq, Afghanistan, Kosovo, and elsewhere around the world. I commend each and every one of them for their strength, courage and dedication.

I would like to thank my colleague from Minnesota, Mr. WALZ, for bringing this important resolution to the House floor, and for his service to this country. I commend members of the Minnesota National Guard's 1st Brigade Combat Team, 34th Infantry Division.

Mr. PETERSON of Minnesota. Mr. Speaker, today, with the passage of H. Con. Res. 185, we honor the brave young men and women from the Minnesota National Guard who returned home this past summer from a 22-month deployment, the longest of any combat unit during Operation Iraqi Freedom.

I want to recognize these citizen-soldiers, because that is what they truly are—citizens first, soldiers second. They have full time jobs, families to take care of and daily commitments that regular army soldiers don't have.

When these men and women were initially deployed, no one imagined they would be gone for so long and so often. Some of them spent close to a year in Bosnia before being deployed to Iraq.

The soldiers of the Minnesota National Guard performed their duties admirably. They knew their mission and I know from my personal experience with these men and women that they would always do more than what was asked of them.

Today I also would also like to recognize the families of the Minnesota National Guard. They were not in harm's way, but they woke up every day worrying, not knowing what that day would bring for their loved ones. They didn't enlist, but they shared the daily effects of this war.

I also want to thank the families of the fallen soldiers. These families have sacrificed more than anyone could have imagined. We thank you for giving us one of your own to defend this great Nation from its enemies and we honor all who believe that doing your duty is a noble act.

I would like to enter for the RECORD the names of the Minnesota National Guard soldiers who lost their lives: Staff Sergeant David Day of Saint Louis Park, MN; First Lieutenant Jason Timmerman of Tracy, MN; Sergeant Jesse Lhotka of Alexandria, MN; Specialist Brent Koch of Morton, MN; Specialist Kyle Miller of Willmar, MN; Sergeant Joshua Hanson of Dent, MN; Specialist Bryan McDonough of Maplewood, MN; Specialist Corey Rystad of Red Lake Falls, MN; Sergeant James Wosika of Saint Paul, MN; Sergeant Greg Reiwer of Frazee, MN; and Sergeant Joshua Schmit of Willmar, MN.

I ask my colleagues to remember these brave soldiers, their sacrifice on behalf of all of us, and the family they leave behind in Minnesota. You all will be missed but not forgotten.

Once again, I congratulate the Minnesota National Guard and the first Brigade Combat team on a job well done and thank all the men and women who have served the State of Minnesota and the Nation as members of the Minnesota National Guard. We are thankful you are home.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CASTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CORPORAL CHRISTOPHER E. ESCKELSON POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2276) to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL CHRISTOPHER E. ESCKELSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, shall be known and designated as the "Corporal Christopher E. Esckelson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Christopher E. Esckelson Post Office Building".

The SPEAKER pro tempore (Ms. CASTOR). Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in supporting H.R. 2276, which names a postal facility in Vassar, Michigan, after Corporal Christopher E. Esckelson.

H.R. 2276, which was introduced by Representative KILDEE of Michigan on May 10, 2007, was reported from the Oversight Committee on September 20, 2007, by a voice vote. This measure has the support of the entire Michigan congressional delegation.

Madam Speaker, Marine Corporal Christopher E. Esckelson was killed on December 28, 2006, while conducting combat operations in al Anbar Province, Iraq. He was assigned to 1st Battalion, 24th Marine Regiment, 4th Marine Division, Lansing, Michigan.

In October of 2002, Corporal Esckelson joined the U.S. Marine Corps Reserve and attended Delta College. His desire was to become a doctor, but he was called to active duty in April 2006. Corporal Esckelson was extremely proud to be a marine and committed to serve his country with distinction and courage.

Madam Speaker, I commend Representative KILDEE for introducing this legislation and urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2276 honors the life of a young man who fought bravely for his country and made the ultimate sacrifice for our freedom. Corporal Christopher Esckelson was killed during combat action in Fallujah, Iraq on December 28, 2006. He was less than 1 week shy of reaching his 23rd birthday.

Christopher Esckelson felt personal anger after September 11, 2001, when his country was brutally attacked, and he knew immediately he wanted to serve in the U.S. Marine Corps. In addition to defending his country, it was a way to earn money for college. His plans included attending medical school. His dream of becoming a doctor, however, was cut short on a 5-day mission fighting insurgents in a war-torn Fallujah.

Corporal Esckelson was a squad leader of 12 men and suffered a direct hit during a mission. His leadership skills were proven day in and day out while in Iraq. He knew the risks involved and experienced the horrors of war. But his determination to fight and win was evident. He was fearless on the battlefield.

Christopher never had the chance to return home safely from the war or attend medical school as he planned, but he will surely be remembered in his community by the naming of this post office in his hometown of Vassar, Michigan. I am pleased to support H.R. 2276 in naming of the post office for this valiant soldier.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 3 minutes to Representative KILDEE from Michigan.

Mr. KILDEE. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am proud to be the sponsor of H.R. 2276. H.R. 2276 will designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building."

Corporal Esckelson of Vassar, Michigan, heroically gave his life fighting for our country in Fallujah, Iraq, on December 28, 2006, 2 days shy of his 23rd birthday. Corporal Esckelson, the squad leader of 12 men, suffered a direct hit while inspecting a truck in war-torn Fallujah, Iraq.

Corporal Esckelson's leadership qualities came to fruition long before he began to serve our country. An outstanding athlete at Vassar High School, Christopher Esckelson played the game of football like he did life, with great passion. That same passion is what drove the aspiring doctor to join the Marines shortly after the September 11 attacks.

He once told his mother, Michelle Hill, that whatever life might bring, he still would have been a marine.

His early time in the Marine Corps Reserve allowed him to earn money to pay for classes at Delta College, where he studied premedicine. Other activities Corporal Esckelson enjoyed were hunting with his father, David, and brother, Craig, as well as spending time with his girlfriend, Samantha Reasner, who last saw him when she drove him to the airport when he left for basic training.

His last contact with his family came 2 days before Christmas 2006 when he left on a 5-day mission which would ultimately be his last.

For his heroism, Corporal Christopher E. Esckelson deserves our recognition and thanks. Designating this postal facility in Vassar, Michigan, where his mother works will allow all who enter the post office the unique opportunity to be mindful of the sacrifices brave young soldiers like Christopher have made and continue to make today.

I would like to thank the entire Michigan delegation for their support on this legislation, and urge all of my colleagues to join me in passing this legislation.

Mr. WESTMORELAND. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I commend my colleague, Representative KILDEE, for introducing this legislation, and urge its swift passage by the House.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 2276.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CORPORAL STEPHEN R. BIXLER POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3325) to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL STEPHEN R. BIXLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, shall be known and designated as the "Corporal Stephen R. Bixler Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Stephen R. Bixler Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3325 which names a postal facility in Suffield, Connecticut, after CPL Stephen R. Bixler. H.R. 3325, which was introduced by Representative JOE COURTNEY on August 2, 2007, was reported from the Oversight Committee on September 20, 2007, by voice vote. This measure has the support of the entire Connecticut congressional delegation.

Madam Speaker, Marine CPL Stephen R. Bixler was killed on May 4, 2006, while conducting combat operations against enemy forces in al Anbar Province, Iraq. He was assigned to 2nd Reconnaissance Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

LTC James M. Bright, the battalion's commander, said, "Corporal Bixler was a vibrant, active man. He died fearlessly leading and willingly sacrificing his own safety for those around him."

Corporal Bixler was a devoted soldier with strength of character and self-assurance. He served his country with honor and distinction.

Madam Speaker, I commend the gentleman from Connecticut (Mr. COURTNEY) for introducing this legislation and urge swift passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, CPL Stephen Bixler was a proud and loyal American who served his country while fighting the war on terror. He made the ultimate sacrifice defending freedom when he lost his life on May 4, 2006. Corporal Bixler was born in Hartford, Connecticut, on August 17, 1985. As a student at Suffield High School, he was known as a "shy, soft-spoken, very dedicated young man and very patriotic, in a quiet, determined way." During high school, he was involved in athletics and was a member of the indoor/outdoor track team as well as the cross country team. His love for the outdoors and helping others was exemplified during the time he was a Boy Scout and his hard work and dedication was shown when he became an Eagle Scout.

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In July 2003, Corporal Bixler's sense of dedication to his community and country led him to enlist in the United States Marine Corps. He was an ambitious man who was able to accomplish much in his short, but meaningful, life.

As a result of his exceptional military skills, drive, courage and strength, Corporal Bixler applied for and was selected as a member of the 2nd Reconnaissance Battalion. He volunteered willingly for his second tour in Iraq because he knew his fellow marines needed his help. Tragically, during his second tour, on May 4, 2006, he was killed by enemy fire in Fallujah.

His decorations include the Sea Service Deployment Ribbon, Humanitarian Service Medal, Armed Forces Terrorism Medal, National Defense Service Medal, Combat Action Ribbon, and Purple Heart Medal.

We can never show adequate appreciation in honoring the brave men and women who give their lives in service to our country. However, Corporal Bixler's name is etched on the Wall of Honor in the Rayburn House Office Building in Washington, DC.

In addition to the memorial wall, naming this post office in his honor is a fitting and meaningful tribute to a proud marine who served selflessly on behalf of his hometown and his Nation.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 4 minutes to my friend from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I thank Congressman CLAY. I also want to thank Congressman WESTMORELAND for his kind words in support of H.R. 3325, which I'm the sponsor of, to name the post office at 235 Mountain Road in Suffield, Connecticut, after Corporal Stephen R. Bixler, who at the age of 20, on a second deployment in Iraq, lost his life serving our Nation.

As the prior speakers have indicated, this young man was not with us long, but made an extraordinary mark on all who knew him and served with him, particularly in his home of Suffield, Connecticut, which is a small Connecticut town of 14,000 people. It was founded in 1749 before our Nation even was born, and his family on his mother's side goes back three generations. As you can imagine, in a tight-knit, small community, he was well-known despite being a quiet young man because of his work in the community as an Eagle Scout. He was a varsity track athlete and an outstanding student.

He had a twin sister, Sandra, who graduated with honors from the University of Connecticut; and, clearly, Stephen could have followed that same path. But he followed a road less traveled, and he enlisted for the Marines before he even graduated from Suffield High School and, as I indicated, was on his second tour of duty when he lost his life on May 4, 2006.

His funeral at Sacred Heart Church in Suffield, which was attended by Archbishop Mansell from the Hartford Archdiocese, was an extraordinary outpouring of support from his community. And all I can say is that event was not the end as far as the town was concerned. They have held many ceremonies in memory of Stephen. They named a stretch of road in Suffield in his memory.

And it is fitting that the post office, which is the only Federal building in Suffield, should be named in his honor. His father has been a letter carrier for 35 years in the United States Post Office; but to be sure, our office solicited requests from the community to make sure that there was actual support in town. We had an outpouring of support: 170 letters came in, again, people who knew him as a young child all the way up through his time in the Marines, and I will submit letters from the Governor on down in support of this measure at this point.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
July 20, 2007.

Congressman JOE COURTNEY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: I am writing to encourage you to pursue legislation in the United States Congress that will change the name of the U.S. post office on Mountain Road in West Suffield, Connecticut to honor Marine Corporal Stephen R. Bixler.

As you know, Corporal Bixler was killed in Fallujah, Iraq on May 3, 2006 while on foot patrol. Corporal Bixler was proud of his service to the nation, and believed that he was able to make a difference in the lives of the Iraqi citizens he encountered. In addition to being a valiant member of our armed forces, Corporal Boxler was a Suffield native and an Eagle Scout. Renaming the post office in his honor would be an especially fitting tribute to Corporal Bixler because it will be a lasting reminder of his selfless service to our nation.

I join with State Representative Ruth Fahrbach, Suffield's Board of Selectmen and numerous residents of Suffield, in urging you to pursue this legislation to preserve the memory of one of our fallen heroes.

Very truly yours,

M. JODI RELL,
Governor.

STATE OF CONNECTICUT SENATE,
STATE CAPITOL,
Hartford, CT, July 26, 2007.

Congressman JOE COURTNEY,
Enfield, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for contacting me in regards to naming the Suffield Post Office in honor of Corporal Stephen Bixler. Although such a gesture can never make up for the loss of such a brave young man, I believe that honoring his life in this way will be a source of comfort to his family and friends. Corporal Bixler, who selflessly gave his life for his country, fellow servicemembers, and all of us, deserves to be commemorated for his bravery and sacrifice. It is my hope that you will introduce this legislation to Congress and that the Suffield Post Office will be dedicated to the life of Corporal Bixler.

Thank you again for asking my thoughts on this issue. It was my pleasure to write in support of this wonderful young man, his family, and his friends.

Sincerely,

JOHN A. KISSEL,
State Senator—7th District.

STATE OF CONNECTICUT,
HOUSE OF REPRESENTATIVES,
July 11, 2007.

Re: Suffield Post Office Comment Period

Hon. JOE COURTNEY,
Member of Congress,
Enfield, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for the opportunity to comment on the request to name the Suffield Post Office for Corporal Stephen R. Bixler.

When Kevin Goff first contacted me about his suggestion to name the post office for Stephen, I thought it was an excellent idea. I suggested that he start by first contacting the Suffield Postmaster.

The death of Corporal Bixler brought together a community very divided on the war in Iraq. Residents lined the streets when his remains were transported from Bradley International Airport to the funeral home. Hundreds of friends, relatives and strangers attended his wake to show their love and support and to give thanks for his service and sacrifice to his country as well as to show support for grieving family members. As the funeral procession drove past the Suffield Post Office to the church, Suffield postal employees lined the street outside. (Stephen's father is a postal employee.) McAlister Elementary School students and teachers just across the street lined the route as well. Sacred Heart Church was overflowing with mourners.

I had the pleasure of presenting Stephen with a citation when he received his Eagle Scout award. He was an inspiration and set a positive example to the younger boys in his troop. To Stephen, achieving the rank of Eagle Scout was not just about accumulating badges. It was about guiding younger scouts to achieve their goals assisting them in any way that he could and setting a positive example for those who were to follow. Not because he had to but because that was who he was. Stephen accomplished much in his short life. Since I am not a resident of Suffield, I would defer to those who have decided to honor Corporal Bixler in this manner. I will say that in my opinion, naming the Suffield Post Office in honor of Corporal Stephen R. Bixler is appropriate, and well deserved and I am hopeful that Suffield residents agree.

Sincerely,

RUTH FAHRBACH,
House Republican Whip.

TOWN OF SUFFIELD,
SELECTMEN'S OFFICE,
July 19, 2007.

Congressman JOE COURTNEY,
Enfield, CT.

DEAR CONGRESSMAN COURTNEY: The Suffield Board of Selectmen strongly supports any and all efforts to name the Suffield Post Office in honor of Corporal Stephen R. Bixler. The Board of Selectmen voted unanimously at their July 18, 2007 meeting to support this proposal. The naming of the Suffield Post Office in honor of Corporal Bixler is an appropriate tribute to a man who sacrificed his life for our Country.

The loss of Corporal Bixler had a profound impact on the Town of Suffield and the residents of Suffield have made great efforts to recognize this hero. The Board of Selectmen, on behalf of the residents of Suffield, would like to thank you for your continued efforts to name the Suffield Post Office in honor of Corporal Bixler and will provide any further support you may need in this endeavor.

Very truly yours,

SCOTT R. LINGENFELTER,
First Selectman.

JULY 9, 2007.

Hon. JOE COURTNEY,
Congress of the United States,
Enfield, CT.

DEAR REPRESENTATIVE COURTNEY: I would like to lend my support to the suggestion that the Suffield Post Office located at 235 Mountain Road be named in honor of Corporal Stephen R. Bixler, United States Marine Corps. I believe that this would be a fitting tribute to a man who gave his life for his country. I am a member of the Suffield Board of Selectman, and I will ask our First Selectman to add an agenda item to our next meeting supporting this proposal.

Thank you very much.

Very truly yours,

TIMOTHY J. REYNOLDS,
Selectman, Town of Suffield.

The excerpts of the letters, which Mr. WESTMORELAND was kind enough to share with the House, I think again describe an extraordinary person who every day as people drive by that post office and young children come in and ask their parents who that name is, it would be a fitting tribute and an inspiration of human excellence and courage, which all of us should try to aspire to.

And, again, I urge strong support for this measure which is a fitting tribute to an extraordinary young man.

Mr. WESTMORELAND. Madam Speaker, I have no further speakers, and I would like to encourage all my colleagues to vote affirmative on H.R. 3325 honoring this brave young marine who gave the ultimate sacrifice for our freedom and country.

I yield back the balance of my time.

Mr. COURTNEY. Madam Speaker, from June 29 to August 1, 2007 I asked members of the Suffield, CT, community to share their opinion on changing the name of the local post office to honor Cpl Stephen R. Bixler. During that period, my office received over 170 letters, calls and e-mails in overwhelming support of the idea. The comments I received described a thoughtful and compassionate man who wanted nothing more than to serve his Nation and make a difference for his community, and I wanted to take a moment and share some excerpts with my colleagues.

"Being the very proud and saddened grandmother of Cpl Stephen R. Bixler, renaming the Suffield Post Office in his honor would be a special tribute, keeping his memory alive for all who knew, loved, and respected him. He gave his life to secure our freedom."—Cpl Bixler's grandmother.

"Stephen Bixler was a close friend of mine, in which I served with during Operation Iraqi Freedom with 3rd Battalion 8th Marines. During this period, Stephen showed what it meant to be a Marine through his hard work and dedication to the Marine Corps and in making the quality of living for the Iraqi people better. From when he was a Boy Scout, Stephen went out of his way to provide service to others. Being part of the Boy Scouts, Stephen was able to excel in all that he did leading him to earn Eagle Scout. Stephen decided to serve his country and protect others by joining the United States Marine Corps. In the Marine Corps, Stephen utilized his outstanding qualities of selflessness, determination, and dedication to the job at hand. Stephen strived to be the best at everything that he did. When 3rd Battalion 8th Marines returned state-side, Stephen volunteered to return with 2nd Reconnaissance Battalion for a second tour of duty in Iraq. He successfully completed his first of many schools when 2nd Recon Battalion asked for volunteers to leave to go back to Iraq. Stephen jumped at the opportunity and did it courageously. Before Stephen left, he told me that he did not think that he would make it back this time. Stephen went to many schools in Suffield, CT, when he was home and loved to talk to the students about his experiences. Stephen went on the deployment and lost his life in Fallujah, Iraq doing what he loved.

During the time I knew Stephen, I saw that he was a courageous and selfless individual by his actions. He changed the life of everyone whom he came in contact with. His service in the Marine Corps and in Boy Scouts made a lasting impression on Suffield, Connecticut residents, and on to all those who knew him. Stephen's loss has deeply impacted his family and those who had the pleasure of voting for him."—A fellow marine who served with Cpl Bixler.

Stephen gave his life selflessly while serving his second tour of duty in Fallujah, Iraq on May 4, 2006. Stephen served our country proudly knowing that the risk to himself was of the highest level and yet he went straight for the front lines. It is important to note that Stephen was given the Medal of Valor for his final act which saved the lives of his fellow marines traveling through a desperate area of the Al Anbar providence. It was Stephen who noticed the danger along the route and who stopped his caravan to investigate and mitigate the danger.

Stephen was a valuable member of our community as a young person who was always willing to give of himself as a Boy Scout (Eagle Scout rank), a member of the St. Joseph's Church, and as a friend who was filling to volunteer to help whenever the opportunity arose.

Stephen's willingness to help his community was not limited to Suffield, CT. His devotion to the Marines was Stephen's way to serve our country on behalf of us all.

Just before he returned to Iraq for his second tour of duty, I asked Stephen why he felt he needed to return. His response was simple. He said that the Iraqi people needed his help. He told me that after a few days of the Marine presence in the small towns of the Anbar Province that children returned to play and that people were back at work in the shadow of security provided by Steve and his fellow marines. Steve was humble in his view of his profound work."—Friend of Cpl Bixler.

Stephen Bixler was a close friend to both my husband and I, whom my husband served with during Operation Iraqi III 04-06. I had the privilege of knowing Stephen outside the United States Marine Corps. Stephen was a hardworking, dedicated and thoughtful individual. He always thought of others before throwing himself into the mix. His family and friends always came first. He exemplified what it meant to be a great friend, a great Marine, and a great leader. I only know the stories from Iraq either from my husband or his brother. They talked nothing of greatness and leadership. Stephen knew what he was doing, loved what he was doing and was passionate about being a Marine. Stephen became like a brother to me. Staying at our house and helping my husband out when something needed to be fixed. He was never afraid to get his hands dirty. He always came with a smile and left with one. His attitude was always positive even on those tough days at work.

Knowing Stephen made me a better person today. There is not a day that goes by that I do not walk past the pictures we have hanging in his memory or a night that I fall asleep that I am not thinking of him. He was a loved individual with so much to offer. His loss will always leave a lasting impression not only in Suffield but everyone that he reached out to."—Friend of Cpl Bixler.

Stephen Bixler was a close friend of both my brother and I, whom my brother served with during Operation Iraqi Freedom III 04-06. I also had the privilege of serving with Stephen Bixler in Camp Fallujah during this deployment. During this period, Stephen exemplified what it meant to be a Marine and a citizen soldier through his hard work and dedication to helping to improve the standard of living for numerous Iraqi families."

"During the short time that I knew Stephen, I learned that he was a caring and selfless individual by his actions. His life impacted those he came in contact with, extending beyond his friends and family. His service to others made a lasting impression not only on Suffield, Connecticut residents, but it extended to the citizens of Iraq and fellow service members within the armed forces. Stephen's loss has deeply impacted those that knew him and his family."—Friend of Cpl. Bixler.

"We knew him as a wonderful friend, student, track teammate, and overall outstanding citizen. Please help facilitate this honor to his memory."—Friends of the Bixler Family.

"A unique way of remembering our own and the tremendous price families pay for something others may take so lightly."

"Steve was an exceptional young man that my wife and I knew well. He attended our church and was an altar boy. His dream was always to be a Marine and he gave his life in the service of his country doing what he wanted to do. We have shared many moments with his mom and dad, Linda and Richard, grieving over the loss of someone so young."—Friend of Cpl. Bixler.

"In my opinion, there would be no better way to honor both Stephen and his family than by renaming the Post Office. Stephen is a hero, and I believe this is the very least he deserves for the sacrifice that he has made for his country. It is now our turn to repay our respect and honor by renaming the Suffield Post Office in Cpl. Bixler's name."—Friend of Cpl. Bixler.

"My senior year I attained a car for the first time and I would drive Steve to practice and home at the end of the day. We got along great, we could always make each other laugh at the littlest things and others on the tram would laugh with us. We used to hang out so much the athletic director didn't realize I was two years older than Steve. I had a great time with him and I will truly miss him. Steve was a great student and enjoyed by everyone, he was a talented young man."—Friend of Cpl. Bixler.

"Stephen Bixler was one of my older brother's closest friends. They ran cross-country and track together in high school and I remember always going to the meets and watching them compete. Steve was quite possibly one of the nicest guys on the team, if not the entire high school. Stephen entering the Marines and defending his country was something he felt passionately about. I support your idea to rename the Post Office in memory and honor of Stephen Bixler. What he did for our country may not be known to many people throughout the country, but it is widely known throughout our town and I believe that this renaming would be an honor in his family's eyes."—Friend of Cpl. Bixler.

"Stephen graduated from Suffield High School in 2003, 2 years after our son and one year before our daughter. He and our son Jon were good friends, having competed together in Cross Country and Track & Field at Suffield High. During the years that Jon had his license, and Steve was still too young, Steve was the one exclusive passenger who was picked up each morning on the way to school and returned home each evening after a meet or practice. The two of them, and the old truck they rode in back and forth to school, were men on a mission who could only be deterred by the chance to do 'donuts' in an empty high school parking lot with a fresh covering of snow!

"During the summer, they were part of a small group on the Cross Country team who attended running camp in Vermont. They always enjoyed entertaining us with the stories they brought home about the camp antics and the occasional practical jokes."

"Steve was a model student, with a warm personality and a great sense of humor. He was also quiet and serious with a great respect for his family and country. All during high school, Steve's friends knew his first dream was to be a U.S. Marine. When many of his friends left for the 'footloose' life of being new college students, Steve left for the most difficult job—Marine training. As a marine, Steve's assignments throughout the world had one cause and that was to assist people in need. Steve was a young man that any parent would be honored to have as a son."—Parents of one of Bixler's close friends.

"The Iraq war is not a subject that comes and goes—it is always on the air. Its everlasting presence reminds me of Stephen Bixler—in my studies, watching the news, even conducting research at work.

"Naming the post office after Steve would not just be an honor to Steve but also a gift to the people of Suffield. Though we can never bring Steve back, and no building can compensate for his death, feeling like we have paid tribute to Steve is a necessary part of the community's healing."

"I graduated High School with Stephen Bixler and considered him a friend. I remember going to Stephen's house to play when I was very young and I remember riding the bus with him for as long as I can remember. For all of my years as a student in Suffield, I can remember Stephen's house was always extensively decorated by his mother. When these decorations went from hoping for his return, to mourning his loss, the effect was well felt throughout the community in the deepest, most heartfelt way. Stephen was well liked and greatly respected, and will forever be appreciated. As long as Stephen's family supports the honor then I believe nothing should stand in the way of this."—Classmate and friend of Cpl. Bixler.

"Stephen was my cousin. He lost his life fighting for us in Iraq. Stephen loved what he did, being a Marine. He lost his life doing what he loved. Growing up, Stephen emulated the "All American Kid". An athlete, a scholar and Eagle Scout. He defined what all Marines should strive to be. Aside from all these things, Stephen was a son, a brother, and a friend to many. He has made our family proud, and anyone who knew him. Anyone who didn't know him missed out on a wonderful person."—Cousin of Cpl. Bixler.

"As a former classmate and teammate of Corporal Stephen R. Bixler, I can attest to his deserving the honor of the Suffield Post Office name. Steve was a valued member of every team, class, and organization that he participated in. He was always there to encourage creativity, determination, and strength in the people around him. Steve lived his dream by joining the Marines. He seemed to have found a home in his service. As a Marine, he was able to stand out from the crowd, just as he did as an athlete and intellectual. Steve deserves this honor because he gave his life for his country. Steve deserves this honor because he was one of America's finest soldiers. However, Steve mostly deserves this honor because of who he was as a person. He was kind and sought out the best in those around him. He was an inspiration to everyone and that is why the Suffield Post Office should be named the Corporal Stephen R. Bixler Post Office."—Classmate of Cpl. Bixler.

Mr. CLAY. Madam Speaker, like my colleague from Georgia (Mr. WESTMORELAND), I urge my colleagues to vote favorably for H.R. 3325, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PHILIP A. BADDOUR, SR. POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3382) to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHILIP A. BADDOUR, SR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, shall be known and designated as the "Philip A. Baddour, Sr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Philip A. Baddour, Sr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 3382, which names a postal facility in Goldsboro, North Carolina, after Philip A. Baddour, Sr.

H.R. 3382 was introduced by Representative G.K. BUTTERFIELD on March 1, 2007, and was reported from the Oversight Committee on September 20, 2007, by a voice vote. This measure has the support of the entire North Carolina congressional delegation.

Mr. Baddour was born on March 16, 1915. He was a business and civic leader in Goldsboro, North Carolina. He was a merchant for over 30 years and served on the city council from 1979 until 1995. During his tenure on the council, he also served as mayor pro tempore.

Upon his retirement as a city councilman, Mr. Baddour was honored with a key to the City of Goldsboro and a resolution from the North Carolina League of Municipalities for his years of public service. Former Governor Jim Hunt honored him as a recipient of the Long Leaf Pine. Mr. Baddour died on April 6, 2002.

Madam Speaker, I commend my colleague, Representative BUTTERFIELD, for introducing this legislation, and I urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself as much time as I may consume.

I rise today to join my fellow Members of Congress in recognizing Philip Baddour, Sr., and his extraordinary contributions to Goldsboro, North Carolina. A steadfast business and civic leader, Mr. Baddour served on the Goldsboro City Council from 1979 to 1995 and owned several downtown businesses.

Mr. Baddour passed away in April 2002 at the age of 87. As a young man, he served in World War II. After the war, he returned to Goldsboro, North Carolina, where he married his wife, Louise, and was the father of four sons.

He was known for his love of the community and affection for what he called the "little man," the average working person in Goldsboro.

As the son of Lebanese immigrants, his desire to give back to the community that had welcomed him when he was just an infant took many paths. He served as a director of Wayside Fellowship, was active in Boy Scouts, Lions Club, and St. Mary's Catholic Church.

Mr. Baddour's popularity as a public servant was a result of his compassion and interest in helping his fellow citizens. He also felt it his civic duty to wisely spend the taxpayers' money while delivering needed city improvement projects. His legacy of sacrifice and service to others is a wonderful example to his children, grandchildren and great grandchildren, and the citizens of Goldsboro.

With gratitude for his devotion to the Goldsboro community, it is particularly fitting that we would rename the William Street Post Office in his honor.

Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I yield 5 minutes to my friend from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Speaker, I want to thank my friend and my colleague, Mr. CLAY from Missouri, for yielding this time to me to speak to this very important legislation. I also want to thank Mr. WESTMORELAND for his leadership on the committee. This is a bipartisan piece of legislation that I hope this body will pass unanimously.

Madam Speaker, I rise today to express my strong support for H.R. 3382 and to urge my colleagues to support this legislation. I am the primary sponsor of H.R. 3382, and I'm proud to say that I am joined by the entire North Carolina delegation, both Democrat and Republican. I am seeking to name the post office located in the downtown area of Goldsboro, North Carolina, which incidentally is the home of Seymour Johnson Air Force Base. We're seeking to name this post office as the Philip A. Baddour, Sr. Post Office.

Madam Speaker, Mr. Baddour was my friend. He was also a well-respected member of the Goldsboro City Council for 16 long years. After his service on the council was complete, Mr. Baddour continued to be involved in the civic life of his community, and he leaves a legacy of service in the perfect sense of the word.

Madam Speaker, Philip Baddour, Sr.'s occupation was that of a downtown merchant for more than 30 years. His service on the city council was his second calling, and he served in that capacity from 1979 until 1995. During his tenure on the council, he served as mayor pro tempore and was instrumental in improving the lives of the citizens of Goldsboro, of all races and backgrounds. He was known as the people's representative because of his ability to listen and understand the concerns of his constituents and because he always stood up for those who did not have a voice.

Upon his retirement from the council, Mr. Baddour was honored with a key to the City of Goldsboro and a resolution from the North Carolina League of Municipalities for his many years of public service. Former North Carolina Governor James B. Hunt, Jr., honored Mr. Baddour as a recipient of the Order of the Long Leaf Pine, for individuals who have a proven record of extraordinary service to our State. It is the highest civilian honor that can be granted in the State of North Carolina.

Mr. Baddour dedicated his time and was very compassionate about his community, a community that had given him so much in his youth. He served as director of Wayside Fellowship and was the recipient of the Cancer Society's Outstanding Crusade Volunteer Award. He was also active in the Cub Scouts and the Boy Scouts of America. He was a lifelong member of St. Mary's Roman Catholic Church and served as chairman of the parish council. He was also a member of the Knights of Columbus.

Nothing was more important to Philip Baddour, Sr. than his family. He was married to Louise Farfour for 60 years. Together, they reared 4 sons who have followed in their father's footsteps by themselves being community leaders and outstanding citizens. Philip, Jr., his son, my dear friend, is an attorney and former majority leader of the North Carolina House of Representatives. Richard is the athletic director at the University of North Carolina at Chapel Hill. Stephen is a retired public schoolteacher. And Neil is a real estate broker. Philip Baddour also had eight grandchildren and eight great grandchildren.

Sadly, Madam Speaker, Mr. Baddour, Sr. passed away in April of 2002 after giving so much to his community, to his State and his country.

Madam Speaker, I can think of no finer individual in Wayne County, North Carolina, and no person who is more deserving of this honor than Philip A. Baddour, Sr. The people of Goldsboro and Wayne County and the First Congressional District of North Carolina are grateful for his commitment to community and his great leadership. I ask my colleagues to join me today in honoring this great public servant by passing H.R. 3382.

Again, I want to thank the gentleman from Missouri and the gentleman from Georgia, my friends, for yielding this time. I thank them for their service.

□ 1545

Mr. CLAY. Madam Speaker, I urge my colleagues to swiftly pass H.R. 3382, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3382.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LAURENCE C. AND GRACE M. JONES POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3233) to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAURENCE C. AND GRACE M. JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, shall be known and designated as the "Laurence C. and Grace M. Jones Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Laurence C. and Grace M. Jones Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 3233, which names a postal facility in Piney Woods, Mississippi, after Laurence C. and Grace M. Jones.

H.R. 3233, which was introduced by Representative CHARLES PICKERING on July 31, 2007, was reported from the Oversight Committee on September 20 of 2007 by voice vote. This measure has the support of the entire Mississippi congressional delegation.

Madam Speaker, Dr. Laurence Clifton Jones was born on November 21, 1882, in St. Joseph, Missouri. He attended the University of Iowa and graduated in 1907. Due to racial oppression and widespread poverty among African Americans, he decided to establish a school in Piney Woods, Mississippi, to educate young people. He started the Piney Woods School with just $2 and 3 students.

Dr. Jones married Ms. Grace M. Allen in 1912. She became a pivotal helpmate to her husband by performing fundraising activities for the Piney Woods School. Mrs. Jones was an educator and taught courses in domestic science.

Laurence and Grace Jones were dedicated educators who left a legacy in keeping with their principles, "educating the head, hearts and hands" of young people. The school they built continues to this day on a 60-acre campus among a 2,000-acre wooded site with an enrollment of 275 students.

Piney Woods School is the largest of four remaining historically black boarding high schools in the United States. It is a college preparatory high school with grades 9–12, where many students graduate and go on to college.

I commend my colleague, Representative CHARLES "Chip" PICKERING, for introducing this legislation and urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself as much time as I may consume.

I am pleased to support today H.R. 3233, naming the postal facility in Piney Woods, Mississippi, the Laurence C. and Grace M. Jones Post Office Building.

Laurence Jones was well-known in Mississippi history for founding the Piney Woods School in 1909. After graduating from the University of Iowa, he returned to his home State of Missouri, where he was sought out by a local Baptist church to create a school for black children.

Jones found himself by himself in an abandoned sheep shed with no students, but one day a small barefoot boy arrived seeking a lesson. The next day, this young boy came back with two friends. This simple and small beginning grew over the years to what is now a premier educational institution, teaching 300 high school students on a 300-acre campus. Piney Woods is the country's largest African American boarding school and the oldest continually operating African American boarding school.

Laurence's wife, Grace, was also an educator. They met in Iowa, where she had established a similar school for black children. Upon moving to Mississippi, she helped raise funds for Piney Woods and also taught classes. They believed in the importance of providing these youths with the educational opportunity they deserved.

Laurence and Grace Jones were pioneers in the education system in the early 1900s. Their historic achievements are worthy of this recognition, and I am pleased to support H.R. 3233.

Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I urge the swift passage of H.R. 3233 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3233.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CLARKE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 185, by the yeas and nays;

H.R. 2276, by the yeas and nays;

H.R. 3325, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COMMENDING THE 1ST BRIGADE COMBAT TEAM/34TH INFANTRY DIVISION OF THE MINNESOTA NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 54, as follows:

[Roll No. 924]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—54

Allen
Barrett (SC)
Berman
Boucher
Carson
Conyers
Costello
Cubin
Davis, Jo Ann
Dicks
Emanuel
Everett
Ferguson
Flake
Frank (MA)
Gallegly
Grijalva
Gutierrez
Hall (NY)
Harman
Hastert
Hastings (FL)
Higgins
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Kind
Kingston
LaHood
Lee
Lewis (GA)
Marchant
Meeks (NY)
Moran (VA)
Murphy, Patrick
Murtha
Neal (MA)
Obey
Perlmutter
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Rush
Sanchez, Loretta
Shimkus
Shuster
Simpson
Smith (WA)
Towns

☐ 1857

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States ground combat military unit in Operation Iraqi Freedom.".

A motion to reconsider was laid on the table.

CORPORAL CHRISTOPHER E. ESCKELSON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2276, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 2276.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 925]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)

Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—53

Allen
Barrett (SC)
Berman
Boucher
Carson
Conyers
Costello
Cubin
Davis, Jo Ann
Dicks
Emanuel
Everett
Ferguson
Flake
Frank (MA)
Gallegly
Grijalva
Gutierrez
Hall (NY)
Harman
Hastert
Hastings (FL)
Hayes
Higgins
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Kind
Kingston
LaHood
Lee
Lewis (GA)
Marchant
Meeks (NY)
Moran (VA)
Murphy, Patrick
Murtha
Neal (MA)
Obey
Perlmutter
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Rogers (KY)
Ros-Lehtinen
Rush
Sanchez, Loretta
Shimkus
Simpson
Smith (WA)
Towns

□ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORPORAL STEPHEN R. BIXLER POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3325, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3325.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 926]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—53

Allen
Barrett (SC)
Berman
Boucher
Carson
Conyers
Costello
Cubin
Davis, Jo Ann
Dicks
Emanuel
Everett
Ferguson
Flake
Frank (MA)
Gallegly
Grijalva
Gutierrez
Hall (NY)
Harman
Hastert
Hastings (FL)
Higgins
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Kind
Kingston
LaHood
Lee
Lewis (GA)
Marchant
Meeks (NY)
Moran (VA)
Murphy, Patrick
Murtha
Neal (MA)
Obey
Perlmutter
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Rogers (KY)
Ros-Lehtinen
Rush
Sanchez, Loretta
Shimkus
Simpson
Sires
Smith (WA)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1912

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Madam Speaker, due to a family emergency I missed the following votes on Monday, October 1, 2007. I would have voted as follows:

H. Con. Res. 185—Commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom—"yea."

H.R. 2276—To designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building"—"yea."

H.R. 3325—To designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office"—"yea."

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, I took a leave of absence on October 1, 2007, as I was attending to personal business. The following list describes how I would have voted had I been in attendance today.

"Yea." H. Con. Res. 185—Commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom (Representative WALZ—Armed Services)

"Yea." H.R. 2276—To designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building" (Representative KILDEE—Oversight and Government Reform)

"Yea." H.R. 3325—To designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office" (Representative COURTNEY—Oversight and Government Reform)

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 924, 925 and 926.

SUPPORT VETERANS: PASS THE VA APPROPRIATIONS BILL

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise this evening to highlight one of the most important pieces of legislation yet to pass this Congress: the Veterans Affairs-Military Construction appropriations bill. Each year from 1995 to 2006 the Republican-led Congress passed record increase after increase for our Nation's veterans. More importantly, the Republican-led Congress made it a priority to pass the VA appropriations bill so that our veterans could continue to receive the care that they deserve.

That, Madam Speaker, cannot be said of this year's VA funding bill. Reports in today's Congressional Quarterly are that the majority is considering holding the vital VA bill hostage as a means of passing a giant omnibus bill to fund government operations. The health and welfare of our veterans is more important to my constituents than it is to score cheap political points here in Washington, DC.

Madam Speaker, I hope that you can find it in your heart to appoint conferees to the VA-Military Construction appropriations bill and send the President a bill that he can sign. Our veterans deserve nothing less.

MARINES NOT WELCOME HERE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, Oakland Airport officials might as well put a sign: "Welcome to Oakland, but no U.S. military allowed here."

It seems that over 200 marines from the combat fields of Iraq flew into Oakland, California, and were not allowed to deplane into the airport. They were forced off the plane between two runways and had to sit in the grass for 3 hours while waiting to fly to Hawaii. The troops had flown from Iraq via Kuwait, Germany, and JFK Airport. They had already been completely screened by Customs and TSA at JFK, but the officials at Oakland Airport wouldn't let them into the terminal.

One marine said no explanation was ever given. Interestingly enough, reports say this not the first time Oakland banned the U.S. military from its airport.

Most airports welcome our returning troops with patriotism, cheers, flags and enthusiastic applause. But not in Oakland. They should be ashamed. They should apologize to each marine, and Congress needs to find out why the marines were treated so poorly and even consider prohibiting Federal funds from going to this airport if it is shown that the airport is antimilitary.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REDEPLOYMENT FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the American people have been opposed to the occupation of Iraq and they have been demanding the redeployment of our troops for a very long time now, but the word obviously hasn't reached our Nation's leaders.

Last Wednesday, the Secretary of Defense asked Congress to appropriate billions of dollars more to continue the occupation of Iraq. He said that American troops will remain in Iraq for years to come with no end in sight.

The occupation has already cost nearly half a trillion dollars, and what have we gotten for that investment? Even General Petraeus couldn't say for sure that our involvement in Iraq has made us any safer when he testified before Congress last month. And the National Intelligence Estimate warned us in July that al Qaeda is using the occupation to energize extremists, raise money, and to recruit and indoctrinate operatives for attacks on the U.S. homeland.

Madam Speaker, the way to make America truly safer is to end the occupation, restore our moral leadership in the world, and use diplomacy to strengthen the structure and institutions of international cooperation and peace. That's why it is time to tell our leaders in the White House that Congress isn't going to be their friendly neighborhood ATM machine any more. Congress has the power of the purse. We can use it to force the administration to change course. We must refuse to appropriate one more dime for the occupation. Instead, we must fully fund the safe, orderly and responsible redeployment of American troops and military contractors out of Iraq.

Redeployment of our troops is the necessary first step on the road to peace. It is clear that Iraq will never stabilize while American troops and the vast unaccountable army of 180,000 American military contractors are there.

Our occupation of Iraq prevents Iraqis from finding solutions to their own problems, and it delays the regional and international diplomatic efforts needed to jump-start a true peace process.

The administration has said that it plans to redeploy some troops, but this is just a tactic, I believe, to win political favor. The arithmetic proves it. We began this year with 130,000 troops in Iraq. The escalation brought the level to 160,000. Now the administration says it will bring out 30,000 troops so by next summer we will again have 130,000 troops.

So, Madam Speaker, we end up with the same number of troops, but the administration calls it a reduction. I call it fuzzy math. President Bush has created a national mathematics panel to study ways to improve math education in America. That is a really good thing, because the President himself needs help with addition and subtraction.

Actually, Madam Speaker, the only way to make sure that our troops are out of harm's way is to proceed right now with a full redeployment and end the fantasy that there is a military solution to this quagmire.

If we fail to use our power of the purse, if we continue to spend our taxpayer dollars on this occupation instead of ending it, we will have failed politically, we will have failed economically, and we will have failed morally. And we will have failed our brave troops along with all of the American people. It is time to bring our troops home.

GOLD STAR MOTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, yesterday, under the bright sun and blue sky of the Texas Sunday afternoon, American flags flew in the silent breeze over thousands of quiet marble uniform tombstones in the Houston National Cemetery. This is where Texans bury their war dead, men and women who go off to war for America.

In the center of the immaculately kept cemetery, a tribute of sacrifice was being made to the living: Those mothers who lost their children in the wars in Iraq and Afghanistan.

Mothers of Texas who gave their children that died in their youth so the rest of us could live in safety were honored on this Gold Star Mothers' Day.

I was present along with Congressman GENE GREEN and Congressman NICK LAMPSON and Congressman KEVIN BRADY to honor these special ladies. We, like those present, were emotionally affected.

Gold Star Moms are what we call them, is a mother who lost a child in combat. This concept started in World War I when Grace Seibold learned on Christmas Eve 1918 that her aviator son was killed in aerial combat in France. Grace Seibold directed her grief and sorrow to helping wounded doughboys in local DC hospitals. She formed the Gold Star Mothers to give support for other such moms.

During World War I, if a son had gone off to war in the War to End All Wars, as it was called, a banner was hung in front of the home in the window for each son in the military. This banner had a blue star in the center of it. If the son was killed, a gold star was superimposed over the blue one.

During World War II, my Grandmother Poe hung such a banner with a blue star in the front window of her home in the country. My dad went off to war when he was just 18. When my grandmother died, it was one of the few items she had saved. That banner never had to have a gold star placed on it because my dad returned safely.

Madam Speaker, here is a banner of a Gold Star Mother. It has the name of the soldier that was killed, William Amundson, Jr. He was killed in Afghanistan. He was from Woodlands, Texas. He was a corporal in the United States Army.

The blue star banners are very similar to this except in the middle there is a blue star rather than a gold star. And when that son or daughter is killed in combat, the gold star is superimposed over the blue one. These banners have been carried throughout all of America's wars since World War I and applies to sons and daughters killed in war.

So yesterday these mothers of the fallen were there. And standing guard around them were the Patriot Guard motorcycle members, rugged Vietnam veterans who escort the fallen to this cemetery for burial. There was a 21-gun salute. Then after all of the speeches, these women were given yellow roses from Texas and the buglers played Taps for the fallen.

Madam Speaker, as a father of four, I can think of nothing worse than to lose one of my own kids. No parent wants their son or daughter killed in unknown foreign lands. No parent wants their child to predecease them, and no parent wants their child to die in their youth. But it happens, and the grief can only be understood by other such parents.

As Congressman GREEN said yesterday, "Even the greatest heart surgeon in the world, Dr. Michael DeBakey, cannot repair such a broken heart of a mother like this."

Mothers are special, especially the mothers of those who wear the American uniform. Those who keep statistics on the last words of soldiers say more often than not that the dying words of many soldiers in combat is, "Mother, mother."

It seems to me the strongest bond in all of creation is the bond between a mother and her child. The good Lord made it that way on purpose, and when that bond is broken by the loss of a child, that wound just never heals.

Madam Speaker, 1 out of every 9 people in the military is from the State of Texas, and about 400 Texans, 10 percent of the total killed of 4,000, have been killed in Iraq and Afghanistan. Yet sons and daughters throughout America continue to join our military knowing that they will no doubt go into the desert of the sun and the valley of the gun, and they leave behind their parents, their mothers.

So as we show honor and respect to America's children who serve, let us show American compassion and ultimate gratitude for the mothers of those troops who display the Gold Star sacrifice from their windows. And the next time we pass a house with one of these gold stars, one of these 4,000 throughout the United States, and they are being displayed in the window, maybe we should stop and say a prayer and say "thank you" because of that special mother who gave that child for the rest of us.

And that's just the way it is.

COMMUNISM DOESN'T WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, I want to comment right now on a little article that was in the paper. Probably most Americans didn't see it today. But I followed what went on in Zimbabwe a long time ago when the communist leader, Mr. Mugabe, took over. He said they were going to make that country greater because of the movement towards communism.

Well, here is what happened since he took office: The government says that it is going to have to import 100 tons of extra wheat but that is still going to be really short of the 375,000 tons that they need to feed their people. And the United Nations World Food Programme estimates that at least 3 million people will need emergency food aid in Zimbabwe before the April corn harvest.

Communism simply doesn't work. It hasn't worked in the past. It didn't work in the Soviet Union, and it hasn't worked in Zimbabwe or other places. And we ought to be very thankful that we live in a democratic republic in this country. And we ought to do everything we can to help those living under the yoke of communism and do everything to can to make them free.

I think it is extremely important because when you go to those countries, as I have, and you see what those people have to live like and you see the starvation, little children with big bellies because they don't have the food they need, you realize that the communist menace is very, very costly anyplace it occurs in the whole world.

☐ 1930

PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HARE) is recognized for 5 minutes.

Mr. HARE. Madam Speaker, I rise this evening in strong opposition to the pending Peru Free Trade Agreement. NAFTA promised Americans 200,000 new NAFTA jobs, higher wages and an increasing U.S. trade surplus with Mexico, just to name a few. Now, nearly 15 years later, the evidence shows that NAFTA has failed to make good on its promises.

In fact, in many areas in which benefits were promised, conditions are worse than before NAFTA went into effect. For example, in direct contradiction to the promises of NAFTA, nearly 1 million jobs were destroyed directly by the NAFTA free trade deal.

My district, in particular, has suffered the loss of 1,600 jobs; and NAFTA forced Maytag to leave Galesburg, Illinois, for Sonora, Mexico. And just last week, it was announced that Carrhart Manufacturing, a clothing company, will cease production and move to Mexico at the end of December.

Every aspect of the city of Galesburg is hurting. The economy, the schools, the small businesses that feed into these plants, and the citizens have lost their spirit. Now Galesburg is trying to rebuild its identity, but I fear that the Peru FTA promises more of the same.

The proposed Peru FTA would replicate, and in some instances expand, on many of the most devastating provisions of the flawed NAFTA-CAFTA model. First, the Peru FTA preserves many of the CAFTA terms providing extreme foreign investor rights. The provisions in the Peru FTA allow foreign investors to skirt U.S. courts and laws and give foreign investors the authority to sue the United States Government in foreign tribunals for violating their FTA-granted rights.

Second, the Peru Free Trade Agreement includes the NAFTA-CAFTA procurement chapters on Buy America and anti-offshoring policies. The FTA requires foreign firms be treated the same as American firms seeking government contracts, challenging our right to invest tax dollars into American jobs and businesses.

Several groups have publicly opposed the Peru FTA for those very reasons, including the 2 largest trade unions in Peru.

The September 17 Change to Win Coalition letter states: "Chapters of the Bush-negotiated FTA that literally replicate job-killing aspects of the core NAFTA-CAFTA model have not been addressed. Not one word was changed from the Bush-negotiated text."

In addition, the Interfaith Working Group on Trade and Investment released a statement saying: "Based on our experience with NAFTA and CAFTA, the U.S.-Peru FTA will cause lost livelihoods in rural communities, reduce access to life-saving medication and perpetuate the global 'race to the bottom' for workers and environmental protection."

But to make matters worse, no one seems to have faith in this President to enforce the labor standards negotiated in the May 10 agreement. This administration cannot and will not enforce American worker safety right here in the United States.

In a statement released on May 11, AFL-CIO President, John Sweeney, reminded us of the Bush administration's past failures by saying: "The Bush violations against nations like Jordan and China remind us there is no guarantee the executive branch will enforce any new rights workers may gain through these negotiations."

The machinists labor union echoed Mr. Sweeney's statement in a letter to Congress dated August 2. It states: "We are well aware of this administration's dismal record when it comes to workers' rights. For example, it has refused to issue a trade complaint against China for workers' rights violations described fully in AFL-CIO submissions. Given its past record, we fear that this administration will simply ignore even the most egregious labor violations."

Recently, I received a letter from 2 Peruvian labor federations concerned about the labor provisions in the pending FTA.

Madam Speaker, our trade policies must start to serve the interests of America's working families and workers around the globe. We can do better. We need to overhaul our trade readjustment program. We need to calculate the loss of American jobs when this bill goes into effect, and we need to remember that our majority is here because working men and women demanded that we look out for them and their families.

Let's slow down, vote "no" on this trade deal, and stand up to those people who stood up for us. That, Madam Speaker, is the very least that we can do. I urge my colleagues to please vote "no" on the Peru agreement.

FREE THE CUBAN POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pro-democracy activists inside Cuba report that an undetermined number of dissidents were detained by the dictatorship on the morning of September 27. The dissidents were on their way to participate in peaceful activities to request the release of political prisoners.

Those detained in Cuba on September 27 include Martha Beatriz Roque, Jorge Luis Garcia Perez "Antunez," Blas Augusto Fortun Martinez, Yubi Diosenegui Pernet Perez, Alicia Martinez Guevara, Alejandro Gabriel Martinez Martinez, Guillermo Perez Year, Amado Ruiz Moreno, Carlos Cordero Paez, Idania Yanes Contreras, Yesmi Elena Mena Silvano, Jose Diaz Silva, Georgina Noa Montes, Arturo Montgomery Alonso, Roberto de Jesus Guerra Perez, Yunieski Garcia Lopez, Lester Fernandez Zamora, Felix Reyes Gutierrez, Yoel Espinosa Medrano, Ariel Orama Martin, Angel Raul Perez Gavilan, Javier Delgado Torres, Carlos Michael Morales Rodriguez, and others whose names I do not have. At this time it is unknown how many of the detained dissidents have been released and how many will be kept in confinement. It is up to the whim of the ailing tyrant.

The list of political prisoners languishing in Cuban prisons is long, Madam Speaker. Sixty dissidents who were peacefully expressing their opposition to the dictatorship remain in prison since the regime's brutal crackdown of March 2003, joining hundreds of other political prisoners. Reporters Without Borders reports that there are at least 23 journalists languishing in abysmal conditions in Cuban prisons.

The Miami Herald today published a very important editorial about one such journalist. I think it's an editorial that deserves commendation and attention. It reads as follows:

> Normando Hernandez Gonzalez may die for exercising free speech in Cuba. An independent journalist, he has been imprisoned since Cuba's crackdown on dissidents in April 2003. Now he is so critically ill that he was transferred to a Havana military hospital last week.
>
> It is bad enough that Mr. Hernandez Gonzalez, 39, is serving a 25-year sentence for criticizing the government, something people in free countries do every day. Yet things could get worse. Returning him to prison would be a death sentence. This is where he contracted serious ailments, chronic digestive disorders and tuberculosis among them. Even if his condition were to improve in the hospital, he would not last long in the filthy cells and eating the food given to political prisoners.
>
> The hope now is that Cuba will free Mr. Hernandez Gonzalez and allow him to leave the country and soon. International pressure is needed.
>
> To their credit, legislators in Costa Rica granted Mr. Hernandez Gonzalez a humanitarian visa in April. Cuban authorities refused to honor the visa. But a recent move appeared to get Cuba's attention. Jose Manuel Echandi Meza, a Costa Rican lawmaker, filed a formal complaint with the U.N. Human Rights Commission two weeks ago that accuses Cuba of torturing Mr. Hernandez Gonzalez by denying him proper medical treatment. The following day, he was sent to the Havana hospital. He appears to be getting some medical treatment, according to his wife.
>
> That wasn't the case before. Mr. Hernandez Gonzalez has been deteriorating since his first year in prison. He has been beaten, placed in solitary confinement and repeatedly denied access to basic medical care. He blames overcrowded, vermin-filled cells and contaminated food and water for his multiple illnesses. He suffers nausea, diarrhea, fever, fainting spells and weight loss.

> Last December, he was rushed from his prison to a hospital in Camaguey. There he was placed in a room with no furniture. His food was thrown under the door. He returned to prison untreated. While Cuba boasts of its health care system, it denies political prisoners basic care.
>
> PEN, a writers advocacy group, awarded Mr. Hernandez Gonzalez its prestigious Freedom to Write Award earlier this year. For more information on his case, go to PEN's Web site at www.pen.org. Let the world know that Mr. Hernandez Gonzalez and hundreds of other political prisoners haven't been forgotten. All of them should be released."

Now, Madam Speaker, the same week that approximately 30 dissidents were rounded up and thrown in dungeons by the Cuban dictatorship, the Spanish Government of Jose Luis Rodriguez Zapatero decided to unilaterally break the European Union's "Common Position" on Cuba, by entering into a cooperation agreement with the Cuban tyranny.

Mr. Rodriguez Zapatero and his government thus continue to act as the Castro brothers' most zealous advocates in Europe, and they deserve the condemnation of all freedom-loving men and women for their disgraceful actions.

I renew tonight my call for the immediate liberation of all political prisoners and prisoners of conscience in totalitarian Cuba and urge international solidarity for them and for their right to be released immediately and unconditionally, all of them, now.

OPPOSE THE PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Madam Speaker, many of the newly elected freshmen campaigned on a platform of ensuring a significant change of course from the Bush trade policy.

The Peru Free Trade Agreement is based on the same flawed NAFTA-CAFTA model that has been so devastating to industries all across our Nation.

While I campaigned for this seat 5 years ago, the cornerstone of my campaign also was to fix our broken trade policies. I've seen firsthand what they have done to the State of Maine.

I firmly believe that in order to address our trade imbalance, we have to change the trade model. The Peru Free Trade Agreement is the same old model with a little lipstick.

There is overwhelming opposition to the agreement by unions, environmental, consumer and small business groups. They're all asking Congress to oppose the Peru FTA. Who supports the bill? The large multinational corporations, Big Business, does.

When Tom Donahue, president of the United States Chamber of Commerce, states that he is "encouraged by assurance that the labor provisions cannot be read to require compliance with ILO conventions," we should be more than skeptical.

While we have all heard that the Peru trade agreement text improves labor and environmental standards, we fail to hear that they were added on top of the same old NAFTA and CAFTA text. The bottom line: this is another Bush NAFTA expansion.

Key unions are worried about the labor provisions. The new provisions require countries to adopt, maintain, and enforce only the terms of the ILO Declaration on Fundamental Principles and Rights at Work.

The new FTA language does not require signatories to meet the ILO conventions. That's the binding standards. The declaration is a nonbinding statement.

It is highly likely that changes to the environment and labor provisions will have no real effect on the ground.

We all know that the Bush administration has a long record of not enforcing the standards of past trade agreements. Why should they start now?

And there are so many problems with the Peru Free Trade Agreement, whether it's the privatization of Social Security, ban on anti-offshoring, or failure to protect our intellectual property rights. There are more than enough reasons to oppose the Peru FTA. Not to mention if you look at NAFTA, NAFTA has caused a worse problem here in the United States with illegal immigration. The Peru Free Trade Agreement will do the same thing, cause the illegal immigration problem to get worse.

I could go on and on about the Peru FTA. I ask my colleagues to really listen to what America is saying about these free trade agreements. I'm asking Members to vote their conscience. Oppose the Peru FTA.

□ 1945

CONGRESSIONAL BLACK CAUCUS REPORT ON THE ANNUAL LEGISLATIVE CONFERENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Madam Speaker, it's so good to see you in the Chair, especially on this occasion as we engage in the Congressional Black Caucus message hour.

This evening it gives me great pleasure to spend some time talking about the annual legislative conference that was this past weekend right here in Washington, DC.

I am joined this evening by the cochair. The Chair of the Congressional Black Caucus foundation is KENDRICK MEEK, but the cochairs of this wonderful weekend this year are my good friends G.K. BUTTERFIELD from North Carolina and my colleague and good friend DONNA CHRISTENSEN from the Virgin Islands.

So I am going to begin by yielding to my colleague and good friend from the great State of North Carolina, G.K. BUTTERFIELD.

Mr. BUTTERFIELD. I want to first of all thank the gentlelady from Ohio for her leadership here in the Congress. One of the first Members that I met when I came to Washington 3 years ago was STEPHANIE TUBBS JONES. She is engaged all the time and is certainly representing the constituents of her district. Thank you for giving me the opportunity to share a few thoughts with you this evening.

We have just finished the 37th Annual Legislative Conference of the Congressional Black Caucus Foundation.

I want to delineate between the Congressional Black Caucus and the Congressional Black Caucus Foundation. Those are 2 separate entities. So often people confuse those entities, but the Congressional Black Caucus proper is simply an unofficial organization of the 43 CBC members, African American Members who are serving in the Congress who meet from time to time to discuss public policy issues. It is not a foundation; it is simply an informal gathering of Members of Congress.

By contrast, the Congressional Black Caucus Foundation is a very formal organization. It is a 501(c)3 tax-exempt foundation that has been in existence for many years. I want to start off by making that point abundantly clear.

The Congressional Black Caucus is composed of 43 members. We hear that number from time to time. That's a very important number. It has not always been 43 members. The African American representation here in Congress has evolved over the years, and now it is at its highest point in its history; 42 African Americans serve in the House. Of those 42, 40 are full voting Members of the House of Representatives. The other two have the right to vote in committees and in the Committee of the Whole, but not in the full House, because they represent the District of Columbia and the Virgin Islands. Hopefully one day in the not too distant future even those two Members will have a right to full participation here in the Congress.

But having 42 African Americans in the House of Representatives is significant. That is 17 percent of the House of Representatives, at least the Democrats in the House of Representatives come from the Congressional Black Caucus, and so that is very important.

So over the years, the Congressional Black Caucus has seen fit to annually produce an annual legislative conference whereby African American leaders from all across the country can come to Washington in fellowship and interact and network with other people across the country, and then we conclude the week by having a gala or an annual dinner. We have just completed the 37th annual conference this past week, and it was a smashing success.

I want to thank all of those persons who had a hand in making it happen. KENDRICK MEEK from Miami, Dade County, Florida, is the leader of the Congressional Black Caucus Foundation. We used to call him a part of the 30-something club, but he has now passed that great 40-year-old mark, but he is still young and energetic and dynamic.

Mrs. JONES of Ohio. Are you a member of the 30-something club?

Mr. BUTTERFIELD. No, ma'am, I am not. I am a member of the 60-something.

But KENDRICK MEEK has led our organization, and we had a very, very good conference last week. I am not going to go into all the details, I am sure my colleague, DONNA CHRISTENSEN, who was also my cochair last week may give you details about it, but it was a wonderful week.

We had brain trust on just about every topic that you can imagine. We had a gospel extravaganza, and one of my choirs from North Carolina came to Washington and really, really had a magnificent showing in that extravaganza. Then we had a prayer breakfast. We are very close to prayer in the Congressional Black Caucus, because we know it has been our faith that has brought us thus far along the way. Then we concluded on Saturday night with our gala. I don't know how many thousand people were at that dinner.

Mrs. JONES of Ohio. More than 3,000.

Mr. BUTTERFIELD. Yes. There were more, more like 4, 5,000 people in attendance at the dinner, and it was a great success.

I want to thank all of those persons who had a hand in making the week the success that it was, particularly Dr. Elsie Scott and the staff of the Congressional Black Caucus Foundation.

You know, Congresswoman, I say in speeches all the time and I will say here on the House floor today, you know, we get credit for a lot of things that we really don't deserve, Members of Congress. We cut the ribbons and take pictures and sit in meetings and engage in unnecessary debate sometimes, but it is the staff that does the heavy lifting and gets the job done. So kudos to the Congressional Black Caucus Foundation staff.

Let me conclude by saying that since 1868 there has only been 122 African Americans who have served in the United States Congress. That is an actual statistic. Our research shows that 19 African Americans served in the House of Representatives during the Reconstruction. Four of those were from my district that I now represent, which is the northeastern corner of North Carolina. Eight of those were from South Carolina, which is the district that my good friend, the majority whip of this House, Congressman JIM CLYBURN, represents. But we have only had 122 African Americans to serve in this body. We have come a long way to have 42 African Americans serving in the House and 1 in the Senate.

We have a lot of work to do, and I am going to close by simply saying that we had a good week and a very successful week. I know it's self-serving for me to say this, Congresswoman, but I think it's the best conference that we have had in our 37 years. So many people deserve the credit.

Mrs. JONES of Ohio. Before you leave, I want to congratulate you on your choice of prayer breakfast speaker. Dr. Clifford Jones out of North Carolina was a wonderful speaker, and his theme, "Somebody Pray for Me," I think hit right home with all of us, and we had a wonderful, wonderful time in praise and worship Saturday morning. You would have actually thought we turned the convention center into a church on Saturday morning. It was a wonderful experience.

Mr. BUTTERFIELD. We had a southern missionary Baptist preacher who came to Washington and delivered a powerful sermon. When I first suggested Dr. Jones' name a few months ago, a few people were skeptical because they had not heard of him before. When they came up with their name, I had not heard of their name before.

So I thought it was time to have a southern minister. Dr. Clifford Jones did a wonderful job, as did Rev. William Barber from Goldsboro, North Carolina, who delivered the prayer for the Nation. Dr. Barber is also the State president of the NAACP in North Carolina, and it was just a wonderful occasion. You would have had to have been there to really appreciate it, and hopefully persons who didn't come this year may see fit to come next year.

Mrs. JONES of Ohio. I wasn't part of the choice, but I knew a minister named Jones had to be a really good person. Thank you so much for the choice.

Mr. BUTTERFIELD. Thank you, staff. Thank you all of you who had a hand in making this happen, including the chairwoman of the Congressional Black Caucus itself. I failed to mention the name of CAROLYN CHEEKS KILPATRICK. Congresswoman KILPATRICK is leader of the Congressional Black Caucus, and that's a tough job, leading 43 diverse politicians. But she reconciles all of our differences, all of our views and leads the Black Caucus with great distinction. Thank you as well to Congresswoman KILPATRICK.

Mrs. JONES of Ohio. It gives me great pleasure to yield time to my colleague and good friend, Congresswoman DONNA CHRISTENSEN. She cochairs the brain trust for the Congressional Black Caucus. She represents the Virgin Islands. She has done a great job and always been a great friend since I have been in the Congress. This year, along with G.K. BUTTERFIELD, she cochaired the annual conference for the Congressional Black Caucus Foundation, "Unleashing Our Power."

Mrs. CHRISTENSEN. Congresswoman TUBBS JONES, it's a pleasure to be back with you on the floor this evening. We were here together last week discussing SCHIP and the situation in Jena with the Jena 6 high school students, which was also a part of our discussion, a very integral part of our discussion at the annual legislative conference.

We were very fortunate that while we were there, Mychal Bell was released from prison, and we were able to have the lead attorney, Lewis Scott, come up and join us for a session.

Mrs. JONES of Ohio. Absolutely.

Mrs. CHRISTENSEN. But this was our 37th Annual Legislative Conference, and our theme, as you heard, was "Unleashing Our Power." That is also exactly what we here in the CBC and our constituents across the country intend to do going forward, unleash our power.

I also want to join my cochair in thanking the Chair of the Congressional Black Caucus Foundation, KENDRICK MEEK, for his strong and visionary leadership of the foundation and of the conference, and to thank our CBC chairwoman, the Honorable CAROLYN CHEEKS KILPATRICK, for her stellar guidance. As we have come into the majority, she has coalesced and directed our power to influence the product of what I think will be a historic 110th Congress.

I also, as you heard just a few minutes ago, had a great partner in my cochair, Congressman G.K. BUTTERFIELD of North Carolina, whose input, vision and hard work really helped to make this week a successful and momentous one as it was.

Of course, as he said too, the ALC could not have been successful without the work of our staff, his staff and my staff and the staff of the foundation under the excellent and skilled leadership of Dr. Elsie Scott, its president.

As this year's cochair, it was a special pleasure for me to welcome Generation Now and other Virgin Islanders, including Neville Peter, who sang at the prayer breakfast.

Mrs. JONES of Ohio. He was excellent. He was excellent. Wow.

Mrs. CHRISTENSEN. Both singers were great, but it was really inspiring. We were really pleased he was able to join us.

Mrs. JONES of Ohio. Why don't you tell us a little bit about Neville Peter? Some people across the Nation may not know about him.

Mrs. CHRISTENSEN. He is a young man, born in my district in the U.S. Virgin Islands. He started his musical career very early, at about 5, mostly in the piano and one other instrument. But at about 12, he pretty much lost all of his sight. He became blind at about age 12.

That didn't stop him, though. He went on to college at the University of Miami and studied music there, actually specializing in jazz and some other kinds of music. But in the recent years, he has turned his talent to the service of the Lord, and he has been a gospel singer, writer. He actually performed one of his original compositions, which, as he said, was a testimony of his own life and finding God; it was personal. Now it's personal.

Mrs. JONES of Ohio. Yes, now it's personal. We remarked, as we were sitting at the table listening to him, that his look was much like a Stevie Wonder look with the braids. When he turned to the side, the profile was much like Stevie Wonder.

Mrs. CHRISTENSEN. Yes, he has a great voice and a great talent. We look for him to go to great places in the future.

So we have him and we have the Generation Now, and, of course, many of us in the Congressional Black Caucus also had our emerging leaders come up from our district that we sponsored; mine, attorney Mark Hodge and Natalie Humphries, also of Generation Now, the last person. So that was exciting.

Our opening session, of course, featured our Chairs, including my colleague here, Mrs. STEPHANIE TUBBS JONES, Congresswoman STEPHANIE TUBBS JONES, but also Chairman RANGEL, Chairman CONYERS, Chairman THOMPSON, and of course, our whip, JIM CLYBURN. That was a very, I think, powerful way to start off a conference, a weekend that was all about power.

It wasn't only about power in the Congress, but it was about a power in our community that is still really untapped and unleashed. We could really be agents of change for our community and our country if we were to really come together and use the power that is ours.

Mrs. JONES of Ohio. I am with you.

Mrs. CHRISTENSEN. I wanted to focus the rest of my remarks on the town hall, though, and on the health sessions that I was a part of. There were many health sessions. There were many sessions, period, on a number of issues, and all very informative.

The town hall, first, was a real powerful discussion on ways to eliminate or reduce the factors that lead so many black men and now, increasingly, black women into prison. We called it "Disrupting the Prison Pipeline" because we wanted to focus on positive action to really stop what was happening over the years.

Too, our session was attended by, I think, over 1,000 people who were at that town hall that morning. And we discussed the disparities in education, health, including mental health and substance abuse, how poverty and unemployment in the criminal justice system, the disparities in those areas create a pathway to incarceration rather than college for so many in the African-American community.

We had wonderful speakers. We had Reggie Weaver, the president of the National Education Association; Dr. Marian Wright Edelman, the president of the Children's Defense Fund; Dr. Beny Primm was a drug addiction expert from New York; Dr. Debra Prothrow Stith, a public health expert who focuses on violence prevention; attorney Rhonda Stewart from North Carolina, an expert on child and family judicial issues; Janks Morton, who is a writer in DC representing the media; and several ex-offenders who have made a dramatic turnaround in their lives.

□ 2000

We want to thank them, as well as our moderator, Leon Harris, and the Members of Congress who participated; Congressman BOBBY SCOTT, who chairs the Crime Subcommittee of the Judiciary and has turned that into, has begun to focus that committee on prevention, which we have long looked forward to doing; DANNY DAVIS, who heads a subcommittee himself on health under the Government Reform Committee. But primarily he was there as the leader of the State of the Black Male Initiative that the CBC and the CBC Foundation have been working on and, of course, Chairman RANGEL, who brought the economic opportunity piece to that discussion. They brought their expertise, they brought the work that they're engaged in, both inside and out of Congress to help disrupt the prison pipeline.

What's clear is that there's too many communities where a young black male in this country has no alternative opportunities, nor is he provided with adequate opportunities to be able to succeed on the path to college. And the two unfortunate recent examples are the Jena high school students and Genarlo Wilson who is still in prison in Georgia. What we will do from here, though, Madam Speaker and colleagues, is to issue a report that incorporates the date, the key points of the discussion, and legislative recommendations, which would be a blueprint for the Congressional Black Caucus, as well as other elected leadership on State and local levels.

What we've heard from our panelists and the audience was a compelling call to action to indeed disrupt that prison pipeline.

The first health session, which I cochair every year with Congresswoman BARBARA LEE on HIV and AIDS, global HIV and AIDS focus on the growing role and the influence of the faith community in combating the HIV/AIDS crisis in the African American community. Ten years ago we called for a state of emergency and a minority AIDS initiative for our community and other communities of color. This administration has taken it far away from the original intent of building the local capacity in our communities to address this epidemic. And the consensus in that conference was that we need a national plan, as we discussed with the Black AIDS Institute on the Hill last week; and it's time to reissue that call for the state of emergency and reclaim our minority AIDS initiative.

Also, on Thursday afternoon there was a great discussion on bringing corporate, State, and union leaders into the disparity elimination partnership. With the ongoing need for corporations to provide health care and the extreme pressures of its rising costs, they will be looking for ways to cut those costs. The health coverage will continue to be a major cause of contention as unions negotiate contracts, and States are beginning to take coverage for all of their residents into their own hands.

We called on business, union and State leaders, we called them together for this dialogue because we want to make sure that as all of this begins to take some kind of shape into a health care reform initiative, that closing the gaps in health care and in health status that's faced by racial and ethnic minorities and rural residents in this country, that those issues would be at the center of that reform; and we intend for that to be an ongoing dialogue.

The last session that I'm going to mention is the Friday session on demanding opportunity and justice for African American health care providers. It spoke to challenges that are almost as disturbing as those we discussed in the prison pipeline discussion. Our keynote speaker, Dr. Sullivan, gave us an update on the still low representation of African Americans and other minorities in health professions schools and in practice, far below our representation in the Nation and woefully inadequate to meet the needs of our diverse society. We heard from hospital administrators, doctors, dentists and others, including students, about the barriers to getting into the health profession school and staying there. Those stories were bad enough. But there was more. We then heard from African American doctors and other health providers, those in practice, about the difficulties they face in staying in practice, given exclusions from certain facilities, faculties and organizations, unfair investigations and sanctions that hold them to a far higher standard than other providers, and also disparities in reimbursement.

What we heard signals a looming crisis that must be prevented if we are ever to eliminate health disparities, if we're ever to improve health care for everyone in this country, and if we're ever to stop the skyrocketing rise in health care costs. Those are just three of the many outstanding issue forums and brain trusts that informed, inspired, and invoked action on the part of the black community.

As I close, I want to thank all of my CBC colleagues, including you, Madam Speaker, for your support. Because of your hard work and that of your staff, we had one of the best annual legislative conferences ever and I want to thank all of the speakers, the exhibitors, and all who attended from all over the country, and even some from beyond and outside of our country, from the Caribbean, from Africa and other areas of the world. Because of the input that you brought, and the support that you gave to the conference, we, as a community, stand more ready than ever to unleash our power.

Mrs. JONES of Ohio. Thank you, Madam Chair, DONNA CHRISTENSEN, the Delegate from the Virgin Islands, one of the co-chairs for the ALC Conference.

It gives me great pleasure at this time to yield 5 minutes to my colleague and good friend, DIANE WATSON from California, our former ambassador to Micronesia.

Ms. WATSON. Thank you, Congresswoman STEPHANIE TUBBS JONES; and thank you, Madam Speaker.

I want to congratulate Congressman MEEK, Chair of the Congressional Black Caucus Foundation, and CAROLYN CHEEKS KILPATRICK for putting together a most excellent Congressional Black Caucus annual legislative week. The event was very well attended, and the many issue forums were informative and enlightening.

I held 3 issue forums, 1 on African American entrepreneurship in South Africa, and 1 on African American celebrities and their too often unreported commitment to social issues.

And my third panel, entitled "Finding Justice for the Black Cherokee Indian Freedmen," looked at the current Cherokee Nation of Oklahoma's efforts to expel its black Cherokee citizens. I was pleased to have a number of Cherokee citizens, including Joe Byrd, the former principal chief of the Cherokee Nation of Oklahoma, Jon Velie, attorney for the Freedmen, and Marilyn Vann, president of the Freedmen Descendants Association.

In the year 2000, the Seminole Nation of Oklahoma attempted to disenfranchise its Freedmen descendants. The circumstances were nearly identical to the current efforts of the Cherokee Nation of Oklahoma to rid itself of descendants of the Freedmen who are rightfully citizens of Cherokee Nation. The Bureau of Indian Affairs took a proactive stance against the Seminoles, cutting off their funding for nearly 2 years and also suspending their franchise to conduct gaming.

Interestingly, the Bureau of Indian Affairs first declared the Cherokee Freedmen situation identical to that of the Seminole Freedmen. Then the bureau did a 180-degree flip flop, taking a hands-off approach to Cherokee Freedmen. The BIA chose to shirk its fiduciary responsibility, even as the Freedmen's rights were obviously being trampled on by the Cherokee leadership.

In March of 2007, the Cherokee Nation held an election to expel the Cherokee Freedmen, in violation of the 1866 treaty which granted full citizenship rights to Cherokee Freedmen shortly after the Civil War. That is when the plight of the Cherokee Freedmen first came to my attention.

I immediately wrote a letter to Assistant Secretary Artman of the Bureau of Indian Affairs requesting an interpretation of the vote. The letter was signed by 25 of my congressional colleagues. The response I received from Secretary Artman almost a month later was unsatisfactory. In effect, the Secretary said that the bureau had not taken any administrative action and would continue its careful evaluation of all facets of this matter. In effect, I was told that the BIA would continue to monitor a situation that didn't need further monitoring, but immediate action.

It is only when I discovered that the BIA would not move proactively, that it would not forcibly and vigorously stand up for and protect the rights of Cherokee Freedmen as it had done for the Seminole Freedmen, I introduced H.R. 2824 to sever the United States relations with the Cherokee Nation of Oklahoma until such time that it restores full citizenship rights to Cherokee Freedmen.

My legislation has been characterized by Cherokee Nation of Oklahoma as a termination bill, which is blatantly false. There is not one sentence in the legislation that addresses terminating the Cherokee Nation's Federal recognition status.

The Cherokee Nation has made the argument that Congress should not intervene until the courts have resolved the matter. It made this point the center piece of its public relations campaign to disenfranchise the Freedmen descendents. But the past actions of the Cherokee Nation belie its commitment to the rule of law. After the Cherokee Nation's tribal courts ruled in favor of Lucy Allen, a Freedmen descendant who sued for citizenship, the Cherokee Nation's leadership chose to dissolve the court and packed the newly constituted court with cronies who proceeded to approve a referendum to disenfranchise the Freedmen.

The Cherokee Nation's leadership states that funding cuts will hurt many Cherokees who depend on Federal funding. This past Friday, coinciding with the day of my issue forum, the Cherokee Nation took out a full page ad in Roll Call and in the Hill making this claim. What the Cherokee Nation doesn't tell you is that it has already spent $2.7 million or more lobbying against Freedmen and that the Cherokee Tribal Council recently debated allocating $4 million to lobby against the Freedmen. What they don't tell you is that a lot of this money has gone and will go to pay for services of high-priced public relations firms. It's too bad that the Cherokee Nation will not use its money to help those in its tribe who really need assistance, but instead will use millions of dollars to launch a hateful and vitriolic attack against African descendents of the Cherokee Nation who form a minority of its, there are only 2,800, they're a minority among its 270,000 thousand Members.

And finally, my legislation was not an attack on Indian sovereignty or the Cherokee Nation of Oklahoma's sovereignty.

The Cherokee Nation receives roughly $300 million a year from the Federal Government. It also conducts highly lucrative gaming operations with a Federal gaming charter. The sovereign right to discriminate with our taxpayers' dollars is not a right at all. It's illegal.

The Cherokee Nation of Oklahoma argues that it should be treated like other tribes and have the exclusive right to determine its citizenship. Because the Cherokees signed a treaty with the Confederate States of America and fought against the United States to defend slavery, the conditions of the treaty of 1866 and reconstituting the relationship with the United States was that the former slaves and their descendents, called the Freedmen, would be citizens with full rights. My legislation only seeks redress for the Cherokee Nation for the restoration of their treaty rights that entitle them to citizenship, to vote, to hold office and to have equal rights with other Cherokee citizens.

Madam Speaker and Representative STEPHANIE TUBBS JONES, I appreciate the time you have given us, and I think we were very successful this weekend in gathering information and enlightening our public who attended from across the country and around our Nation. Thank you very much.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order today, the annual legislative conference of the Congressional Black Caucus.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. At this time it gives me great pleasure to have the opportunity to yield 5 minutes to my colleague and good friend from the great State of North Carolina, the immediate past Chair of the Congressional Black Caucus, Mr. MEL WATT.

Mr. WATT. Thank you, Madam Speaker, and I thank my colleague, STEPHANIE TUBBS JONES from Ohio, for yielding time. I don't think it will take me 5 minutes to do this, but I did want to spend a little bit of time talking about the annual legislative conference that was conducted by the Congressional Black Caucus Foundation this past weekend.

I heard the comments of my colleague from California, Ms. DIANE WATSON, and I was fortunate to be able to sit in on one of her issues forums related to the Cherokee Freedmen, and I thought it was a very balanced and productive session, and very informative.

I've been privileged to be a part of the Congressional Black Caucus Foundation's annual legislative weekend for all 15 years that I have served in Congress. And I would have to say that the first 13 of those years I did my piece of the conference by conducting a discussion and issues forum on the Voting Rights Act, access to the vote, and I participated in various issues related to the Judiciary Committee. But last year and the year before last, I was honored to serve as the Chair of the Congressional Black Caucus, and I took a different perspective during those 2 years because it gave me an opportunity, as Chair of the caucus, not only to do my own issues forum, but it was part of, I viewed it as part of my responsibility to drop in on all of the issues forums and brain trust discussions that were going on.

And I can tell you firsthand that there was nowhere in the world that there were more thoughtful provocative discussions going on about the state of black America, our role in the United States, our role in education, justice, our role internationally, than take place at the Congressional Black Caucus Foundation's annual legislative conference.

That is the place to be to discuss the issues that impact our community, and I saw it firsthand, from issues related to the hip hop generation to the confidence of our African American youth, to the prison pipeline that, unfortunately, has been created, to the disparities that exist in health care and education and even in our international foreign policy.

So I'm honored to have been able to have viewed the weekend from a different perspective for the last 2 years.

But I will tell you, Madam Speaker, and my colleague, Representative TUBBS JONES, that I was honored to get back to being able to do just my thing again this year. And we had a delightful discussion about the Voting Rights Act in my issues forum.

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Last year we had just passed the 25-year reauthorization of the Voting Rights Act, and so we took that year to kind of pat ourselves on the back and talk about what we had just accomplished. But we knew the onslaught would be coming immediately. And within that 1-year period, there has been a concerted effort, litigation has been filed, which is a direct frontal attack on the Voting Rights Act and its reauthorization.

So the first part of my issues related to that legal attack, which had just been argued in a court of appeals about 2 weeks ago, and I had the lawyer from the NAACP Legal Defense Fund there at my brain trust to talk about that attack and its likelihood for success. And I'm happy to report that we do not believe it is a serious attack, although there will certainly be others to come.

That presentation was followed by a presentation by Donna Brazile on the various methods that have been used throughout the country to discourage minority participation in the voting process and what we plan to do about it in the 2007 election and, more importantly perhaps, in the 2008 Presidential election cycle, some of the strategies that we plan to follow to combat those efforts to diminish and reduce minority participation in the voting process.

And then our third panelist was a director of a board of elections in Florida who talked about the desirability of creating a paper trail so that people who do show up and vote at the polls can reliably be certain that their vote will be counted and properly assessed.

So we just had three panelists. They did outstanding jobs. We had ample time for discussion and participation by the attendees at the conference and at our issues forum. It was a delightful experience and one that I look forward to being around next year at this time to replicate.

I again applaud you for convening this Special Order tonight to allow us the opportunity to talk about not only the fun things that happened at the foundation's annual legislative conference but, more importantly, the wonderful substantive discussions that take place around every issue that impact our community.

With that I will thank our convener this evening.

Mrs. JONES of Ohio. I had a recent discussion with our colleague KEITH ELLISON from Minnesota, and he was telling me that in the seventh circuit that it had been granted to go to the Supreme Court on a voter ID. That will be an interesting case to watch as it goes forward as well.

Mr. WATT. We did talk about that, and we are watching that case very carefully, as well as another case out of North Carolina, which is an attack on whether the Voting Rights Act protects congressional districts that are not majority minority, such as the one I represent, which is only 40 percent or so African American, and the ones that are represented by most of the members of the Congressional Black Caucus today.

Mrs. JONES of Ohio. Madam Speaker, I want to thank the gentleman for his leadership on getting the Voting Rights Act reauthorized, Congressman MEL WATT of North Carolina.

It gives me great pleasure at this time to yield to my colleague and good friend, a former judge from the great State of Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank my distinguished colleague and friend, chairwoman of the Ethics Committee from Ohio STEPHANIE TUBBS JONES, for more than this one night. I think that we are back in the saddle again, and I applaud the fact that the Congressional Black Caucus, the conscience of the Congress, is now reporting the ions and pages and, if you will, thousands upon thousands of items that we work on and solve on a daily basis here in the United States Congress. So I want to thank her for guiding this for a period of time, and I want to then acknowledge the chairpersons of the 37th Annual Legislative Conference, the Honorable DONNA CHRISTENSEN and G.K. BUTTERFIELD, who did an outstanding job. And as well might I acknowledge and thank, and I know that he will be speaking soon, the chairman of the Congressional Black Caucus Foundation, Chairman KENDRICK MEEK, and thank him for his leadership and also for the opportunity to now journey on the foundation board as a new member. As I am a new member of the foundation board, I am delighted to be able to collaborate with him on some of the many, many issues that the board will tackle.

Success; inspirational; exciting; fun; learned; and, of course, message giving. That was the 37th annual legislative session that we just finished here in Washington, DC.

Allow me to acknowledge the importance of the Voting Rights session that MEL WATT and I, having served on the Judiciary Committee, worked on as we moved to reauthorize the Voting Rights legislation in the last session.

And just to bring to the attention of my colleagues, the reason why that is so important is because it seems that race again is becoming a dividing issue in America. And I just want to remind my colleagues, or maybe bring it to your attention, I am going to sort of merge it into the review of the particular sessions that I had, but I just want to announce to my colleagues that Ward Connelly has managed to get the question of affirmative action on the ballot of nine States. My understanding is that that question which revolves around race will be on the Presidential-year elections. It is my understanding that it will be on the ballot in November of 2008. I am going to investigate that issue, but I wanted to just bring that to the table because a number of our sessions had to do with trying to grapple with this question of race. And certainly the Voting Rights Act and the interpretations that the Supreme Court will make on additional cases involving race really emphasize that.

And I must say that I enjoyed cohosting a series of sessions with BOBBY SCOTT. There was a session that, although I was detained, I was able to get in for a brief moment, but I want to compliment him and acknowledge that one of the aspects that was spoken about was the recent decision dealing with race in schools on the Supreme Court. So you can imagine if there are ballot issues dealing with affirmative action, it just converges on a number of these issues. And that session really emphasized the wrongness of the decision as it relates to the results, meaning that Brown versus Board of Education might be challenged under that decision. Something for us to be concerned about.

So I enjoyed participating in that one and thought it was a very important, instructive session, as well as cochairing the child welfare section with DANNY DAVIS. And the one point I want to mention that came out of that that really cries out for legislation is the fact that foster children age out of protection, age out of a home at age 18. And for those of us who have children that know that we are still mothering them at 21, 22, 23, 24, and they have a home, our children can come back to a home or have a roof over their head that we may have, but foster children get out of the system. There is no obligation to provide them with housing or schooling or anything. What a tragedy, which is why you see that many foster children are homeless, many foster children can't finish college. They get no stipend, and it is a crisis. And it was an outstanding series with Historically Black Colleges.

Let me then indicate that the series that I had involved the energy brain trust, which was historic. And let me quickly say that we had representatives from Shell and CAMAC energy and the CEO of CITGO; from Venezuela, the Venezuelan ambassador; the ambassador from Algeria; Milton Scott, who owns a very important African American energy company; Steve Hightower, African American, owner of an energy company; George Person; Lisa Jackson; Gary Heminger; Hugh Depland from BP; Gary from Marathon; Frank Stewart from the American Association of Blacks in Energy; Willie Trotty. And the key element, high gasoline prices and high utility costs, building bridges. We have a commitment to convene the energy brain trust at the OTC, the Offshore Technology Conference, in Houston, but the main thing we have a commitment to is getting African Americans in the ownership wealth part of energy and making sure that there are African Americans in the corporate aspects of these major Fortune 500 companies and, as well, increasing more ownership.

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Lastly, we did a provocative session on hip hop, "The Culture of a People, the Language of a People," and it actually got people talking. Julianne Malveaux, the president of Bennett College. Azim Rashid, senior VP of operations at Warner Music. J. Xavier, 350-time performer, 15-year-old clean hip hop artist. An Tun Muhammad, the president of The Real Hip Hop Network. Asha Jenning, Igniting Media Accountability. Madhatter of the Box Station in Houston, and JMAC. And then Reverend Ben Chavis and Charles LeBoef.

Let me conclude by saying that we opened up the door of communication to understand hip hop from both perspectives in art, but also accountability. I look forward to continuing those sessions.

But more importantly let me thank the convener, because we were able to say it was vital, it was important, and there was so much learning going on. Now we're going forward with the legislative initiative for the CBC legislative weekend.

I yield back to the distinguished gentlelady. Thank you for the time.

The issue of energy is one of the most important national security issues which face our nation due to our increasing dependence on foreign sources of energy, often times from volatile parts of the world. My braintrust seeks to highlight and remedy the lack of adequate outreach to and participation by the African American community in America's energy industry, which is exacerbated by the inherent barriers present in the energy industry to African American students, workers, entrepreneurs, and investors along with the disparate impact the energy industry has on minority populations, consumers and neighborhoods, both in terms of prices and environmental justice.

There is no issue more integral to our nation's economic and national security than energy independence. This Energy Braintrust, which is comprised of some of the most prominent members of America's energy industry, is designed to be a clarion call to action, in order to build bridges and synergies between the African-American community and America's energy industry.

The purpose of this Braintrust will not only be the discussion of, but more importantly, the transformation of dialogue into action and legislation to address and bolster the relationships between the energy industry and African American consumers, entrepreneurs, investors, workers, and students. My hope and expectation is that six months from now each of today's presenters will join me to collectively and individually issue a plan of benchmarks, goals, and pathways to build concrete and coherent bridges and synergies between the African American community and America's energy industry. Moreover, part of this plan will be a formal mechanism such as a progress report to measure how each of today's prominent panelists and the companies they represent implement and achieve the benchmarks they helped to develop. This will ensure that we transform today's substantive discussion into pragmatic action.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. America's growing and dangerous energy dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one-third of America's trade deficit. America must improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, the energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

At this point in history, the energy industry is at a critical turning point where we can become active agents of change in our collective futures. America's dependence of foreign oil has led us to precarious position in terms of foreign policy and national security, while the youth of our nation have not received sufficient means to move to us a new direction.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis. It is crucial that while seeking solutions to secure more energy independence within this country, we strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that part of this policy includes increased involvement by small, minority and women owned businesses, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

I will conclude by also emphasizing that renewable and alternate sources of energy must be part of our energy future in order to achieve energy independence. Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks and municipal solid wastes, which are available throughout our Nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

I will close by emphasizing that we must be balanced and prudent in our approach to address our energy needs. By ensuring access to the African-American community and investing in renewable energy, I believe we can be partners with the responsible members of America's energy producing community present today to achieve our collective goal of reaching energy independence and increased inclusion of the African-American community.

CHILDREN'S ISSUES FORUM: HIP HOP: THE CULTURE OF A PEOPLE

The Annual Legislative Conference is an opportunity for us to discuss and engage with some of the difficult issues that face us as a community and as a Nation, This year, it was my honor and pleasure to host a Children's Issues Forum entitled "The Language of Hip Hop: The Culture of a People." This timely and thought-provoking discussion and examination of the impact, both positive and negative, of hip hop on our community featured panelists from the Hip Hop industry, as well as activists and academics.

As a Member of the Congressional Black Caucus, Chairwoman of the Congressional Children's Caucus, and most importantly a mother, it is my priority to address issues relating to the health and well-being of African American youth in this country. I recognize that Hip Hop culture has had a tremendous influence on the artistic and musical expression of America's youth today. However, many view the culture of Hip Hop as a negative and provocative phenomenon due to some of the negative images and harsh lyrics that some artists use to express themselves. I believe that before we condemn Hip Hop, we must first try to understand it. The Children's Braintrust sought to reach such understanding.

Throughout history, music originating from America's Black communities has always had an accompanying subculture reflective of the political, social and economic conditions of the time. Rap is no different. The history of our music often exemplifies a deeper reflection of the goings on in society—from Billie Holiday's solemn song characterizing those who were lynched as "Strange Fruit" to Nina Simone's musical commentary in "Mississippi G—— D——" expressing her disdain for the rampant killings in the South, to Tupac's expression of sincere compassion for poor black women, whom he urged to "keep your head up" despite the fact that society has turned its back on you.

Hip Hop is the culture from which rap emerged. Hip Hop is a lifestyle with its own language, style of dress, music and mind set that is continuously evolving. We have seen Hip Hop go from competitive freestyling to breakdancing battles to East Coast-West Coast rivalry. Surely, we lost two extremely talented individuals in Tupac and Biggie, much too soon. We all know their lives did not have to end so violently. But knowing this, we must ask ourselves, why does the violence continue to take so many of our youth?

My Children's Issues Forum was an opportunity to talk with each other, rather than at each other. Panelists and participants came together to discuss solutions, and to look for a way forward that embraces the hip hop artists in their quest to fulfill their dreams but rejects the lethal language that often lends itself to less than desirable outcomes for our children. More and more, we see some of the negative messages affecting the way young people make decisions about engaging in sexual activity, drug use and using violence as a means to resolve conflict. The self esteem and desire of many young listeners to achieve greatness are being deflated by stereotypes and explicit lyrics in some Hip Hop lyrics.

While I uphold America's fundamental right to freedom of speech and believe that artists have a right to creative expression, a middle ground needs to be sought in order to allow artists to create music without demeaning and degrading others. It is difficult to progress as a community if we never take the time to carefully dissect the influence of Hip Hop on our children.

During my forum, panelists examined whether Hip Hop language is culture, creativity or crisis, and explored the "Stop Snitchin" phenomenon that has had a negative impact on communities across the Nation. This important Issues Forum was a substantial first step toward reaching a solution. The ALC is about fostering positive and creative change, and the Children's Braintrust made great strides toward making our communities safer for our children.

Mrs. JONES of Ohio. It gives me great pleasure at this time to yield 3 minutes to the Chair of the Congressional Black Caucus Foundation, and my great friend and son in the House of Representatives, Congressman KENDRICK MEEK, from the great State of Florida, Miami, Florida.

Mr. MEEK of Florida. Thank you so much, Madam Chair. And thank you, Ms. LEE, for saying thank you and showing your appreciation.

I know we have some Members that want to speak, and Madam Chair, I'm going to have to leave the floor soon, so I just want to mention two or three things.

One, I want to thank those great Americans that participated in our conference. And I think that some of the brain trusts that were held, from what I'm hearing from e-mails and telephone calls, were some of the best that we've had. That means hats off to those that put on those brain trusts and issue forums; that means one of the 43 members of the Congressional Black Caucus, individually they were able to do it.

And we were also able to shed light on "Unleashing Our Power." It wasn't just a title of members of the Congressional Black Caucus. It was for those participants, black, white, male and female, that attended the conference, to leave empowered to go back to their State, back to their local community, and even in their own home, and unleash their power as it relates to education, health care, so on and so on.

One thing that I can tell you that was very, very good this year, and we were able to work very hard, is making a lot of young people feel welcome with our Emerging Leaders Initiative. Our apprenticeship program has been a really successful program. We had a lot of people that participated. We had high school students that participated; we had college and recent graduates that came to this conference. And I look forward, Madam Chair, to future years where we can be able to continue to have a successful weekend. This was obviously a large fund-raiser for our scholarship program, for our internship program. These are kids that wouldn't ordinarily have an opportunity to be a part of anything here in Washington, DC, to serve as interns in Members' offices or committees.

So everything happened the way that it should. There are always things that we can work on to make it better next year. But as it relates to the substance, Madam Chair, I am so pleased that people walked away with more knowledge than when they walked in and were inspired by what they heard. And I took the opportunity to go into Mr. PAYNE's Africa brain trust. Very powerful. He had heads of state come in to address people who needed to know more about the African countries that are there.

So with that, Madam Chair, thank you. I want to thank you. We co-sponsored the ALC a couple of years ago together, co-chaired it. I want to thank you for your leadership, and thank you for hosting this hour.

Mrs. JONES of Ohio. I thank you, Mr. Chair. It is always great working with you.

At this time, I would like to yield 4 minutes to my colleague and good friend from the great State of Virginia, Congressman BOBBY SCOTT, who has been a leader in and around so many issues. It is great to yield to you.

Mr. SCOTT of Virginia. I would like to thank the lady from Ohio for convening this Special Order so that we can talk about the great weekend that we had.

The gentleman from Florida, KENDRICK MEEK, did a tremendous job as chairman of the foundation. CAROLYN CHEEKS KILPATRICK from Michigan did a great job as chairman of the caucus; DONNA CHRISTENSEN from the Virgin Islands and G.K. BUTTERFIELD of North Carolina leading the legislative weekend.

We had dozens of important legislative seminars, foreign affairs, armed services and veterans, transportation, health care, education, housing, social services, financial issues, civil rights, voting rights. Every aspect of legislation that you can imagine, we had the nationally recognized experts. They were open to the public, the public had an opportunity for questions and answers and input. These were great workshops. I participated in four of them. The town hall forum entitled "The Cradle to Prison Pipeline" that talked about the unfortunate situation where so many of our young people start off and gradually, slowly but surely, get in trouble, drop out of school and end up in prison, and how with appropriate investments, strategic investments we can change that pipeline to a cradle-to-college pipeline, which is so much better for humanity, so much better for our communities, and that we could do that in a cost effective way.

I participated in a budget forum where we had budget experts talk about the fact that in 1993 we began eliminating the deficit. By the year 2000 we had gone into surplus. And, in fact, in 2001, we had a projected $5.5 trillion surplus over 10 years, and how, unfortunately, over the last few years we have converted that $5.5 trillion surplus to a $3 trillion deficit, a swing of $8.5 trillion. And how, with appropriate changes and some of the changes we're trying to make in Congress today, we can change that back to where we have the surplus and save Social Security, invest in health care, education and other important investments.

We had a great workshop on education with the education brain trust. We had one session on desegregation of schools and how, notwithstanding the Seattle and Louisville cases, we can still, with a little hard work, make sure those schools are desegregated.

We focused on the importance of early childhood education and the elementary and secondary education and Higher Education Act. We were able to make sure that we invested appropriately in education to make sure that we have a better community.

We also had another workshop on the judiciary, juvenile justice and the importance of making the choice between reducing crime and playing politics. We need to make sure that we reduce crime. You were very active in law school admissions, to make sure that law schools' admissions policy was not discriminatory.

Great workshops, judiciary, education, budget. The other important workshops. It was a great educational weekend.

Madam Chair, I would like to thank you for your hard work and leadership and also the ability to bring us together so that we could discuss the great work that was done over the weekend.

Thank you very much, and I yield back.

Mrs. JONES of Ohio. Thank you to the gentleman from Virginia for his comments.

It gives me great pleasure at this time to have the opportunity to yield 3½ minutes to my colleague and good friend from the great State of New Jersey, who serves on the International Relations Committee and is just a leader in the international arena, my colleague and good friend, DONALD PAYNE.

Mr. PAYNE. Let me thank you again for your great work, Congresswoman JONES, she does a fantastic job, and for all of the leaders that you have heard mentioned. And I would like to commend Dr. Elsie Scott for really bringing the foundation forward. Of course, our chairpersons MEEKS and KILPATRICK and G.K. BUTTERFIELD and CHRISTENSEN.

Let me also commend our speaker pro tempore this evening for the great work that YVETTE CLARKE, a new Member from Brooklyn, who has come into this House and has brought vitality and excitement. And we know that she will do an outstanding job as she moves that district forward. It's a great pleasure to have you with us.

Let me just say that I dealt with three areas, BOBBY SCOTT, DANNY DAVIS and our brain trust on education. Then I had the Head Start part. Then we had two other workshops and brain trusts, one, "We Don't Do February." And that is about integrating African American history into the regular curriculum so that when we hear about Patrick Henry and Nathan Hale, we will hear about Crispus Attucks and Peter Salem. When we hear about the Rough Riders, we will know about the Buffalo Soldiers. So the Amistad Committee of New Jersey is integrating African history into the regular textbooks.

Then, of course, as you all know, we deal with the Africa brain trust, the theme, "The New Africa: Opportunities and Challenges," President Wade of Senegal and former President Obasanjo of Nigeria, and Under Secretary Henrietta Fore, Ambassador Ali, AU Ambassador to the U.S. And we had Dr. Adasena, who was representing Kofi Annan's new group on the "Greening of Africa." And Ambassador Lyman, former Ambassador from the U.S. to South Africa and Nigeria. And Dr. Juma from Harvard talking about education.

So we really had standing room only. I recall 19 years ago, when I started the brain trust, we had a difficult time. We used to run in the halls and just drag people, beg them to come in. Now, unless you're there before 9 o'clock, you're not going to get a seat. So it shows that the Congressional Black Caucus, the constituency for Africa has grown very strong, and the members of the caucus are so supportive of the efforts we're doing, not only in Africa but in the Caribbean. And in Latin America, where Afro-Latinos are saying we want our share, too. We have, in Brazil now, an affirmative action program where in their colleges, they will have to admit the qualified blacks who've been ignored, and in Columbia.

So we have seen in the "hands across the ocean," as I often say, that the blood that connects us is much thicker than the water that separates us.

So with that, I will yield back the balance of my time.

Mrs. JONES of Ohio. Thank you, Congressman PAYNE, from the great State of New Jersey.

I am going to close out this hour and take these last couple minutes. One of the things that you make a mistake about when you leave a Special Order is you yield to everybody, and you forget to talk about your own workshops. So very quickly, I am going to talk about the two workshops that I did. The first one was "African American Athletes: Roles, Representation, and Expectations." It was a wonderful opportunity where I had the opportunity to host Jim Brown, the former Cleveland Browns player, renowned athlete, to talk about things he has been doing around outreach and mentoring. I had Keven Davis, a partner at Garvey, Schubert & Barer, who provided an overview of how African American athletes are represented in financial transactions. Carlos Flemming, a VP of IMG, who represents Venus and Serena Williams. Everett Glenn, the president and CEO of Entertainment & Sports Plus, who is an agent. Ken Harvey, president and CEO of JAKA Consulting, a former NFL player and a representative. Jacquelyn Nance, who is the executive director of the LeBron James Family Foundation. And finally, William Rhoden, who is the author of "Forty Million Dollar Slaves," and is a sportswriter for the New York Times. And I particularly want to thank him for taking care of the workshop while I was required to be here on the floor voting on some other issues. It was a great opportunity, and we talked about a lot of issues around African American athletes.

My second forum was focused on the declining enrollment of African Americans in law schools across the Nation. My panel consisted of Christopher Johnson of General Motors; Vanita Banks, the president-elect of the National Bar Association; John Nussbaumer, associate dean of Thomas Cooley Law School; Dwayne Murray, the Grand Polemarch of Kappa Alpha Psi; John Brittain, a lawyer from the Lawyers Committee for Civil Rights; Karen Weaver, associate dean for academic affairs and diversity; and Pauline Schneider, on behalf of the ABA. She's at Orrick & Harrington.

And the quick issue around law schools is that African Americans do have a decline in enrollment and that ABA is responsible for accreditation.

So with that, Madam Speaker, I want to yield back my time and say thank you to Speaker PELOSI for giving the CBC this Special Order to focus on the ALC weekend. It's not a party; it's a legislative conference with great import for all people across the country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, last week the Congressional Black Caucus Foundation held its 2007 Annual Legislative Conference.

Each year, I have convened the Science and Technology Braintrust. The Braintrust is a discussion forum aimed at bringing together America's brightest minds to share idea on how to diversify our science and technology workforce.

I have remained committed to hosting this Braintrust each year, because I believe that engaging young people in the fields of science and technology is one of the most important things we can do for the future success of America.

With India and China producing more than five times the number of engineers, computer scientists and information technology professions in 2005 than we did, our nation is losing its competitive edge.

The Sciene Committee ushered through a $33.6 billion package of Innovation policies that are designed to help early career researchers, better train math and science teachers, and encourage industry and universities to partner with local high schools to improve science instruction.

Having a dialogue with students and with the science education community is another way to exchange ideas and assess the needs of our population.

My Braintrust consisted of two panels. The first panel consisted of high-level individuals who have risen to great heights in technology and engineering fields. They provided an executive perspective of the educational experiences that are needed for tomorrow's high-tech graduate to be globally competitive.

Panel 2 featured bright, innovative minds from individuals who work with technology in unique ways. The goal was to convince everyone here that a career in math, science or engineering can be fulfilling, challenging and fun.

Madam Speaker, more than 150 local, African American high school students attended my Braintrust, and many of them participated in the discussion by interacting directly with the panelists.

It is my feeling that a few hearts and minds were changed that day, in the Science Committee hearing room. If only one student was influenced toward a career in science, technology, engineering or mathematics, I will be satisfied. This focus has been a major goal of my work as an elected official.

In the 1990s, we responded to the digital age with breakthroughs in computer science and information technology.

Tomorrow's greatest challenge will be to meet the needs of the Innovation Age. We must compete at a global level.

CONGRESSWOMAN EDDIE BERNICE JOHNSON'S SCIENCE AND TECHNOLOGY BRAINTRUST—EDUCATION AND SKILLS NEEDED FOR THE DIGITAL TO INNOVATION AGE

PANEL ONE

EDUCATION AND SKILLS FOR TOMORROW'S HIGH-TECH GRADUATE:

THE EXECUTIVE PERSPECTIVE

Moderator: Sam Ford, Reporter, ABC7/WJLA-TV

Panelists: Dr. Samuel Metters, CEO, Metter Industries, Inc. Mr. Scott Mills, President, BET Networks. Dr. Cheryl Shavers, CEO, Global Smarts, Inc. Mr. John Thompson, Sr. VP and General Manager, BestBuy.com.

PANEL TWO

INNOVATORS AT THE CUTTING EDGE

Moderator: Derek Lloyd, Professor and Senior Network Systems Engineer, Howard University.

Panelists: Ms. Lyn Stanfield, Strategic Relations Manager, Apple Inc. Mr. Darrell Davis, Director, DEA South Central Laboratory. Mr. Rob Garza and Mr. Eric Hilton, Thievery Corporation band. Dr. Anna McGowan, Manager, NASA Langley.

NEW FISCAL YEAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. It is such a pleasure to come to the floor tonight as we start a new fiscal year for the U.S. Government.

A new year is a time where you get to look back at what happened last year, where you get to redirect your focus and talk about what your priorities are going to be and the goals that you want to set.

☐ 2045

Now, we all do that with our families as we get to the end of the calendar year and start the new calendar year in January. It is a time that we enjoy.

I hope for each of us, as Members of the House, as we start this fiscal year, that we will put some attention on what we spend and how we spend.

Now, Madam Speaker, over the weekend, I had the opportunity to do a town hall with some of my constituents. We got together yesterday afternoon after church over lunch. One of them said, "Do you know, I have been reading Alan Greenspan's book. My goodness, it is amazing to me, absolutely amazing to me what Congress spends, how much money they spend. It is amazing to me that we have seen this debt skyrocket through the '70s, through the '80s and begin to level off through the '90s but still continue to grow. It is amazing to me that decisions are made that grow that debt. It is amazing to me that earmarks are out of control. Explain earmarks."

My constituent posed this question before the group because, like so many, once he looked at the issue, he realized that every time we grow a program, every time some new program comes along, every time Congress stands and says, "We must meet this need," that there are two costs to that program. Of course, there is the dollars cost, and then there is also the opportunity cost, because if Government steps in and meets that need, the private or not-for-profit sector is not going to step in and meet that need. So my constituent posed this for the group to talk about. I said, "What a great discussion to have. This is the last day of the fiscal year for the U.S. Government. Tomorrow is a new day. They turn a page in the book and start a new slate with the new budget."

Now, my constituent said that he would have loved to have seen the U.S. Government get to the end of the year and brag about how much money they had saved. But in reality, he knows that probably there is going to be more bragging done about special projects that go back home to the district in the form of earmarks.

So we talked a little bit yesterday, Madam Speaker, about priorities, about earmarks and about how earmarks came to be. When communities have trouble coming in and going through the process, they will say, "Oh, can you help us, Member of Congress, to get this set aside in the bill? Can you help us to find this money?" Quite frankly, Madam Speaker, we all know not all earmarks are bad. It is the abuse of earmarks that are bad. As I came back this afternoon, I found on my desk a copy of Congressional Quarterly Weekly. You can find this at cq.com if someone wants to pull it up. In the article, they are citing that there were 7,000 specific House-passed earmarks in just eight of the bills. There were 500 sought by the White House; roughly 1,000 were identified with more than one sponsor. That left 5,670 earmarks worth a combined $44.2 billion, each linked with a single House Member. And then it goes on and talks a little bit about how many and how much are here in the earmarks game and a little bit about who gets what. But it is the process and the abuse of that earmark process that has our constituents confused, frustrated and, rightfully, a little bit angry.

We know that many of us have pushed for greater transparency in this earmark process. We have pushed for changes, for knowing what is taking place in our earmarks so that people know what is in those bills when they come to the House floor, so that it is easy to find, to pair it up, to know who is asking for what, where it is going to be located or what program it is going to go to, and then how much of the taxpayer money is being spent.

Madam Speaker, it is not our money. It is not government's money. It is the taxpayers' money. So like my constituent who posed the question yesterday, "Tell me how much you are spending and how you go about spending it and explain these earmarks," those are questions that, yes, indeed, they have the right to ask, and we as Members of Congress should be answering those questions and discussing what is in those bills, what is in those appropriations bills, and what we find in those earmarks.

Now, I will have to say that this is a year when we have started our fiscal year on what is called a continuing resolution, and we passed that last year. I will say that the new majority did a good job of bringing a fairly clean continuing resolution before us so that we were running today, so that we didn't have to shut government down. What the continuing resolution basically does is it takes last year's funding numbers and rolls them forward. A lot of people would like to see us hold everything at exactly the same spending level it was. That is not all bad. But the new majority was not able to get one single spending bill through both Houses and to the President to be signed, so that is why we are operating on the continuing resolution.

We have seemed to have time to talk about global warming and pass bills pertaining to global warming or conservation. We have named post offices. We have expanded programs. We have passed billions in new authorizations and new spending. But we did not get the budget done, so we are on a concurrent resolution.

It is our new fiscal year. We are going to spend a little bit of time tonight talking about how we spend that money and looking at what takes place through this earmark process and why we, as Republicans, and why we, as members of the Republican Study Committee, are continuing our push for earmark transparency and earmark reform.

Madam Speaker, at this time, I would like to yield to the gentleman from Texas (Mr. HENSARLING) who is chairman of the Republican Study Committee, and I yield to the gentleman from Texas.

Mr. HENSARLING. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I certainly appreciate the gentlewoman's leadership at the Republican Study Committee, Congress's conservative caucus. It is a very timely issue that we are discussing today since, indeed, today is the first day of the fiscal year for the Federal Government. I think for many of us it is easy to sum up the actions of the new Democrat majority; that is, they spend too much and they tax too much. It bodes ill for the future of our Nation.

I think that it is important that we step back for a moment and figure out just how much of the people's money is being spent. And it is the people's money. It is not the government's money. It is the people's money. Today, right now, the last figure I saw is that the Federal Government is now spending $23,289 per family of 4. This is just about the highest level that has been spent since World War II. Since I have been on the face of the planet, since I was born, the Federal budget has grown 4 to 5 times faster than the family budget. Ultimately, it is the family budget that has to pay for that. Since we have been in this 110th Congress with the new Democrat majority, rarely does a day go by that there is not a new opportunity to begin a new government program on top of the roughly 10,000 Federal programs spread across 600 agencies that already exist. It kind of begs the question: How much government is enough? Because we know that as government grows, our freedoms and our opportunities contract. This is supposed to be the land of opportunity. This is supposed to be the land of freedom. Yet, all we do under this new Democrat majority rule is add program after program after program.

Madam Speaker, unfortunately all of this new spending imposes a new tax burden on the American people. In the budget that the Democrat majority passed, they included in it the single highest tax increase in American history. When fully implemented over a 5-year period, this budget will impose approximately $3,000 of additional taxes on the average American family. Now, every single day we come to this floor and we debate. And our friends on the other side of the aisle, the Democrats, want to talk about great investments in education, great investments in housing, and great investments in nutrition that they are going to use all this money for. Well, the challenge is, though, that every time that they increase some Federal budget, they are having to decrease some family budget to take it, and right now to the tune of $3,000 per American family.

Madam Speaker, I often hear from people in the Fifth District of Texas that I represent. I take great pride in representing these people who have entrusted me with their representation in Congress. I hear from people like the Flores family in Garland, Texas. I heard this lady say, "I am a divorced mother with a child in college and a child in day care. An increase in taxes of this magnitude would wipe out hope of the first college graduate in the family. Don't let this happen. Let's hold the budget down."

So, again, what we have here is the Democrats are taking money away from a family budget in order to give it to some Federal budget. We are not always debating how much money we are going to spend on these items, but we are debating who is going to do the spending. Democrats in Washington want the bureaucrats in Washington to do the spending. Republicans want families to do the spending, the people who actually roll up their sleeves and work hard. They work hard trying to make ends meet. They have got decisions that they have to make around the kitchen table. And this is just one example. I hear from lots of my constituents.

I heard from the Lopez family in Mesquite, "I would like to let you know that if our taxes are increased, this may mean that we could not continue to finance our child's education." I heard from the Winters family in Tennessee Colony, "Stop the wasteful spending. I am retired and disabled. I am raising three grandchildren. Sometimes I can't afford my own medicine." And here we are, this new Democrat majority wants to take $3,000 a year away from these hardworking families to fuel their budget, not these families' budgets, but the Federal budget.

Now, ultimately, though, it is not just the tax increase that we see right over the horizon that is so challenging. It is what is going to happen to future generations. And rarely does a day occur that somebody doesn't come to the floor and talk about the need to help the least of these. Well, I often think that the least of these are those who cannot vote and those yet to be born. They don't seem to have a say-so in this great debate that we are having today.

For example, don't take my word for it, but all this spending that we have seen in Washington, here is the result. Don't take my word for it, but we, right now, are literally on the verge of doing something to the next generation that has never been done before: imposing such a draconian economic burden on them, something that has never been done before, that according to the Comptroller General, the chief fiduciary officer in America, we are on the verge of being the very first generation in America's history to leave the next generation with a lower standard of living.

□ 2100

As the father of a 5-year-old and a 4-year-old, I will not sit idly by and let that happen.

Again, Mr. Speaker, don't take my word for it. Listen to the words of our Chairman of the Federal Reserve, who said: "Without early and meaningful action to address Federal spending, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Listen to the GAO, the General Accountability Office. They talk about government spending, particularly entitlement spending as a "fiscal cancer" that threatens "catastrophic consequences for our country and could bankrupt America."

Listen to the famous economist, Robert Samuelson, who writes frequently in newspapers all across the Nation. He says: "The rising cost of government retirement programs could either increase taxes or budget deficits so much that they could reduce economic growth, and this could trigger an economic and political death spiral."

The Congressional Budget Office, the Office of Management and Budget, the General Accountability Office, the liberal Brookings Institution, the conservative Heritage Foundation, they all agree that spending is out of control: And what is going to happen is in the next generation either the Federal Government will consist of nothing to speak of but Medicare, Medicaid, and Social Security; or you're going to have to double taxes on our children and grandchildren just to balance the budget.

Now we see that hurricane coming over the horizon, we see it coming towards us, and yet this Democrat majority every single day adds to the problem. Just last week the Democrat majority took an insurance program, the National Flood Insurance Program, that is already going broke, was supposed to be self-sustaining through premiums, it's $20 billion in the red, and they add additional coverage to it that could expose the taxpayer to $17 trillion, $17 trillion of new liability in just one program alone.

So that is why it's so important that we start tackling the pennies and the nickels and the dimes, because we are talking about the priorities of American families, we are talking about their opportunities, we are talking about their ability to send their children to college, we are talking about their ability to save that nest egg, to launch their version of the American Dream and start their new business. We are talking about their ability to pay for their health insurance premiums.

Again, Mr. Speaker, every time you increase the Federal budget, you're having to decrease some family budget. I just often wonder when will the madness stop. When will we finally figure out that this isn't investment in the future, that is divesting our children's future by spending all of this money? The Federal budget should not be allowed to grow beyond the family budget's ability to pay for it.

That is why conservatives in the Republican Study Committee, the House Conservative Caucus, support a limitation on the growth of the Federal Government, to force Congress to decide amongst some of these priorities among these competing 10,000 Federal programs. Mr. Speaker, I defy any man, woman or child in America to tell me what they all do; 10,000 of them. It reminds me of what President Reagan once said: "There is nothing as close to eternal life on Earth as a Federal program." They all cost money, and they take away from our children's future.

So that is why I am so happy that members of the Republican Study Committee have gathered here this evening to talk about the challenges of spending for the future generations and to get together to ensure that we let the American people know that we are working to hold the line on spending, to bring more accountability, to bring more transparency, to try to stave off this tax increase of $3,000 per American family, and that's for the families today. And we are fighting just as hard, if not harder, to ensure that the children and grandchildren of today's taxpayers are not saddled with a doubling of their taxation so that they would see a lower standard of living. That is not the America that we grew up in. That is not the moral obligation we have. We cannot be that first generation in America's history to leave the next generation with a lower standard of living.

That is why I am happy to join my fellow members of the Republic Study Committee who have come here to debate this important subject tonight. I especially want to thank the gentlewoman from Tennessee for her leadership in this hour.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for his remarks. He does such a wonderful job in directing the activities of the Republican Study Committee. You can find out a little bit more about the Republican Study Committee going into Mr. HENSARLING's Web site, House.gov/Hensarling, and enter in "Republican Study Committee." It will take you there to some of our activity and the work we are doing.

We also have a little "money monitor" that we use every single week, update it, to show you what the majority in the House is spending, show you how this is going to affect your budget. As he said, the priority is the family budget, to be certain that families have the opportunity to decide how and when they want to spend their money.

As the gentleman from Texas said, unfortunately, since World War II what we have seen is the Federal budget has grown four to five times faster than the family budget. The Federal budget growing four to five times faster than the family budget. That is exactly opposite of what our Founding Fathers would want.

I hope that my colleagues across the aisle will join us, join with us as we fight the growth of this budget, as we fight the growth of spending. When it is a new fiscal year, it is a good time to sit down and review this and say, okay, when we get to the end of the fiscal year, what do we want to look back and say we accomplished? Wouldn't it be a great thing if we were to say this is what we were able to save, this is how we were able to find ways to reduce the size and cut what government spends? So we invite our friend across the aisle to come over and join us and work on this issue.

I would like at this time to yield to the gentleman from Georgia (Mr. PRICE), who has been a stalwart in working on the earmark issues, the earmark reform, and a real leader in the push for earmark reform, greater transparency and more fiscal accountability from the House.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Tennessee for yielding and for her leadership on this issue, and I am pleased to join my friend from Texas, as well as my good friend from North Carolina, who is yet to come. I appreciate her bringing great focus to this issue, because, Mr. Speaker, if the casual observer were to give you a description of what they thought was going on here in Washington, they would say, Oh, well, they are being much more responsible. They are not spending as much money as they have in the past. All sorts of wonderful things are happening. They would say so because this new majority has captured what I have called "Orwellian democracy." They are talking the talk, Mr. Speaker, but they are not walking the walk.

So I appreciate my friend from Tennessee for taking the leadership and making certain that we bring focus to what truly is happening here in Washington under this new leadership.

Our good friends on the other side of the aisle, as you say, this is the first day of the new fiscal year. It is a great opportunity to look back and see what has happened over the last fiscal year that they have been in charge and to look forward. But if what has happened to date is any harbinger of what is to come in the future, Mr. Speaker, we have got real problems, because, as you know, Mr. Speaker, not a single appropriations bill of the 12 annual appropriations bills has made it to the President's desk yet, and we are done with the last fiscal year. The new fiscal year has begun today.

They didn't make it to the President's desk because this new majority has picked up right where they left off when they were last in the majority back in 1994 with more taxing and more spending. It is the spending that has our attention tonight, and through so many different areas.

This new majority is interested in spending over $23 billion in new money, new Federal money, and that is just the beginning. That is just the beginning. That is what they have appropriated, not what they have authorized to be spent, which is truly hundreds of billions of dollars. But $23 billion is what separates responsible spending from the new majority, which is why we haven't gotten any of the appropriations bills to the President's desk and signed.

What we are talking about tonight is a portion of all of that, and that is the issue of earmarks, the issue of special projects, the issue of spending that gets into bills, oftentimes late at night and oftentimes behind closed doors; little projects that one Member or two in Congress make certain are inserted into bills. It is an earmark process, it is a special project process that we on our side, when we were in the majority recognized, albeit a little late, but recognized that it had significant potential for huge abuse. Some of our former colleagues, in fact, have different residences right now because of that abuse. They violated the law and were held to account.

So what we did as a majority before the end of last year was to pass a rule that said that all earmarks, all special projects, had to be disclosed. Whether they were in tax bills, whether they were in authorizing bills or whether they were in appropriations bills, every one of them had to be disclosed: who asked for it and how much did they ask for.

Mr. Speaker, that makes a lot of sense, doesn't it? It is called sunshine. Sunshine for earmarks, we called it. It is what the American people desire. It is what the American people deserve. It is what my constituents home in Georgia say that is what we want. We want to know who is asking for these things.

We instituted this program. One would have thought, given the talk that we heard from this new majority, that when they took over that would have been one of those commonsense reforms they would have continued. That would have made a whole lot of sense.

In fact, Mr. Speaker, as you know, that is not what happened. In fact, there was to be no disclosure of individuals who requested earmarks, as my friend from Tennessee knows; and we fought, Republicans fought tooth and nail to make certain that disclosure occurred in appropriations bills before any were passed. This happened in May and June of this year.

Finally, finally, the new majority relented and said, Okay, we will allow for disclosure of who is asking for those earmarks, but that is not true for authorizing bills or tax bills. So what we see in these bills, as my friend from Texas cited, is these projects that get pushed into these bills that have special rewards for certain Members of Congress and their districts. We see it in all sorts of bills.

Mr. Speaker, as you will remember, last week we passed in this House of Representatives the SCHIP bill, the State Children's Health Insurance Program bill. One wouldn't think that you would need to sway Members' votes on that from a majority standpoint. Just let the bill stand or fall on its merits. The issue of those merits is another debate. But what we saw in that bill were earmarks, special projects for Members on the majority side to sway their vote.

Mr. Speaker, that is not what my constituents want; it is not what the American people want.

That might not even be so bad if they were disclosed, if people knew what was happening; if the Member had to stand in this Chamber before his or her colleagues and offer the justification for those programs, if they would stand before their constituents at home and offer justification for those programs.

But one of the things that really gets in the craw of my constituents, and I know those of my good friend from Tennessee, is the arrogance with which this new majority has fashioned these programs, the incredible arrogance, once again, saying one thing and doing another.

As my friend from Tennessee, Mrs. BLACKBURN stated, you can get this kind of information at CQ.com, Mr. Speaker, if you like. You may not have seen it. I would ask you to look it up.

They had an article today, as a matter of fact, asking: "Do you want to know how your tax dollars are being spent in Washington?" And the response is: "Tough (expletive)." They are quoting a very powerful Member of the majority party.

That is what is so distressing, Mr. Speaker. There is an arrogance about this majority. There is an arrogance that exceeds anything that anybody has ever seen in this Chamber, and there is a culture of excessive Washington spending that I believe the American people are sick and tired of.

So when you see this kind of activity going on in the committees, in the authorizing committees and in the tax committees and in the appropriations committees, where Members of this Congress are attempting to hide from their constituents and from other Members of Congress what is in these bills, who is asking for it, how much money and how do I identify it, and when a reporter in fact asks a very senior Member of the majority party how to find out "how much money for which projects are in this bill," that Member of Congress says, "Tough (expletive)."

□ 2115

Mr. Speaker, that is not befitting of this House. That is not befitting of the institution that you and I were elected to hold a seat in. That is not befitting of the responsibilities that our constituents desire us to have when we come to this House of Representatives.

So what is the solution? Mr. Speaker, the solution at this point in time for this issue is H. Res. 479. We have a resolution that we would like to get debated on this floor, to have a debate on this floor that says just what we have talked about, to disclose who is asking for these special projects, who is asking for these earmarks, whether it is in appropriation bills, authorizing bills or tax bills. It is a resolution that sits in one of the committees controlled by the majority side. There is an opportunity for all Members of this House to say we ought to be voting on that. It is called a discharge petition. There we have 193 Members who signed to bring that resolution to the floor and debate it and vote on it. It takes 218, which is the majority here. So it is going to take some Democrats. So 193 Members have signed that discharge petition. Not a single Democrat has signed that discharge petition.

So, Mr. Speaker, I challenge my colleagues on the other side of the aisle who said during their campaign and even come to the floor of this Chamber and say now: We want earmarks disclosed. We want people to know who has been asking for these special projects. So sign the discharge petition, and it will give us a great opportunity to debate this issue on the floor of the house during a legislative session, during a time when we are talking about adopting legislation and making certain that sunshine is present for earmarks.

So I want to commend my friend from Tennessee for her leadership on this issue, for bringing this issue into focus, and for making certain that we fight day in and day out on behalf of the American taxpayer whose money it is that we are given the responsibility for.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia so very much. We have started our new fiscal year, and the new majority was not able to get one single spending bill to the President's desk, so we do operate on a continuing resolution.

Mr. Speaker, as I said, some of us who want to reduce what the Federal Government spends, holding the spending at last year's level is not such a bad idea. We kind of like doing that. But for a new majority who said we are going to have transparency and openness, to come in and continue to spend more and more and more, not less, but more. More of the taxpayers' money, putting more of it into earmarks.

The gentleman referenced the cq.com article which referenced 7,000 earmarks in eight bills; 5,670 of those earmarks with a combined worth of $4.2 billion linked to individual House Members. And the concern with that, as my constituent said, how much you spend and how you spend it and concern over the earmarks.

You know, we have seen quite a bit of hypocrisy from the new leadership. As the gentleman from Georgia said, we do have House Resolution 479. This is something people can go on and pull up on the Internet and take a look at it. We are trying to get that voted on, forcing the transparency issue and restoring those rules that we passed last year to make certain that an individual's name is there, that you can find what individuals are earmarking, not trying to hide this, but you can find it and know who is asking for what in that budget.

We have 193 signatures on the discharge petition so we can force it out of committee, force it to the floor, and force a debate for the American people so they know what is going to be spent here in the House.

I encourage our Members to take a look at that legislation and to come join us on this first day of the new fiscal year. Again, I encourage our colleagues from the other side of the aisle to embrace the issue of reducing what the Federal Government spends, to embrace transparency in these earmarks, and to work for earmark reform, to join us in continuing to work for earmark reform.

Mr. Speaker, I want to yield to Dr. VIRGINIA FOXX from North Carolina who certainly has conservative credentials and understands so very clearly how to work with earmarks, how to work with Federal budgeting and making certain that we remain true to our conservative principles as we address our Federal budget issues.

Ms. FOXX. I am very grateful to you, Mrs. BLACKBURN, Mr. HENSARLING and Mr. PRICE. I was enjoying listening to you all speak about this issue and helping to educate the American people about what we are dealing with here, particularly as it relates to the numbers that Congressman HENSARLING is so good at doing.

It probably won't surprise anybody that a September Gallup Poll revealed that Americans' trust in the Federal Government is at a low ebb. Today, most Americans trust the Federal Government less than they did during the Watergate scandal. At the same time, a new Reuter's poll found that Congress has an all-time low approval rating of 11 percent.

I am extraordinarily proud to represent the Fifth Congressional District of North Carolina in the Congress. I am not proud that is the way that Americans feel, though, about the Congress of the United States. I think there are many reasons that people feel that way about the Congress. I think that one of the main reasons that people feel that way is because last year the Democrats who ran for office and who became the new majority in this Congress after 12 years made a lot of promises.

Republicans were not perfect in the 12 years they were in control of the Congress. Lots of mistakes were made. Republicans, some Republicans, forgot their way, lost their way and strayed from the conservative principles that got them into the majority.

Democrats promised they would be different. They would run the most bipartisan, most fiscally conservative Congress that had ever been seen. They promised lots and lots of things, and they have broken all of those promises. That's why I think that the attitude toward the American people is so negative toward the Congress these days. They are disappointed.

You know, as children we are brought up to believe the promises that are made to us. I think one of the greatest disappointments people have is when they are promised something, particularly by their elected officials, and then the elected officials break those promises. I think that is what has happened.

What we are seeing here is, time after time, things that the Democrats said in the campaign last year, they have gone back on. I am going to give one quote here from Speaker PELOSI from 9-16-06 at a news conference: "We have to have the fullest possible disclosure, and it has to be on earmarks in appropriations, in authorizations and in taxation. And it has to be across the board, with no escape hatches."

In fact, what has happened is the Republicans had to take the Democrats kicking and screaming into revealing what their earmarks were. In fact, I was here on the floor with an amendment on the floor for 22 hours back in June when we were dealing with the homeland security bill to say to the Democrats: It is time you lived up to your promise. You've got to disclose these earmarks.

They had planned not to disclose any of those earmarks until after the bills were passed, and then they were going to publish them in the month of August and let people try to figure out where the earmarks were. So I think, again, a major part of the problem that we are having with the attitude of the American people towards Congress is they are disappointed in us.

Republicans last year passed legislation that made all of our earmarks transparent. There are differences of opinion on whether we should have earmarks or not. I think the Constitution gives us not just the right but the responsibility to spend money the way we think it should be spent through the Congress. That is our responsibility. However, everything should be transparent. Everything should be out there.

If I ask for special project money, I should be proud enough of that money to say where it is going. But not everybody wants to do that. What the Democrats have done is they have hidden their earmarks in legislation. We finally were able to force them into revealing earmarks in appropriations bills, but not even in all appropriations bills have they disclosed them.

Reference has been made tonight to earmarks in the SCHIP bill last week. Every time a bill passes this House practically, we find there are earmarks buried in those bills written in such a way it is very difficult to discern where those earmarks are.

Republicans don't believe in that. We believe if you are going to have earmarks, they need to be transparent, and I think that is the direction in which we should be going. And I believe doing that will help the American people feel better toward what the Congress is doing, and we need to build trust with the American people in order for us to be able to do the work we need to do.

But what the Democrats have been doing is trading earmarks for votes. Again, it seems impossible to think that with the majority they have they would need to do that, but they have been doing it. What they are doing is taking taxpayer money, money that we confiscate from the taxpayers of this country, and then spend it on projects that we think are projects that should be funded. We don't need to be doing that, and we particularly don't need to be doing that unless we are willing to show exactly where we are doing it.

What is happening is, again, we forced them to say we are going to do it on appropriations bills, but they still have not agreed to do them on authorizing bills or on tax bills. But we have to have that. We have to have transparency and truth in all of the legislation that we have passing out of this House.

I support the discharge petition that has been signed. I was one of the first people to come here and sign that discharge petition. It is going to be very difficult, but we are going to be putting the Democrats who call themselves the Blue Dogs, call themselves conservatives, this is going to be a defining moment for them. Are you really a conservative or are you just a tax-and-spend liberal who tries to fool the people in your district that are conservative when you don't put your name on the line to bring these bills up so that we can see exactly how you are going to vote on them. You can talk a good game, but the real point is: Are you willing to vote for this legislation? Are you willing to sign a discharge petition? And so far none have been willing to do that.

We are on the first day of a new fiscal year, and we have a reckoning with the American people. No appropriations bills have passed the Congress this year. We are operating on a continuing resolution. I agree, a continuing resolution that keeps spending at last year's level is better than increasing spending. But the Democratic majority have not lived up to their promises. They have broken every single one. It is time we call them to account.

I want to thank Congresswoman BLACKBURN for leading this hour tonight and for bringing this matter to the public yet again, because I think taking care of this matter of earmarks, taking care of this pork barrel spending is something that the American people want us to do, and it is high time we did it.

□ 2130

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from North

Carolina, and she is precisely on target with her remarks.

A year ago, we had some of the senior House Democrats that joined us Republicans in calling for earmark reform in Congress, saying new transparency rules should apply to all earmarks, not just on appropriations bills, but on tax bills, on authorizing bills, transparency for all earmarks of any kind. And House Republicans later delivered those reforms last year when we were still in the majority.

But now that we have the new Democrat majority, they have retreated from those promises. They've gutted the reforms implemented by the Republicans, and they are denying Members the ability to have a full debate on those earmarks.

As the gentlewoman from North Carolina said, this is so unfortunate that this is what they're doing in the House because the people do expect better from us, and as she said, there were promises that were made and there are promises that have been broken.

I want to yield once again to the gentleman from Texas, our Republican Study Committee chairman, Mr. HENSARLING for a few more comments on the earmark issue.

Mr. HENSARLING. Mr. Speaker, I thank the gentlelady for yielding, and earmarks are a very important part of the debate about spending in Washington, D.C. We know that the people are overtaxed and are overtaxed because Washington spends too much.

Now, some people say, well, earmarks are just a small portion of the Federal budget. You know, that may be true, but Mr. Speaker, if you look closely at the numbers today under this Democrat leadership, more money is being spent on congressional earmarks than it is the entirety of our veterans health care system. Now, that's a travesty. This body should be ashamed of that fact, that more money is going to these congressional earmarks than they are going for our veterans health care system. There are still needs in that system, but instead, under this Democrat leadership, the earmark machine continues to roll.

Now, when they became the majority party, they claimed they would do better. In fact, our Speaker, Speaker PELOSI, was quoted as saying she would just as soon do without earmarks; though, I've noticed in the latest copy of Congressional Quarterly Weekly she's in the top 10 out of 435 Members when it comes to digging in the trough for more pork, for more congressional earmarks.

Now, people understand that earmarks too often represent a triumph of seniority over merit. Too often they represent a triumph of secrecy over transparency, and too often they represent a triumph of special interest over the public interest.

Now, again, I'm not here to say that all earmarks are bad, but the process is broken. The Democrats claimed they would clean it up, but instead, they've created huge new loopholes in the system.

If you want to go on a pork lean diet, you just can't cut out the sausage. You've got to cut out the bacon and the ham as well, and so when people hear about appropriation earmarks and authorizing earmarks and tax earmarks, what they need to know is what the majority said they were going to do and what they did are two different things.

So I wish I were eloquent enough to have thought of this myself, but to quote a colleague on the Senate side, Senator TOM COBURN of Oklahoma, Earmarks are the gateway drug to spending addiction. And that's why this fight is so important, and it's so disappointing when the Democrats, in some cases rightfully, criticized the Republicans in the last Congress, but we cleaned up the system. At a bare minimum, we brought transparency and accountability to the system, and they've rolled that back.

Now, it was mentioned earlier on the floor this evening that one of the first acts the Democrats had, they asked the entire House of Representatives to pass massive spending bills. They would hide in them earmarks and only later would they be revealed what the House voted on. Thankfully, under the Republicans, we came to the floor and we brought transparency to the debate, and the Democrats were forced to reverse themselves. So at least on a small portion of earmarks, known as the appropriations earmarks, there is at least a modicum of transparency now.

We need to have that great disinfectant of sunshine brought on to this system because earmarks are the gateway drug to spending addiction. They create the culture of spending, and we'll never be able to protect the family budget from the Federal budget until we deal with that culture of spending.

Earmarks, again by definition, have nothing to do with merit. They take merit, they take competition, they take competitive bidding out of the process, and instead what happens is senior Members, typically in smoke-filled rooms in the back of the Capitol, are somehow able to arrange these special earmarks.

Most recently, under the Democrat leadership, there was something like 30 Members of Congress managed to get a special funding stream for hospitals in their district that no one else, no other hospital in America was able to receive. Again, a triumph of seniority over merit, a triumph of secrecy over transparency.

It has to do with the culture of spending, and if we're going to save the next generation from having a lower standard of living than we have because we are on a pathway right now just with the government we have to double taxes in the next generation, unconscionable, immoral, and yet the Democrat leadership continues with this culture of spending.

The earmark machine is alive and well as represented by the cover story right here, Mr. Speaker, in Congressional Quarterly Weekly. I wish every American could read that to see what is happening in this earmark process.

Every time some Member of Congress comes to the floor requesting a new earmark, guess where that money is coming from, Mr. Speaker. Either they're taking it out of the Social Security trust fund, robbing seniors of the hard-earned money that they put into it, or it's going to be part of this $3,000 a year tax increase that the Democrats put into their budget, the single largest tax increase in American history. Or if they choose not to tax it, there's only one other thing they can do, Mr. Speaker, pass on the debt to our children and grandchildren.

And that's why I appreciate the gentlewoman from Tennessee. I appreciate all the members of the Republican Study Committee coming to the floor tonight to add more transparency to this earmark debate, because unless we have transparency and accountability, we won't reduce the number of earmarks, and until we reduce the number of earmarks, we won't be able to change the culture of spending and be able to give the next generation greater freedom and greater opportunity than we've enjoyed.

Mr. Speaker, I hope people have watched this debate carefully, and for those who wish to know even more, I would invite them to go to the Web site of the Republican Study Committee that I have the honor to chair, at www.house.gov/hensarling/rsc, and learn a great deal more about the spending patterns of the Federal Government and how often the people's money is squandered and taken away from their future and their American dream.

But there's a better way. There's a better way under conservative principles to make sure that we do not allow the Federal budget to grow beyond the family budgets and be able to pay for it, that we don't pass debt on to future generations and that we reform these earmarks and make the Democrats remain good to their word.

So, again, I thank the gentlewoman from Tennessee for her great leadership in the conservative movement in the House, with her eloquent and articulate voice for her leadership on this subject.

Mrs. BLACKBURN. I thank the gentleman from Texas, and Mr. Speaker, as we come to the close of our hour that we have had tonight where we put the focus on spending and put the focus on earmarks, I would remind my colleagues that a couple of months back Republicans successfully forced the Democrats to restore two critical GOP reforms from last year, and that was disclosing earmarks and their sponsors before spending bills are voted on on the floor and then the right to challenge those bills on the floor. Those were important changes we made last year, and we forced those to be reinstituted so that we could begin to have some debate. Now, they may try to cover up some of those. We're going to keep digging and playing hide-and-seek and figure out who all of those earmarks belong to.

I want to give you a couple of quotes that tie into this. From the AP, "Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual Member-requested projects from the final version of each appropriations bill." That's from June 14.

From June 18 of this year from the Charleston Post-Courier, "A House compromise achieved Thursday night shows that the worthy cause of earmark reform is far from lost. When the Speaker recently signaled a retreat from her repeated vows to fix that problem, House Republican leaders cried foul."

We called for that accountability. The cost to the taxpayer for earmarks not being disclosed is hundreds of millions of dollars of additional spending.

I hope that as we start this new year that our colleagues across the aisle will reach out to us, that they will join us in signing the discharge petition on Leader Boehner's bill, H.R. 479, and get the 218 signatures we need so that we can come to this floor so that we can have a debate and ensure the public that all taxpayer-funded earmarks are publicly disclosed and subject to challenge and debate on this floor. The future of our children, the future of this government depends on getting our spending under control.

Mr. Speaker, I thank you for the time this evening. I thank you for the opportunity to address the issue of out-of-control earmarks and the need for earmark reform by this body.

NATIONAL SECURITY AND AMERICAN FOREIGN POLICY

The SPEAKER pro tempore (Mr. CUELLAR). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, tonight I'd like to share a few thoughts about national security and about American foreign policy. We have many challenges that confront us today, and we live in perplexing times, but we also live in a time when there are great challenges as well as great opportunities, as long as we, the American people, have the courage to live up to our potential as a country that could lead the world into a better way than we have known throughout the history of humankind.

We are indeed in a new millennium, and this new millennium, coupled with the technological capabilities that we have and the vast wealth that is available to the free societies of the world today make it possible that we can build a better world than any human being has ever known. But, again, a lot of this has to fall back on the United States of America and our willingness as Americans to live up to the responsibility that we've been handed.

Ronald Reagan used to say that America has a very special role to play in this world. He used to say that because we Americans are a very special kind of people. We are not of one race. We're not of one religion nor one ethnic group, but instead, we are made up of people who come from every part of this planet and every racial background and worship God in every way that you can imagine. And in fact, there are many atheists who don't worship God at all and have that right, but we've come here to live in freedom and to show the world and to lead the world as a country that's made up of people from all over, that lead the world toward that direction which will enable it to overcome those trials and tribulations, those hatreds, ancient hatreds that have plagued mankind for so long.

And yes, today, the United States is the great superpower, thanks of course a lot to Ronald Reagan who I just talked about. The fact that during the Cold War he was willing to act responsibly to make tough decisions, in a way that ended the Cold War in a very real sense, he oversaw the demise of communism in the Soviet Union. It was Ronald Reagan who everyone knows brought down the Berlin Wall and not George Herbert Walker Bush, George W. Bush's father.

□ 2145

But as the Berlin Wall came down because of the policies of Ronald Reagan, we too must make the right decisions to ensure that the challenges that we face today are overcome in time for the next generation to enjoy greater freedom and to free themselves from the threats of fear that we face today. This will not happen unless we act responsibly, unless we act with courage, but, most importantly, unless we stand up and proclaim that, yes, we are from every nation of the world and every race and every religion, and we are the ones who will promote freedom and liberty on this planet. It is that alliance that we can have with those people in every country, that we have are, as I say, those people within our own society who can reach out to every country with that message, that we are allied with those good and decent people throughout the world who would stand with us to create a world where human freedom and liberty and justice and treating people with respect is something that is commonplace rather than the exception.

Sometimes it's a little difficult to think of a world becoming free, and the expansion of liberty and justice in this world, when we hear the reports that we heard today coming out of Burma. Burma, for these last 4 decades, has lived under tyranny, a horrible, horrible tyranny. It has been a closed society. Burma is a country that is so rich in natural resources that after the Second World War it was thought that Burma would be the breadbasket of Asia, that Burma would indeed be one of the richest countries of Asia.

Instead, Burma has sunk year after year, suffering from tyranny but, as a result of that tyranny, its people have lived in deprivation and in hunger and in want that was never ever thought would happen. No one ever thought that would happen after the Second World War.

But if we have learned anything from Burma and from the other countries that are poor today, it is that poverty is not created by too big a population. Poverty is not created by even a scarcity of resources, natural resources. Poverty is created because of tyranny. Tyranny and dictatorship bring corruption and bring about a strangling of those creative impulses within any society and those productive people within every society that will build, that will create the wealth necessary to uplift the people of any society. Instead, tyranny drags them down, no matter how prosperous the country could be in terms of its natural resources.

The report today is that Burma had its chance, or perhaps it still does, but that the ruling regime, the gangsters that have run that country for decades, have now unleashed their firepower upon the Buddhist monks and the other people in that society who are calling for a liberalization of the Burmese regime. Apparently, thousands of people have been slaughtered.

In fact, an intelligence officer for the Burmese military has defected, and he now is reporting to Western newspapers that it was his orders, by his commanding officers, to round up hundreds, if not thousands of monks, and put them in trucks and take them into the deep jungle and murder them and dump their bodies in the jungle.

He could not do that, and so he defected. He grabbed his child and ran for the border. It is time for the other military officers in Burma and the police not just to take their children and run because they can't obey an order, but to realize that the orders they are being given by their generals, their so-called generals, are not lawful orders. It is time for the army of Burma to side with the people of Burma.

Any military leaders in Burma today who side with the people will become national heroes and will be renowned and remembered by their people for generations to come. They will receive the gratitude not only of the people of Burma, but to all the good and decent people of the world. The soldiers in Burma and the police in Burma should turn their guns on their generals. They should side with the people of Burma, their fathers, their mothers, their brothers and sisters who want honest government and clean government. They should not be slaughtering their fellow family members who want nothing more than clean, honest, Democratic government.

The regime, as I say, is headed by what they call generals, but these are not generals. These are gangsters who have put on military uniforms. No Burmese soldier owes them any allegiance. These generals, these gangsters, have sold out their country and their countrymen to foreign interests, namely, the Chinese. Yes, the dictatorship in Beijing is treating the government, which means the generals, in Burma as if Burma was a vassal state of China.

In exchange for the $1.5 billion worth of military equipment that China has given Burma, the Burmese gangsters who run that country are permitted, the government in Beijing and the Chinese, to rape the natural resources of the people of Burma, the teakwood, the gems, the uranium, the rich minerals that Burma has are being taken away. They are being eliminated from the future of the people of that country in order to pay for the weapons that repress the people of that country. The Chinese have demanded of the Burmese Government a facility on their ocean so that they can be in a position to outflank India and to interfere with the trade, ocean trade in that part of the world.

All of this is being given away by those leaders, so-called leaders in Burma. They are giving away the rightful legacy of the people of Burma to Chinese outsiders, gangsters in China now in league with gangsters of Burma.

This is the type of relationship that China will have with other countries if we permit them. And it is clear, for those of us who are looking, that the military troops that are now shooting down those who seek democracy in Burma would not be doing so if the Chinese would have objected and sent any message to their Burmese stooges not to shoot and not to commit violence against those who are peacefully advocating change, democratic change in Burma.

Yes, they have a regime. But unlike in other countries, like we faced in another issue which I will talk about in Iraq, in Burma, there is an alternative. There is an alternative to the Burmese dictatorship. Aung San Suu Kyi, a Nobel Prize winner, won with her party elections back in the 1990s when the generals were so deluded that they believed their own propaganda in thinking they were more popular than they were, and they permitted a free election. In that free election, they were wiped out.

The fact is that Aung San Suu Kyi of Burma and the people of Burma went to polls and the people of Burma overwhelmingly supported democratic reform and Aung San Suu Kyi. The election was, of course, immediately discarded; the generals mobilized their troops. Aung San Suu Kyi was sent into House arrest.

Aung San Suu Kyi, I went to Burma and met her several years ago, one of the great heroes of our time, a saintly person, someone who is depending on us like the people of Burma to make a strong stand. If nothing else, the American people must let the people of Burma know that we are on their side, and we must let the ruling junta know that we oppose them and we oppose their oppression of the Burmese people.

This should be clear to them, and we must make sure that those Burmese generals and those military officers who were committing atrocities against the people of Burma realize they are not just murdering their fellow Burmese, they are committing crimes against humanity, and they will be followed and pursued just like the Nazis before them, and they will be held accountable and brought to justice.

I am calling on our government to freeze any assets that any leader of the Burmese Government might have, and our government should be working with other governments to issue arrest warrants for any member of the Burmese Government who travels abroad.

Furthermore, we must join with other nations and suggest that China is not doing its part and is playing a horrible role when it comes to freedom in Burma, as it will play the same role in the Philippines and elsewhere as its strength as a country grows.

China has prevented the United Nations from stopping the atrocities that are now going on, as we speak, in Burma. China has been pulling the strings. The Burmese regime would never have opened fire without permission in Beijing. The people of Burma should know that. The people of the world should know that.

It is time for the people in the United States to quit closing their eyes to the monstrous nature of the Beijing regime. Without that regime, the Burmese dictators, the gangsters in Burma, would not be able to succeed in holding down that population and by brutalizing their people.

I have a piece of legislation before the Congress, and I would ask my colleagues to join me. The legislation is H.R. 610. It is a bill suggesting that we go on record as being in favor of boycotting the upcoming Olympics to be held in China.

There is no reason, while China remains the world's worst human rights abuser, and that includes Burma, I might add, the Chinese are the world's worst human rights abuser, and why should we ever hold an Olympics, which stands for some of the higher aspirations of humankind, why should we ever hold an Olympics in China while it has that type of monstrously dictatorial government. Yes, in China they not only are involved with repressing the people of Burma, but they are deeply involved with criminal acts against their own people, especially against religious believers.

Isn't it fascinating that in Burma, those who would try to lead the country to a better and more Democratic way are those Buddhist monks who now, in a very peaceful way, have presented their case and are answered with an iron fist. They are answered by bullets, they are answered by brutality.

In China, it's the same. We have people of the religious faith, whether they are Muslims in the far reaches of China or whether they are people in Tibet, who have been so brutalized, or other religious believers, Christians, Catholics, and, yes, the Falun Gong, the Falun Gong who have a spiritual belief that is somewhat similar to yoga and somewhat meditation. Yet, this very simple and pacifist religion has been vilified by the communist party of China, and thousands and thousands of Falun Gong practitioners believing in meditation and yoga have been arrested. They are picked up, and they disappear.

The women are raped in prison; they are murdered. Perhaps worst of all, when they disappear, they are sent to prisons, and now we have reports coming out of those prisons that Falun Gong prisoners, people who are pacifists, who are simply believing in meditation and yoga, they are, what, they are being murdered for their organ parts which are then being sold. Sometimes they sell them to Americans who come there. Falun Gong prisoners are killed right before a doctor, who would then remove the cornea from their eye and sell it to people in the West who spend thousands of dollars to get these body parts.

If there is anything more ghoulish than this, even the Nazis, I don't think, could sink that low, but they sank about as low as one could ever expect. But that is the type of thing that goes on today, and we are giving the Chinese the ability to hold the Olympics, to cover up, to put a good face on this type of monstrous regime.

It is time for the people of the United States Congress to join with me in agreeing that as long as China is doing, number one, what it's doing in Burma and in Darfur, where they are again behind the scenes playing a horrible role, it is time for us to join together and say we will not participate in an Olympics hosted by such a criminal government.

☐ 2200

And I am happy to announce today NEIL ABERCROMBIE, my colleague from Hawaii, has joined me in supporting this legislation.

China, of course, even beyond, if it was simply a nondictatorship, there would be major problems with China. China is a predatory nation. China is a nation, for example, it is a nation, as a nation state it's huge, and it has more territorial claims than any other major power in the world. China has been built into a huge power, an economic power, which is now being translated into military power. Even though it has claims against India, huge areas of India and Russia, large areas of the ocean are claimed by China. If one remembers, it was just a few years ago when one of our planes, our surveillance planes flying in international waters was forced down in China, and they claimed that their territorial waters extended way beyond anything the United States would recognize. And all they wanted for us to get the crew back was for us to apologize and to acknowledge that we were in their territory.

What does that mean? They would have murdered these American military personnel in order to assert their claim to huge areas of ocean. In fact, they claim the ocean right up to the shore line of the Philippines. They claim the Sprattley Islands, which are only 100 miles from the Philippines and 500 to 600 miles from China. Huge areas, as I say, of India and of Russia.

This is a country that we have built an economy over these last two decades, we have built from a weak country, we now have created a Frankenstein monster. And when I say "we," I mean the policies of the United States Government have uplifted the economic capabilities of a country that has had no liberalization, no political reform of their dictatorial system.

We were told for 20 years, when I first got here, vote for most favored nation status for China, because if we interact with China economically, they will liberalize. What they need to do is, we have to prove to them not to fear us. This is a reoccurring theme by which people who live in democratic societies fool themselves into thinking that the criminals who run other governments, dictatorships are in some way motivated by the same motives that people are in free societies, that people in free societies will fear someone, thus they will agree to certain expenditures, military expenditures.

The Chinese know exactly who we are and who they are. The Chinese people are not the enemy. Those people in Beijing want to hold on to power, just as the dictators in Burma want to hold on to power. And as we move forward and try to determine what our policy should be in the future, let us note the policies of trying to engage China economically, permitting huge transfers of dollars of capital assets, of technology, of American know-how, of opening our markets, even though their markets were closed, letting them manipulate the currency, letting them get away with policies that shifted wealth from the United States into China. That did not have a positive impact on their government. Their government is still corrupt. Their government is still a government of criminal dictators, people who oppress their people and, as I say, are the worst human rights abusers in the world.

So first and foremost, in dealing with China, as in dealing with Burma, we must differentiate how we treat a dictatorship and how we treat a democratic country. Those leaders in China should not be granted the status of acceptability that goes with hosting the Olympics with our blessing.

Yet, we have, for the last two decades, seen an army of American corporate leaders rushing to China to invest and build factories and in partnership with the Chinese Government set up these factories and create manufacturing units that sell goods back to the United States, putting American workers out of work, selling goods back to the United States that have such poor standards that some of them are made of toxic material, as we've just seen with Mattel Toys, American corporate leaders, who are looking for two, three, maybe 4 years' worth of big profit for themselves, then they can cut and run and go off to their vacationland homes and enjoy themselves.

Those corporate leaders have created a monster with the blessing of the United States Government, because it's been our policy to permit them to transfer the technology, the know-how, and the investment dollars that were needed to build China into what it is today. And today, the Chinese are destroying the manufacturing base of the United States, and we have turned a blind eye to the fact that they manipulate the currency, that they manipulate access to their markets, and that they steal American intellectual property. We have turned a blind eye to that, just as we have turned a blind eye to the fact that the Chinese repress their own people.

And when you talk to these corporate leaders who've gone over there and built this monster, created this Nazi-like government, you ask them, they say, well, you know, when we do more and more economic interaction, we have more business; that's what's going to create more liberalism and reform there. How many times have we heard that? We've been listening to that for 20 years. The first speech I heard about this on the floor for most favored nation status for China was saying just that 20 years ago, yet it never happens. This is called the "hug a Nazi, make a liberal theory." Just get close to them and they won't fear you anymore.

Well, the fact is China has been getting worse since, over these last two decades. It was Tiananmen Square that was the turning point. Up until Tiananmen Square, there was a legitimate reason for us to try to build the economy of China, to create closer ties, because there was an evolution going on, both economically and politically in China. And when it reached a point, at Tiananmen Square, you might say the tipping point, the United States didn't stand up. The Chinese gangsters, just like in Burma, where the military regime had to make its decision, was it going to open fire on their own people, the Chinese Government was facing this decision, and our government did nothing and we said nothing.

It is my contention that had George Herbert Walker Bush, then President of the United States, sent a message to China and to the Chinese leaders that if you murder and try to slaughter the democratic movement in China, we are withdrawing from our economic cooperation that we have agreed to, they would not have done so. And I will tell you tonight, Ronald Reagan would have sent that letter in a millisecond. Ronald Reagan would have been told that the democratic movement was on the verge of success, but they would be slaughtered if they sent the troops in and they need to send a message to the leadership of China saying that we are going to withdraw our economic cooperation with them if they, indeed, mowed down their own people. Reagan would have done it.

This President Bush's father did not; and thus we have had, in the last 2 decades, not a transition to democracy, but only a growing of their economy, which now gives them greater military capabilities and gives them greater wealth from which to try to undermine the United States.

And, again, as we look at this threat, what is really important is the same thing that's important in Burma and elsewhere, the basic message that we need to understand tonight, that when confronting regimes like China and Burma, and confronting radical Islam that hates America, let's remember that it is the people who want to live decent lives and live in democracy who are America's greatest allies. The people of China, the people of China are the ones we must ally ourselves with. They need to know that we are on their side. They need to know that the people of the United States and the people of China all long to treat people decently and to live in freedom and justice. The people of China will be on our side if we are on their side. The people of Burma are on our side as long as they know we are on their side. Good and decent people throughout the world know this.

But, instead, we have been so busy building an economic infrastructure that permits wealth to flow to China that we have not bothered to make the demands on the government or to create, to help create the democratic movements within China that would move their government from within.

One example, by the way, of how we have done this is the fact that we have built a conveyor system for trade across our oceans, especially across the Pacific, especially from Shanghai into the ports that I represent, Long Beach and Los Angeles. We have built, with American taxpayer dollars, an incredibly efficient system so that American businessmen could go and set up factories in China, manufacture their goods over there, and ship them to the United States via a system that we've paid for, and come into our market and undercut our own American working people and our own American manufacturers who've stayed at home. We built this for them.

That's why I've long been an advocate of a container fee system so that at least, at the very least, if they're going to send containers filled with goods here, why should we build the ports and spend billions of dollars of infrastructure so that they can very efficiently send containers filled with goods into our society and undercut our own manufacturers?

I have not received the support that I believe that idea justifies. In fact, you see people in both the Democratic Party and the Republican Party, oh poo-pooing that as if it was a tax on the American people. We are not charging those American manufacturers who go to China. We're not. We are subsidizing them in their shipment of goods here to undercut our own people. That makes no sense. But it makes sense to those businessmen. It makes not only sense; it makes dollars for them. And as I say, they make a really quick profit; 4 or 5 years and they're done. They're even done with their own companies after 4 or 5 years. But we are the ones with our manufacturing base destroyed who have to pick up the pieces.

In my own city, in Huntington Beach, where I live, a manufacturer of paint and coatings was the person who sold the coatings to Mattel Toys for Barbie dolls. And in the year 2000, Mattel Toys gave an award to this company as the number one supplier for Mattel Toys. And then Mattel Toys sold out to the Chinese, decided to manufacture everything in China. The Chinese came to this gentleman and said, give us the formula for your coatings, and we will be partners. As soon as he gave them the formula, the Chinese disappeared. They disappeared, and he was never able to get a hold of them. And next thing you know, they aren't using his formula. They're using lead in the formula. And my children at home, who have Barbie dolls now, and all the other American children who have Barbie dolls, may have been infected with lead poisoning because Mattel Toys took the easy way out, along with the other American manufacturers who went to China in order to not pay our own American workers a decent wage.

□ 2215

They want to get a 10 percent or 20 percent higher profit in China rather than paying American workers a decent wage and having half as much profit. Who is paying the price for us? The American people in the end will pay the price as China grows into a massive, economic, and military power, which goes with that.

Of course, during the Clinton years, what did we find? There was not only technology transfer in the economic area, but they had actually polluted our political system as well. Campaign contributions flowing into the American political system and American missile technology leaking out in the other direction. The scandal during the Clinton years of American missile technology being transferred to the Chinese through Hughes and Lorel Corporation is a disgrace. And the evidence of Chinese influence and especially financial support during that election makes that even worse.

But we need to make sure that we bypass our own business leaders, bypass the leadership, the gangsters that run Beijing and Burma and like countries, and go directly to the people throughout the world with our message of hope, democracy, liberty, and justice. The people of Burma and the people of China are our greatest allies. These Burmese soldiers now have to make a decision as to whether they will fire upon their own people. The Chinese people should not permit their children, and they only have one child per family, to go into the military so that it can be used to suppress their own people.

This is not unlike the war we fight today, not with Burma or China but, of course, with radical Islam. China is not an enemy today. China is an adversary today, a very powerful adversary. We are, in fact, making that adversary so powerful, it's becoming frightening. But we are at war with radical Islam. We are at war with radical Islam. And again let me note that when I say that, I emphasize that Muslims throughout the world who do not hate America, Muslims throughout the world who love their faith, as they should, which it has meant very much to their lives and over a billion people, Muslims throughout the world who know that their prayer time and their other religious ceremonies and beliefs have meant a lot to their life and have added great depth to their life, those people are not our enemies. Those people are our friends.

We believe in freedom of religion. We respect other people's religion. We ask only that other people respect our religion. And, by the way, our respect for religion doesn't just go to other faiths, but it goes to people who don't believe in God at all, who don't choose to worship.

Our Founding Fathers did not come here, as some of my conservative friends say, to create a Christian Nation. We came here to create a Nation where freedom of religion was respected and that we acknowledged God but we did not in any way want to force those beliefs on those who were nonbelievers.

It is right that the people of Islam worship the way they choose, whether here or abroad. Those people who only want that freedom and are willing to grant that to others are our friends. But a radical fringe which hates everything we stand for has now arisen in the Muslim world.

Let me note that during the 1920s we had terrorists and in years past we had terrorists who were Christians. In 1920, the biggest political force in this country was the Ku Klux Klan. The Ku Klux Klan, as we know, carried around banners with crosses and declaring their love of Christianity. And the fact is that Christian churches in the South did not condemn the Ku Klux Klan, as they should have. The good and decent people of the American South, when they knew that these Klansmen were murdering people, they were terrorizing the black population, murdering them, hanging them, all kinds of torture that was going on in our country against our own black population, the Christian people did not stand up in those areas when they knew that the Klansmen were right there in church with them.

Well, that was a hundred years ago. Our Muslim brothers we are expecting to do better than we did when it came to the Klan because al Qaeda is the Ku Klux Klan of Islam. Al Qaeda are the hate mongers. Al Qaeda are those who would bring people who believe in God and put them at war with one another rather than trying to bring them together in peace and brotherhood.

In Afghanistan after 9/11, the United States went to Afghanistan and allied itself with moderate Muslims. During the 1990s, there was a mistake by this government just as we made a mistake with China. We tried to work with the Taliban. In fact, during the Clinton administration, the Taliban came into being. And, in fact, it is very easy to see the historical record that the Clinton administration reached an agreement with Pakistan and Saudi Arabia, and our government was involved in creating the Taliban.

During that time period, I was a Member of Congress, and because I had spent time in Afghanistan during the war against the Soviets, I spent considerable time in Afghanistan working with those people who would oppose the Taliban. I begged the powers that be that they support King Zahir Shaw, a moderate Muslim, a man who was much beloved by all Afghans, to support his return. And, instead, our government, under Madeleine Albright and all the others of the Clinton administration, did what? They decided to go along with the Saudis and to go along with the Pakistanis in creating a religious force, that they said because the people of Afghanistan are devout, this is what will draw them together, by supporting religious fanatics.

I told them at the time it was ridiculous. I told them that it would backfire on them during the war with the Soviets. The Pakistanis had passed on aid to Hikmatyar Gulbadin, a horrendous terrorist who was, again, a radical Islamist. But there were many others whom we helped during the war against the Soviets. I was there with them. And whether it was Abdul Haq or Commander Massoud or others like them, there were many others, Galani's forces and others, who were very, very mainstream Islamic people who were not anti-Western but were just trying to free their own country from the atheistic dictatorship of the communists, and we helped them. But after that, as we walked away, when the Soviets walked away, we made this deal with the Saudis and with the Pakistanis to let them finance the reconstruction and determine who would be in power in Afghanistan, and that is when the Taliban was born, as I say, at that time over my serious objections, and I spent 5 years going in and out of Afghanistan meeting with those people who would later become the Northern Alliance.

So as we look back on Afghanistan now, years after the Taliban has been defeated and al Qaeda was driven out of that country, let us remember the success that we had was because we went to the people.

There is a mistaken belief that we are not "winning" in Iraq because we didn't have enough boots on the ground. We didn't send in enough American troops. Well, in fact, we had probably 100 boots on the ground when Kabul was liberated from the Taliban and al Qaeda forces in the aftermath of 9/11. In fact, that liberation of Afghanistan was accomplished with very few American soldiers on the frontlines. In fact, the people of Afghanistan liberated themselves, and we did not liberate them. And we went into that war, and we reached agreements with those leaders, tribal leaders. They are often called warlords, but that was the Northern Alliance. And it was the Northern Alliance and those good people in Afghanistan who worked with me in the Mujahideen to fight against the Soviets. Those are the people who drove out the Taliban.

When we went into Iraq, it was a different story, unfortunately. Mistakes have been made, yes. Mistakes have been made in Iraq. There is no doubt. We sent in a military force, a strong military force, and they did their job. What did not happen was the political job that was necessary to complement the fact that we had dispossessed Saddam Hussein of his military might. Instead of making agreements as we did in Afghanistan with the tribal leaders, we did not, as we did in Afghanistan, reach out to the local powers that be that were moderate Muslims, and there are many moderate Muslims in Iraq. What we instead did was tell the people of Iraq that we were going to rebuild their entire country and that, for example, there would be no room. Mr. Bremer is quoted as saying to tribal leaders that there would be no room in a modern democratic Iraq for tribalism. Thus in our effort to make the decision for those people, rather than going to the people and their leaders ourselves, we have put ourselves in what has been a horrific quagmire.

How we extricate ourselves from Iraq will go a long way in defining what type of world my children live in and, in fact, what kind of world the young people who are with us today will have. If we try to pull out precipitously and look like we are running away, if we look like we are surrendering, if it looks like we have been defeated, we will embolden those people in Iraq who hate everything about the United States, and we will embolden the radical Islamists throughout the world. There is no doubt about that. That is not to say, again, that we should not be admitting our mistakes and doing what we can to extricate ourselves in a responsible way. That is why I have been supporting General Petraeus and his efforts to have a phased withdrawal, a responsible phased withdrawal, that will then permit those elements within Iraq that do not want to be ruled by radical Islam or those elements that would like to be friends of the West to give them a chance to step up. If we are viewed as retreating and abandoning those people, there will be a heavy price to pay.

And let us admit that with the mistakes that I have already mentioned, it is a tempting target for people involved in our political system to use what is going on in Iraq as a political vehicle in the upcoming elections.

Now, the people here in Congress, we have to search our souls to make sure what we are doing is based not on political motives but instead is based on what is the long-term interest of the people of the United States.

I go down and welcome home the troops, the reservists and National Guard, all the time that come in and out and leave Iraq or are coming back from Iraq, and I welcome them back, and I know, because I have supported this effort, that I must pay special attention. But let us note that we have to be doing this and looking at this and analyzing what is happening in a nonpolitical way. I am afraid that there are some forces at play that would try to politicize what is going on in Iraq.

Those people who oppose our efforts to have a phased withdrawal, would like immediate withdrawal from Iraq, those people who see America as the big problem in the world instead of as the world's only hope, those people cannot attack American soldiers because they realize that all Americans are proud of the men and women who are defending our country in uniform. But what we are witnessing now is what I would consider a maneuver on the part of those who, if they could, would attack American military troops. What they are doing is attacking American security companies who have been brought to Iraq to try to supplement our war effort there. By and large these American security companies are made up of people who have perhaps 10 times the experience of our own soldiers. American security companies like Blackwater, for example, hire on special forces and other extraordinarily well-trained American military personnel when they retire from the military so that their skills can still be put to use in the defense of our country and in the promotion of human freedom.

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Their personnel are essential to the success of any of our military goals, but they're also essential to the success of a phased pull-out of Iraq. Otherwise, there will be no buffer. Otherwise, there is no means for us to have the type of withdrawal with success. Otherwise, it is a retreat.

Blackwater, as I say, has been working now, I think, since 1997. It's run by a young man named Eric Prince. He inherited his money. And the fact is he could have done a lot of other things with his money and made a lot more money. He could have gone to China and made 10 times the profit that he makes by creating a security company that would work side by side with American forces and American diplomats overseas to try to offer protection to our country and to those State Department and other people who are working in the United States Government overseas. He could have gone and made much more money.

Instead, now he's being called, I've seen him called "murderer," I've seen the people in Blackwater being called "thugs," when in fact almost every one of these people who work for

Blackwater, like Eric himself, are former Special Forces people. Eric was a Navy SEAL for 5 years. And then, rather than just living the life of luxury that he could have done when he inherited his money, he decided to do something good for his country. Those people who are retiring from our military and have good pensions, yes, they could live the life of Riley; they could go fishing every day. But, instead, they are putting their skills to use by putting their lives in danger for us. Yet, they are being attacked unmercifully by people who just basically oppose the fact that this President got us involved in Iraq in the first place.

We should not be taking it out on the people of Blackwater. Those men and women who are in Blackwater are very honorable people. And not to say they haven't made some mistakes, just as our own military personnel have made mistakes; but, in fact, Blackwater probably has a better record than our own military because they are, as I say, they are people with vastly more experience than that of our own soldiers and sailors and airmen.

So tomorrow there will be a hearing on Blackwater. I would hope that Blackwater and the people of Blackwater, those people who have made enormous contributions to the safety and security of our operations in Afghanistan and in Iraq, that they are not brutalized, that they're treated fairly, and that we do not permit the politicalization of this fight with radical Islam and this effort that now goes on in Iraq to be used in a way that will, number one, hurt brave people who are risking their lives for us, but at the same time, undermine our efforts for the long-term security of our country so that we will have a phased withdrawal that will give the good people of this world a chance.

We need to give the people of Burma a chance. We need to give the people of China a chance. We need to give the people of Iraq a chance. They are our greatest allies.

The people of the world who would live in democracy and see America as a positive force and, fortunately, many of them see America as a positive force, yet many people here in the United States for some reason do not share that opinion of their own country and believe that the United States is a negative force in the world. And that's what motivates many of them in their actions when it comes to Blackwater and it comes to this war.

Finally, let me note this: This President has made a lot of mistakes. And I have supported the President when he has been right; I have been opposed to him when he's wrong. This President seems to be headstrong, and I think that's a pleasant way of putting it. That does not mean that all the decisions that he has made have been wrong. We need to support him when he's right; we need to try to work with him and try to steer American policy when he is wrong. The idea of a phased withdrawal from Iraq is right.

But this President did not get us in this war with radical Islam. This war that we are in with radical Islam was created in the previous administration. We need to document that. It needs to be documented what the policies of the Clinton administration were towards the Taliban. I will be giving a speech in the next few weeks again detailing that, about how I pled, as a senior member of the International Relations Committee, for the documents from Madeleine Albright to prove what our policy was towards the Taliban; why it was that we were giving our foreign aid to the Taliban in radical Islamic areas of Afghanistan and giving short shrift to Commander Massoud and the pro-Western Muslims in Afghanistan.

We need to document these things. We need to document whether or not bin Laden was someone who could have been handled, if we were courageous enough to do it, 5 years, 10 years before 9/11.

We know now that some of the documents that the 9/11 Commission was supposed to read were not available to them. We had a commission that went to study why we had 9/11, but yet we know today that the National Security Adviser to President Bill Clinton stole documents out of the National Archives to prevent that commission, the 9/11 Commission, from seeing certain information that would be relevant to the war on terrorism. Part of his agreement, Sandy Berger, the National Security Adviser to President Clinton, when his theft was discovered, he volunteered, as part of his plea agreement, to give a lie detector test to the Justice Department if so requested to determine exactly what were the documents that he stole from the National Archives.

At the beginning of this year, a majority of Republican Members of this body signed a letter to the Justice Department, under the leadership of TOM DAVIS, asking the Justice Department to give that polygraph test, after so many years, I think it's been 4 years, it could be 3. For 3 years Sandy Berger has not been given the polygraph test to see exactly what documents he stole from the National Archives.

It is time for the American people to demand that we know what caused 9/11, and we will not know that until Sandy Berger, the National Security Adviser to the Clinton administration, is given a polygraph test, which won't happen until the Department of Justice gives that polygraph test and demands it.

Today, I am calling upon the new Attorney General to put Sandy Berger on the line, to give him a polygraph test and determine what documents he stole from the National Archives and to give us a full accounting of what led up to 9/11, what happened during the Clinton administration that was so heinous that Sandy Berger, the National Security Adviser to the President, would risk everything, would risk his reputation and go into the National Archives and steal documents.

Could it be that during the Clinton years that, for example, there was evidence of technology transfers and Chinese involvement in our political system? Could it be that a Gorelick memo, who at that time the lady was an important player in the Clinton administration, she had a mandate that domestic and international intelligence groups and law enforcement could not work together, could that have something to do with a Chinese connection?

What did Sandy Berger steal from the National Archives? We need to know. We should not be ignored. If this was a Republican, I can tell you that every newspaper in the country would be clamoring until we found out exactly what documents were stolen from the National Archives by the President's National Security Adviser.

So, tonight, I hope that my colleagues would join me, number one, in telling the people of Burma we're on their side; and joining me in calling for a boycott of the Beijing Olympics; of supporting a phased withdrawal, responsible withdrawal from Iraq; supporting our people both in uniform and in our protective companies like Blackwater, making sure we do not mistreat them; and finally, join me in calling for the truth in what Sandy Berger, the National Security Adviser for Bill Clinton, stole from the Archives. He needs to be given his polygraph test. The Justice Department needs to act.

So with those requests for my fellow colleagues, I now yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. HOYER) for today and until October 15 on account of convalescence.

Mr. CONYERS (at the request of Mr. HOYER) for today.

Mr. KIND (at the request of Mr. HOYER) for today on account of family events.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HALL of New York, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and October 2, 3, and 4.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and joint resolutions of the House of the following title, which were thereupon signed by the Speaker:

H.R. 976. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, for other purposes.

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt.

H.J. Res. 52. Joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 26, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 3375. To extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3580. To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

Lorraine C. Miller, Clerk of the House reports that on September 28, 2007 she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 43. Increasing the statutory limit on the public debt.

H.J. Res. 52. Making continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 3668. To provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 2, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3520. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3521. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7983] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3522. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7985] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3523. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Medical Use of Byproduct Material — Minor Corrections and Clarifications (RIN: 3150-AI14) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3524. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Forces Service Medal Veterans (RIN: 1215-AB46) received August 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3525. A letter from the Associate Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board (CAS) Changes to Acquisition Thresholds — received August 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3526. A letter from the Associate Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board; Time and Material and Labor Hour (T&M/LH) Contracts for Commercial Items — received August 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3527. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments; Correction [Docket No. 060824226-6322-02] (RIN: 0648-AV69) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3528. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket number: 070718330-7330-02; I.D. 022807F] (RIN: 0648-AU73) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3529. A letter from the Acting Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Removal of Temporary Adjustment of the Immigration and Naturalization Benefit Applications and Petition Fee Schedule [Docket No. USCIS-2007-0040; CIS No. 2417-07] (RIN: 1615-AB61) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3530. A letter from the Director, Regulations & Ruling Div., Department of the Treasury, transmitting the Department's final rule — Firearms Excise Tax; Exemption for Small Manufacturers, Producers, and Importers [T.D. TTB-62] (RIN: 1513-AB25) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3531. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Materials and Processes Authorized for the Treatment of Wine and Juice (2004R-517P) [T.D. TTB-61; Re: T.D. TTB-17] (RIN: 1513-AA96) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3532. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendments to the Quick Disability Determination Process [Docket No. SSA 2007-0032] (RIN: 0960-AG47) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3533. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Technical Updates to Applicability of the Supplemental Security Income (SSI) Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities [Docket No. SSA-2006-0103] (RIN: 0960-AF99) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purpose; with an amendment (Rept. 110-356). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; with an amendment; referred to the Committees on Energy and Commerce, and Judiciary for a period ending not later than October 15, 2007, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(f) and 1(k), rule X (Rept. 110–338, Pt. 2). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BISHOP of New York (for himself and Mrs. LOWEY):

H.R. 3707. A bill to authorize the establishment of a memorial to all victims of terrorism; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 3708. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3709. A bill to authorize inter-tribal transfers of authority in leases between the Ewiiaapaayp Band of Kumeyaay and the Viejas Band of Kumeyaay, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLDEN:

H.R. 3710. A bill to amend the Public Health Service Act to establish an Office of Correctional Public Health; to the Committee on Energy and Commerce.

By Mr. HOLDEN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3711. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to eliminate the matching requirement for certain bulletproof armor vest purchases under the matching grant program for bulletproof armor vests; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 3712. A bill to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mr. NADLER, Ms. ROS-LEHTINEN, and Mr. SHAYS):

H.R. 3713. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. PENCE:

H.R. 3714. A bill to amend the Federal Election Campaign Act of 1971 to repeal restrictions relating to electioneering communications, and for other purposes; to the Committee on House Administration.

By Mr. SPACE (for himself and Mrs. GILLIBRAND):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to allow long-distance rural commuters a deduction during periods when the local price of gasoline exceeds $3 per gallon; to the Committee on Ways and Means.

By Mr. WALSH of New York:

H.R. 3716. A bill to amend the Consumer Product Safety Act to require independent safety certification of children's products, to increase the Consumer Product Safety Commission's inspection capability for imported products, and to prohibit hazardous imports based on manufacturing site, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. LANTOS, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. OBERSTAR, Mr. DEFAZIO, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK, Mr. FATTAH, Mr. STARK, Mr. MCGOVERN, Mr. DOYLE, Ms. WATSON, and Ms. CLARKE):

H. Con. Res. 221. Concurrent resolution honoring all Americans serving in the Armed Forces of the United States and condemning the attack by broadcaster Rush Limbaugh on the integrity and professionalism of some of those Americans; to the Committee on Armed Services.

By Mr. PENCE (for himself and Mr. WALDEN of Oregon):

H. Res. 694. A resolution providing for the consideration of the bill (H.R. 2905) to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Rules.

By Mr. CAMPBELL of California:

H. Res. 695. A resolution expressing the support for designation of a "National Fire Fighter Appreciation Day" to honor and celebrate the fire fighters of the United States; to the Committee on Oversight and Government Reform.

By Mr. COSTA (for himself and Mr. GRIJALVA):

H. Res. 696. A resolution expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; to the Committee on Education and Labor.

By Mr. KAGEN (for himself, Mr. TAYLOR, Mr. STUPAK, Mr. SHULER, Ms. MOORE of Wisconsin, Mr. KIND, Mr. SENSENBRENNER, Ms. BALDWIN, Mr. PETRI, Mr. WICKER, Mr. RYAN of Wisconsin, Mr. OBEY, Mr. THOMPSON of Mississippi, Mr. SPACE, Mr. PERLMUTTER, Mr. MITCHELL, Mr. CONAWAY, Mr. WEXLER, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. CROWLEY, Mr. BACA, Mr. ELLSWORTH, Mr. KUCINICH, Mr. HOLT, Mrs. BOYDA of Kansas, Ms. BEAN, Mr. PAYNE, Mr. KLEIN of Florida, Mr. LAMPSON, Ms. WOOLSEY, Mr. RYAN of Ohio, Mr. PUTNAM, Mr. ALTMIRE, Mr. COSTA, Ms. DEGETTE, Mr. MCGOVERN, Mr. MICA, Mr. ROGERS of Michigan, Mr. ENGEL, Mr. LOEBSACK, Mr. DICKS, Mr. BOUSTANY, Mr. WELCH of Vermont, Mr. KILDEE, Mr. HODES, Mr. SALAZAR, Ms. BERKLEY, Mr. ACKERMAN, Ms. HARMAN, Mr. ABERCROMBIE, Mr. HARE, Ms. CLARKE, Mr. WEINER, Mr. ROTHMAN, Mr. OLVER, Mr. HALL of New York, Mr. NADLER, Ms. SUTTON, Mr. BOSWELL, Mr. MURPHY of Connecticut, Mrs. MCCARTHY of New York, Mr. DOYLE, Mr. HOLDEN, Mr. CARNEY, and Mr. PICKERING):

H. Res. 697. A resolution commending Green Bay Packers quarterback Brett Favre for establishing a National Football League record for most career touchdown passes, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WALSH of New York (for himself and Mr. FARR):

H. Res. 698. A resolution commemorating the 200th anniversary of Congressional Cemetery; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. MCDERMOTT.

H.R. 138: Mr. DREIER and Mr. SESSIONS.

H.R. 271: Ms. LINDA T. SÁNCHEZ of California.

H.R. 280: Mr. GORDON.

H.R. 281: Mr. KENNEDY, Mr. MITCHELL, Ms. DELAURO, and Mr. COURTNEY.

H.R. 369: Mr. UDALL of Colorado.

H.R. 396: Mr. GOODE.

H.R. 621: Mr. KIRK.

H.R. 676: Mr. LANTOS.

H.R. 684: Mr. GORDON.

H.R. 718: Mr. BAKER.

H.R. 726: Mr. BOSWELL.

H.R. 741: Mr. LATHAM.

H.R. 743: Mr. MARIO DIAZ-BALART of Florida, Mr. ISRAEL, Mr. ANDREWS, Mr. ALEXANDER, Mr. GALLEGLY, Mr. TIAHRT, and Mr. CANTOR.

H.R. 758: Mr. LANGEVIN, Mr. BOREN, Ms. NORTON, Mr. MEEKS of New York, Mr. RANGEL, and Mr. NADLER.

H.R. 767: Mr. LOBIONDO.

H.R. 782: Mr. GOODLATTE.

H.R. 891: Mr. LANTOS, Mr. LEWIS of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 1029: Mr. CANTOR, Mr. INGLIS of South Carolina, and Mr. PASTOR.

H.R. 1043: Mr. SERRANO.

H.R. 1055: Ms. DEGETTE.

H.R. 1073: Mr. MCDERMOTT.

H.R. 1102: Mr. MILLER of Florida.

H.R. 1108: Mr. EDWARDS and Mr. ANDREWS.

H.R. 1166: Mr. GORDON.

H.R. 1228: Mr. YOUNG of Alaska.

H.R. 1229: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1236: Mr. SNYDER, Mr. YARMUTH, and Mr. MATHESON.

H.R. 1264: Mrs. BACHMANN.

H.R. 1280: Mr. LYNCH.

H.R. 1329: Mr. MCCAUL of Texas.

H.R. 1346: Mr. WELCH of Vermont.

H.R. 1409: Mr. TERRY.

H.R. 1424: Mr. HILL.

H.R. 1514: Mrs. DAVIS of California.

H.R. 1553: Ms. JACKSON-LEE of Texas.

H.R. 1609: Mr. FORBES, Mr. WAMP, Mr. CONAWAY, Mr. SHERMAN, and Mr. SNYDER.

H.R. 1619: Mr. LEVIN.

H.R. 1667: Mr. FARR.

H.R. 1707: Mr. MORAN of Kansas.

H.R. 1738: Mr. GERLACH, Mr. CALVERT, and Mr. GALLEGLY.

H.R. 1828: Mr. GORDON.

H.R. 1843: Mr. COSTA and Mr. CUMMINGS.

H.R. 1886: Mr. JACKSON of Illinois.

H.R. 1919: Ms. DEGETTE and Mr. SESTAK.

H.R. 1992: Mr. LIPINSKI.

H.R. 2074: Mr. KIRK and Mr. CONYERS.

H.R. 2112: Mr. GRIJALVA.

H.R. 2169: Mr. RYAN of Ohio, Mr. NADLER, Mr. WEINER, and Mr. FILNER.

H.R. 2185: Mr. BAIRD.

H.R. 2205: Mrs. MALONEY of New York.

H.R. 2266: Mrs. LOWEY, Mr. ISRAEL, and Ms. KILPATRICK.

H.R. 2417: Mr. NADLER.

H.R. 2425: Mr. SHULER.

H.R. 2452: Mr. CAPUANO and Ms. BALDWIN.

H.R. 2478: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2490: Mr. SPACE.

H.R. 2596: Mr. DELAHUNT.

H.R. 2597: Mr. JONES of North Carolina.

H.R. 2620: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2651: Mr. GRIJALVA.

H.R. 2668: Mr. ROTHMAN.

H.R. 2706: Mr. CAMPBELL of California.

H.R. 2711: Mr. HAYES and Mr. EVERETT.

H.R. 2792: Mrs. DAVIS of California.

H.R. 2828: Mr. CONYERS, Mr. MCCOTTER, Mr. NADLER, and Mr. MCCAUL of Texas.

H.R. 2832: Mr. MCNULTY.

H.R. 2840: Mr. TOWNS and Mr. ABERCROMBIE.

H.R. 2851: Mr. TIERNEY, Mr. BLUMENAUER, Mr. DOYLE, Mr. ALTMIRE, and Ms. BALDWIN.

H.R. 2852: Mr. PASTOR.

H.R. 2878: Mr. GOODE, Ms. LINDA T. SÁNCHEZ of California, and Mr. DANIEL E. LUNGREN of California.

H.R. 2903: Mr. GORDON.

H.R. 2933: Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. BURTON of Indiana.

H.R. 2954: Mr. BROUN of Georgia.

H.R. 3029: Mr. LEVIN.

H.R. 3140: Mr. KUHL of New York.

H.R. 3148: Mr. PENCE.

H.R. 3167: Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. KAGEN, and Mr. KENNEDY.

H.R. 3176: Mr. CONAWAY.

H.R. 3195: Mr. KLEIN of Florida, Mr. MURTHA, Mr. WEXLER, and Ms. LEE.

H.R. 3232: Mr. SHULER, Mr. ROSKAM, Mrs. CAPPS, Mr. ALLEN, Mr. SCHIFF, Mrs. EMERSON, Mr. HINOJOSA, Mr. DICKS, Ms. BORDALLO, Mr. PALLONE, Mr. RADANOVICH, Ms. HOOLEY, Mr. GRIJALVA, Mr. PASTOR, Mr. MAHONEY of Florida, Mr. WALDEN of Oregon, Mr. VAN HOLLEN, Mr. THOMPSON of California, and Mr. POMEROY.

H.R. 3256: Mr. GORDON.

H.R. 3262: Mr. MARSHALL.

H.R. 3329: Mrs. TAUSCHER.

H.R. 3341: Mr. MILLER of Florida.

H.R. 3360: Mr. GRIJALVA.

H.R. 3402: Mr. HIGGINS.

H.R. 3412: Mr. SMITH of Nebraska.

H.R. 3432: Ms. WASSERMAN SCHULTZ and Mr. SERRANO.

H.R. 3446: Mr. KILDEE, Mr. KNOLLENBERG, Mr. MCCOTTER, and Mr. ROGERS of Michigan.

H.R. 3466: Ms. SUTTON.

H.R. 3467: Mr. SMITH of New Jersey.

H.R. 3498: Ms. LINDA T. SÁNCHEZ of California and Ms. SUTTON.

H.R. 3499: Ms. DEGETTE and Mrs. CAPPS.

H.R. 3512: Mr. HARE.

H.R. 3533: Mr. ISRAEL, Mr. COSTA, Ms. WATERS, and Ms. CLARKE.

H.R. 3543: Mr. FILNER.

H.R. 3544: Mr. SIRES, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MATSUI, Ms. NORTON, and Mr. BOUCHER.

H.R. 3558: Mr. SMITH of New Jersey, Mr. SAXTON, Mr. BACHUS, and Ms. BALDWIN.

H.R. 3583: Mr. MCCAUL of Texas, Mr. SHUSTER, Mr. CAMP of Michigan, Mr. GINGREY, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. SULLIVAN, Mr. JORDAN, Mr. WESTMORELAND, Mr. KUHL of New York, Mr. GOODE, Mr. LINDER, Mr. LUCAS, and Mr. BROWN of South Carolina.

H.R. 3584: Mr. BURTON of Indiana, Mr. HOBSON, Mr. GARRETT of New Jersey, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, and Mr. FRELINGHUYSEN.

H.R. 3616: Mrs. BLACKBURN and Mr. ROGERS of Kentucky.

H.R. 3639: Ms. ZOE LOFGREN of California and Mr. BERMAN.

H.R. 3648: Mr. GORDON, Ms. GINNY BROWN-WAITE of Florida, Mr. FATTAH, Mr. HOLT, and Ms. GIFFORDS.

H.R. 3660: Mr. KAGEN.

H.R. 3663: Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. DEFAZIO.

H.R. 3674: Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, and Mr. DINGELL.

H.R. 3675: Mr. MCKEON.

H.R. 3691: Mr. TOWNS.

H.R. 3695: Mr. FILNER and Mr. MCGOVERN.

H.R. 3703: Mr. FRANK of Massachusetts.

H. Con. Res. 122: Mr. HODES.

H. Con. Res. 137: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 197: Ms. LEE, Mr. DAVIS of Illinois, Mr. SERRANO, Mr. HINOJOSA, Mr. REYES, Mr. GENE GREEN of Texas, Mr. ETHERIDGE, Mr. PAYNE, Mr. FILNER, Mr. COSTA, Mr. HONDA, Mr. STARK, Mr. AL GREEN of Texas, Mr. CROWLEY, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. GONZALEZ, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. CUELLAR, Mr. FORTUÑO, Mr. HARE, Ms. NORTON, Mr. CARDOZA, Mr. UDALL of Colorado, Mr. HASTINGS of Florida, Mr. SPRATT, and Mr. SIRES.

H. Con. Res. 198: Mr. FATTAH.

H. Con. Res. 200: Mr. KENNEDY and Ms. JACKSON-LEE of Texas.

H. Con. Res. 204: Mrs. MYRICK.

H. Res. 111: Mrs. TAUSCHER, Mr. LEVIN, and Mr. SHUSTER.

H. Res. 237: Mrs. BOYDA of Kansas and Mr. SCHIFF.

H. Res. 282: Mr. MCCOTTER, Ms. DELAURO, Mr. MOLLOHAN, and Mr. GORDON.

H. Res. 356: Mr. STARK.

H. Res. 373: Mr. SHERMAN.

H. Res. 415: Ms. LORETTA SANCHEZ of California.

H. Res. 448: Mr. TOWNS, Mr. MARKEY, Mr. GORDON, Mrs. MYRICK, Mr. BOYD of Florida, Mr. TANNER, Mr. ENGEL, Ms. SCHAKOWSKY, and Ms. DEGETTE.

H. Res. 537: Mr. HONDA.

H. Res. 573: Mr. UDALL of Colorado, Mr. KIRK, Ms. LORETTA SANCHEZ of California, and Mr. FATTAH.

H. Res. 576: Ms. SLAUGHTER.

H. Res. 610: Ms. KILPATRICK.

H. Res. 616: Ms. ROYBAL-ALLARD.

H. Res. 620: Mr. ROTHMAN.

H. Res. 630: Mr. ETHERIDGE.

H. Res. 676: Mr. MCCOTTER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. SAXTON, Mr. UDALL of Colorado, Mr. POE, Mr. MILLER of Florida, and Mr. CALVERT.

H. Res. 679: Mr. CARNAHAN.

H. Res. 680: Mr. MCCOTTER, Mr. POE, Mr. MARSHALL, Mr. SHIMKUS, and Mr. BUYER.

H. Res. 691: Mr. COOPER and Mr. SPACE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CONYERS or a designee to H.R. 2740, the MEJA Expansion and Enforcement Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

HONORING JEAN PICKER FIRSTENBERG, AMERICAN FILM INSTITUTE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. PELOSI. Madam Speaker, I rise today in tribute to a great American pioneer, Jean Picker Firstenberg, the outgoing President and CEO of the American Film Institute. Her 27-year tenure has marked AFI as one of America's greatest national cultural and educational resources. Under Jean Picker Firstenberg's visionary leadership, AFI has fulfilled its mission of excellence in screen education and the recognition and celebration of excellence in the art of film, television and digital media.

From the moment she joined AFI in 1980, Firstenberg was effective from the start, acquiring an 8-acre campus in Los Angeles, and accrediting the AFI Conservatory through the National Association of Schools of Art and Design.

In the 1980s, Firstenberg incorporated television and video into AFI's work, and established the AFI Los Angeles International Film Festival, AFI FEST, which has become a world-renowned annual event.

In the 1990s, she embraced the digital revolution, starting with the AFI–Apple Computer Center for Film and Videomakers, and adding the AFI Media and Technology division, the AFI Digital Content Lab, and Virtual AFI Web sites (AFI.com, AFIFEST.com, and SILVERDOCS.com.

Firstenberg has brought the art and science of storytelling to children through the AFI K–12 Screen Education Center that utilizes the advantages of digital and Internet technology to teach core subjects in America's schools, and to the general public through the AFI Showcase at the Disney-MGM Studios Theme Park in Orlando, Florida that depicts AFI programs and projects to millions of guests each year.

Firstenberg has celebrated the diverse talents and creativity of American filmmakers in the innovative AFI's 100 Years . . . 100 Movies series she began in 1998. Millions of Americans have revisited old favorites and discovered new classics with the AFI series, which includes 100 Years . . . 100 Stars (1999), 100 Years . . . 100 Laughs (2000), 100 Years . . . 100 Thrills (2001), 100 Years . . . 100 Passions (2002), Years . . . 100 Heroes & Villains (2003),100 Years . . . 100 Songs, (2004), 100 Years . . . 100 Quotes (2005), and 100 Years . . . 100 Cheers (2006).

Another milestone, reached in 2003, was the opening of the AFI Silver Theatre and Cultural Center in Silver Spring, MD, a state-of-the-art center for the moving image arts. It hosts SILVERDOCS, a film festival for aspiring documentary filmmakers, and anchors a revitalized community.

Firstenberg has continually embraced new media and blazed a trail for others to follow. She is rightfully proud of 27 years of funding the Directors Workshop for Women. Most of the women directors working in the film industry today come from this program.

As she prepares to take leave of her day-to-day responsibilities at AFI, she will continue her service in her capacity as a lifetime trustee and through her legacy as a mentor, entrepreneur and role model. She will do so with the love and support of her family, particularly her daughter, Debra and her husband Michael Kusma, and their children Rachel, Sarah, and Christopher; her son Doug, his wife Suzanne, and their children Samantha, Drew, and Lindy; and her brother David Picker, and his wife, Sandy. Firstenberg's commitment to excellence and ethics in filmmaking is best captured by her AFI Conservatory graduates who describe her this way: "She has made AFI a place committed to the notion that television and film are more than commerce or technology—they are our investment in the future; in fact, our legacy. That we are to be held responsible for the images we perpetuate in the culture. And that one institute would take on the task of encapsulating the hard truths and dreams of a nation by preparing the storytellers of its future."

Madam Speaker, I ask the Congress of the United States to recognize the vision, talent and contributions that Jean Picker Firstenberg has made to enrich our cultural heritage and to encourage future generations to capture the imagination and innovation of the American people.

IN HONOR OF THE 85TH ANNIVERSARY OF THE BOROUGH OF FRANKLIN LAKES, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, tomorrow, the people of Franklin Lakes, New Jersey and their neighboring communities throughout Bergen County will celebrate the 85th anniversary of the Borough. A full day of rides, demonstrations, music, and great carnival food will mark the birthday celebration, which culminates in a fireworks display.

From as far back as the 17th Century, people have been drawn to this picturesque area. The Lenape Indians first traveled here to fish and make winter camp. Later as Dutch settlers pushed west, they, too, made what we now know as Franklin Lakes their home.

In 1876, the Walker Atlas shows that the community had grown from its first business—Daniel Youman's Grist Mill on Franklin Lake—to a thriving community of shops, schools, mills, hotels, and about 100 residences. In years to follow, rail and road expansion would bring even more people to the Franklin Lakes area. And, in 1922, Franklin Lakes officially incorporated, detaching itself from Franklin Township and electing its first Mayor, William V. Pulis.

Between 1876 and 1980, Franklin Lakes grew to a whopping 8,500 people. And, today, nearly 10,500 people live there. Though it has grown in size and stature, it has always maintained its sense of neighborly quiet. The sense of friendship and community is evident in every nook and cranny of Franklin Lakes. It is my hope that the people of Franklin Lakes will maintain this vision for another 85 years into the future and then some, and I congratulate them all on this milestone occasion.

TRIBUTE TO TEXAS STATE REPRESENTATIVE SENFRONIA THOMPSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a friend of mine, a maverick, a community visionary, a leader, and a true Texan who has achieved an extraordinary milestone this year.

Senfronia Thompson set history this year by becoming the first woman and the first African-American legislator in the state of Texas to serve for 34 years. This milestone is an accomplishment for all Texas women and all Texas African-Americans.

In 1973, Senfronia Thompson was elected to the Texas State House of Representatives from Houston. She has continued to serve her constituents in honor ever since. She now ranks as the longest-serving woman and the longest-serving African-American in Texas State legislature history.

I had the pleasure of serving beside Senfronia Thompson, a native Houstonian and a champion of civic participation, when we were both freshman legislators together in 1973. It was an honor to serve with her then and it is an honor for me to be able to celebrate her accomplishment today.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mrs. JONES of Ohio. Madam Speaker, on Thursday, September 27, 2007, I missed three rollcall recorded votes due to unforeseen circumstances.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On rollcall vote No. 914, on a Motion to Adjourn, I would have voted "no." On rollcall vote No. 922, on a Motion to Recommit with Instructions, I would have voted "no." On rollcall vote No. 923, on Final Passage of the Small Business Investment Expansion Act of 2007, I would have voted "aye."

IN HONOR OF THE 125TH ANNIVERSARY OF THE HOUSE OF THE GOOD SHEPHERD

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the 125th anniversary of The House of the Good Shepherd retirement community in Hackettstown, New Jersey. For over a century, this community has provided seniors with a place to call home.

In 1882, five Episcopal Congregations founded The House with a 20-room rental building in Orange, New Jersey, rented for the sum of $400. Less than a decade later, they had outgrown that building and a new home was built in Orange housing 3 dozen women. In the 1960s, they expanded their offering to 175 residences on a wooded, 15-acre site in Hackettstown. The Musconetcong River and Stephens State Park offer a serene and quiet atmosphere. And, the excellent staff offer a loving and friendly environment for the seniors who live there.

The House of the Good Shepherd is equipped to offer its residents a variety of care options from independent apartments to assisted living suites to skilled nursing residences. It is an active community where seniors to go live their golden years to the fullest.

This year's anniversary is somewhat bittersweet for the residents of this community as their Executive Director of more than ten years has announced his retirement. Fred Heleine has ministered to and served the needs of these seniors admirably and with love and compassion since 1995, and as he said in announcing his retirement to his extended family of The House of the Good Shepherd, "I leave The House with much gratitude for the privilege of having been there." I know that the gratitude is mutual, and I join the community in thanking Fred for his fine service.

This Sunday, at a gala celebration fitting of such a momentous milestone, the residents and staff of The House of the Good Shepherd will be joined by members of the extended community. To mark this special anniversary, they will present their first annual "Distinguished Friend of The House" award to Claudia Conway, a longtime resident of Hackettstown and supporter of The House.

Ms. Conway's service has been remarkable, particularly her participation on the Foundation Advisory Council, and she was a natural choice for this first award. But her dedication to The House not only speaks volumes of her goodness and compassion, but also of the worthiness of her cause. The House of the Good Shepherd is a phenomenal community and I wish it the best for another century of service.

HONORING GOLDY LEVI

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a dear friend of mine, Goldy Levi, on his eightieth birthday. Not only is Goldy Levi a wonderful man who is greatly liked, he is an upstanding citizen and a pillar of the Dallas community. He is a true Texan who has achieved an extraordinary milestone this year.

Longevity is a cause for celebration, especially when it has been accomplished with such great ease. Goldy Levi has been a long time Dallas resident and I am honored to be blessed with his friendship. It is a true pleasure for me to be able to celebrate this milestone with him today.

IN RECOGNITION OF MASTER WAN KO YEE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. LEE. Madam Speaker, I rise to recognize Master Artist Wan Ko Yee, a distinguished scholar who resides in the 9th District of California. His areas of expertise include literature, painting, sculpting, calligraphy, music, martial arts, and traditional medicine. As a professor at Auburn University, Master Yee is a well renowned author, researcher, and philosopher. He has created exceptional work exhibited throughout the world. His work reflects Buddhist themes and the ideas of tolerance and peace between nations. He is recognized as a pioneer in creating multi-colored sculptures.

In 2003, the United States Congress displayed selected work from Master Yee during an art exhibition held in the Gold Room in the House Office Building. He has been recognized by the Royal Academy of Arts of the United Kingdom, and the Organization of American States.

I commend Master Wan Ko Yee's artistic contributions and his efforts to promote peace through the arts and cultural exchange.

TRIBUTE TO JOHN McCUE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Representative MIKE THOMPSON of California in honor of John McCue, who is retiring as CEO of the nonprofit organization Becoming Independent, after 21 years of work on its behalf. Mr. McCue has been hugely influential in establishing and expanding the programs that Becoming Independent offers, and this hard work has been reflected by the remarkable success of participants in the program.

Mr. McCue was born in Hartford, Connecticut, and received his Bachelor's degree from California State University, Fullerton in 1971. He has 36 years of experience in disability services, and has a credential in adult education. Mr. McCue joined Becoming Independent in 1981 as a program director before becoming CEO in 1986. In 1991 he received his Master of Public Administration degree from Sonoma State University.

During Mr. McCue's tenure as CEO, Becoming Independent has dramatically expanded the range of services available to persons with disabilities in Sonoma County, while retaining a high quality of service and satisfaction among program participants. Becoming Independent focuses on helping provide individuals with the skills they need to live fulfilling lives through community living support services, which enable individuals with disabilities to live on their own with dignity and responsibility. Vocational education is also a major emphasis in the organization, and with the assistance of Becoming Independent's employment services, hundreds of participants have found rewarding jobs all over Sonoma County. This success has been reflected in the annual gains they have charted in participant employment and earned wages.

In addition to his leadership at Becoming Independent, Mr. McCue has been active in local and state organizations, focusing on benefiting individuals with disabilities. He has been a longtime member of the California Rehabilitation Association, and served as Chair of the Board of Directors from 2004–2005. He is also a board member of the Nonprofits Insurance Alliance of California. He is active in Sonoma County and beyond as a member of the North Bay Housing Coalition, North Bay Developmental Disabilities Services, and Leadership Santa Rosa, among many others.

Madam Speaker, at this time it is appropriate that we thank John McCue for his many years of service to the people of Sonoma County and his work with Becoming Independent. His leadership has been instrumental in providing superb services to individuals with disabilities to help them gain their independence.

IN HONOR OF THE SERVICE OF THE MEN AND WOMEN VOLUNTEERS AT THE RAMSEY AMBULANCE CORPS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to pay tribute to the men and women who volunteer their time, skills, and energy to the people of Ramsey, New Jersey through their dedicated service to the Ramsey Ambulance Corps.

Since 1953, when the Ramsey Ambulance Corps got its first ambulance and responded to its first calls, the faithful volunteers of this organization have been an integral part of the community. From its birth more than 50 years ago, the Corps has blossomed to a strong and steady group that today responds to more than 1100 calls for help a year.

And, the Ramsey Ambulance Corps volunteers do far more than respond to calls for ambulance assistance. They also loan important medical equipment, like wheelchairs and crutches, to people in need. They operate a bike corps for special events. They train people in emergency medical services, like CPR. And, they help with important search and rescue efforts.

This weekend, I will join these fine public servants and their neighbors at the dedication of two new ambulances. One will be dedicated to Mr. Lawrence R. Inserra, Sr. His family, a pillar of the community, generously donated the funds to purchase one of these new ambulances. The Inserra Family is in its third generation running a local supermarket chain of more than 20 stores in North Jersey and nearby New York. They have used their wealth to make North Jersey a better place to work, live, and raise a family, including through an endowed chair in Italian and Italian American Studies at my alma mater, Montclair State University.

The other will be dedicated to one of the committed leaders of the Ambulance Corps, Michael F. Adams. In addition to being a life member of the Ramsey Ambulance Corps, the Ramsey Police Reserve, and the Ramsey Rescue Squad, he is also completing his thirty-third term as the Borough of Ramsey's Emergency Management Coordinator. As a CERT Program Manager and Instructor and head of the Ramsey Citizen Corps Council, he is one of the Borough's leading advocates for citizen preparedness.

I commend these fine citizens for their commitment to their community and the example of service that they demonstrate daily.

HONORING JOHN McCUE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Representative WOOLSEY in honor of John McCue, who is retiring as CEO of the non-profit organization Becoming Independent, after 21 years of work on its behalf. Mr. McCue has been hugely influential in establishing and expanding the programs that Becoming Independent offers, and this hard work has been reflected by the remarkable success of participants in their programs.

Mr. McCue was born in Hartford, Connecticut, and received his Bachelor's degree from California State University, Fullerton in 1971. He has 36 years of experience in disability services, and has a credential in adult education. Mr. McCue joined Becoming Independent in 1981 as a program director before becoming CEO in 1986. In 1991 he received his Masters in Public Administration from Sonoma State University.

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In addition to his leadership at Becoming Independent, Mr. McCue has been active in local and state organizations, focusing on benefiting individuals with disabilities. He has been a longtime member of the California Rehabilitation Association, and served as Chair of the Board of Directors from 2004–2005. He is also a board member of the Nonprofits Insurance Alliance of California. He is active in Sonoma County and beyond as a member of the North Bay Housing Coalition, North Bay Developmental Disabilities Services, and Leadership Santa Rosa, among many others.

Madam Speaker, at this time it is appropriate that we thank John McCue for his many years of service to the people of Sonoma County and his work with Becoming Independent. His leadership has been instrumental in providing superb services to individuals with disabilities to help them gain their independence.

TRIBUTE TO SKIP RICH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. SKELTON. Madam Speaker, I would like to take this moment to recognize the extensive career of Skip Rich. Mr. Rich spent over 30 years serving Cole County as its Collector of Revenue, but will retire on October 3, 2007.

Skip Rich was first appointed as collector in 1977, and he was re-elected to that position every term thereafter. His record as collector has been outstanding. He has presided over notable increases in county collections and he was instrumental in starting the Cole County employee retirement system.

Skip Rich has also honorably served our country in uniform. He is a Marine who served a tour of duty in Vietnam and who later joined the Missouri Army National Guard. In that position, he held the rank of command sergeant major for over 14 years and received over twenty awards and service medals.

Having devoted his life to public service, Mr. Rich's leadership will indisputably be missed. He plans to spend his retirement traveling with his wife, Eva, and spending time with his 3 children and 4 grandchildren. I trust that Members of the House will join me in wishing Skip Rich and his family the best of luck in their future endeavors.

TRIBUTE TO NICHOLAS BENSON

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. KENNEDY. Madam Speaker, I would first like to acknowledge everything that the National Heritage Fellowship has meant to this country over the past 25 years. It has been a vital inspiration for those who practice traditional arts and Americans owe so much of our nation's artistic diversity to the Fellowship.

I also speak today to honor the achievements of Nicholas Benson. In Rhode Island, a place where there is no shortage of history, the contributions of Mr. Benson's family stand out for their beauty, charm and authenticity. Mr. Benson oversees a stone carving shop that has been in his family for 3 generations and has been operating continuously for over 300 years.

Thankfully, the contributions of Nicholas Benson and his family have not been limited to Rhode Island. From the Civil Rights Memorial in Montgomery, Alabama to the World War II Memorial here in Washington, DC, his work is a part of our history. In a country where so much of our history is recorded through art, I am reminded of something John Adams wrote to his wife Abigail in 1780,

"I must study politics and war, that our sons may have liberty to study mathematics and philosophy. Our sons ought to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain."

Nicholas, in producing three generations of outstanding artists, your family has surpassed even the dreams of John Adams himself. I would like to congratulate you once again. It is my hope that this fellowship allows you to further your craft and to continue the work of your family. You are an inspiration to us all.

IN HONOR OF BERGEN TECHNICAL SCHOOL'S PARTNERSHIP WITH STATE FARM TO PROMOTE SAFE TEEN DRIVING

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the faculty, staff, and students at Bergen Technical High School who have partnered with State Farm to promote safe teen driving.

Far too many young people lose their lives senselessly to motor vehicle accidents, largely because of their youth and inexperience behind the wheel. In fact, 14 percent of all motor vehicle deaths are teen drivers and car crashes is the number 1 killer of teens today. State Farm has developed a phenomenal program called Project Ignition, committed to reversing this trend and saving teens on the road. This popular program partners with local schools to develop ad campaigns to promote safe driving in ways that really speak to young people.

Bergen Technical High School is one of only 25 schools nationwide chosen to participate in this program. Their visual graphic design program is creating a series of public service announcements for television, posters, and more to speak to teens about the importance of driving responsibly and safely. Streetwise, the name of their program, promotes 6 character education pillars—respect, responsibility, citizenship, fairness, caring, and trustworthiness—in ways that really resonate with their target audience.

Today, the participants in this innovative program celebrated their work while trying to break the Guinness Book of World Records record for the longest message/graffiti scroll using their Streetwise message. They will be joined by fellow students from other Bergen County High Schools and supportive parents and citizens throughout the County. All of Bergen County is proud of their efforts.

RECOGNIZING THE 60TH ANNIVERSARY OF VILLA JULIE COLLEGE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Villa Julie College in Stevenson, Maryland on its Founder's Day which recognizes the accomplishments of the remarkable women who helped establish the College and honors those who have since contributed and continue to contribute to Villa Julie's vitality.

Villa Julie has developed from a one-year women's secretarial college into a four-year, co-educational liberal arts institution offering career-focused Bachelor's and Master's degrees in a variety of programs. It has transitioned from a local commuter college to a regional residential institute of higher learning. Enrollment has increased more than 45 percent in 7 years; revenues have doubled and the endowment has increased by more than $11 million since 2000.

Today Villa Julie is Maryland's third largest independent college and it has earned recognition as a "best value" by several national news sources including U.S. News and World Report which ranked it in the top quarter for its classification. Villa Julie's distinct approach of blending liberal arts with a career focus continues to attract terrific students from around the region. Students have benefited significantly from Career Architecture, an award-winning process developed to assist them in building a career plan based on individual values, skills, and interests. More than 70 percent of incoming freshmen over the past six years say the College's reputation of preparing students for rewarding careers was "very important" in their decision to attend.

As the College continues to expand, it has stayed true to its mission of increasing access to higher education. Student surveys indicate that about 60 percent of Villa Julie students are the first in their family to attend college.

Madam Speaker, Villa Julie is a special place. The College, its founders and supporters can take enormous pride in how it has successfully adapted over time and in the difference it has made in the lives of so many in this area. I take this opportunity on Founder's Day to congratulate Villa Julie for its commitment to higher education over the past 60 years.

TRAVEL BAN ON SYRIAN ACTIVIST RIAD SEIF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. WOLF. Madam Speaker, I rise today to bring attention to the Syrian human rights activist Riad Seif. Mr. Seif is a former Member of Parliament and a prisoner of conscience held by the Syrian Government, one of hundreds like him who are prohibited from leaving Syria to see family, pursue education, or seek medical care. Mr. Seif desperately needs medical attention and should be allowed to leave Syria to seek this care.

I call upon the Syrian Government to immediately lift the travel ban against Mr. Seif and others who are prevented from leaving Syria because of their stand for freedom and human rights. Mr. Seif should be released to seek the medical care that he so urgently needs.

IN HONOR OF THE MILL CREEK FIRE COMPANY AND ITS LADIES' AUXILIARY; HONORING: JOSEPH H. MULLINS, SR., LAWRENCE MERGENTHALER, AND CATHERINE W. JENKINS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Mill Creek Fire Company and its Ladies' Auxiliary for providing the people of Delaware with 80 years of outstanding service. The importance of emergency fire and medical services within our communities cannot be underscored enough. I am proud to represent a state that is home to such selfless and dedicated firefighters, EMTs, and service volunteers as those at the Mill Creek Fire Company here in Delaware.

The Mill Creek Fire Company was born from a tradition of strong community involvement and has kept that tradition alive through the years. The fire company had its humble beginnings in the Social Room of the Marshallton United Methodist Church back in 1927, when seven community members each chipped in one dollar to start the Mill Creek Fire Company Treasury. From that point on, it has steadily grown into a pillar of strength within the community. Residents within its 17 square mile response district have come to rely on the company not only for safety, but also for the social role it plays in bringing the community together. The Mill Creek Fire Company's unique, green fire trucks have become a source of pride, and serve as a reminder of the dedication and spirit which enable the company to excel.

On this special anniversary, I would like to recognize three individuals for their unprecedented dedication to the Mill Creek Fire Company; Joseph H. Mullins, Sr., Lawrence Mergenthaler, and Catherine W. Jenkins. They have each put forth tremendous effort to make the organization what it is today.

Joseph Mullins joined the company in 1938, from which point he went on to serve as Chief for 25 years and president for two terms. Lawrence Mergenthaler joined the company in 1953 and assumed the position of Chief after Joseph Mullins in 1976. He has served several terms on the board of directors and among his many accomplishments, he was voted to be a fireman of the year. Catherine Jenkins was president of the Ladies' Auxiliary for 4 years, served on the board of directors, and still remains active in many community organizations.

This brief list of distinctions does not do these honorees justice for all the hard work and sacrifices they have made for the ends of bettering our community. Their efforts will inspire others and I am happy to call attention to the positive influence they have had throughout Delaware and beyond.

I would also like to commend the Mill Creek Fire Company and its Ladies' Auxiliary for its 80 years of exceptional service. The bravery and hard work of all those involved with this outstanding fire company are responsible for making Delaware a safer place to live.

TRIBUTE TO ROCKVILLE, MARYLAND AND PINNEBERG, GERMANY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize Rockville, Maryland and Pinneberg, Germany on the 50th anniversary of their outstanding "Sister City" relationship.

In 1983, the first official delegation from Pinneberg visited Rockville, and participated in a White House ceremony commemorating the 300th anniversary of German immigration to the United States. Over the past 50 years, individuals and groups from both cities, including police officers, students, politicians, sports teams, choruses and concert bands, have participated in exchanges that have left both sides richer in knowledge and understanding. I know these participants will never forget their experiences and the lessons they have learned from each other.

We here in Rockville and our friends in Pinneberg should be proud that our cities were among the first in the United States and Germany to engage in this relationship, after its proposal in 1956 by President Dwight D. Eisenhower as part of a people-to-people citizen diplomacy initiative. Our sister city relationship is a cornerstone of a program that for many years has worked to achieve peace and prosperity through cultural understanding and exchange among countries all over the world.

Even during turbulent times, our 2 cities have reached towards one another in friendship and set an example for others to follow.

In celebration of this anniversary, a delegation from Rockville, including its Mayor, Larry Giammo, visited Pinneberg this past June. This week, beginning on October 2nd, the City of Rockville will formally welcome a 40-member delegation from Pinneberg, including its current Mayor. They will spend time with our local elected officials, tour the City and other sights in Maryland, dedicate a commemorative plaque, and conclude the week's festivities with "An Evening of Celebration" in Rockville's new Town Center on October 7th.

Madam Speaker, I ask my colleagues to join me in honoring Rockville, Maryland and Pinneberg, Germany for their meaningful and productive collaboration over the past 50 years. We all look forward to another 50 years of friendship between these 2 great cities.

TRIBUTE TO CORPORAL DAVID McCONNELL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Corporal David McConnell of Altoona, Pennsylvania. CPL McConnell is currently serving in Iraq as part of the United States Marine Corps. He has served our country since 2005 when he first enlisted in the Marine Corps.

Corporal McConnell was deployed to Iraq on December 31, 2006, initially serving as an Infantryman. He was stationed in Fallujah as part of the Regimental Combat Team 6 Security Platoon, where he acted as convey security. Promoted to corporal in August, McConnell is currently stationed in Fallujah to provide protection services for the team directing leader engagement with Iraqi diplomats.

A dedicated and enthusiastic leader, Corporal McConnell is committed to furthering the cause he believes so much in. He is proud of the work of his unit and believes that the contributions and sacrifices they have made are well worth it to be able to assist in expanding freedom in Iraq.

I'd like to take this opportunity to thank and recognize David and the rest of our troops for their efforts in serving our military. He and his unit should be very proud of the work they are doing in Iraq and the sacrifices they have made for their country. Their courage and devotion do not go unnoticed, and they are all in our thoughts and prayers for a safe return home.

TRIBUTE TO JEFF PIGEON, WIBC, INDIANAPOLIS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. PENCE. Madam Speaker, I rise today to honor an icon of the Indiana airwaves, Jeff Pigeon. After serving Hoosiers for 27 years at WIBC in Indianapolis, IN, Jeff bid a bittersweet farewell this morning during his final broadcast.

Jeff Pigeon has never been anything but upbeat and positive and for nearly 20 years on the WIBC Morning News and that is how he helped Hoosiers wake up and start their day. It's hard to imagine WIBC or Indiana without him.

Jeff's energy touched the hearts of Hoosiers far beyond Indianapolis as people in Muncie, Anderson, Columbus, New Castle and areas throughout Indiana cherish Jeff and his ebullient personality.

His heart for people stretched beyond the airwaves and is attested to by his work for Crossroads Rehabilitation Center, Gleaners Food Bank and the Indianapolis Police Department.

Jeff Pigeon started working at WIBC in 1981 as host of the 7 p.m.–midnight shift. He took over the morning drive-time show in 1988.

His radio background stretches across the country, from stations in Minneapolis, Denver and Chicago. An espouser of Midwestern values, Jeff graduated from the University of Illinois before launching his radio career.

Hoosiers of Eastern Indiana congratulate Jeff Pigeon on 27 great years of service to our State and a voice they have come to know, respect and love. He will be greatly missed.

RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF MASSACHUSETTS GOVERNOR JANE SWIFT

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. OLVER. Madam Speaker, I rise to recognize the contributions and achievements of Massachusetts Governor Jane Swift, a woman whose record of leadership in our State is matched by few.

When Jane Swift became Chief Executive of Massachusetts in April 2001, she became the first woman Governor of the Bay State, one of only five women Governors at the time, and one of only 19 women Governors in history. These numbers are far too low, and Governor Swift deserves credit for being a trailblazer and an inspiration to what hopefully will turn out to be many more women chief executives in the future.

During her tenure, Governor Swift oversaw a budget that had reached the $23 billion mark, directed 13 cabinet agencies and executive divisions, and enacted numerous reforms. In policymaking as well as in example, she established herself as an advocate for women and families. Her efforts on behalf of foster children and working parents garnered praise across the political spectrum. And, when Governor Swift delivered twin girls while in office, she achieved yet another remarkable first.

Also while in office, Governor Swift continued her work as a strong supporter of the cultural development of our State, which included championing the Massachusetts Museum of Contemporary Art. Her efforts to bolster Mass MoCA continue to be greatly appreciated by everyone who cares about the economic development of the north Berkshires.

Governor Swift counts 12 total years of official public service in her career. Elected to the Massachusetts State Senate at age 25, she was the youngest-ever woman member of the legislature. She also has spent many more years personally working in her community to create opportunity and improve the quality of life for local residents.

Today, Governor Swift serves on a number of key boards and steering committees, including the board of the Williamstown Elementary School Endowment and the Community Outreach Board of Mass MoCA. She remains active in politics and is engaged in a wide variety of public policy issues. Drawing on her diverse experiences, Governor Swift shares her perspectives as a sought-after public speaker, imparting wisdom to and inspiring the next generation of women and men leaders.

It is my honor to commend her years of public service and pay tribute to Governor Swift's enduring leadership. National Women's Business Week is an important occasion to celebrate women leaders, and Governor Swift has been a groundbreaker since the beginning of her career. She is, indeed, a "Woman of Achievement," and I join the Northern Berkshire Business and Professional Women in honoring her this month.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. WOOLSEY. Madam Speaker, I was unavoidably detained on September 24, 2007 and as a result I was not present to vote on rollcall No. 893. Had I been present, I would have voted "aye."

TRIBUTE TO LINDA CHAVEZ-THOMPSON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. BACA. Madam Speaker, on behalf of the members of the Congressional Hispanic Caucus, I rise today to honor Linda Chavez-Thompson, executive vice president of the AFL–CIO, on the occasion of her retirement. Elected to this post in 1995, Chavez-Thompson became the first woman and person of color to be chosen for one of the federation's three highest offices.

As a second-generation American of Mexican descent, Chavez-Thompson personifies the American dream. Born in Lubbock, TX to cotton sharecroppers, Chavez-Thompson toiled the fields to help supplement her family's income. After making 30 cents an hour picking cotton, Chavez-Thompson rose through the ranks of the labor movement, beginning her career as a union secretary at the local AFSCME chapter, the labor union to which her father belonged.

In her capacity as executive vice president of the labor federation, Chavez-Thompson has worked tirelessly to strengthen State and local labor movements and has served as a strong voice on behalf of civil, human and immigrant workers' rights. She serves as vice-chair of the Democratic National Committee, and serves as the president of the Inter-American Regional Organization of Workers, ORIT, which is the Western Hemispheric arm of the International Trade Union Confederation.

In retirement Chavez-Thompson will continue to pioneer new territory as the first AFL–CIO Executive Vice President Emeritus. In this capacity, she will continue to provide her leadership to state and local labor councils and communities throughout the country, and will continue her important international work. Her determined work on behalf of all workers, especially women, people of color, people with disabilities and immigrants will continue.

In making this difficult decision to retire after more than 40 years of service to the labor movement, Chavez-Thompson expressed, "You . . . have given me the opportunity of a lifetime, which was to go where I never dreamed I could go, and do more than I ever dreamed I could do."

For lending her talents, passion and vision to the effort of bringing justice to workers, we are all thankful to Chavez-Thompson. She has marched and spoken on behalf of those who often labor without a voice and has inspired us all to continue this important work for workers across the world.

FISCAL RESPONSIBILITY AND THE DEMOCRATIC RECORD

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. SPRATT. Madam Speaker, on Friday, Majority Leader STENY HOYER spoke to the National Press Club regarding fiscal responsibility and the Democratic record. I recommend his speech to all of my colleagues.

The speech sets out the clear differences between the current Administration's harmful fiscal policies and the strong track record of fiscal responsibility that the current 110th Congress has established. Indeed, the new House majority has already passed and adhered to the Pay-As-You-Go rule and passed a budget resolution that returns to balance by 2012.

The speech also establishes some helpful context for the Administration's pending veto threats on the appropriations bills. Most of the funding difference consists of Congressional efforts simply to restore harmful cuts proposed by the President, and the rest of the difference represents a responsible level of increase that will enable us to fund key priorities. Our appropriations level was accommodated within our fiscally responsible budget resolution, which returned the budget to balance by 2012.

MAJORITY LEADER HOYER'S ADDRESS AT THE NATIONAL PRESS CLUB: FIGHTING FOR AMERICA'S FUTURE

SEPT. 28.—I first want to thank Alan Greenspan for putting the issue of fiscal responsibility back on the political map. This is a very healthy development, even though it embarrasses the Administration.

In his new book, the former Federal Reserve Board Chairman writes: "Most troubling to me was the readiness of both [the Republican-controlled] Congress and the Administration to abandon fiscal discipline." And this: "'Deficits don't matter,' to my chagrin became part of the Republicans' rhetoric. . . . Deficits must matter."

I was tempted to come here and deliver the shortest speech of my professional life. Eight words in all. "Chairman Greenspan is correct. Are there any questions?"

But the bar is higher today. So, I intend to convince you of four main points: First, this Administration has pursued the most fiscally irresponsible policies in American history.

Second, the Democratic Party is the party of fiscal responsibility today—which is a very under-reported story.

Third, the President needs to put down his veto pen and pick up the telephone. Our differences on funding levels for domestic appropriations for Fiscal Year 2008—which begins on Monday—are relatively minor. We need to work out those differences, rather than engage in political posturing.

And finally, we must not allow our disagreement on appropriations to distract us from the ominous, long-term fiscal challenges that confront our nation. The United States of America is on an unsustainable fiscal path—and the longer we wait to address our challenges, the more difficult it will be to avert a fiscal crisis.

THE REPUBLICANS' FISCAL TRAIN WRECK

There's no other way to say it, the Republicans' fiscal record is like a decades-long train wreck. For 18 of the 26 years that I have served in Congress, a Republican has occupied the White House.

And, in every single year of those Republican Administrations, the federal government ran a budget deficit. The cumulative deficits under Presidents Reagan, George Herbert Walker Bush, and George W. Bush total more than $4.1 trillion.

In contrast, the Clinton Administration had a cumulative surplus of nearly $63 billion over eight years. Under President Clinton's stewardship, the federal government reduced the deficits he inherited and recorded four consecutive surpluses—the first time that had happened in 70 years.

So, forgive me for dismissing the Republican Party's claim that it is fiscally responsible.

Forgive me for rejecting the Republicans' repeated assertion that supply-side tax cuts pay for themselves—an assertion that has been challenged by the Treasury Department, the Congressional Budget Office, and the current Chairman of the Federal Reserve, who told the Senate in 2005: "I think it's unusual for a tax cut to completely offset the revenue loss."

In fact, revenues have grown by just 3.6 percent since the President's 2001 tax cut was enacted—less than half the 8.4 percent annual growth during the Clinton Administration.

And forgive me for being somewhat amused by the Administration's defensive push-back on Alan Greenspan's recent comments.

The President claimed last week that his fiscal record is "admirable and good." Does he really believe this? He came to office inheriting a projected 10-year budget surplus of $5.6 trillion, and proclaimed, "We can proceed with tax relief without fear of budget deficits, even if the economy softens."

But then, the Republican-controlled Congress passed and the President signed the largest tax cuts in a generation—tax cuts disproportionately skewed toward the wealthiest citizens—while increasing spending at a rate (7.1 percent) nearly twice that of the Clinton Administration.

As predicted, these irresponsible policies turned surpluses into massive deficits: $158 billion in Fiscal 2002, $378 billion in Fiscal 2003, $413 billion in Fiscal 2004, $319 billion in Fiscal 2005, and $248 billion in Fiscal 2006.

On Sunday, when we close the books on Fiscal 2007, we'll record another $158 billion deficit. The President will crow that he is reducing the deficit, ignoring the fact that, but for his policies, we would not even have deficits. And consider: The Administration projected a budget surplus of $573 billion this year when it took office. So, Fiscal 2007 really represents a swing of three-quarters of a trillion dollars, virtually all of it the result of policies enacted by a Republican Congress and signed by President Bush.

The exploding national debt is equally disturbing. Today, the debt stands at more than $9 trillion, a 56-percent increase (or $3.3 trillion) under President Bush. That's $29,728 for every man, woman and child in our nation.

All these figures can be mind-numbing. So, let's put them in perspective:

In 2007, the interest payments on the national debt—the fastest growing major category of spending in the budget—are a projected $235 billion. That's more than Congress appropriates in discretionary spending for any government department or agency other than Defense. It's four times more than we spend on education, and seven times more than we spend on the Department of Homeland Security.

In other words, these interest payments—which increasingly are paid to foreign governments that hold our debt—cannot be used to build roads and bridges; to invest in research and development; to improve education, to protect our nation, or, yes, to provide tax relief.

The Republicans' record of fiscal irresponsibility speaks for itself. As Republican Congressman Jeff Flake of Arizona said last year: "Whether we want to admit it or not, the Republican Congress's failure to discipline itself is sending us all down a flower-strewn path to fiscal insolvency."

DEMOCRATIC MAJORITIES WORK TO RESTORE FISCAL DISCIPLINE

The truth is, Democrats are the party of fiscal discipline in Washington today.

In one of our first acts after regaining the Majority, we reinstated the pay-as-you-go budget rules (or PAYGO) that are widely credited with producing record budget surpluses during the Clinton Administration. In a nutshell, PAYGO means the federal government must offset tax cuts or spending increases elsewhere in the budget. It's a common-sense rule that millions of American families apply to their own personal budgets.

Adopted on a bipartisan basis in the 1990s, PAYGO was even rhetorically supported by President Bush in his first three budgets—although he exempted his 2001 tax cuts from the rule and Republicans allowed it to expire in 2002.

The President's new Director of OMB, former Budget Committee Chairman Jim Nussle—who supported PAYGO in the '90s—later had a change of heart, explaining: "We don't believe you should have to pay for tax cuts."

And so Republicans didn't. They just kept on billing the costs of tax cuts and spending increases to future generations through higher deficits.

Today, Democrats are fighting to restore the fiscal discipline that has been sorely lacking since 2001. Why? Because we believe deficits and spiraling debt threaten our future prosperity and national security. And because we believe that it is simply immoral to force our children and grandchildren to pay this generation's bills.

That's why we passed a budget for Fiscal 2008 that would bring the budget back to balance by 2012. Last year, the Republican Congress failed to even pass a budget.

And, that's why we have honored our commitment to PAYGO. We have not violated the PAYGO rule once in the approximately 30 bills with direct spending or revenue provisions of more than $1 million, as will be detailed in a report next week by John Spratt, Chairman of the House Budget Committee.

If you examine the four major House bills with mandatory spending increases—children's health insurance, the farm bill, higher education and energy—you'll see that approximately 80 percent of the spending increases have been financed by spending cuts.

For all their talk about being tough on spending, our Republican friends in the House actually have opposed the spending cuts that we have put forward. House Democrats, for instance, paid for our SCHIP bill by, among other things, cutting subsidies for insurers—cuts Republicans opposed. We have made the tough decisions with respect to spending priorities that Republicans never made when they were in power.

And, as we enter the final stages of this session of Congress, I want to make one thing clear: The House will not waive PAYGO for any tax cuts or entitlement spending increases that are not offset.

Today, we are examining different proposals to permanently reform the alternative minimum tax, as well as a temporary AMT fix that would be offset by closing tax loopholes and cracking down on special interest tax breaks. In either case, simply waiving PAYGO is not an option—even if some members of the other body prefer that we do so.

THE CURRENT APPROPRIATIONS FIGHT IN CONTEXT

Now let me focus on the current disagreement between Democrats in Congress and the Administration over domestic appropriations. Don't be fooled. This is not a fight about spending. This is a fight about our priorities as a nation—and about the Administration's desire to posture for its base.

Let me say, I am not pleased that we have not completed our appropriations work on time. The Administration's unjustified veto threats have only impeded our progress. Nonetheless, we have passed a continuing resolution to ensure that our government is funded and functioning, and to give us time to work out our differences.

But the bottom line is, the Administration is itching to instigate an appropriations fight with Congress in a vain effort to establish its bona fides with its conservative base.

After failing to veto even one appropriations bill or other legislation that substantially added to the deficit during his first six years in office, the President is now threatening to veto eight of the 12 annual spending bills for Fiscal 2008 over a total of $23 billion.

There is no question that $23 billion is a lot of money. However, let's put it in perspective: $23 billion is about eight-tenths of 1 percent of a total federal budget of nearly $3 trillion.

Twenty-three billion dollars is not quite half of the $42 billion in additional funding for Iraq that the Administration requested on Wednesday, and about 12 percent of the Administration's total request of $190 billion for the war for 2008—a war the White House estimated would have a total cost of $60 billion.

The truth is, $16 billion of the $23 billion that Democrats are fighting for would simply restore cuts proposed by the President to key programs—a 50-percent cut in vocational education; the elimination of student aid other than work study and Pell Grants; and deep cuts in medical research, law enforcement grants and rural health programs, to name a few.

This is a fight about whether we adequately fund No Child Left Behind, special education, medical research, Head Start, clean water programs, public safety, and appropriate health care for our veterans and men and women in uniform.

Please, Mr. President, do not lecture us about fiscal responsibility. And please, do not tell us that we cannot find funding to invest in our children, our infrastructure, and our future when you are proposing to spend another $190 billion on the war in Iraq.

Democrats believe the President's priorities are deeply misguided, and not supported by the American people. We believe, in this appropriations fight, the President is playing politics, pure and simple.

If you doubt that, just consider that funding for non-defense appropriations in 2008 (when adjusted for inflation and population growth) is actually below the funding levels passed by the Republican Congress and signed by the President for Fiscal 2002, 2003, 2004 and 2005.

I know that Chairman David Obey remains hopeful that in the next few weeks the Congressional leadership and White House will sit down and negotiate a reasonable agreement on funding levels.

But as the rhetoric heats up, ask yourself: If the President is really fiscally conservative, why didn't he veto one appropriations bill in six years? Why didn't he veto the corporate tax bill in 2004—a bloated bill that doled out $139 billion in corporate welfare when all that was needed was a $5 billion tax fix to put us in compliance with our trade agreements?

We Democrats are going to fight for the priorities of the American people. The President should not try to rehabilitate his fiscal record by vetoing responsible appropriations bills—or, for that matter, the bipartisan children's health insurance bill.

OUR LONG-TERM FISCAL CHALLENGES

Finally, let me say that as important as this disagreement over appropriations is, we must not be distracted from the long-term fiscal challenges that face our nation. Fiscal responsibility is not some virtue that exists in a vacuum. It's vital to our future.

As Bob Bixby of the Concord Coalition points out: "The basic facts [of our fiscal challenges] are a matter of arithmetic, not ideology. Two factors stand out: demographics and health care costs."

With the imminent retirement of 78 million Baby Boomers, and the attendant demands on Social Security and Medicare, we are on the cusp of a fiscal tsunami that threatens to drown our nation in a sea of red ink.

Over the next quarter century, the number of Americans 65 and older will nearly double—from 12 percent of the population today to 20 percent.

Medicare and Medicaid will grow by nearly five times as a share of the economy by 2050, if we assume the growth of health care costs does not slow. And these programs will absorb as much of our nation's economy by the late 2040s as the entire federal budget does today.

According to the 2006 Financial Report of the United States—signed by Treasury Secretary Paulson—our fiscal exposures (explicit liabilities and implicit obligations) had a present value of $44 trillion, or about as much as the net worth of all household assets.

We are not going to grow our way out of this problem, through some magic supply-side solution. The GAO estimates that it would require inflation-adjusted average annual economic growth in the double-digit range every year for the next 75 years to close the gap through growth alone.

It is imperative that we get serious about our long-term fiscal challenges. There is plenty of room for debate over the mix of options that should be considered. But we do not have time to waste.

Senators Conrad and Gregg and Congressmen Cooper and Wolf have put forward proposals for a bipartisan task force. While I would like to believe that Congress could address these issues through the regular legislative process, the experience of recent years suggests that this is extremely difficult in the current political environment.

Thus, I support the Conrad-Gregg and Cooper-Wolf proposals in concept, although I have concerns about several specific provisions.

My preference certainly would be to have Members of Congress and this Administration make recommendations that are considered in this Congress. But there are two problems with that: First, this is now an outgoing Administration, with little over a year left. And second, despite the good-faith efforts of Secretary Paulson, this Administration is loath to put all options on the table.

As a result, I believe that we must move forward with such a task force after our new President is inaugurated in January 2009, with a process allowing the President and Congress to consider alternatives.

Turning a blind eye to our long-term challenges would not only be irresponsible, it would be unforgivable. As Comptroller General Walker has warned: "Continuing on the unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security."

Our fiscal future need not be filled with peril—if we have the courage and will to recognize and address these challenges.

HONORING STAFF SERGEANT ZACHARY TOMCZAK

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. HERSETH SANDLIN. Mr. Speaker, I want to take this opportunity to honor the life of Staff Sgt. Zachary Tomczak, who died September 25, 2007, in Iraq from wounds suffered when his unit came under small arms fire.

Zachary, who served in the Army's 325th Airborne Infantry Regiment of the 82nd Airborne Division based in Fort Bragg, NC, graduated from Huron High School in 2002 and joined the Army soon after graduation. He was serving on his fourth tour of duty when he was wounded. He is described as a phenomenal person who stood as an example for all American citizens. His high school principal said, "Zac was someone who demanded very little of us and gave an awful lot. He was a wonderful, wonderful young man."

The lives of countless people were enormously enhanced by Zachary's compassion and service. He represented the best of the United States, South Dakota, and the Army. His life continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

Today, we remember and honor Zachary's noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

I join with all South Dakotans in expressing my sympathies to the family and friends of Staff Sgt. Tomczak. His commitment to and sacrifice for our Nation will never be forgotten.

TRIBUTE TO JOHN GIDEON PRATHER SR.

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I regret that I must inform the House of the passing of another member of that vanishing breed of "the Greatest Generation" of Americans who served our Nation during World War II and made our Nation and its communities strong when they came home.

John Gideon Prather Sr. was somebody all of us turned to for advice. Part of that was because he was a wise attorney, helping many clients who couldn't really afford one, but it was also because that's just the way he was, regardless of his chosen profession. The country lawyer in him gave advice to judges, other attorneys and clients across Kentucky. As a prosecuting attorney, he set the tone for how lawyers ought to interact with one another professionally, fight as they may in the courtroom. Our community and our criminal justice system are stronger because of him.

John left us September 21, 2007 at the age of 87. His law partners were his son John Jr. and Winter Huff. He began working in his father's insurance company in the 1940s. After Pearl Harbor was bombed, he joined the U.S. Navy, where he served in North Africa and Italy. After the war, he graduated from the University of Kentucky law school and began his legal career, spanning 6 decades and including terms as Somerset City and State prosecuting attorney.

As a civic leader, he was not just a member of our community organizations, including the Jaycees, Kiwanis Club, VFW and American Legion, he was a leader in them. He was also a profound Sunday school teacher. But John Prather's greatest civic effort was his near-lifelong commitment to Troop 79 of the Boy Scouts, headquartered at his church in Somerset. Generations of young boys became much better men through John's dedication to Boy Scouts. They were his greatest pride and maybe his greatest legacy.

He leaves behind his wife, Jean, a son, a daughter-in-law, and 4 grandchildren.

John was a father figure and friend to us lawyers, his church, civic colleagues, and, indeed, the whole community. A mighty oak has fallen and the void left on the mountain top is both painful and profound. We will miss the gentlemanly courtesies, wise counsel, and warm friendship he dispensed so liberally.

We will miss John G. Prather.

IN RECOGNITION OF THE REMARKABLE EFFORTS OF SEW MUCH COMFORT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the nonprofit organization, Sew Much Comfort, which coordinates the efforts of volunteer seamstresses to adapt clothing for wounded servicemembers.

This all-volunteer initiative formed in December 2004 as a 501(c)3 public charity and is the only organization that provides specially designed adaptive clothing to military hospitals. Ginger Dosedel founded the organization nearly 4 years ago when her husband was stationed at Eglin Air Force Base. Their son underwent treatment at Walter Reed Army Medical Center for muscular cancer and suggested to his mother that she may be able to help the many wounded soldiers they met while in Washington, DC.

Their mission "to design, create, and deliver customized clothing for these brave troops" not only provides our heroes with a tangible symbol of our immeasurable support for them, but also helps to facilitate the healing process upon their return from military service.

The Emerald Coast Chapter of the American Sewing Guild recently sponsored an event where numerous volunteers gathered in Baker, a city in my district of Northwest Florida, to sew for this wonderful cause.

Over the past 4 years, thousands of volunteers have worked diligently to alter shirts, shorts, boxer shorts, and pants. All of which are shipped to a central distribution center in Ohio and then allocated to military hospitals throughout the United States, as well as Germany, Iraq, and Afghanistan

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the remarkable philanthropic efforts of Sew Much Comfort and their volunteers for their generosity and commitment to service which has helped to create a better life for our brave servicemembers.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. HULSHOF. Madam Speaker, unfortunately, I was unavoidably detained and missed September 7th's rollcall vote No. 869. Had I been present, I would have voted "aye" on H.R. 2669, the College Cost Reduction Act of 2007.

RECOGNITION OF RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. KINGSTON. Madam Speaker, I rise today in recognition of the retirement of Vernon Martin, the Executive Director of the Coastal Georgia Regional Development Center. Vernon has been a valuable partner in my efforts to represent the First District of Georgia and a great friend.

Over the many years that we have known each other, he has been wonderful to work with and always kept the safety, security, and well-being of the community in the forefront of his thoughts. Vernon has dedicated 38 years of service to Coastal Georgia Regional Development Center, where he was instrumental in the economic development of the region. The service area for his office has undergone tremendous change in the past four decades. Coastal Georgia needed leadership and hard work to transition from the slow growth rates that characterized prior eras to the booming growth that the region is now experiencing. Vernon and his staff at the RDC have provided steady guidance and support to the communities they serve, helping them prepare for the future and adapt to change.

Vernon's list of accomplishments over the years is a long one. He was active in the creation of Coastal Emergency Management Plan to insure the safety of Georgia's costal communities during hurricanes, established the Nation's first and largest rural revolving loan fund, helped to create one of the Nation's first regional rural tourism program and was involved in coordinating off-base impact planning for 2 major military installation expansions. In 2004, Vernon was awarded the Walter Scheiber Leadership Award for his support to the Association and for his outstanding leadership and innovation as a regional council executive director.

Although he will be missed at the Regional Development Center, we are all glad to know that he will still serve in an advisory capacity and help transition to a new Executive Director. I'm sure Vernon is counting the days until he can fully enjoy the beautiful Georgia weather on his beloved motorcycle. I wish him the best of luck in his retirement.

CONGRATULATING ST. JOHN'S PREPARATORY SCHOOL IN DANVERS, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. TIERNEY. Madam Speaker, I rise today to honor St. John's Preparatory School in Danvers, Massachusetts, on the occasion of its 100th Anniversary Celebration and extend the congratulations and best wishes from the United States House of Representatives for continued success in all of its future endeavors to the School's Board of Trustees, Administration, Faculty, Staff and Alumni.

St. John's Preparatory School held its first day of classes on September 10, 1907, and over the next century, it has graduated 12,000 alumni, who have gone on to make significant, lasting contributions in careers and communities throughout the region, across the country and around the world.

Today, St. John's Preparatory School continues to honor the legacy of its founders, the Congregation of the Brothers of St. Francis Xavier, and remains dedicated to the pursuit of humility, zeal, compassion, trust and simplicity in all endeavors.

Throughout its history, the School has nurtured a dynamic community of learners encouraging its students to develop their full spiritual, intellectual, moral, physical and creative potential, and it has inspired its student body to value and honor the diversity that enriches both the school community and the world beyond its campus.

St. John's Prep students continually strive for excellence and have earned distinction in scholarship, athletics, service and the arts. The Prep, as it is better known by many, is committed to the character, mission and values of a Catholic education and since its opening has celebrated its Catholic identity and formed partnerships with schools in the region to enhance educational opportunity and ensure access for students from all walks of life.

St. John's Preparatory School seeks to promote human dignity and the pursuit of peace and justice, and its alumni, students, faculty and staff have established various programs to respond to the needs of many working side by side with other volunteers and social service organizations locally, nationally and internationally.

Congratulations to St. John's Preparatory School for one hundred years of education, inspiration and enrichment bestowed upon so many who have passed through its halls and in recognition of the contributions and accomplishments of its alumni, administration, faculty, staff and students that have touched many throughout the world.

MS. FABIOLA SMALL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. POE. Madam Speaker, today I am proud to recognize a longtime community leader in southeast Texas. Ms. Fabiola Small has worn many distinguished hats throughout her lifetime, including co-chair of the Port Arthur Weed and Seed; founder of Love People, Inc.; founder of the Port Arthur, Texas Juneteenth Pageant; president of Woodmen of the World, Lodge 6192 and Youth Lodge 4640; president of Texas Senior Citizens Association; and board member of Tekoa Academy Charter School.

"Ms. Fab" selflessly volunteers her time at the Salvation Army Boys and Girls Sports Section, and delivers meals to the young and the elderly. She has received countless awards, including the 2006 Woodmen of the World Insurance Society; 2006 Fraternalist of the Year; MVP of the National Fraternal Congress of America; 2006 Women's History, Builders of Communities & Dreams; 2007 MVP of the U.S. Congress, and 2007 Juneteenth Trailblazer.

Ms. Small is the first African American to be recognized as the National and International Fraternalist of the Year. An award presented to fraternalists who provide outstanding volunteer service in his or her community, and excellent leadership in his or her local chapter throughout the past year. Ms. Small's volunteerism even caught the attention of Southern Living Magazine, who will feature her in an upcoming issue.

Ms. Small has dedicated her time and energy to the Golden Triangle for most of her life. Her selfless acts of kindness, devotion, and compassion for others are a true testament to her character. With 4 children, 18 children that she has taken under her wings, 22 grandchildren, and 9 great-grandchildren, "Ms. Fab" is an inspiration to others, setting a great example for all to follow.

On behalf of the Second Congressional District of Texas, I applaud Ms. Fabiola Small on her outstanding achievements. She has helped make our world a better place to live, and I applaud her unwavering service and dedication to the community.

And that's just the way it is.

TRIBUTE TO PAUL WICE OF WEST CENTRAL NEBRASKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise to pay my respects to a broadcasting institution in West Central Nebraska, Paul Wice. This past Friday he turned on the microphone to host "Talk of the Town" one last time.

A 1962 graduate of Kearney High, and a 1966 graduate of Kearney State College, Paul has been a fixture on the airwaves for listeners in my district for nearly 40 years.

I have had the pleasure of being interviewed by him both as part of news stories, and as a guest on his show.

Never one to shy away from the tough questions, Paul earned his reputation as being a tough but fair interviewer, whose only motivation was to provide his listeners with the most up-to-date information available.

He has given back to the Kearney community in so many ways—as an instructor, a volunteer, and a member of many local community boards—yet I fully expect this service to continue.

I wish him well in his retirement and I hope he knows how much he will be missed.

SALUTE TO NOVATO HUMAN NEEDS CENTER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to ask you to share with me in saluting the Novato Human Needs Center on its 35th anniversary of serving the low-income people of Novato and helping them move towards self-sufficiency.

The Novato Human Needs Center began in 1972 when three people—Gene Quinones, a Catholic priest, Bob Stockwell, a Protestant businessman, and Mary Banks, a black welfare mom—came together that Thanksgiving season with the desire to help those in need. With $50 and a heart full of good intentions, they gave birth to the Holiday Share program, allowing those who have to give what they can to those in need. Since then, the nonprofit has helped thousands of residents, has increased its services to provide year-round assistance, and has grown to operate on a budget of more than $1.4 million.

Such is the power of the organization's philosophy that those who come for help—seniors, immigrants, the disabled, those in unexpected crisis—are often those who years later become the helpers. One anonymous donor, once a poor immigrant and now a wealthy resident, subsidizes the center's rental assistance program which allows someone experiencing a temporary and unexpected crisis, such as a medical emergency or job loss, to get one-time help with rent or mortgage payments. Among those whom this program saved was an elderly woman left without an income when her husband died. Because of the donor's generosity, Novato Human Needs Center was able to cover the widow's rent until social security checks arrived in her name.

"It really is neighbor helping neighbor," notes Susan Markavage, a Novato resident who works at the center.

In addition to rental assistance, the center has instituted programs for such wide-ranging services as providing emergency food, job training and financial, as well as continuing the traditional Holiday Share.

In fact, the center—which operates out of facilities underwritten by the City of Novato—even provides showers for the homeless, many of whom work but simply can't afford housing in Marin County, one of the Nation's most expensive places to live.

"One of them," Markavage explains, "cleans our parking lot thoroughly every morning before coming in."

Although Novato Human Needs Center is unique in that it provides comprehensive services to those in need, it also is "a wonderful place for the community to come together and connect," says executive director Deanna Euritt.

Novato has a very strong sense of community, she explains, and it is because of the community's support that the center exists and continues to operate. "We're very grateful to the City of Novato and all the residents who live here who have been very generous not only with their financial contributions, but with their time."

As one donor said, "God's been really good to me and I feel this need to be good to someone else who might be in dire circumstances."

And that, Madam Speaker, is what makes the center a valuable member of the Novato community—neighbors helping neighbors. Congratulations to the Novato Human Needs Center on its 35th anniversary, and to the people of Novato for supporting such a worthy organization.

TRIBUTE TO BISHOP GREGORY MANSOUR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. KILDEE. Madam Speaker, I rise to day to honor the Most Reverend Gregory John Mansour on the 25th anniversary of his ordination. Bishop Mansour will be honored at Divine Liturgy and festivities on Sunday, October 7th in my hometown of Flint, Michigan.

After graduating from Western Michigan University in 1977, Gregory Mansour entered Our Lady of Lebanon Maronite Seminary in Washington, DC and attended Catholic University of America. Graduating with a degree in Theological Studies in 1981, he was ordained a priest on September 18, 1982 by Bishop John Chedid at St. Michael Church in Flint. He celebrated his first Divine Liturgy at Our Lady of Lebanon Maronite Church and then traveled to Rome to continue his studies earning his License in Spiritual Theology from the Gregorian Pontifical Institute.

Returning from a trip to Lebanon in 1983, Father Mansour began his work as a parish priest. He worked as an administrator at St. Maron Parish in Philadelphia and served 11 years as pastor to St. George Maronite Catholic Church in Uniontown, Pennsylvania. Bishop John Chedid tapped him to serve as the Eparchy's Protosyncellus, Vicar General, and Chancellor for the newly formed Eparchy of Our Lady of Lebanon in Los Angeles in 1994. He also served as Advocate/Procurator for the Eparchial Marriage Tribunal.

His Beatitude Patriarch Nasrallah Peter Cardinal Sfeir nominated him to Chorbishop and he was ordained on January 21, 1996. When Bishop Chedid retired his replacement, Bishop Robert J. Shaheen, with the concurrence of the Holy See, moved the See of the Diocese from Los Angeles to St. Louis, Missouri. Chorbishop Mansour relocated and assumed the additional duties as rector of St. Raymond Cathedral and began teaching Spiritual Theology at Kenrick-Glennon Seminary.

When Bishop Stephen Hector Douelhi retired, His Holiness Pope John Paul II named Bishop Mansour to succeed him as the head of the Eparchy of Saint Maron in Brooklyn. Ordained a bishop in Lebanon on March 2, 2004, he was enthroned in Our Lady of Lebanon Maronite Cathedral in Brooklyn on April 27, 2004.

Madam Speaker, throughout his life Bishop Mansour has followed the words of St. Augustine, "With you I am a Christian, for you I am (a priest, and now) a Bishop." Bishop Mansour has kept the promise he made 25 years ago to serve Our Lord Jesus Christ with humility, joy, and compassion. I ask the House of Representatives to join me in congratulating him as he celebrates this momentous occasion and wish him the best for the future.

TRIBUTE TO COLONEL JAMES KASLER OF MOMENCE, ILLINOIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to honor a true American war hero whom I had the pleasure to meet recently.

Retired Air Force COL James Kasler of Momence, Illinois, represents the uncommon courage that is found in our military men and women. His distinguished record of service includes 76 awards for valor and service, and Colonel Kasler has the distinction of being the only person in our country's history, dead or alive, to receive the Air Force Cross 3 times.

His career as a decorated combat pilot began as a B–29 tail gunner over Japan in World War II. He went on to become a jet ace in Korea, and showed remarkable bravery volunteering for bombing runs in Vietnam.

On his 91st mission, in Vietnam, Colonel Kasler was shot down while covering for his downed wingman. He would go on to endure 6½ years in a Vietnamese prison camp, and would become a role model for his fellow prisoners, including Senator JOHN MCCAIN of Arizona and a member of this House, Representative SAM JOHNSON of Texas.

James Kasler is the face of the valor that all our veterans demonstrated when they put on the uniform of our armed forces. Recently I had the honor of delivering the keynote address at the dedication of the Kasler-Momence Veterans Park in my district, where I met the colonel. This park will serve to honor all those veterans who served and those future veterans who are currently serving. Hundreds of thousands of military personnel go about their task every day without complaint, often far from their families and in hostile conditions—and too many don't make it home. Their service keeps us free.

I am proud to have COL James Kasler as a constituent, and proud to have been associated with the veterans' memorial that bears his name. I ask my colleagues to join me in honoring him and all war heroes of the past, present, and future.

ESTABLISHING A MEMORIAL TO ALL VICTIMS OF TERRORISM

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. BISHOP of New York. Madam Speaker I rise to introduce a bill that would designate a permanent location in Washington, DC, for a memorial known as Dark Elegy, dedicated to all victims of terrorism. Pursuant to the Commemorative Works Act, my legislation authorizes Dark Elegy as a commemorative work, making it eligible to be located in the Washington, DC, area on land owned by the National Park Service or Government Services Agency.

Dark Elegy is currently located in Montauk, New York—in my home district of eastern Long Island—and has been exhibited around the Northeast for the past 16 years. The memorial was created by one of my constituents, the artist Suse Lowenstein, and consists of larger-than-life sculptures depicting the reaction of 76 mothers, sisters, daughters, wives, and relatives as they responded with shock and grief upon learning of the death of their loved ones after the 1988 terrorist bombing of Pan Am flight 103 over Lockerbie, Scotland. Mrs. Lowenstein's son, Alexander, was one of 35 Syracuse University students aboard that flight.

Sadly, the creation of Dark Elegy spanned a growing number of terrorist attacks around the world. It is a striking and solemn coincidence that this work of art was dedicated on September 11, 1991—exactly 1 decade before the terrorist attacks against the United States on September 11, 2001. If you are not familiar with Dark Elegy, I ask you to view "Remembering the Moment," which will tell you more about the legacy of Dark Elegy than any written statement could ever convey and can be accessed at the following website: www.darkelegy103.com.

Dark Elegy was created to remind the world of the devastation that terrorism leaves in its wake. It will serve as a lasting testament to the victims of terrorism worldwide in the unending struggle to eradicate this menace from the globe. In addition, it is intended to stand as a beacon for all peace-loving people throughout the world to unite.

Madam Speaker, it is my goal to help find a permanent home for Dark Elegy that can be visited by as many people from as many nations as possible. From its current display in my district, this memorial has assumed a unique role in both healing and remembrance for many individuals and families. It has been visited by families affected by terrorism including families of the victims of the September 11th attacks and by families of murdered children whose loss, while not terrorism-related, was equally painful. It is through their voices that the Lowensteins repeatedly heard, and continue to hear, the expressed belief that Dark Elegy should be placed somewhere prominent where people from all over the world can visit and experience it themselves.

It is important to note that establishing this memorial would not cost taxpayers any additional public funds. Once a permanent location is found, the artist and her family will donate the memorial to the public. Also, the artist and her family will personally finance the casting of each figure in bronze assuring the longevity of the sculptures that make up the memorial. It is their strong belief that this is an appropriate use of the money paid to them from the Libyan Government following the Pan Am 103 tragedy in 1988.

Madam Speaker, I ask my colleagues to please join me in cosponsoring this legislation, and I call upon the committees of jurisdiction and our leadership to consider it pursuant to the Commemorative Works Act and related legislation in order to secure a permanent location for this worthy and poignant memorial to all victims of terrorism.

WELCOMING HONOR AIR

HON. HEATH SHULER

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 1, 2007

Mr. SHULER. Madam Speaker, I rise to welcome World War II veterans from my home district to Washington, DC. I am honored to welcome these members of the Greatest Generation to Washington to visit the National World War II Memorial.

For the past year Honor Air of Henderson and Buncombe counties has provided trips free of charge for World War II Veterans to ensure that they would have an opportunity to see the memorial which honors their service to our nation, and remembers their comrades in arms who never made it home. I would like to offer my sincere gratitude to the dedicated volunteers of Honor Air for making these trips possible.

World War II was a defining moment for our country during the 20th century. The men and women who served in uniform during that war dedicated their lives and spirit to guiding our Nation through some of its most trying hours. On behalf of all the residents of North Carolina's 11th District, I offer our deepest appreciation.

The National World War II Memorial was opened to the public in May of 2004, and has been visited by millions of visitors. Built to honor the 16 million Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, and Merchant Mariners who served our Nation during World War II, the National World War II Memorial serves as a reminder of their sacrifice and service to the American people. I am thankful that we have finally found a permanent memorial here in the Nation's capital to honor their service.

DR. THOMAS C. HO

HON. TED POE

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, October 1, 2007

Mr. POE. Madam Speaker, the Texas State University System (TSUS) recently announced the establishment of the TSUS Regents' Professor Award to honor outstanding performance and contributions of its professors.

These "stars of academia" bring attention to their campuses through their distinguished teaching, accomplishments in research, scholarly activities, service at the local, state, and national levels, and commitment to their colleges and universities.

On August 16, 2007, Dr. Thomas C. Ho, a Lamar University Professor in the Chemical Engineering Department was one of six outstanding faculty members to be recognized as the first recipients of the Regents' Professor Award.

Dr. Ho has had a 25-year long teaching career at Lamar University. He, shapes his students through his unique and challenging teaching methods and projects. His exceptional student evaluations attest to his commitment to their success, and their appreciation of his efforts.

As a member of the AIChE Fluidization Committee, and ASME Industrial Waste Committee, Dr. Ho has received numerous teaching awards, including the Amoco Teaching Excellence Award, the Lamar University Teaching Bonus Award, and the Certificate of Recognition awarded by the International Incineration Conference.

With expertise in thermal treatment of hazardous and industrial wastes, fluidization and fluidized bed combustion & incineration, metals and sulfur emission control, mercury sorption and desorption on sorbents, it is obvious why he received the International Incineration Conference's Outstanding Service Award four times.

Dr. Ho currently has active research projects in metal capture by sorbents during fluidized bed technology for metal emissions control; development of two-state fluidized bed technology for metal emissions control; sorbent technology for multipollutant air emissions control; and statistical study of PM–10, PM–2.5, and PM–1.0

Dr. Ho also has illustrative papers and presentations on metal capture during fluidized bed incineration wastes contaminated with lead chloride; metal behavior during fluidized bed thermal treatment of soil; and adsorption and desorption of mercury on sorbents at elevated temperatures.

Dr. Ho's passion for students, his research projects and publications, and contributions to professional societies earned him this top honor. I am proud to recognize his contributions in the Second Congressional District.

And that's just the way it is.

HONORING OFFICER CHRISTOPHER PFEIFER

HON. ADRIAN SMITH

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 1, 2007

Mr. SMITH of Nebraska. Madam Speaker, today I rise to remember a brave young man from the Third District, Pfc. Christopher Pfeifer, who passed away last week from wounds suffered in Afghanistan on August 17 when his unit came under enemy fire. He was assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team.

A talented young man, Chris has been described as the type of person who gave his very best at everything he did, and who loved the Army. Chris' death came just days before his wife, Karen, gave birth to their first child, a baby girl.

Words cannot express our gratitude for Chris' service to our country, or the loss of such a brave individual.

HONORING JOHN JOSEPH "JACK" HEALY

HON. LYNN C. WOOLSEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 1, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor John Joseph "Jack" Healy, former Santa Rosa mayor and city councilmember, who died recently as a result of a traffic accident. Jack, who was 81, was known for helping others and promoting education.

Because of his delightful personality, Jack was a top vote-getter in elections. He served the city for a dozen years before retiring because of heart problems.

In civic affairs, Jack did his homework on the issues and was known for treating people—even those who disagreed with him—with respect. Friends say that because of this, he had no enemies.

"He was one of the kinder, more thoughtful City Council persons, who didn't just look at the technicality of the issue, but how it impacted people," longtime friend and former council colleague Schuyler Jeffries told reporters upon hearing the news of Jack's death.

Before becoming involved in politics, Jack joined the business faculty at Santa Rosa Junior College. Perhaps because of his own struggles to get a college education, Jack worked to help others achieve this accomplishment, and eventually he became dean of the campus evening program.

"I always was impressed by his desire to give people a hand up who needed it," his son, Mike Healy, says. "He went out of his way to help people better themselves in life."

The son of Irish immigrants—his father was a copper miner who died when Jack was young—Jack dreamed of going to college. Thanks to the GI Bill, that dream was realized after World War II, when he attended San Francisco State University. There, he met his wife, Sharon, to whom he was married for 54 years until her death in May. The couple had 2 sons, Mike and Matt, who survive them, along with 2 grandchildren, Megan and Tom.

Jack was a well-liked member of the "old gray mayors," an informal group of former city leaders, and continued to remain active in local affairs even after his retirement, serving for eight years on the Sonoma County Library Commission.

Madam Speaker, I would like to honor a man who served his community not only wisely but also well. Jack will long be missed.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, October 1, 2007

Mr. AL GREEN of Texas. Madam Speaker, today I was unavoidably delayed and missed the vote on final passage of H.R. 3121, The Flood Insurance Reform and Modernization Act of 2007 (Rollcall 921). Although H.R. 3121 passed by a vote of 263–146, I respectfully request the opportunity to record my position.

Had I been present I would have voted "yea" on Rollcall 921.

HONORING OUR ARMED FORCES AND CONDEMNING RUSH LIMBAUGH'S ATTACK ON "PHONY SOLDIERS"

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a resolution to affirm that our soldiers have the freedom to speak about the war in Iraq. As a Member of the House Armed Services Committee, I believe it is important to express opposition to the view that American soldiers who do not embrace the policies of the Bush Administration lack the skills to do the job of protecting their country or lack the willingness to make the ultimate sacrifice in service of their country.

Madam Speaker, as a general principle it should not be the business of Congress to condemn or applaud the publicly expressed views of private citizens. If we took note of every stupid, ignorant or asinine utterance in the public square we would have little time to focus on the important issues facing this nation.

Moreover, I believe firmly in the right of every American to speak his or her mind freely. Even the most outrageous and offensive speech is, and should be, protected by the first amendment of our constitution. Our citizens should be free to express their political views without expecting Congress to act as a kind of imperious censor or arbiter of what is acceptable, intelligent or in good taste. Instead of passing resolutions condemning the political views of others, I think the preferred approach for Congress as an institution is to stay above the partisan fray and let individual Members express their personal, as opposed to institutional, views about the free speech of others.

There are times, however, when I believe this body should speak collectively—and that is in those rare circumstances when the speech of prominent Americans, media personalities or political organizations is so outrageous and divisive that it commands the attention of every Member. We can respect the first amendment rights of others without giving up our own right to speak out freely and collectively in this body.

In this regard, I believe remarks by a prominent conservative talk-show personality, Mr. Rush Limbaugh, deserve a rebuke from the Congress. Democrats and Republicans alike should find his attack on our men and women in uniform both offensive and deplorable.

Specifically, Mr. Limbaugh suggested that soldiers who oppose the Bush Administration's policy in Iraq are "phony soldiers." The clear implication of his remarks leaves no doubt. Mr. Limbaugh used his syndicated radio program to impugn the character of those American servicemen and women who have spoken out against the policies of the Bush Administration.

I believe that Congress should make clear that our soldiers, whatever their rank and whatever their views, deserve to be honored for their service. I believe Congress should make clear that Mr. Limbaugh's use of the term "phony soldiers" is beneath contempt. I believe Congress should remind Mr. Limbaugh that the men and women who serve in our military do so, not as Republicans, conservatives, Democrats or liberals, but as Americans.

Madam Speaker, it is not my intention to advance a partisan message with this resolution. Nor is it my intention that Congress waste time and effort in exposing partisan hypocrisy, however tempting that goal may be.

It is my intention, however, to make clear to the men and women serving in uniform, many of whom are risking their lives on foreign soil to defend our civil liberties, that it is not acceptable for anyone to accuse them of being "phony" or false patriots because their political views may differ from those of their commander-in-chief.

To suggest that a soldier's sacrifice is somehow made less worthy by expressing his or her opinion betrays a view of military service so cramped as to be unrecognizable to most Americans—Republicans or Democrats. I can say with full confidence that that is not the opinion held by those of us who serve on the Armed Services Committee. Congress should make clear that it rejects this narrow view as well.

That is the underlying purpose of this resolution, and I ask my colleagues to join me in embracing the underlying message.

TRIBUTE TO CARL A. LABARRE, LATE A FORMER SUPERINTENDENT OF DOCUMENTS, U.S. GOVERNMENT PRINTING OFFICE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, as chairman of the Committee on House Administration and of the Joint Committee on Printing, I wish to pay tribute to Carl A. LaBarre, who served the U.S. Navy faithfully and well during his career, and who then brought a similar standard of service to the Government Printing Office, where he led his staff in improving public access to Government information.

On October 4,2007, Carl LaBarre will be laid to rest with full honors in Arlington National Cemetery. A Montana native who attended the University of Montana and later the Naval War College, the Naval Post Graduate School, and the Harvard Graduate School of Business Administration, LaBarre was a career U.S. Navy officer who retired as Inspector General of the Naval Supply Systems Command in Washington, DC, with the rank of Captain. During his service he earned the Legion of Merit, the Navy Commendation Medal, and the Department of Defense Joint Service Commendation Award. Perhaps most significantly, especially to those of us who have been watching Ken Burns' latest documentary The War, then-Ensign LaBarre earned recognition for service in the best tradition of the Navy on December 7, 1941, while "effecting the rescue of personnel trapped below decks" on the battleship USS *California*, which was badly damaged in the Japanese attack on Pearl Harbor, Hawaii.

As noteworthy as it was, Carl LaBarre's career did not end with his service in the Navy. In 1971, he joined the GPO as Deputy Director and then Director of its Materials Management Service, which was responsible for keeping the GPO supplied with paper, ink, equipment, and all the other materials required to accomplish its work. In 1975, then-Public Printer Thomas McCormick appointed him Superintendent of Documents, a statutory position which is responsible for the public distribution of all Government documents via sales, distribution to Federal depository libraries, and the international exchange program. From that post LaBarre directed a nationwide network involving warehouse-based mail order operations, 25 bookstores in major metropolitan areas, and depository libraries in virtually every State and congressional district; during his tenure, the numbers of depository libraries increased from 1,170 to 1,367, broadening the reach of the program across America. Sales also increased, from $34.5 million annually when he took office to $55 million by the time LaBarre retired in 1982.

The hallmark of Carl LaBarre's service as Superintendent of Documents was his effort to improve the management of GPO's documents distribution operations and increase customer satisfaction. He adopted modern information technology and worked to make GPO's customer services comparable with those of private-sector firms. In the Federal Depository Library Program, LaBarre supported the automation of the Monthly Catalog of U.S. Government Publications, which transformed the world of bibliographic control for Government documents. He supported microfiche conversion of Government documents, at that time seen as a primary means for providing depository libraries with scientific and technical documents printed in small numbers outside of GPO. He made the Depository Library Council an effective advisory body for the Public Printer and it remains so to this day. For his efforts he was commended by the American Library Association. LaBarre also received GPO's Distinguished Service Medal, the highest award the Public Printer can bestow, not once but twice for "his outstanding success in improving the management of the Documents operations and for creating an unprecedented era of customer satisfaction," and for "his exceptional leadership and his unparalleled achievements while serving as Superintendent of Documents."

Madam Speaker, I have not had the privilege of working with Carl A. LaBarre during my tenure on the Joint Committee on Printing. Those who did have the privilege attest that he was a remarkable man and a faithful, dedicated public servant. On behalf of the Joint Committee and indeed the entire Congress, I extend condolences to Carl LaBarre's family, friends, and former colleagues.

RECOGNIZING LES C. VINNEY

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. LATOURETTE. Madam Speaker, I rise today to recognize Les C. Vinney, a resident of the 14th Congressional District of Ohio, who retired at the end of September from his position as President and Chief Executive Officer of STERIS Corporation in Mentor, Ohio.

Mr. Vinney joined STERIS as Chief Financial Officer in 1999, and from July 2000 through September 2007 he served as President and CEO. Mr. Vinney presided over a period of unprecedented growth at STERIS, including a growth in revenue of more than 50 percent, a near quadrupling of stock values, and a rise in employment in Mentor from fewer than 400 employees to almost 1,000.

Mr. Vinney has innovatively led the way at STERIS, transforming it from primarily a healthcare company to one that has adapted its proven technologies for new markets. Most significantly, he established STERIS's Defense & Industrial Group to adapt and market STERIS's technologies to help businesses and government address the risks of biochemical contamination.

Following the anthrax attacks in 2001 that closed down much of Washington—including my congressional office—STERIS successfully completed the cleanup of State Department and the General Services Administration's mail processing facilities. Since then, he has briefed me regularly as STERIS has successfully conducted collaborative research and development work with the U.S. Army Edgewood Chemical Biological Center to adapt and modify STERIS's Vaporized Hydrogen Peroxide (VHP) technology for use against biological and chemical warfare agents.

Mr. Vinney is keenly aware that military applications can be applied to other settings, and has helped grow STERIS into a model for military, public and commercial applications of its technologies. The cutting-edge VHP decontamination system can be used to kill bacteria, viruses and spores in settings from operating rooms to jets, and was even used after Hurricane Katrina.

Beyond his work with STERIS, Les is a civic leader as well, and has served as Chairman of the Northeast Ohio Technology Coalition, an organization promoting economic and technology development in Northeast Ohio. He's also served on the boards of the Federal Reserve Bank of Cleveland, University Hospitals, the Greater Cleveland Partnership, and as a past chairman of the Lake County United Way Campaign. Outside Ohio, he also serves on the boards of Campbell Soup Company and the Advanced Medical Technology Association (AdvaMed).

I wish Les the best in his retirement, and know how much he is looking forward to spending more time with his wife, Linda, and their family. On behalf of the 14th Congressional District of Ohio, I congratulate Les on all of his fine work, and thank him for his leadership for Northeast Ohio and the nation.

HONORING LCDR TRACY G. DEWITT

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mrs. BLACKBURN. Madam Speaker, it is my honor and privilege to rise today on behalf of an Arlington, Tennessee resident, Lieutenant Commander Tracy G. DeWitt, who has devoted his life to defending the United States of America. Please join me in commending Commander DeWitt on a career spent serving our Navy and our Country. On October 1, 2007 he will retire after 24 years of service to a grateful Nation.

Born and raised in Gravette, Arkansas, Commander DeWitt began his service in the Navy by enlisting when he finished high school. After basic training in Orlando, Florida, Commander DeWitt completed tours in Diego Garcia and Pensacola, Florida before being accepted at Auburn University as part of the Navy's Enlisted Commissioning Program.

Commander DeWitt received a bachelor of science degree in Management and was commissioned as an Ensign in August of 1994. He has served aboard many of the Navy's finest ships, including the aircraft carrier USS *John C. Stennis*, the USS *Stout*, and the USS *Thomas Gates*. In August of 2004, Commander DeWitt was ordered to U.S. Naval Personnel Command in Millington, Tennessee, where he served as the Head of Sea Special Assignments and the Head of Enlisted Separations.

Along with completing both his Master's degree in Management from Troy State University and his doctoral work in Management from Northcentral University, Commander DeWitt has received numerous citations to include the Meritorious Service Medal, the Navy Commendation Medal, the Navy Achievement Medal and the Navy Good Conduct Medal.

Madam Speaker, please join me in again congratulating Lieutenant Commander DeWitt on his record of service and wishing him, his wife Gillis, and their three sons Tyler, Justin and Andrew a fulfilling and enjoyable retirement. May God bless him and his family.

NEW MISSION AT CANNON AIR FORCE BASE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. UDALL of Mew Mexico. Madam Speaker, earlier today, the 27th Special Operations Wing (SOW) assumed control of Cannon Air Force Base, becoming the Western base for the Air Force Special Operations Command (AFSOC). This is a great day in the history of the Air Force, and I am proud to represent the brave men and women in uniform who will be serving as the "tip of the spear" at Cannon in defense of our nation.

First, I must note the closing of an honorable chapter in the history of Cannon, the departure of the 27th Fighter Wing. In October 1951, the 140th Fighter-Bomber Wing was established as the first Air Force mission at Cannon. Over the next eight years, various missions and units were housed at the Eastern New Mexico base until 1959 when the 27th Tactical Fighter Wing was activated. Since that time we have seen thousands of soldiers serve at Cannon, providing the air support and fighter capability with great distinction. I would like to personally acknowledge Colonel Scott West for his steadfast command of the 27th over the past year and a half.

The changing of command that occurred this morning swept in a new era for the base. Colonel Timothy Leahy, who is not new to New Mexico having served three separate missions at Kirtland Air Force base, has assumed command of the 27th SOW. There is no doubt that this elite group of soldiers will bring substantial pride to our state and I hope that in the coming months they feel as comfortable calling New Mexico home as the previous occupants at Cannon.

Finally, for two long years the communities of Clovis and Portales worked strenuously with unwavering determination to ensure that its Air Force base would not be closed. I want to recognize the tireless, selfless leadership of General Hanson Scott, Randy Harris, Mayors David Lansford and Orlando Ortega, and the entire Committee of 50 in working to bring AFSOC to Cannon. I am certain that the men and women of the 27th SOW will find assistance, comfort and camaraderie in the neighbors of Clovis and Portales.

I look forward to seeing the years ahead as the 27th SOW grows and matures. In times of war and in times of peace, these dedicated soldiers will serve with staunch perseverance and patriotism. I am honored to represent them and I pledge to work with them as they continue the rich, storied history of Cannon Air Force Base.

IN HONOR OF CORPORAL JASON L. DUNHAM

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. KUHL. Madam Speaker, the poem below was written by Albert Carey Caswell in honor of Corporal Jason L. Dunham of the United States Marine Corps. Corporal Dunham gave his life for his country while serving in Iraq, absorbing the brunt of a grenade explosion in a selfless act of bravery on April 14, 2004, thereby saving the lives of two of his fellow Marines. Corporal Dunham's undaunted courage, intrepid fighting spirit, and unwavering devotion to duty in the face of certain death earned him the Medal of Honor, our Nation's highest award for valor, on January 11, 2007. Corporal Dunham is survived by his family in Scio, New York.

One,
One Fine Thing . . .
As to this our world, your heart so surely brings!
All in your choices,
All through your most sacred inner voices . . .
As to our Nation, the blessings you've bestowed upon her . . . which so ring!

All in The Face of Death,
When, your oh so magnificent courage so seems to crest!
For in these, are the things which so makes an angel's heart sing . . . no less!
All in that moment!
There between life and death, A Freedom Fighter . . . at his best!
All in these moments, of which we are now so left . . . to carry with us, until our deaths!
Children of God!
Who cry, when their brothers and sisters in arms . . . so fall and die!
Yet, marching on . . . ever onward until the evil is gone, as where courage is born!
To Give All!
To Hear That Most Noble Of All Calls!
To go forth, in that of death's course . . . for One Fine Thing, While Standing Tall!
To give up your young promising life!
To go so boldly forth, all in your course . . . and so gallantly to sacrifice!
But All, to stand In The Shadow of Death . . . and not look away, nor think twice!
Rise . . . to Heaven, my Fine Son!
Jason, for you in your angelic glow . . . have Heaven so won!
As you died, so others may live . . . your life, the most precious of all gifts one could give!
While, in That Moment,
When, who lives and who dies . . . where the most splendid of all courage so lies!
As it was you, Jason the one so who my fine son . . . The Congressional One, who so gave his life!
As now I cry!
Knowing full well, how so beautifully you died . . .
Maybe a child, who'll save the world . . . a boy or girl, from that One Fine Thing unfurled which lies!
To bring, in your being . . . and in your life . . .
Could you, would we, would you . . . the courage find, in this your life's meaning so divine!
To somehow find, to give to this our world all in our time . . . but, One Fine Thing!

PSORIASIS AND PSORIATIC ARTHRITIS RESEARCH, CURE, AND CARE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today in support of the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act, H.R. 1188 and to encourage my colleagues to lend their support.

According to the National Institutes of Health (NIH) as many as 7.5 million Americans are affected by psoriasis—a chronic, inflammatory, painful, disfiguring and disabling disease for which there is limited treatment and no cure. Ten to thirty percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. On average, there are 17,000 people living with psoriasis and psoriatic arthritis in each congressional district.

Cristy Boisvert is one constituent in my district living with psoriasis. Cristy was diagnosed with psoriasis when she was 6 months old. Growing up with psoriasis was difficult. Her mother spent countless nights applying medication to her scalp, followed by countless mornings washing the greasy mess out of her hair before school.

In junior high, Cristy played on the basketball team. One day she wore shorts to practice, which revealed the flaky psoriasis plaques on her legs. Her friends stood around making fun of her. They called her "Fungi" because they said it looked like mushrooms were growing on her legs. You can only imagine how much those words hurt her.

When Cristy was 20, she began to think about whether she wanted to have children. She reflected back on all of the grief that living with psoriasis caused her and questioned whether she wanted to take the risk of passing that down to another human being.

Cristy is now in her 30s, and she is ecstatic about the fact that she can do something positive about psoriasis. As an active member of the National Psoriasis Foundation, she is working to ensure that young people in the future will not have to endure the same ridicule that she did.

The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act will expand psoriasis and psoriatic arthritis research and ensure access to care and treatment for these diseases. Despite the serious adverse effects that psoriasis and psoriatic arthritis have on individuals and families, psoriasis and psoriatic arthritis are under-recognized and under-funded by our nation's research institutions and public health agencies. On average, the NIH has spent less than one dollar for each person with psoriasis in the last ten years. H.R. 1188 calls on the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research on psoriasis and psoriatic arthritis and to coordinate those efforts with the NIH. The bill directs the Centers for Disease Control and Prevention to develop a patient registry to collect much-needed longitudinal data on psoriasis and psoriatic arthritis so we can begin to understand the long-term impact of these conditions and evaluate the effects of various therapies.

Of serious concern is that people with psoriasis are at elevated risk for a myriad of comorbidities, including, but not limited to, heart disease, diabetes, obesity and mental health conditions. To help address this, H.R. 1188 authorizes the Secretary of Health and Human Services (HHS) to convene a summit of researchers, public health professionals, representatives of patient advocacy organizations and policymakers to review current efforts in research, treatment, and quality-of-life maintenance being conducted by federal agencies whose work involves psoriasis and psoriatic arthritis and their related comorbidities. Lastly, the legislation also directs the Secretary of HHS to commission a study from the Institutes of Medicine to evaluate and make recommendations to address health insurance and prescription drug coverage as they relate to medications and treatments for psoriasis and psoriatic arthritis.

I thank the National Psoriasis Foundation for all of its efforts and leadership over the last four decades, and am grateful to the Foundation and its members and staff for their ongoing commitment to improving the quality of life for those with psoriasis and psoriatic arthritis in my district. I also would like to personally thank my constituent, Cristy Boisvert, for all her work.

I urge my colleagues to join me in cosponsoring the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

IN RECOGNITION OF THE NAVAL AVIATION TORPEDO SQUADRON THREE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. RODRIGUEZ. Madam Speaker, the men and women who served their country during World War II deserve our deep respect and reverence. The Naval Aviation Torpedo Squadron Three (VT–3) embodies the spirit and achievement of this era, through their bravery and sacrifice. Today we honor their sacrifice.

VT–3 served valiantly in the Pacific while assigned to both the carriers *Yorktown* and *Saratoga*. While on the *Yorktown*, the squadron was pivotal in the victory at the battle of Midway. The squadron lost many pilots and planes, but the VT–3 squad regrouped and still participated in the Pacific theatre.

In the Philippines, South China Sea, and Japan, the VT–3 squad flew with valor. They provided air support in the invasions of Leyte, Luzon, and Iwo Jima. They flew missions over Hong Kong and Okinawa, as well as taking part in the first strikes on Tokyo.

They are an example of exemplary service and heroism. The squadron earned four Presidential Unit Citations, six Asiatic-Pacific Campaign Medals and the prestigious silver star was awarded to Lt. Frank F. Frazier for his actions in the battle of Formosa.

The Naval Aviation Torpedo Squadron Three fought valiantly to defend our Nation, flying some of the most difficult and dangerous missions in the Pacific Theater. Through their sacrifice, our Nation endured, earning our lasting honor and respect.

As a Member of the 110th House of Representatives, I hereby commend the members of the Naval Aviation Torpedo Squadron Three for their gallantry and service during World War II and we extend to them our sincere best wishes in the future.

AMERICAN FAMILY FARM AND RANCH PROTECTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. BLUMENAUER. Madam Speaker, today I am proud to join with my colleague, Representative PHIL ENGLISH, to introduce the American Family Farm and Ranch Protection Act," which will help conserve and protect our nation's vital lands, farms, and ranches.

The voluntary placement of a conservation easement on private land is a very effective and successful tool for protecting and conserving our Nation's open spaces and sensitive lands.

In 1997, in order to encourage the conservation of sensitive lands and farms, Congress enacted an estate tax exclusion for land placed under a conservation easement. Unfortunately, the original bill capped the exclusion at $500,000. Our bill would update and increase this estate tax exclusion to $5 million.

Given the significant rise in land values over the past decade, the increased exclusion provides a meaningful and in many cases necessary increase in the estate tax incentive as a way to encourage and allow individuals to place conservation easements on their land.

Our Nation's family farmers, whose most significant asset is often their land, provide a glaring example of why this legislation is needed. When the owner of the farm dies, surviving family members are often forced to sell all or a significant portion of the farm just to pay the estate tax bill. This legislation would help ensure that families are not forced to sell the farm and that their land resources are available for agricultural use by future generations.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Thursday afternoon, September 29 on very urgent business.

Had I been present for the two votes which occurred I would have voted "no" on H.R. 3567, rollcall vote No. 922; I would have voted "aye" on H.R. 3567, rollcall vote No. 923.

PAYING TRIBUTE TO THE ORANGE COUNTY CHAMBER OF COMMERCE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor the Orange County Chamber of Commerce in Montgomery, New York as it celebrates two significant events in the history of its organization. The Chamber is marking the 10th anniversary of the merger of Orange County's two major chamber organizations, which united to form the current Chamber of Commerce on this day in 1997. Additionally, the Chamber is commemorating the 125th anniversary of the formation of one of the predecessor chambers in 1882.

In recent years, Orange County has consistently ranked as one of the fastest growing counties in New York State. As this growth has occurred, the Orange County Chamber of Commerce has provided critical leadership in creating and supporting an environment in which business will succeed while also working to enhance the quality of life throughout Orange County's communities. The Chamber continues to serve as a consistent and effective advocate for businesses throughout Orange County and the Hudson Valley region.

Through their committed efforts and diligence, the Board of Directors and staff at the Chamber have expanded its membership to nearly 2,400 businesses and individuals, making it one of the ten largest in the State of New York and the largest between Long Island and Albany. This strong network of community and business leaders coupled with the technical support, expertise and promotional services provided by the Chamber has contributed to the ongoing expansion of business opportunities in Orange County.

Madam Speaker, I am delighted to salute the Orange County Chamber of Commerce on the anniversary of these important milestones. I'd like to congratulate Chamber President John A. D'Ambrosio, outgoing Board President Kunwar Nagpal, and incoming Board President Jim Smith for their leadership and hard work. I'd also like to recognize the Board of Directors, staff, and members of the Chamber for their dedicated efforts to make Orange County, New York a better place to live, work and visit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 2, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine combating genocide in Darfur, focusing on the role of divestment and other policy tools.

SD–538

Foreign Relations

To hold hearings to examine the nominations of Gail Dennise Mathieu, of New Jersey, to be Ambassador to the Republic of Namibia, William Raymond Steiger, of Wisconsin, to be Ambassador to the Republic of Mozambique, Dan Mozena, of Iowa, to be Ambassador to the Republic of Angola, and Eunice S. Reddick, of New York, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe.

SD–419

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine the Nuclear Regulatory Commission's reactor oversight process.

SD–406

Aging

To hold hearings to examine veterans health, focusing on ensuring the care of aging heroes.

SR–325

10:30 a.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine S. 772, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine pandemic influenza, focusing on state and local government efforts to prepare.

SD–342

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine Burma's saffron revolution.

SD–419

OCTOBER 4

9:30 a.m.

Armed Services

Business meeting to consider the nominations of John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, Douglas A. Brook, of California, to be an Assistant Secretary of the Navy, and Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

SD–106

Foreign Relations

To hold hearings to examine united Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39).

SD–419

Indian Affairs

To hold an oversight hearing to examine the backlogs at the Department of the Interior, focusing on land in to trust application, environmental impact statements, probate, and appraisals and lease approvals.

SD–628

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the regulation and supervision of industrial loan companies.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine the security of our nation's seaports.

SR-253

Judiciary

Business meeting to consider S. 1640, to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck, S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. Res. 326, supporting the goals and ideals of a National Day of Remembrance for Murder Victims, H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety, and the nomination of Thomas P. O'Brien, to be United States Attorney for the Central District of California.

SD-226

Joint Economic Committee

To hold hearings to examine the cost of mass incarceration in the United States.

SH-216

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold hearings to examine S. 2045, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs.

SR-253

Judiciary

To hold hearings to examine the implementation of the Hometown Heroes Survivors Benefits Act.

SD-226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine forestalling the coming pandemic, focusing on infectious disease surveillance overseas.

SD-342

OCTOBER 17

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs and Department of Defense collaboration, focusing on the report of the President's Commission on Care for America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission, and other related reports.

SD-562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the digital television transition, focusing on government and industry perspectives.

SR-253

OCTOBER 18

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine science parks, focusing on bolstering United States competitiveness.

SR-253

OCTOBER 24

9:30 a.m.

Veterans' Affairs

To hold hearings to examine to consider pending legislation.

SD-562

OCTOBER 31

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine vocational rehabilitation.

SD-562

SENATE—*Tuesday, October 2, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, make us instruments of Your love. Use our Senators today as ambassadors of reconciliation. Direct them in their work, and surround them with Your gracious favor. Let all their plans and purposes be in accordance with Your holy will. May their primary aim be to serve You and country with faithfulness. Enlighten them by Your holy spirit so they will find solutions to the problems that challenge our world.

Lord, make them good stewards of their calling, guiding them to use their influence for Your glory. Inspire their minds, assist their wills, and strengthen their hands that they may not falter or fail. And when this day's work is done, give them refreshment of mind, spirit, and body.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today each side will have a half hour in morning business. The Republicans have the first half, the Democrats the final half. Following that, the Senate will begin consideration of one of the most important bills we do here every year; that is, the Defense appropriations bill. That will be led by Senators INOUYE and STEVENS. The Senate will recess today from 12:30 to 2:15 for the regularly scheduled party conference meetings. We want to finish this bill as quickly as possible and move to Commerce-State-Justice, which is also important, dealing with law enforcement. We also have some judges we would like to get rid of this week, if at all possible. We have a circuit court judge and a number of district court judges. We need to finish these items this week so that we can come back and start the Labor-HHS appropriations bill, which is extremely important. If we finish these 2 bills, we would have half of them done this year, which is good.

We have received tremendous cooperation from both sides to move through the bills. I hope we can continue to get that cooperation on this bill. I am confident there will be some amendments offered. Some of them will have points of order against them because of too much money and they are legislating on appropriations bills. Maybe those Senators won't offer them if they check with the Parliamentarian first. But we hope we can move through this bill very quickly.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

BURMA

Mr. McCONNELL. Mr. President, the British statesman Edmund Burke once wrote: "When bad men combine, the good must associate." Such vivid moral clarity is nowhere better reflected than in the recent events involving Burma.

In Burma, we have indeed witnessed the combination of bad men—a combination of corrupt military junta leaders and compliant thugs in the Burmese security forces.

This combination recently carried out the brutal suppression of peaceful protests in Burma, killing and imprisoning untold numbers of nonviolent demonstrators, including scores of Buddhist monks.

What is now needed is for the good to associate.

The global struggle against terrorism has compelled us to increase our foreign policy engagement in places such as the Horn of Africa, Indonesia, and the Philippines.

In the coming decades, we must realize that China and India are two countries that will play a larger role on the world stage.

One would have hoped that as India takes on a greater role as a regional power, and as a growing economic power, that pro-democracy elements within Burma could look to associate with its next-door neighbor, the largest democracy on the planet.

Our Nation is pursuing a closer relationship with India in terms of military-to-military contacts and in the development of nuclear energy. India should be wary of coddling the junta in Burma.

The Association of Southeast Asian Nations, ASEAN, recently put out a strong statement condemning the brutality in Burma. Instead of echoing the sentiments of Burma's ASEAN neighbors, the Indian Government has only issued tepid statements at best.

In so doing, India has put itself in league with China and Russia.

This is all the more troubling since India had been supportive of Burmese reformers in the early 1990s.

As India assumes a greater role on the world stage, more will be asked of it, and this is just such a case. India needs to recognize that responsibility and abstain from supporting the military junta in Burma.

India needs to use its influence as Asia's longest-lived democracy to associate with the pro-democracy forces of Burma and press for reforms.

Understandably, India has important interests in its neighbor to the east. For one, India wants to counter the influence of China in Burma. That said, it should look beyond its near-term interests.

What better way to blunt Chinese influence in Burma than to work to bring about a Burma that reflects the Indian

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

values of democracy and openness, rather than a Burma that reflects the antidemocratic values of the Chinese Government?

Mr. President, I strongly urge the Indian Government to reconsider its position on Burma; to speak directly to the regime's recent actions; and to work for the cause of democracy and reconciliation in Burma.

Only then can the combination of bad men leading Burma be checked.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for 10 minutes each and with the time equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

PASSING APPROPRIATIONS BILLS

Mr. CORNYN. Mr. President, yesterday marked the beginning of a new fiscal year, when all of our projected spending for the next year ought to have been budgeted and allocated to the appropriate programs and Federal agencies. Unfortunately, we have yet to see a single appropriations bill be sent to the President. Four appropriations bills that have been passed are still in conference: The Homeland Security appropriations bill, the Military Construction and Veterans' Affairs appropriations bill, the State and Foreign Operations appropriations bill, and the Transportation, Housing, and Urban Development appropriations bill. But those are stuck in conference and none have been sent to the President for his signature.

What is worse, the remaining 8 were never even brought to the floor for consideration by the Senate majority leadership before the end of 2007. One, of course, will be taken up this week—the Defense appropriations bill.

Any business leader or small business owner in America can tell you that entering the fiscal year without an approved budget plan is disastrous policy. But in Washington, we have grown to accept that the Federal Government can basically hold the American taxpayer to a double standard: Do what we say and not as we do. In Washington, we have come to accept that we don't have to budget or pay our bills on time to keep the lights on. Instead, we can pass a law saying it is OK—which we did last week, a continuing resolution, which keeps Government basically on autopilot until November 16 and, as I said, that is a double standard the rest of America is not allowed to meet. Only Congress, only Washington, can do that.

This mentality of fiscal irresponsibility is a disturbing trend. Americans rightly expect us to keep the country running, but to keep it running efficiently and keep it running well, and to be good stewards of the taxpayers' dollars. We can't do that when we legislate on borrowed time and fail to pass any appropriations bills by the end of the fiscal year. Zero for 12 is a dismal average, even for the Senate.

Despite harsh criticisms for failing to pass all appropriations bills last year, the new majority has failed to pass a single appropriations bill when given the chance this year. Passing appropriations bills is "the most fundamental job Congress is expected to do." That is a quote from our colleague, majority whip DICK DURBIN, December 2006 in the New York Times.

Senator HARRY REID, the current majority leader, said in May of 2007: "The 'Do-Nothing' Republican Congress failed to pass the appropriations bills."

Now we find that notwithstanding their promise of new leadership and change, that situation bears all too similar a comparison to what they complained about last year.

But the lack of urgency in passing these bills is only a part of the problem. My colleagues in the majority have used a few appropriations bills that have been brought forward as a vehicle for their political agenda, and increased spending on expanded social programs and pet projects.

As we debated the Defense authorization bill week after week, the majority party delayed the bill's approval by trying to add and, in fact, successfully adding, in some instances, unrelated amendments—amendments dealing with Federal hate crimes legislation, and immigration was even considered during the debate. Ultimately, these tactics wasted valuable time and delayed essential resources our military is counting on.

As each minute, each day, and each week passes by, we come closer and closer to what is known as an omnibus appropriations bill. For those outside the Washington bubble, let me say that "omnibus" is sometimes translated as "grab your wallet." An omnibus appropriations bill tends to be loaded down with a lot of excess spending and unrelated pork.

If the appropriations bills we have debated thus far are any measure, we are in for major trouble. The spending proposals—an extra $205 billion on top of the President's budget request over the next 5 years—will force American taxpayers to send even more of their hard-earned pay to the Federal Government. We should instead be working to return their hard-earned money to the American people, or rather allow them to keep it in the first place as much as possible.

Now that we have already missed our own deadline for appropriations, it is time we get serious about these spending bills. I encourage all of my colleagues to join me and vote to pass timely and responsible appropriations bills and reverse this trend of fiscal apathy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak and to have that time allocated toward the majority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET PROCESS AND CHILDREN'S HEALTH CARE

Ms. STABENOW. Mr. President, a colleague and friend of mine on the other side of the aisle spoke a few minutes ago about the budget process. I come today to specifically talk about children's health care, but I think it is important to respond to what was said as it relates to the budget process and adopting a budget by October 1.

I was thinking as he was speaking, I have been here now—this is my seventh year, my seventh budget process. We have never met the October 1 deadline—never. In fact, I am not sure I remember having done it in the House when I was there for 4 years, either. We all know it is a nice political argument to make on the floor of the Senate, but it has no credibility because the reality is the October 1 deadline is something that is difficult to meet and we usually work through the fall on the budget. Everybody knows that.

What I think is significant, though, is the fact that if we are going to hold to that test as the test of responsible leadership, 6 of the last 7 years the Republican majority was in charge and 6 times they did not meet an October 1 deadline. In fact, last year, they never got a budget passed at all—at all. We came in as the new majority and had to pick up the pieces and figure out how to keep the Government going for the last half of the year. So I find it disingenuous—and I would say this to my friend if he were here—to come to the floor and make great political speeches and great theater. The reality is we all on both sides of the aisle know that the appropriators are working together now, coming to the floor on a bipartisan basis, to do what we do every single year—every single year in October and November and, unfortunately, at times into December.

But what I am very proud of is the fact that our leader, Senator REID, and our leadership in our caucus take very seriously our responsibilities on the budget; not only putting a budget in place, but a budget with the right values, the right priorities. We are changing the priorities on behalf of the people of this country. We are changing the priorities as they relate to funding the troops and pay raises and making sure our troops have what they need. We are changing the priorities. We will be dealing with a bill later this week as it relates to the Commerce, Justice, and State appropriations where we are going to stop the cuts the President has made in law enforcement, in the COPS program, in the FBI, and in juvenile justice and drug enforcement. We will work to reinstate that and refocus us on those things that keep our communities safe, keep America safe.

I am very proud of that. I am very proud of the priorities we have been putting in place as relates to this budget. On top of that, we are not digging a bigger hole as it relates to the deficit of this country, because we have returned to a policy that was in place under the former administration, under President Clinton, that simply says if you are going to spend dollars, you have to pay for it. You either have to cut some place in order to increase another or you have to raise revenue. It is a basic principle. It ought to be a no-brainer. But that has been suspended in the last 6 years, creating the largest deficits in the history of the country.

I am happy to come to the floor and talk about budgets and process, and I am very proud of the direction we are going in.

I am also very proud of what we have done as it relates to another absolutely critical priority, and that is children's health care. We have a health care system for low-income individuals called Medicaid. If you work, 2 parents or a mom may be working 2 jobs, maybe 3 minimum-wage jobs to try to make sure she pays the bills and has a roof over her children's heads and food on the table, chances are she is a low-income working parent, or a couple working together, a dad working for his children. Chances are health care is going to be too expensive—just too expensive to buy in the individual market if you don't have it through the place where you work.

Ten years ago this Congress came together in a bipartisan way under a different President to say: We want to help families who are working hard every single day, who care about their children and who are doing everything they can to do the right thing—the values we should be supporting in this country, of hard work, family, and caring about our kids.

We want to help them by putting in place a children's insurance program so that at least the children of low-income working families are able to get the health care they need. It has been a huge success. We have overwhelming support from Governors, Republicans and Democrats, and State legislatures. In fact, this is the ultimate in strange bedfellows. We have the U.S. Chamber and the business community, the labor community, health care providers, children's advocates, and consumer advocates; we have the broadest possible group of Americans with the broadest possible interests that have come together to work with us to be able to design an extension of children's health care and, in fact, to be able to include additional children who qualify under that program for working families. We passed that on a huge bipartisan vote in this Senate—enough to override a Presidential veto. The House of Representatives passed it with a very large bipartisan vote.

Today, the President, we assume, will be getting this bill. There is only one thing standing between 10 million children getting health insurance in this country, the parents of 10 million children being able to sleep a little easier tonight—there is only one thing standing between that happening and those families and that is the signature of the President of the United States.

So I am here today, as colleagues on both sides of the aisle have done, to thank our leadership—Senator REID and the bipartisan leadership of Senator MAX BAUCUS, Senator GRASSLEY, Senator ORRIN HATCH, and Senator ROCKEFELLER. They have done a magnificent job of doing what we are supposed to do: Bring people's diverse interests together, develop a true compromise, and get things done.

I urge this President to look deep inside his heart, take a few moments to talk to some of these families before he puts his veto on this bill. This is one of the most significant things we will do in this Congress. It is one of the most significant moments for this President. He asked us, again, to fund a war that is not paid for. For 41 days of funding of that war, we could pay for 10 million children getting health insurance over the next 5 years. This is about values and priorities. It always has been.

In my home State, I can tell you we have 90,000 children and parents—families who are waiting and hoping and praying that this President will join with all of us in doing the right thing. Too many families are struggling. Health care is skyrocketing. These same families are being squeezed on all sides. Gas prices going up, health care costs are going up, they have challenges in keeping their mortgages, and what will happen to their jobs? Will they be shipped overseas? Will they get a pay cut? What is happening in terms of preparing to send their children to college? Middle-class families are being squeezed on all sides.

For a group of parents who are working very hard but don't have health insurance through their job, this Congress has done the right thing by passing a children's health care bill that will say at least your children will be able to get the health insurance they need and deserve.

When this President was at the Republican convention in 2004 accepting his nomination for reelection for his second term, President Bush said:

> In the new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for Government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Since that time, President Bush sent to us a budget that, in fact, as he funded it, would eliminate well over a million children who currently receive health care under the Children's Health Care Program. We have rejected that, and we have turned to see how the program was working and found there were millions more children eligible for this very same program as the economy gets tougher and tougher for families, but the funding wasn't there to make sure those children receive children's health care as well. So we worked together, and we are now including an additional 4 million children whose families are working but have not been able to get health insurance. That, all together, equals 10 million children under the legislation we passed.

There is nothing more important we could do than to guarantee that children get a healthy start in life—whether it is the general practitioner they need to see, the dentist or whether they need mental health help. We have said the children of this country are a priority for our majority, for the Senate, for the House of Representatives.

I simply ask today at this critical moment: President Bush, please join us and sign this bill.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

Mr. DURBIN. It is my understanding the majority has its period.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. How much time remains?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining.

IRAQ

Mr. DURBIN. Mr. President, 2 months ago, I traveled to Afghanistan, Pakistan, Kuwait, and Jordan. I also traveled to Iraq with my colleague Senator CASEY of Pennsylvania. We went to talk to and listen to our top generals and diplomats but, equally important, the soldiers and marines on the front lines of this war.

This was the third time for me visiting Iraq, the first time for Senator CASEY. Two impressions really struck me. More than either of my earlier visits, I felt overwhelmed by the tragedy that has been created in that country for Iraq, for its neighbors, for America's image around the world, and, sadly, for our troops.

I was also awed and deeply moved by the skill and bravery of our troops and their love for this Nation. In a time when sacrifice seems outdated to some people, our troops are willing to endure almost inconceivable hardship and risk everything to protect us and our Nation.

When I visited Iraq, it was 120 degrees. Soldiers wore heavy body armor and backpacks and carried their ammunition, their weapons, had helmets on, drinking water every chance they had to try to stay hydrated and not suffer from heat exhaustion which had claimed the life of one of our soldiers just the day before.

Soldiers who knew who I was asked me occasionally when the politicians in Washington were going to start voting so they could come home. Despite the unbearable heat, the constant danger, longings for home, not one soldier I met in Iraq ever complained about walking point for America—not one.

We went 10 miles south of Baghdad to a place called Patrol Base Murray. I ate lunch with some Illinois soldiers from the 3rd Infantry Division out of Chicago, Aurora, Jacksonville, and Elmhurst. Most were on their first deployments. One was on his third. Half were married with kids. They try to keep in touch with things back home through e-mails, but it is tough.

They were laughing at me as I fumbled around trying to open up my MRE, a can of chicken and noodles with a built-in heater. I never quite got it right. I am glad I gave them some comic relief there, at least for a few minutes.

On August 11, after I came back home, 1 week after I visited this patrol base, 2 Illinois soldiers stationed there died in a roadside bomb explosion, along with 2 other soldiers, in a place called Arab Jabour. All four soldiers were assigned to the 3rd Infantry Division based in Fort Stewart, GA.

The Illinois soldiers lost were SPC Justin Penrod, 24 years old, of Mahomet; and SGT Andrew Lancaster, 23, of Stockton. They are 2 of the 146 sons and daughters of Illinois who have died so far in this conflict.

The same day they died, a fifth soldier from the 3rd ID died in Arab Jabour in a separate incident, while a sixth was killed in an IED blast in Afghanistan. Six soldiers dead in 1 day. Sadly, such grim numbers don't even make the big headlines anymore. After losing 3,800, I guess somebody who runs these newspapers and television stations decides it is not big news. For some people, the daily toll of soldiers killed and wounded in Iraq seems to have just become another statistic, like the weather, but not to the devastated families of these fallen soldiers, not to the children who will grow up never knowing their fathers or mothers who have died in this war, and not to the men and women with whom they served.

A week after SGT Andrew Lancaster died in Iraq, his platoon commander, 1LT Benjamin Kim, wrote me a letter about a man he considered a gifted leader and a brother. I have never met Lieutenant Kim. I can't imagine why he sent this to me, other than to share deep feelings that he just couldn't leave inside. He wanted someone else to read them. I really trust, based on what that letter contained, that he would not mind if I read his words into the record about his fallen comrade. The letter is dated August 18, 2007.

> Dear Senator DURBIN: My name is Benjamin Kim, and I am assigned to the 2nd Brigade, 3rd Infantry Division as an infantry officer. By the time you receive this letter it will have been a number of weeks since you came to Iraq and visited my unit. If you recall, you came to Patrol Base Murray in southeast Baghdad near a village called Arab Jabour, and you met some soldiers from Illinois serving here. One of these soldiers was a man named SGT Andrew Lancaster, and he was a squad leader in my platoon. He was killed in action on 11 August 2007, and as I write this letter, he and the bodies of four other soldiers who died with him that day are being prepared for transportation back to the United States.

The lieutenant went on to say:

> The purpose of this letter is not to seek any political action. Nor is it to recount the grizzly details that resulted in the untimely deaths of five of my finest soldiers and subordinate leaders. I do not seek to achieve anything, except perhaps to communicate to you my boundless respect for the men who serve with me in this remote corner of the world. I will probably never meet you, and I shall make no plans to do so, but I find it oddly therapeutic to write to a man of your station and rank in an earnest and sincere manner. Whether you personally read this letter or not is irrelevant; as I write this I am finding temporary reprieve from my sorrow.

He goes on to write:

> Andrew Lancaster was the iconic "Man of the Midwest." He was a pragmatist and he valued common sense and integrity as two of the most important traits a leader should have. He was straightforward with everything he said, and he was never afraid to speak his mind on issues that mattered to him. And yet, despite any of the pressures and frustrations that encumber a leader in combat, he kept his head cool and his professionalism was always above reproach.
>
> He relentlessly pursued our elusive enemy with an intellect that any general would envy. There were countless times where he and I, and other leaders of the platoon, would discuss various tactics and methods we should apply in our mission, and more often than not we found ourselves listening attentively to his analysis of the situation.
>
> He was also compassionate. In one instance, he spearheaded a platoon-level effort to capture a man who we suspected to be an IED emplacer and a high ranking insurgent in our area of operations. When we finally caught him, the insurgent knew he'd be going away for a long time. 'Caster, as we called him, gave him a final opportunity to kiss his family goodbye.
>
> He was a soldier of the highest caliber, and yet his humility offered a pleasing contrast to his confidence in his own abilities. For all the times he furthered the interests of our platoon, I wanted to nominate him for a bronze star with a V-Device. His response was always the same—"I don't really care about awards. I just want all of us to go home alive and intact when these 15 months end." He was posthumously awarded his bronze star along with a purple heart; nevertheless, how ironic it is that the true heroes never want to claim themselves as such.
>
> In his personal life, 'Caster was strongly devoted to his family. He would always sing high praises for his wife and high school sweetheart, Tabbatha; whose outstanding cooking he would attribute both woefully and wistfully the weight gain he experienced a month before deployment. He loved her tremendously, and whenever we weren't "talking shop" her name was his constant refrain.
>
> He would also speak reverently of his brother. We would listen to his stories about growing up in small town Illinois and laugh with him about all the trouble he and his brother would get into.
>
> When he came to my platoon, he welcomed young soldiers who were far from their families to his home frequently, be it for Thanksgiving dinner or for a few beers or a football game. He made our platoon his family, and we will always cherish that bond.
>
> I don't know what I planned to accomplish by writing this. All I know is that this man was like a brother to me, and I feel like I have to memorialize him somehow. He taught me a lot of things that I need to know about being a good platoon leader, and even now his legacy lives on in the soldiers he once led and the outstanding ways in which they conduct themselves.
>
> I hope that I have given you a somewhat accurate picture of the man we loved, but I

have a sneaking suspicion that there are no words eloquent enough to describe him. Nevertheless, I thank you in advance for taking the time to read this. Keep fighting the good fight, and we here will do the same.

Respectfully, 1LT Benjamin Kim.

SGT Andrew Lancaster of Stockton, IL, enlisted in the Army with a friend in 2002 to protect America after September 11. Before Iraq, he served as a paratrooper in Afghanistan with the Army's 173rd Airborne Brigade.

In Stockton, IL, a small town with a population of about 1,800, Sergeant Lancaster was known as Andy, the kid everybody loved, and his death really hit the folks in that community hard.

At Freeport High School, where he graduated in 2002, where he stood out in football, basketball, and choir, his teachers and coaches recall Andy Lancaster as an outgoing and responsible young man who had a way of making everyone around him happy.

When the news of his death reached that town, the high school football team posted a tribute to Sergeant Lancaster's family on its message board. Messages of support were also posted at the local ice cream shop where Sergeant Lancaster's young widow Tabby once worked.

In addition to a town and a wife who loved him, Sergeant Lancaster leaves behind his mom and his stepfather, Donna and Steve Vanderheyden; his father Harlan Lancaster; a brother, 2 step-sisters, and his grandparents.

He and Tabby married just before Sergeant Lancaster left for Afghanistan, and they planned to start a family when he came home. Instead, last month, Tabby Lancaster attended a ceremony at Fort Stewart at which 10 trees were planted in honor of her husband and 9 other members of the 3rd Infantry Division who died recently in Iraq. Since 2003, a total of 369 trees have been planted along the base's memorial walk.

Mr. President, I regret I never had a chance to meet Andy Lancaster, but I have met so many soldiers just like him. They are natural leaders who probably succeed at whatever they choose to do in life. They certainly could have made a lot more money and lived far more comfortably, but they chose to enlist to defend our country.

Those are the kind of people we are losing every day in these wars in Iraq and Afghanistan. Like Andy Lancaster, each of them leaves a hole in the hearts of those who loved them and in the heart of our Nation. We honor their sacrifice and grieve their loss.

In a few minutes, Mr. President, we will start debating the Defense appropriations bill. It is a critically important bill. As a member of the Appropriations Committee, I know a lot of the discussion about this bill will be about numbers. This little statement that I have made on the floor, reading into the record the letter of Lieutenant Kim about his fallen sergeant, really takes this discussion and debate way beyond numbers. It reminds us of 3,800 brave soldiers, such as Andy Lancaster, who have given their lives for America, soldiers whose lives continue to be lost every single day that we continue this war.

I stand today in tribute not just to Sergeant Lancaster but to all the men and women who continue to serve us with such honor and dignity. I hope all of us who value and cherish the contributions they make will remember them in our hearts and our prayers and our votes.

Mr. President, I yield back morning business time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3222, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $31,734,076,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,338,772,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $10,291,831,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,155,054,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,672,440,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,801,985,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $595,372,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty *under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,368,897,000.*

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,947,354,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,616,560,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $28,598,563,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $33,150,380,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,061,649,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $32,599,333,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $22,445,227,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,510,286,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,187,151,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,688,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,816,103,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,800,933,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,471,745,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,971,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $444,879,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $300,591,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for *similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $458,428,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $12,751,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $295,249,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $63,300,000, to remain available until September 30, 2009.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $448,048,000, to remain available until September 30, 2010: Provided, That of the amounts provided under this heading, $12,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,273,998,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,756,979,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,122,889,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,208,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $11,697,265,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,599,744,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction. procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,094,687,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, *appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,058,832,000, to remain available for obligation until September 30, 2010.*

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,703,953,000;
Carrier Replacement Program (AP), $124,401,000;
NSSN, $1,796,191,000;
NSSN (AP), $1,172,710,000;
CVN Refuelings (AP), $297,344,000;
SSBN Submarine Refuelings, $187,652,000;
SSBN Submarine Refuelings (AP), $42,744,000;
DDG–1000 Program, $2,807,437,000;
DDG–1000 Program (AP), $150,886,000;
DDG–51 Destroyer, $48,078,000;
Littoral Combat Ship (AP), $75,000,000;
LPD–17, $1,398,922,000;
LHA–R, $1,377,414,000;
LCAC Service Life Extension Program, $98,518,000;
Prior year shipbuilding costs, $511,474,000;
Service Craft, $32,903,000; and

For outfitting, post delivery, conversions, and first destination transportation, $379,811,000.

In all: $13,205,438,000, to remain available for obligation until September 30, 2012: Provided, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,376,530,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,091,897,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,133,900,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,920,219,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $854,167,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,517,127,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,246,843,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $65,092,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,355,005,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,472,210,000, to remain available for obligation until September 30, 2009: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,070,841,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,303,726,000, to remain available for obligation until September 30, 2009.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $180,264,000, to remain available for obligation until September 30, 2009.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,352,746,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,044,194,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $23,490,051,000, of which $22,650,758,000 shall be for Operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009, and of which up to $12,341,286,000 may be available for contracts entered into under the TRICARE program; of which $362,261,000, to remain available for obligation until September 30, 2010, shall be for Procurement; and of which $477,032,000, to remain available for obligation until September 30, 2009, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,517,724,000, of which $1,186,500,000 shall be for Operation and maintenance; $18,424,000 shall be for Procurement, to remain available until September 30, 2010; $312,800,000 shall be for Research, development, test and evaluation, of which $302,900,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,373,000 shall be for activities on military installations and of which $88,245,000, to remain available until September 30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $962,603,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund, $120,000,000: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for Operation and maintenance; Procurement; Research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $225,995,000, of which $224,995,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2010, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $262,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $709,376,000: Provided, That of the funds appropriated under this heading, $16,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,700,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2008: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. The Secretaries of the Air Force and the Army are authorized, using funds available under the heading "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete phased repair projects, of which repairs may include upgrades and additions to Alaskan range infrastructure and training areas, to include improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

M1A2 Abrams System Enhancement Package Upgrades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia Class Submarine.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8014. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium *or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.*

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $31,905,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,553,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $4,477,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $875,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,060 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,428,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate *that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.*

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the

Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement, Marine Corps, 2006/2008", $15,000,000;

"Missile Procurement, Army, 2007/2009", $18,100,000;

"Procurement, Defense-Wide, 2007/2009", $15,913,000;

"Research, Development, Test and Evaluation, Army, 2007/2008", $13,300,000;

"Research, Development, Test and Evaluation, Air Force, 2007/2008", $75,000,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2007/2008", $144,000,000;

"Shipbuilding and Conversion, Navy, 2007/2011", $300,000,000; and

"Aircraft Procurement, Air Force, 2007/2009", $72,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be

available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b)(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c)(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $34,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete phased electrical infrastructure upgrades at Hickam Air Force Base.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $155,572,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $37,383,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, $15,000,000 shall be available for an Arrow System Improvement Program-Upper Tier program for risk mitigation and preliminary design activities to enhance the Arrow Weapon system, and $42,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8078. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide *assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.*

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: Provided, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $39,693,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8092. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8093. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8094. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8095. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading "Research, Development, Test and Evaluation, Defense Agencies" (106 Stat. 1121) shall be extended through September 30, 2009, in cooperation with NELHA.

SEC. 8096. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8097. Up to $15,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8098. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $470,000,000, the total amount appropriated in title III of this Act is hereby reduced by $506,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $367,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $10,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8099. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8100. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8101. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal *year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.*

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8104. From amounts appropriated in this or previous Acts making appropriations for the Department of Defense which remain available for obligation, up to $20,000,000 may be transferred by the Secretary of the Navy to the Secretary of the Department of the Interior for any expenses associated with the construction of the USS ARIZONA Memorial Museum and Visitors Center.

SEC. 8105. (a) Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(b) REPORT.—

(1) Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this section.

(2) The parties referred to in paragraph (1) are the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(3) Each report submitted under paragraph (1) shall include the updated and projected annual funding levels necessary to achieve full compliance with this section. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(c) In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

SEC. 8106. Not later than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit a classified report to the congressional defense committees and to the Subcommittees on Energy and Water Development of the Senate and House Appropriations Committees on the policies and procedures governing the storage and logistic movement of U.S. nuclear weapons and nuclear components through all phases of the nuclear weapons cycle from cradle to grave: Provided, That the report shall include a review and evaluation of the suitability and effectiveness of—

(1) The standards and procedures for ensuring accountability of nuclear weapons and components.

(2) The standards and procedures for the transfer of custody of nuclear weapons.

(3) The documentation used for the purpose of property accountability, custody receipting, and shipping transactions.

(4) The standards and procedures for nuclear surety inspections.

(5) The training of all personnel involved in the handling, management, and accountability of nuclear weapons and components.

This Act may be cited as the "Department of Defense Appropriations Act, 2008".

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be considered waived by this agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. INOUYE. Mr. President, I rise today to discuss H.R. 3222, a bill making appropriations for the Department of Defense for Fiscal Year 2008. The bill that I present on behalf of the Appropriations Committee was approved unanimously by the Committee on September 12. Senator STEVENS and I crafted this bill together in a bipartisan fashion. It appropriates $459.6 billion in new budget authority which is equal to the subcommittee's 302b allocation. This amount is $3.5 billion less than the funding requested by the administration, not including supplemental spending for the cost of war. It is the same level as recommended by the House.

I say to my colleagues this is a good bill, one that is critical for our Nation's defense. We believe it meets the Senate's priorities: ensuring readiness, protecting our forces, and acquiring the critical equipment that our service men and women need and deserve.

The bill fully funds a 3.5 percent military and civilian pay raise, a half percent more than requested.

It recommends adding nearly $950 million for the Defense Health Program to ensure that the health of our military families is protected. This includes $486 million above the budget request to support our military hospitals which suffer from significant shortfalls and are stressed by our wounded heroes returning from war.

The Appropriations Committee included $1 billion above the President's request to purchase equipment for our National Guard and Reserves recognizing the serious shortfalls that exist in our reserve components.

It fully funds the Army's highest priority, the Future Combat System.

It supports the purchase of 20 F-22s and 12 Joint Strike Fighters as requested.

The bill includes $470 million to support a multi-year purchase of the *Virginia* class submarine, and provides full funding for the V-22 for the Marines.

It would fund the authorized level for the Missile Defense Program, about $300 million below the request.

As my colleagues all know, this is a massive bill, with thousands of programs. While most of the administration's proposal is funded as requested, the bill is not a rubberstamp. Senator STEVENS and I have recommended reductions in many programs because of schedule delays, cost increases, or other similar problems. In each case it is our judgment that the funds should be reapplied to other areas to address other urgent needs. In doing so, we have been able to increase funding for health care, National Guard equipment, a higher pay raise, and many other worthy initiatives.

We should also raise the subject of earmarks in this measure. As you know, the Congress passed new legislation which requires that the committee identify each congressionally directed spending item, which we commonly refer to as earmarks. I want to point out that this bill includes more than $4 billion in adds which were not requested by the President. However, under the definition in S. 1 very few of these items are earmarks. For example, in many cases, the committee chose to provide funding for items not because they were requested by a Member of the Senate, but because of the national merits of the program. Under the definition in S. 1, these are not earmarks. None the less we have included in the report the name of all Members who requested such increases. In fact, to ensure full transparency the committee report not only lists the few earmarks that are required by law, but includes any item funded by the committee for which a Member sought an increase above the President's request. We have gone way beyond the legal requirement to increase transparency. We have nothing to hide in the funding that we are recommending in this measure. I am confident the Members who requested these funds have no reason not to have their names listed.

Today is October 2. We have already started a new fiscal year. Our Defense Department is operating on scaled back funding under a short term continuing resolution. That is no way to provide for our common defense. It is critical that we expedite the consideration of this measure to ensure that our men and women in uniform and their families have the funding they need for their pay, their hospitals, their housing, and their schools. The funding that we recommend in this measure to equip our forces is critically needed as soon as possible.

We understand the desire of many Members to address policies which relate to the war in Iraq. The war is extremely controversial; our Nation is divided. This matter is so serious it deserves the Senate's full attention and thoughtful debate, but that will take time. While we don't all agree on the proper course in Iraq, there remains one thing in which there is universal agreement. We must support those who are willing to wear our Nation's uniform and make the sacrifices to protect the rest of us. That is a huge sacrifice.

We hope that in the coming weeks the Senate will consider a supplemental spending measure to address funding for the wars in Iraq and Afghanistan and the global war on terrorism. We would urge our colleagues to hold off on supplemental related issues until that bill is considered.

To this end, I have resolved to oppose any amendment which could jeopardize quick enactment of this bill. We can best show our support to the military by completing action on the fiscal year 2008 Defense appropriations bill as quickly as possible. I hope all of my colleagues will be able to endorse these recommendations and work with us to pass this legislation. Our men and women in uniform deserve no less.

I yield the floor. I hope the Chair will recognize the vice chairman of the committee.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to endorse the comments of the chairman of our subcommittee regarding this Defense appropriations bill for fiscal year 2008 to the Senate. This bill does reflect a bipartisan approach. This is the approach Senator INOUYE and I have always maintained regarding the Department of Defense appropriations. The fact is this bill was reported out of the full Appropriations Committee almost 3 weeks ago by a unanimous vote. We hope, as the chairman of the subcommittee said, to finish this bill this week so we can proceed to conference as soon as possible after the October recess for Columbus Day.

Our fiscal year began yesterday. Normally this bill would have been signed by the President by this time. But it is a matter that still has extreme urgency, as far as I am concerned, to get it before the President. As Senator INOUYE has said, as a temporary measure we do have the continuing resolution in place to keep operations ongoing in the Department of Defense until this bill becomes law. That is a temporary measure. There are many acquisition activities that simply cannot be initiated under a continuing resolution. They require an annual appropriations bill to be enacted.

Under the continuing resolution, there are very limited amounts available each month to the Department. That is not sufficient to sustain a force in the field as we have in Afghanistan and Iraq. As a matter of fact, there are hundreds of thousands of men and women in uniform deployed throughout the world. They serve our country now in over 154 countries, and in our own country here, in the United States. Their bravery and dedication to our country is extraordinary and their sacrifices do not go unnoticed. We must not lose sight of our responsibility to support them in an expeditious manner, and completely. These people depend on us and it is our job to see to it they have all of the supplies, ammunition, and equipment they need to carry out their orders.

Each year the Department of Defense faces the critical challenge of balancing the cost of maintaining high levels of readiness, being ready to respond to any call wherever it occurs, whenever it is necessary. This means we must adequately invest in those technologies that will prepare us for the future, prepare us for the threats of tomorrow as well as conduct the activities we have ongoing in those 154 countries and in particular in Iraq and Afghanistan.

The bill Senator INOUYE and I present today reflects a prudent balance among those challenges. I concur—may I say I concur reluctantly—in Senator INOUYE's request that we not have supplemental items added to this bill. This is the first year we have not had, as part of the bill, a so-called bridge to cover the transition between one fiscal year to the next, in terms of the demands of the war. Very clearly, if we are going to send the MRAPs over to Iraq—these are the new vehicles that protect lives, that are saving lives—we need funding in advance. I am told we have over 30 different manufacturers working on these machines now. They have to be paid. I do believe the supplemental is absolutely necessary and I am very worried about it. It is to me a very difficult thing to believe the time might come when we do not have the money to pay for these MRAPs and they will stay in this country rather than be taken to Iraq and Afghanistan.

There are other new facilities and equipment that are needed by the Department of Defense. This is an ongoing. I was talking to my colleague Sid Ashworth today about the transformation of the military. At the same time as our people are fighting in Iraq and Afghanistan and are defending us in these other 152 countries, we face the problem of transforming our military into the military of the future. New technologies, new techniques, and new requirements demand change. That change demands new equipment and new research to assure we have the basic equipment and technology base we need to protect this country for the future.

I worry about a process that is slowing down the money that now for 4 years has been presented in a supplemental, an addition to this bill as it was passed. This will be the first year we have not included that in the consideration of the appropriations bill. As I said, I am following the lead of our chairman, but I do believe we cannot go home this year without providing the money to carry over through the new year and into the period of next year before we can get another bill passed.

This is, to me, a very serious matter and one I hope to speak on later, at great length, as a matter of fact. But I do again thank Senator INOUYE, our chairman, for his courtesy, his leadership, and his friendship as we move this bill to the floor.

We welcome for consideration any amendments our colleagues wish to present.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, on August 2, 2007, by a vote of 83–14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule 44, the chairman of the committee of jurisdiction is required to certify that certain information related to congressionally directed spending has been identified.

The required information must be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested. And, the committee is required to make those certification letters available on the Internet.

The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending.

This information is contained in the committee report numbered 110–155, dated September 14, 2007, and has been available on the Internet for 2 weeks. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the record the certification by the chairman of the Committee on Appropriations.

I send to the desk such certification and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110-155, filed on September 14, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

AMENDMENT NO. 3117

Mr. GRAHAM. Mr. President, I have an amendment I would like to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, and Mr. MCCAIN, proposes an amendment numbered 3117.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of United States borders)

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the "Border Security First Act of 2007".

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109-367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, this amendment I have offered would appropriate $3 billion in emergency spending for border security operations. It is virtually the same amendment we had on the DHS appropriations bill.

The amendment will allow purchases to be made for unmanned aerial vehicles, ground sensors, and vehicle barriers. It provides funding for the construction of 700 miles of fencing. It would establish operational control over all of our borders. It provides funding to obtain more bed space to detain immigrants for overstaying their visas, and it provides funding for States and localities that undergo training to assist the Federal Government in enforcing immigration law.

There has been a veto threat on the DHS bill. I am hoping that this amendment, which passed 89 to 1—a similar version of it on the DHS appropriations bill—will find its way on this legislation, which I hope will get signed into law by the President.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, is the pending business the Graham amendment?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 3119 TO AMENDMENT NO. 3117

Mr. GREGG. I send an amendment to the Graham amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3119 to amendment No. 3117.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 1 day after the date of enactment.

Mr. GREGG. Mr. President, I rise in support of the Graham amendment. It is an amendment which I have been involved in helping to develop. It is an amendment that was offered on the Homeland Security bill, and essentially it is the same concept. The purpose of this amendment is something on which I think there is general agreement in the Senate, which is that we supply adequate resources to make sure that our border is secure.

Now, this is an effort we have been pursuing for quite a while. I had the good fortune to be chairman of the Subcommittee on Homeland Security of the Appropriations Committee, and during that time we dramatically increased our commitment to border security, especially in the area of the number of agents, in the area of the number of detention beds, in the area of fencing, in the area of electronic and virtual fencing, and in the area of making technology available and support facilities available to border security agents, and the ICE agents. It is a ramping-up process, however, and there is still a ways to go, although we have made very significant strides. Unfortunately, in our opinion, on this side of the aisle—and this amendment was agreed to by the other side of the aisle for all intents and purposes when it was offered on Homeland Security—there is a need for additional funding to make sure that we put in place the resources which will basically assure the American people that the southern border can and will be secured.

Now, what does that require? Well, this amendment doesn't put specific numbers relative to the number of agents or detention beds or fencing, but what it does put in place is an additional $3 billion in emergency funding, which will essentially go toward three major areas, the first of which is agents. We know that we need about 20,000 agents on the border. We know we are headed toward that number, but we know it is going to take a significant increase in funding for us to get to that.

Now, we wish we could sort of wave a magic wand of dollars and produce these agents overnight, but we can't. These people are highly skilled. They require special qualities as individuals. They have to be obviously law enforcement individuals, but they also have to speak Spanish. They have to have the character and the personality to be able to work in a very intense environment and deal with very threatening situations, while at the same time dealing with people who are coming across the border and trying to make a better way of life for themselves and shouldn't be treated in a criminal way but should be treated as decent human beings trying to seek a better way of life in the United States, who try to come in inappropriately but having to go back. Handling that type of situation requires a little bit more care and sensitivity than dealing with somebody who is coming across to sell drugs.

So the individuals we need to attract into the border security effort are high-quality, high-caliber individuals. You can't gather them up overnight. It takes awhile to get the applicants and then put them through the schooling process, and it does take money to do that. This amendment will allow us, to the extent that we can find these types of individuals to populate this workforce, to do exactly that so we will have a full complement of agents on the southern border.

In addition, it will add detention beds which are critical. There is a belief that we need around 33,000 detention beds, I think is the number. We are headed toward building out a significant number of detention beds, and this amendment—or the dollars in this amendment—will give the Department the resources it needs to accomplish the additional detention beds.

Why are detention beds important? Because we have gone from a policy which was essentially catch-and-release of 2 years ago, or 3 years ago, to a policy where we actually catch and hold people. We no longer say come back in a few months after we catch you crossing the border illegally; we would say come back in a few months and appear before the court, and what happened was people never came back. We would send them off and they would never return, not surprisingly. Now we hold these folks, and we make sure they have their day in court, that they receive the proper protections of our law enforcement system, but that if they are found to have entered this country illegally, they get sent back. But it takes money, and that is why this amendment is important.

Thirdly, we are building a fence in those areas, a physical fence in those areas where we need fencing. Fencing isn't appropriate for the entire border, but in our more urban areas along the border, it is appropriate, and it is expensive. So this money in this bill will allow us to complete the fencing commitments which we think are necessary. Equally important, it will put in place the operations of what amounts to what we call a virtual fence, but it is a real fence. There will be towers essentially. We have a tremendous electronic surveillance capability, oversight capability through unmanned aerial vehicles. All of this has been put into the works, and we are in the process of building out this system of surveillance in nonphysical fenced areas but areas which will have basically an electronic fence and a visual capability. But that, again, costs a lot of money. So this amendment fully funds the movement in that direction. That is what we need to do. We need to spend this money.

Now, it is a lot of money, $3 billion, there is no question about it. But I see it very much as part of the war on terror, as a necessary element to protecting our culture and our society. A country which can't control its borders, which doesn't know who is coming across its borders, is a country which is at considerable risk. It is at considerable risk for a lot of reasons, but obviously the primary reason is the threat of terrorism. We have an obligation to our citizenry to make sure as people come across the southern border, we know who they are and we know that they are coming across legally.

I think the American people have grown—and rightly so, I am afraid—a little cynical about our efforts on the southern border. They see us say: Well, we are going to secure the southern border, but then they don't see us putting the resources on the border to accomplish that. These dollars will complete the debate on the issue of resources. The dollars will be there. Whether the management capability is there, whether the build-out capability is there, that is still an issue—I admit to that—but at least the dollars will be in the pipeline to accomplish this goal.

So as a practical matter, I think this is a very important step forward. I congratulate the Senator from South Carolina, who has been a leader on this effort for awhile. He was obviously a leader on immigration reform, and he has backed up his words on immigration reform, in that the first step in effective immigration reform is effective border security.

That is true. That is essential. He has backed that up with this amendment which puts the dollars in place to accomplish this. That is a corollary to this whole debate, which is that we do need to significantly overhaul our immigration laws, make them more appropriate to the times and to the situations. But you cannot get the public confidence to do immigration reform unless the American people believe at the outset that our border—especially the southern border—is secure from people being able to cross willy-nilly into this country illegally.

These dollars will put in place the resources necessary to accomplish that, to make sure our southern border is secure on the issue of crossings. It may take a couple years for them to bear fruit because there is not an instant response with the hiring of agents. But the fact is that the resources will be in the pipeline to accomplish that, and the American people can have confidence that it is going to occur.

I congratulate the Senator from South Carolina for his amendment. I am happy to join him as a cosponsor of the amendment. I hope it will be adopted unanimously or with a large majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

RECESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3126

(Purpose: To prohibit waivers for enlistment in the Armed Forces of individuals with certain felony offenses)

Mrs. BOXER. Mr. President, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3126.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

Mrs. BOXER. Mr. President, I thank the clerk for reading my amendment. I had it read because it is such common sense. I think if you went out on the street and you asked any American: Do you think there are people serving in the military who, within the last 5 years, were convicted of aggravated assault with a deadly weapon or a sex crime or a hate crime or making a terrorist threat that was a phony terrorist threat? They would say: Oh, no; no one like that would be let in, not if they did something like that within the last 5 years.

That is what leads me to this commonsense amendment. It is hard for me to believe I have to fight for this. This amendment may not pass, which is stunning to me when I think of how clear the issue is.

I guess I would ask a mom or a dad who has a son or a daughter over there, would they want their child in a foxhole with someone who was convicted twice of assault with a deadly weapon. Do you want someone in a foxhole with your son or daughter who was convicted of a sex crime? I think they would say no.

So here is where we are. In recent years, the U.S. Army in particular has dramatically increased the number of waivers it grants for admission into its ranks of those convicted of a felony. Now, let me be clear. It is against the rules to allow anyone to come into the military who has a felony conviction. However, there is a loophole which says waivers can be granted in certain circumstances.

Now, I totally understand. For example, let's say as a young man or woman some potential recruit tried drugs because it was the thing in his school. He did it, but he regrets it and is over it. He was convicted, but he has promised never to use drugs again. OK, give someone a chance. That is the American way. Give someone a chance. But for these particular felonies, which I will outline again and explain what they are, I think if someone has been found guilty within the last 5 years, it is an open-and-shut case.

Now, I understand the Army is under incredible strain right now and is facing a difficult recruitment environment. I realize there may be times that they are going to ask for these waivers. I know they do it for health reasons and other things, but there is a point at which it goes too far; that is, the point at which it is dangerous. When you hear about the increase in felony recruitment, you will agree it is alarming. Rather than strengthening our military, it weakens our military.

Listen to these numbers: In 2004, the Army granted 360 waivers to recruits with felonies on their records. In 2005, the number grew to 571. And in 2006, the number grew to 901. The 901 figure is a 59-percent increase over the 2005 number, and a 150-percent increase over the 2004 figure. So I believe the spirit of the law that allows these waivers is being violated. Nobody thought that it would reach these proportions.

Again, I think people deserve a second chance in this country if they have served their time and they are rehabilitated. That is why I have in this amendment a 5-year cooling off period so we know that they have been clean for 5 years of these types of crimes. But the Army should not drastically lower its standards because it cannot find enough recruits, and it should not seek out individuals who have had disturbing personal histories involving violence.

I just read in the newspaper the other day that the military is going to these criminals if they are undergoing rehab. They go right there. Army recruiters actually attended a job fair for ex-convicts in Houston in August of 2006. Many experts believe this is leading to a spike in gang activity in the military. Listen to this FBI report: "Gang related activity in the U.S. military is increasing." This is a direct quote. "Members of nearly every major street gang have been identified on both domestic and international military installations." According to this report, these members can "disrupt good order and discipline" while in the military.

Here is the alarming part, and this is the FBI—the Federal Bureau of Investigation—speaking, not Senator BARBARA BOXER or any other Senator. Upon discharge, "they may employ their military training against law enforcement officials and rival gang members and such military training could ultimately result in a more organized, sophisticated and deadly gang as well as an increase in deadly assaults on law enforcement officials." The FBI is saying that an abuse of these waivers is leading to a more dangerous America, more dangerous for law enforcement—more gangs.

This is not what our country needs. It is not what our wonderful brave men and women in uniform need right now. They have enough problems to deal with in Iraq. They are in the middle of a civil war. This President has no plan to get them out. While the military says there is no military solution, this President is doing nothing about a long-term solution. We find our young men and women in harm's way in the middle of a civil war in a mission that has changed about 5 or 6 times, and now they have to worry that they are serving next to someone who has been convicted of aggravated assault with a deadly weapon, arson, terrorist threatening, or sexual misconduct—imagine, with all they have to worry about.

I am going to share with my colleagues a chart that I do not believe has ever been made public before. This is the list of all the different felony waivers that have been granted—adult, juvenile, and the total. Look at this list of waivers that has been granted. I am going to go through, for my colleagues and for the American people to see, what crimes have been committed by recruits.

I mentioned the top 2 and aggravated assault with a deadly weapon, then arson, attempt to commit a felony, breaking and entering, burglary with burglary tools, a bad check worth less than $500, embezzlement, forgery, hate crime, larceny, narcotics, negligent vehicular homicide, riot, robbery, sexual misconduct, stolen property knowingly received, terrorist threatening, unauthorized use of a motor vehicle, criminal libel, illegal or fraudulent use of a credit card—$500 or more—perjury or subornation of perjury, car theft, mail—abstracting, destroying—indecent acts with a minor, manslaughter, kidnaping or abducting a child. Kidnaping or abducting a child? We took in 3 recruits.

What I have attempted to do is pick out the ones I believe would be an open-and-shut case here of where we would not want someone recruited into the military who has been convicted of these particular crimes: Aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. There were 13 of those.

I want to protect our men and women in uniform. I have deep respect for them. In my State, we have lost more than any other State—23 percent those killed in Iraq have been from or based in my State. I want the men and women from my State and every other State to feel comfortable that their buddies will truly be their buddies and that they share the same values of right and wrong. I want to keep it that way.

Larry Korb, who served as Assistant Secretary of Defense under Ronald Reagan, said, "The more of those people you take the more problems you are going to have and the less effective they are going to be." This is Larry Korb, who served as Assistant Secretary of Defense under President Reagan: "The more of those people you take the more problems you are going to have."

GEN Barry McCaffrey, who commanded U.S. forces during the gulf war, said, "By and large these are flawed recruits. Those getting waivers won't be sergeants." General McCaffrey pointed to the lessons of postwar Vietnam. "It took us a decade to take a fractured Army and turn it around. We don't have 3 years this time." That is Barry McCaffrey.

Retired LTG William Odom, who was the Army's chief intelligence officer from 1981 to 1985, has called the increase in waivers "disturbing." The Army's chief of intelligence for 4 years called the increase in waivers "disturbing."

The last thing our servicemembers need to worry about is whether there are violent felons in their ranks. It sets back the quality of our forces. It can severely set back our mission.

I would like to share one particular story about lowering standards. I think we are all very familiar with the story of PVT Steven Green. As you will remember, Private Green is the soldier charged with the deaths of an Iraqi family of 4. According to the reports, Private Green went to the home of an Iraqi family with 3 other soldiers. He ended up raping the 14-year-old daughter before killing her and setting her body on fire. He is also alleged to have killed the other family members. This turned into an international news story that once again brought negative attention to our country, infuriating Iraqis and making the lives of our troops that much more difficult.

Private Green was admitted to the Army after being given a waiver. In the case of Private Green, it was a waiver for a misdemeanor offense, and I am not even stopping that with my amendment. I am not even stopping that with my amendment. I am going to the most egregious crimes. That story illustrates the potential consequences of going down a path where standards are dramatically lowered.

Let me spell out specifically how my amendment addresses the issue. The amendment simply says the military cannot offer a waiver for enlistment to the Armed Forces to individuals convicted of these felonies: Aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. They cannot get a waiver if they have committed any of these and they were convicted of it in the last 5 years.

If someone stands up and says: Give people a second chance, then they have not read my amendment because we are giving people a second chance. We are saying: If you are clean for 5 years, OK. And we are not even touching all these other waivers—unauthorized use of a motor vehicle, car theft, even indecent acts with a minor. I will tell you, if I had my way, I would put that one on—and kidnaping—but I just picked 5.

So we provide for a cooling-off period, and we believe that cooling-off period—5 years clean—will give the military some information that people are, in fact, on the straight and narrow path.

Unfortunately, we do not see the global challenges we face going away. We need our men and women in uniform not only to be soldiers but to be ambassadors to the world. They are the best we have. This amendment helps to ensure we have the right men and women to do that job. I hope we will get support for this amendment. I say to my colleagues who vote against this amendment, the only message you are sending to the people who are serving honorably is: You know what, we are so desperate, we are willing to put you at risk.

Again, I ask a rhetorical question: How would you feel if your son or daughter or grandson or granddaughter wound up in an awful situation with someone who had committed and was convicted of aggravated assault with a deadly weapon?

There is one more thing I would like to do before I yield the floor, and that is to describe these felonies, how they are defined.

Arson, generally, is the malicious burning of another's dwelling. It can be intentional or a fire set with reckless disregard of obvious risks, in some States. Seven waivers were granted for arson.

Aggravated assault with a deadly weapon is the intentional creation of reasonable fear of imminent bodily harm by use a deadly weapon. An example would be pointing a gun at someone, pointing a knife, swinging a baseball bat, threatening violence or harm with a weapon in a manner to create a reasonable fear of imminent bodily harm—40 waivers for that.

Terrorist threatening: Intentionally making false statements regarding a weapon of mass destruction such as placement on a government or school property—essentially placing a fake WMD on government property without permission; threatening to cause death or serious injury for the purpose of terrorizing others, their property, school, or teachers; a false statement that could cause dangerous evacuation from buildings or airports. It could be bomb threats, threats of poison-laced letters, or threats of mass shootings at school. Waivers granted there.

Hate crimes. Most of the States penalize crimes of violence or intimidation based on race, color, religion, national origin, and when we are looking at our military we are looking at the face of diversity, and someone who has been convicted of a hate crime within the last 5 years—I think they need to think about what this country stands for and how it is based on equality for all before they are taken into the military.

Sexual misconduct. Rape, sexual assault, forcible sodomy, sodomy of a minor—those are nonwaiver, but the category that is waiverable is solicitation of sex, indecent exposure, illegal possession of pornography.

So these are crimes which I think simply are too much to ask our men and women in uniform to deal with in new recruits.

I would point out something else. Because the Army has been so desperate to get new recruits, they are paying tens of thousands of dollars, and now we have a situation where these convicted felons are getting this money, to boot. It may not be that many people—maybe we are talking about 100. Overall, it has been 90+. We are making a point here that our men and women in uniform deserve better protection than this. We fight so hard, and we must fight to get them the bulletproof vests, to get them the up-armored HMMWVs to protect them from IEDs, from all the horrors they face. Yet we allow into the military—indeed, we pay bonuses to get into the military—people who have been convicted of very serious crimes. It is not fair, it is not right, it is not just, and I hope there will be strong support for this amendment.

I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second. There are no Republicans on the floor.

Mrs. BOXER. OK. We will ask for that later.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I find it, firstly, very difficult to speak in opposition to this amendment. But I do so after consulting with the senior members, the chairman and the vice chairman, of the Armed Services Committee, the Senator from Michigan, and the Senator from Arizona.

I have been assured that after due consideration and investigation, they have been convinced that the process of waivers does work. In fact, the investigation has suggested that those who have served after receiving such waivers have done much better in serving our Nation than those who came without any crime.

We should keep in mind that when we speak of certain crimes, there is no standard rule throughout the United States. In different States, certain activities are considered criminal, in other States it is not even mentioned.

I was an assistant prosecutor a long time ago. I find that in certain States certain activities are considered conservatively and other areas very liberally. For example, in recent days, we have been hearing much about the demonstration in Louisiana on the Jenna 6. Would that be a crime in other States? In other communities? I do not think we have the answer because we know that, depending on jurisdictions, certain activities may be criminal and in others of no concern.

Whatever it is, on behalf of the Defense Appropriations Committee, I am calling on the leadership of the Armed Services Committee to conduct a thorough further investigation on this matter. If it does work, and if it is necessary to provide waivers to get certain skills into our military, then we should be told why.

But as of this moment, I cannot ignore the advice that I have received from my colleagues who are leaders of the authorizing committee. So, accordingly, at the appropriate time, I will make a motion to table this amendment.

Before I do, if I may be very personal about this, I have been a victim of hate and hate crimes, so I do know something about hate crimes. If you can imagine my returning from World War II in my full regalia, uniform with 4 rows of ribbons, with a hook in my right hand, and going to a barber shop, and they looked at me and said: Are you a Jap?

When I told them, no, I am an American: But your parents, are they Japs?

And I have to say: Yes, they are Japanese.

Well, we do not cut Jap hair.

Well, in some jurisdictions, that was appropriate and proper. Today we do have jurisdictions where we do have segregation, maybe not legally but understandably we do.

So as I have indicated, at the appropriate time, I will make a motion to table the Boxer amendment. It is not a happy deed. But I believe at this moment, under the circumstances, I am compelled to do so.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from California.

Mrs. BOXER. Madam President, I note the Senator is waiting to be heard. I will be brief, but I do want to respond.

I so appreciate the fact that Senator INOUYE spoke to our colleagues on the Armed Services Committee. But I do think we need to use our own brains and our own common sense. I do think when I look in the eyes of parents who are sending their kids into the military, they need to know, they need to know that in addition to the dangers of this war, in addition to the danger of being thrust into the middle of a civil war, they should not have to deal with the danger of a convicted felon who has used a gun and put that gun against somebody's head within the past 5 years.

We all know that the committees are very close to the military. I understand that. But is not there a time for us to stand up and show a little spunk and spine here and state the obvious, that although we all support waivers, because there are certain cases where a waiver may make sense, there is such a thing as an abuse of a waiver. If you look at the numbers and see we are up to almost 1,000 of these waivers, things are getting out of control.

Now, I know that both the Armed Services Committee, the authorizers and the Appropriations Committee, which are very powerful committees, do not like this amendment. They want me to go away. They have offered now twice, the authorizing and appropriations: Will you not take a study and go away?

Yes, I want to have a study. But, no, I do not think we should walk away from this. This is a commonsense amendment. This takes 5 of the whole list of crimes—and I will repeat what they are: Arson, aggravated assault with a deadly weapon, sexual crimes, hate crimes, and making a terrorist threat.

I think for this year, do not pay bonuses to these people who have been convicted of these crimes for the last 5 years and do not take them into the military. That would send a signal to the military that they need to do their own study. It is stunning to me that we would have to have a study about this—the DoD does not even want to study this thing. They just want to meet the recruitment goal.

We all want them to meet their recruitment goals, but if it means putting someone, a dangerous criminal, next to one of my men and women in uniform, no thank you. It is tough enough to survive Iraq. We have worked with veterans on this amendment so we have gotten it to the point where, yes, we give people a chance to turn over a new leaf.

I am disappointed that Senators INOUYE and STEVENS do not support this amendment, but I am not surprised. I am going to keep talking about this issue because this status quo is not good for our troops.

I yield the floor

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to talk about the underlying appropriations bill. First, let me thank the chairman and the ranking member of the subcommittee. I think the work they have done on this bill is very important.

I wish to talk especially about the issue of the bomber fleet in this country: B–2s, B–1s, B–52s. I do that for a very specific reason.

Right now a lot of our soldiers are in the field, in harm's way. They strap on body armor in the morning, get shot at that day. We are at war. All of us want to make certain our soldiers who have answered the call have everything they need to do what they need to do.

I do think, however, there are times in the Pentagon when a substantial amount of money is spent, far more than is necessary, and there is some waste. I wish to describe one of the things I find interesting and also somewhat troubling.

Our bomber force is a part of the force that gives us air superiority. When you provide air superiority and have control of the air it has a tremendous impact on our ability to fight a war. We have seen some recent examples about what impact that has.

Part of that force is made up of B–52 bombers. They were produced decades ago. They are kind of the "gray beards" of the bomber fleet. They are essentially bomb trucks that will haul weapons to various parts of the world. The newest ones were built in the 1960s. But, of course, most of the plane has been rehabilitated and changed, the electronics and so on.

Former Air Force Chief of Staff GEN John Jumper said the B–52 and other aircraft will have greater access to targets in the future because of the F–22. With its stealth and supercruise characteristics, the F–22 will be able to precede other aircraft into combat zones to clear out any threats.

So we have been told we should fund the F–22. I have supported that. The F–22 is an unbelievably effective next-generation fighter. We are told we should support that because the F–22 goes in and essentially clears out the airspace; knocks out the radar and knocks out all things that could be a threat to our bombers and other aircraft, at which point the airspace is owned and you can bring in a bomb truck, for example.

Well, here are the costs of flying our bombers. The cost is: $78,000 an hour to fly a B–2, $48,000 an hour to fly a B–1, and $34,000 an hour to fly a B–52.

We are told the B–52 will be usable for another 30 years. Yet we are told by the Air Force planners that what they would like to do is retire the least costly bomb truck. That way, after we have cleared the air threat and have air superiority, they want to fly the most expensive bomb trucks in and have the least costly bomb truck retired. It makes little sense to me, from a taxpayer standpoint, but that is what we would try to do.

It also doesn't make sense when we look at the new bomber the Air Force is planning on. The earliest date it might be available is the year 2018. Of course, that will slip. They all slip.

The new bomber, we are told, that when completed, would have an unrefueled range of 2,000 miles. The B–52 has double that and more. The new bomber will have a weapons payload of 14,000 to 28,000 pounds; the B–52, 70,000 pounds.

Not only does the B–52 have more endurance and more payload than the new bomber. The B–52 is also fully paid for. It is usable for three more decades, and it flies at much less cost than the other two bombers we now have. But the Air Force wants to take a good number of B–52s and retire them at Davis-Monthan.

I make the point that the authorizing committee has indicated the Air Force should keep 76 of the B–52s. As we work through this and look at what our bomber fleet should look like, I think it will become clear that keeping the B–52s makes sense both for our defense capabilities and for the effect on the American taxpayer.

Mrs. BOXER. Will the Senator yield for a unanimous consent request?

Mr. DORGAN. I am happy to yield.

AMENDMENT NO. 3126, AS MODIFIED

Mrs. BOXER. Madam President, I have sent a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.
(3) Hate Crime.
(4) Sexual misconduct.
(5) Terrorist threatening.
(6) Kidnapping or abducting a child.
(7) Indecent acts with a minor.

Mrs. BOXER. I thank the Senator.

Mr. DORGAN. Madam President, how much time have I consumed?

The PRESIDING OFFICER. About 7 minutes.

Mr. DORGAN. I want to make a couple other points that are not related to this specific bill but to the emergency supplemental appropriations bill for the continuing Iraq War and fight against global terrorism. We have a $152 billion request in front of us with another $45 billion expected on top of that. All of this is emergency spending and none of will be paid for. This will take us to the neighborhood of three quarters of a trillion dollars or more, when spent, with respect to the war in Iraq and Afghanistan and other related matters. All of these costs will be added directly to the federal debt.

During wartime, in most cases, this country has decided it should pay for things that we consume and pay for the cost of wars. We did it in the Civil War. We did it in the Spanish-American War. We did it in World War I and World War II and other wars. We began a process by which we tried to pay for some of that which the war was costing.

The question about whether we should commit ourselves as a country to pay for war is an interesting question. In the Iraq war, our soldiers were sent to fight, and President Bush indicated we could best serve our country by going shopping. We should go to the mall to keep our economy moving.

We could also best serve our country, in my judgment, by deciding not to send our soldiers to fight and then come back later and pay the bill because we decided to charge all of it—every penny of it borrowed.

Let me read something Franklin Roosevelt said during one of his fireside chats:

> Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . .That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure . . .

President Johnson said:

> The test before us as a people is not whether our commitments match our will and courage; but whether we have will and courage to match our commitments.

When the emergency supplemental bill comes to the floor of the Senate this time, I am going to ask if we should begin to pay for some of this and to begin to ask for some sacrifice. At least in the easiest of areas for all of us to make a decision, let me show you $23 billion of revenue right now that we might use to offset some of that which otherwise will be described as emergency. I have a piece of legislation that will shut down offshore tax haven abuses. This is one I described 2 years ago on the floor of the Senate. It is the Ugland House, a five-story white house in the Cayman Islands, that is home to 12,748 corporations. They are not there. That is a legal fiction created by lawyers to allow those companies to avoid paying the taxes they owe in the United States. I have a piece of legislation, S. 396, that says if U.S. corporations are going to set up a paper company in an offshore tax haven simply to avoid paying taxes, it is not going to work. We close that loophole. Here is an obvious one we could change immediately: end abusive foreign sale and lease transactions. We can use some of these to pay for some of that which we are spending on the war. This is a case of the lease of 65 streetcars in Germany by a United States corporation, First Union Bank. Here is one in which Wachovia Bank bought a sewage system in a German city. Do they want to own a German sewer system? No, they want to save $175 billion in taxes through a tax loophole. We could close this right now.

I am going to suggest, when we bring another emergency bill to the floor—in this case nearly $200 billion—that maybe it is long past time for us to meet the obligation we have; that is, to ask all of us to sacrifice a bit. In this case, ask those who have exercised huge loopholes to avoid paying taxes in the United States. This is a picture relating to another bill I have. This is called the Radio Flyer. I expect every Member of the Senate when they were little toddlers rode in a little red wagon called a Radio Flyer. This was made in Illinois. It was made by an immigrant who over a century ago built the company that created the Radio Flyer. The reason he named it Radio Flyer is, he liked Marconi. He enjoyed airplanes so he decided to call his little red wagon the Radio Flyer. Guess what. After a century this is gone. There are no more red Radio Flyer wagons built in America. They have all gone to China. And by the way, the company that shut down the plant in the United States and moved the red wagons to China in search of cheap labor got a tax incentive from this Congress to do it. We can shut that down immediately.

So these three ideas and a temporary 1 percent emergency tariff on imported foreign goods would raise some $23 billion in the first year alone. Do we need to wait? Do we need a month, a year, 10 years? I don't think so. All we need is the will and the commitment to do what is right. With respect to these issues, I believe we could do plenty of things that would begin to reduce the cost that will inure to our soldiers, who valiantly fight when asked to, when they come back and discover we have spent a lot of money but we charged it all. So they get to fight today and pay the bill tomorrow. I think we can and should do much better than that.

I have described in shorthand four proposals that I hope we will consider when we do the second piece of this issue of Defense appropriations.

Senator INOUYE and Senator STEVENS worked very hard on this legislation. This is one of the largest bills we consider in the Senate. There are a lot of issues, some very controversial. I appreciate the work they and their staff have done to put this together. It is not an easy appropriations bill to do. My hope is that as we work through this in the next day or so, we will be able to have final passage in a couple of days and get this into conference so we can resolve all of these issues.

I thank the chairman and ranking member for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I want to start where the Senator from North Dakota concluded his remarks, to express the gratitude of Delaware for the fine work the appropriations subcommittee has done, the leadership of Senator INOUYE and Senator STEVENS, their staffs, the other members of the committee. One of the letters I sent to Senator INOUYE and Senator STEVENS several weeks ago was a letter calling on them to not rescind, through legislative language in the appropriations bill, the 2004 Defense authorization language which said we were not going to allow the Air Force to retire any additional C–5 aircraft until the first three had been fully modernized, flight tested, and then evaluated. A number of us signed that letter and a number of us in the same letter also called for the Appropriations Subcommittee on Defense to endorse the President's budget proposal for fiscal 2008 with respect to C–5 modernization. The subcommittee has done that. I thank them in a very public way for their attention to our request.

Today we are considering an important bill, one that provides funding for our troops, many in harm's way around the world, others in different phases of training or in some cases retraining or rest after they have been deployed abroad. As we vote to appropriate these funds for our Nation's defense, we are reminded of one of the fundamental duties of our military. Our Armed Forces are charged with providing our Commander in Chief and military leaders with flexible options for responding to a wide variety of threats. In Iraq, our Armed Forces are keeping the lid on civil war and protecting civilians from terrorists and literally from one another. In Korea, our Armed Forces are charged with guarding the ally's border and deterring aggression on the part of a large conventional military on the other side of the South Korean border. In the Pacific and the Persian Gulf, they protect America's interests through the projection of naval power and carrier-based air power.

At home our National Guard provides the Nation's Governors with critical response capability to cope with natural disasters such as Katrina. At times it can seem as though the demands on our military are almost limitless. Unfortunately, the resources available for equipping our military to meet these demands are not limitless. At a time when our Federal budget remains mired in red ink, we need to be looking for ways to effectively meet our military requirements but to do so in a fiscally responsible manner.

Last Thursday in the Federal Financial Management Subcommittee of the Homeland Security and Government Affairs Committee, we spent 3 hours doing just that. In this hearing, which I chaired along with Senator COBURN of Oklahoma, we explored how we can best meet our Nation's strategic airlift needs and how we can do this in a way that is fiscally responsible. What I wish to do is take a few minutes this afternoon to remind us why airlift is important and to offer a little history of how we got into the position we are in today. Then I wish to share with my colleagues some of what we learned at our hearing last week.

The bottom line is that regardless of whether strategic airlift is performed by C–5s, by C–17s, or by some other capability, airlift is essential to our Nation's ability to project power and meet threats abroad. I would remind us that roughly 90 percent of the materiel we move around the world goes by sea. Maybe 10 percent goes by air. When it comes to moving military personnel, almost all of them are moved around the world by airlift. When you think of the 10 percent or so of cargo that is moved by aircraft, roughly half of that is moved by C–5s, C–17s, and by C–130s. The other half is moved by commercial aircraft the Air Force leases from time to time.

The bottom line is that regardless of whether we are moving goods or personnel by C–5, C–17, or some other capability, we have to have that capability when we need it and it has to be reliable.

Though the men and women of our strategic airlift fleet rarely get the attention they deserve, the reality is our military could not perform its missions if it were not for the hard work and dedication of the airlift. Strategic airlift involves the use of cargo aircraft to move personnel, weaponry, materiel over long distance, often to combat theaters on the other side of the globe. During the current war in Iraq, airlift sorties have made up the majority of the nearly 35,000 total sorties flown by U.S. aircraft. Strategic airlift enables our military to respond to threats wherever they occur in the world real time. Not only must our fighting men and women be transported to the fight, they must be continually supplied. Airlift helps to make that happen. Both the C–17 and the C–5 have fulfilled their lift duties admirably, and the United States owes much of its rapid deployment capability to these fine machines.

We are blessed in Delaware at the Dover Air Force Base to have both C–5Bs and a new squadron of C–17s. However, the problem is that over the past 10 years, the United States has reduced its Cold War infrastructure and closed two-thirds of our forward bases. I remember many of the bases my squad and I used to fly out of in Vietnam. A lot of the bases in Thailand from which we flew missions in Southeast Asia, Okinawa, and the Philippines have now been closed. We no longer fly from those particular places. As a result, our ability to project our troops by air power as well as by sea power is more important than ever.

One of the ways we have sought to keep the strategic airlift fleet healthy and ready to meet this challenge is by modernizing the C–5 through two unique programs. One is called the Avionics Modernization Program, where we take a 1960s, 1970s cockpit and turn it into a cockpit for the 21st century. The second is a program called the Reliability Enhancement and Re-engining Program, where we literally take old C–5 engines, take them out—they break down about every 5,000 flight hours anyway—and replace them with an engine that will give us 10,000 hours between engine changes; change out the hydraulic system, overhaul the landing gear system, fix some 70 systems in all, and, again, replace the cockpit.

Those are the kinds of things that are done with the modernization process that is underway. So far, three aircraft have been fully modernized; three C–5s have been fully modernized and are being flight tested as we speak here today. In fact, collectively they have been flown over 500 hours, and the full evaluation is to be completed—I think the flight evaluation will be done for the most part within the next 12 months, and some flight evaluations will be completed by June of 2010.

Lockheed Martin is the prime contractor in the program. They are obligated to produce C–5Ms with a mission-capable rate that meets or exceeds 75 percent. That is well above where the C–5 is today. It is, frankly, slightly below where the C–17 is today.

Lockheed reports that nothing in the flight data to date, after over 500 hours of flight testing, suggests the 75 percent mission-capable rate cannot be met or exceeded. The Assistant Secretary for Acquisition of the U.S. Air Force last week in our hearing concurred in that opinion. Consequently, I was compelled, along with Senator COBURN, to hold a hearing to find out an answer to a very contentious question, and here is the question: At what price per aircraft could Lockheed or would Lockheed modernize all or part of the remaining C–5 fleet of 108 aircraft?

This past summer, Lockheed offered to modernize the C–5 fleet at what they call a flyaway cost of—a little less than $90 million per aircraft, whether the Congress and the administration decide to modernize half of the C–5 fleet, two-thirds of the C–5 fleet or all 108 C–5s. If Lockheed can deliver C–5s at a mission-capable rate of 75 percent or higher, at a flyaway cost of $85 million, $95 million or even $105 million, aircraft capable of flying another quarter of a century or more, we would be foolish not to modernize the remaining 108 C–5s. If Lockheed cannot deliver—cannot deliver aircraft that are 75 percent mission-capable rate or higher—if they can't deliver them at a cost we are willing to pay—then we need to find another alternative.

Now, the Air Force has questioned whether Lockheed will actually be able to deliver what the company has promised. The Air Force has suggested the cost of fully modernizing the C–5s may significantly exceed original expectations. This has led the Air Force to conclude that C–5 modernization may not be as cost effective as we all had originally thought and hoped.

I wish to take a moment and share with my colleagues three areas in which the Air Force and Lockheed appear to be in disagreement. As you can see from the chart beside me, the Air Force and Lockheed disagree on the modernizing of C–5s in 3 areas. No. 1, propulsion system, that is aircraft engine; No. 2, installation costs and what they call touch labor costs, or the amount of man-hours to be invested in these changes; and finally, overhead costs which include, among other things, the kinds of problems that might be uncovered as Lockheed goes through and conducts the modernization of the C–5s—problems that aren't even related to the modernization changes that are being installed.

Now, this disagreement yields a C–5 modernization cost discrepancy of over $4 billion—not a small amount of money. With this fundamental cost disagreement coming to light, our hearing tried to get into the true cost of C–5 modernization. What we found was a temporary stalemate. We also found what appears to be a way forward. In their cost calculations of the C–5 modernization, the Air Force determined the cost of the C-5 modernization has grown over its baseline, causing the view of at least some in the Air Force to trigger what we call a Nunn-McCurdy breach. The Nunn-McCurdy breach, as some will recall, is part of a law passed in 1983 that allows Congress to track the rising costs of Defense programs. A breach of Nunn-McCurdy occurs when a Defense program procurement cost goes beyond 50 percent of its baseline. When this happens, the Department of Defense has to notify the Congress and the program is more heavily scrutinized, in this case by the office of the Secretary of Defense. Interestingly enough, though, we found that part of the Air Force calculation includes costs of inflation due to the risks the Air Force may incur if Lockheed cannot meet its goals. Lockheed also stated they have a different calculation to show some growth but not enough to trigger a Nunn-McCurdy breach.

Lockheed's witness at our hearing last Thursday stated that the contractor—that is Lockheed—is ready to alleviate the Air Force's concerns and, therefore, to decrease the amount of cost growth that the C-5 modernization would realize by providing the Air Force with a firm, fixed price contract to modernize all 108 aircraft at a set cost. If Lockheed exceeds this price, then the cost is on them—on Lockheed. The only obstacle—major obstacle at least—that stands in Lockheed's way is the Air Force's decision on how fast they want to fully modernize the C-5s. The President's budget for 2008 calls for modernizing C-5s, one starting in fiscal 2008, ramping up from 1 to as many as 12 several years down the line. But the contractors need to know how many aircraft are going to be modernized, and in order for them to be able to be held or bound to a fixed cost, they have to have some reasonable assurance that what is being projected will actually be followed, in this case by the Air Force and by us in the Congress.

Let me mention a couple of things in closing. One, it says propulsion system. This is one of the three areas of disagreement between Lockheed and the Air Force. This involves engines—actually the same engine that goes on Air Force One and a whole lot of other aircraft around the world. The engine, made by General Electric, provides generally between engine changes about 10,000 flight hours. It would replace an engine that gets about 1,000 hours between engine changes. That is a miserable-performing engine that is on the C-5, and it has led to all kinds of problems. There is a question about what is GE going to charge Lockheed to sell them four new engines for 108 planes, plus 25 spares. I think that ends up being about 457 engines.

In our conversation offline with GE, they gave us a price well below what the Air Force is expecting or is calculating. If GE is good to their word and Lockheed is good to its word, then this $1.2 billion deficit—or in the case of the Air Force, ostensibly an overrun—that shouldn't be there. That shouldn't be there. The question is, Can GE and Lockheed be compelled—contractually bound—to provide these engines at the lower cost that was quoted to us by GE.

The second piece deals with labor, touch labor costs, the amount of man-hours that will be used to build these or rebuild these aircraft. The first of the C-5s that were modernized took 143,000 man-hours, the second took 125,000, the third took about 110,000 man-hours. Lockheed says they think they can bring it in at about 100,000 man-hours. The Air Force says, no, 116,000 man-hours. Lockheed has a learning curve in terms of better, faster work on the modernization that they believe they can adhere to. The Air Force says, no, that is too optimistic.

Interestingly enough, though, Lockheed has said to the Air Force and to us at our hearing, if we are wrong on the number of man-hours that we say it is going to take to modernize the fourth, fifth or sixth aircraft, if we are wrong on the learning curve and not as successful as we think we are going to be, we will eat the cost. They say they will eat the cost. That is great that they offer that, but what we need is a contract that can bind them to eat the cost if there is a failure to perform as otherwise would be suggested.

Those are the kinds of things that are in dispute. Ultimately, I would hope—and I can't speak for Senator COBURN, but I believe I would share his view that we need large cargo aircraft. We have C-5s. They can carry more than most cargo aircraft. Right now, we are using Russian aircraft, Russian-made aircraft, a big aircraft called the AN-124, to supplement the work that the C-5 can do. We spend today almost $200 million leasing Soviet aircraft or Russian aircraft to do the work for us of the strategic airlift. Nothing against the Russians, God bless them, but I don't know how comfortable you feel—I don't feel all that comfortable—relying on Russian cargo aircraft to supplement our needs around the world.

My hope is that what we will do is have our friends from Lockheed and our friends from the Air Force step back, for a moment, and then reengage in a way that seeks to narrow this, what you call a $4 billion delta or difference, in the assumption of costs for completing this project.

If Lockheed can produce fully modernized C-5Ms that will perform at a 75-percent mission-capable rate or more and do that at a cost of $85 million, $95 million or even $105 million on a flyaway basis, we would be foolish to turn down that deal. If they can't do it, if they can't deliver aircraft at that kind of mission-capable rate, if they can't do it along the line that I quoted as a price that we can be assured of, then we need to look for another alternative.

My hope, coming out of our hearing last week, is that there is a way forward, and we need the best efforts of the Air Force and the best efforts of Lockheed to find it. If we get those best efforts, we may end up with what in the end will not be just a good deal for our country and for our taxpayers at a time when we are running huge budget deficits but a good deal for the men and women of the Armed Forces who are depending on strategic airlift every day of their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 3130

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and to call up the Sanders amendment, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 3130.

Mr. SANDERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by $10,000,000)

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" and "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD", is hereby reduced by $10,000,000.

Mr. SANDERS. Madam President, yesterday, as part of the managers' package, the Senate approved an amendment that I offered to the Defense authorization bill. That amendment would establish a pilot program at the Department of Defense to deal with a very important problem. That problem is that all across our country, men and women are returning home from the war in Iraq, from the war in Afghanistan, they are coming home to big cities, small towns, and rural communities, and they and their families, in many cases, are hurting. These are soldiers and military family members who are suffering from post-traumatic stress disorder, who are suffering from traumatic brain injury, who are suffering from depression, and who are watching their marriages and their families coming apart. They are suffering nightmares, they are suffering panic attacks and sometimes uncontrollable anger and various physical symptoms. Because of the stigma, many of these brave soldiers do not come forward for help, and others, where the military infrastructure is not strong, simply don't know where to turn. They are hurting, but they don't know how to get help. In my view, we have a moral responsibility to reach out to these soldiers and their families and to help them.

The program, approved by unanimous consent yesterday, would create a pilot program at the Department of Defense. Under this pilot, funds would be provided to adjutant generals to conduct person-to-person outreach to soldiers who have returned from Iraq and Afghanistan. In other words, the heart of this program is outreach quality. We can't be successful in dealing with PTSD if soldiers do not get involved in the program, if they are not involved in counseling. I fear very much that unless we are aggressive in our outreach efforts, especially in rural areas, especially with the National Guard's people, we are going to see folks who don't know where to turn.

These trained outreach personnel will be meeting with the soldiers and their families. They will be able to make sure the soldiers and their families know about the help that is available to them. In other words, it doesn't matter how much help we have if our soldiers don't know where to turn and what is available. These outreach workers would make sure that America's heroes and our military families don't fall through the cracks.

As I mentioned, this body unanimously approved this new pilot as part of yesterday's Defense authorization bill. I thank the Members for their support. That pilot program amendment was cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. I also point out that this amendment is supported by the National Guard Association of the United States.

My amendment today, cosponsored by Senator LEAHY, is to make sure the commitment we made yesterday to returning servicemembers and their families is a real commitment backed by the necessary resources. This amendment would provide $10 million to carry out the pilot program for State-based outreach programs to assist servicemembers and their families created by the Sanders-Sununu-Kerry-Harkin-Brown amendment No. 2905 to the Defense authorization bill. This amendment is fully offset.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. SANDERS. I thank the chairman and the ranking member, and I look forward to working with them.

I yield back the remainder of my time.

Mr. INOUYE. Madam President, I ask unanimous consent that the present amendment be set aside to reconsider the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that at 4 p.m. the Senate proceed to vote in relation to the Boxer amendment, as modified; that the time from 3:55 until 4 p.m. be equally divided and controlled between Senators BOXER and INOUYE or their designees; that no amendment be in order to the amendment prior to the vote; that at 4 p.m. the Senate proceed to vote in relation to the amendment; that when the Senate resumes consideration of H.R. 3222 on Wednesday, following morning business, there will be 30 minutes of debate prior to a vote in relation to the pending Graham amendment; that the second-degree amendment be withdrawn and no other amendment be in order to the amendment prior to the vote; that the time be equally divided and controlled between Senators GRAHAM and INOUYE or their designees; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3126

Mrs. BOXER. Madam President, I understand I have 2½ minutes, followed by Senators INOUYE and STEVENS, and then there will be a motion to table my amendment. I hope to convince colleagues who may be listening to this debate to vote no on the motion to table.

I think this amendment deserves to be heard. It doesn't deserve to be shut down. The amendment is my modified amendment, which I sent to the desk. It basically says there can be no more waivers granted for folks who want to join the military who have been convicted of aggravated assault with a deadly weapon, arson, a hate crime, sexual misconduct, threatening a terror attack, kidnapping or abducting a child, or indecent acts with a minor.

If we can show you this chart, right now, it is against the military policy to allow any of the people into the military who have been convicted of a felony. But there is a waiver process. What has happened is—and we all agree that there are occasions when there ought to be a waiver now and then—we have seen an alarming increase in these waivers because the Army, in particular, is having a hard time meeting its recruitment goals. We see in 2004 that the Army granted 3 of the 60 waivers to recruits who had felonies on their record. In 2005, they granted 571. In 2006, they granted 901 waivers. That is a 59-percent increase over the 2005 number. It is a 150-percent increase over the 2004 figure.

So what we have seen is an alarming increase in the number of waivers. What my amendment simply says is: Enough of this for 7 felonies. Again, the 7 felonies are aggravated assault with a deadly weapon, which is someone who has been convicted, perhaps, of putting a gun to someone's head and threatening them with bodily harm; arson, someone who obviously has started a fire and put other people's lives in danger; hate crimes, and we discussed that at length. As a matter of fact, we have a fine amendment that Senator KENNEDY offered and that is now on the Defense authorization bill, which would say that people have a right to be free of hate crimes because of the fact that they may be different than the next person. Here you send people like this into the military, and this is one of the most diverse institutions we have.

In conclusion, we are saying, please, don't table this amendment. The others are sexual misconduct, terrorist threatening, indecent acts with a minor, and kidnapping or indecent acts with a child. You don't want somebody like that next to your son or daughter who is serving honorably in the military.

I hope you vote no on the motion to table. I yield the floor.

Mr. INOUYE. Madam President, as I indicated in the earlier debate, we have been assured by the chair of the Armed Services Committee, Mr. LEVIN, and the vice chair, Mr. MCCAIN, that this waiver process is working and has worked.

It is not an easy amendment to speak against, but I am reminded of something that happened during my days of youth. After World War II, there was a very distinguished German, who was a Nazi. He was the prime person who helped develop the rockets and bombs that devastated London, who was then in the process of developing an intercontinental ballistic missile to devastate the United States. But we provided him with a waiver. He came to the United States and worked to develop rockets for the United States. If it weren't for this scientist, there is grave doubt that we could have sent a man to the Moon at the time we did or whether we could have developed the ICBM that we have today. His name was Dr. Wernher von Braun.

I am against those crimes that my colleague from California cited. They are objectionable, they are horrible, and as the father of a son, I can imagine what I would go through if my son had been a victim of one of these crimes. But this process does work, and I think at this moment to flat-out determine that this process cannot be used in certain crimes may be shortsighted.

So on behalf of the ranking member of the committee and myself, I move to table the Boxer amendment.

Mr. STEVENS. Madam President, I join in that motion.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—53

Akaka
Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kohl
Kyl
Levin
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Reed
Rockefeller
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Webb

NAYS—41

Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kennedy
Kerry
Klobuchar
Landrieu
Lautenberg
Leahy
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reid
Roberts
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Whitehouse
Wyden

NOT VOTING—6

Biden
Clinton
Dodd
McCain
Obama
Warner

The motion was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I wish to announce that tomorrow morning, after morning hour, at approximately 10:45, we will consider and vote upon the Graham amendment.

If there are no amendments after that, the committee is prepared to move to pass the bill on third reading, final passage. So those who have amendments, please come forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3120; 3125; 3128; AND 3124, AS MODIFIED, EN BLOC

Mr. INOUYE. Madam President, I ask unanimous consent that the following managers' package, No. 1, be adopted: amendment No. 3120, for Senator BAUCUS and others, regarding the Army Smart Data Project; amendment No. 3125, for Senator ROBERTS, regarding Air Force materials research; amendment No. 3128, for Senator KOHL, regarding the Navy's permanent magnet motor; amendment No. 3124, as modified, for Senator LOTT, regarding Air Force pallet systems.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. We support these amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3120

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $1,000,000 for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

AMENDMENT NO. 3125

(Purpose: To make available from Research, Development, Test, and Evaluation, Air Force, $1,000,000 for Materials Integrity Management Research for Air Force Systems)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

AMENDMENT NO. 3128

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $2,000,000 for the DDG–51 Class Modernization-Hybrid Propulsion Permanent Magnet Drive System)

At end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class Modernization-Hybrid Propulsion Permanent Magnet Drive System.

AMENDMENT NO. 3124, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8107. AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, AIR FORCE", up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

Mr. BAUCUS. Madam President, as my colleagues are aware, current force intelligence, surveillance and reconnaissance, ISR, capabilities are impeded by three specific technology issues: in-theater network interference, dissimilar IT infrastructure across forces and intelligence agencies, and slow storage and retrieval of mission critical intelligence.

Once intelligence is gathered, whether by unmanned aerial vehicle, stationary sensors or mobile ground sensors, it is transmitted to ISR Command. The data is sent as two streams—content, which is the actual imagery, and context, which is comprised of metadata relating to location, date, time, target information, destination of message, sender information, and more. Currently, much of this context stream, whether location coordinates, date, and/or time information, is dropped or interrupted during transmission. These drops render as much as 30 percent of all motion video and still-imagery intelligence unusable. Such data loss negatively affects current ISR operations and creates undesirable consequences in the field.

In cooperation with Senators TESTER, KERRY, WYDEN, and SMITH, I submitted an amendment to the Department of Defense Appropriations bill for fiscal year 2008. This amendment would provide funding for the Smart Data Project through companies in three states. The recipient of funding for this project would be Digimarc, Inc., of Oregon and Massachusetts. Additional research for the project will be conducted by GCS Research of Missoula, Montana, and S&K Technologies of Pablo, Montana. The purpose of this program is to address the existing capability gap within the military's intelligence gathering operations and to provide our military with real-time geospatial video sensor intelligence.

The basis for the solution to address this capability gap is currently employed by all the major media networks, which use components of Smart Data technology to track usage of proprietary video. ABC, CBS, NBC and Fox embed unique data such as TV station identification, date, and time into the content. This unique embedded data is then used to generate reporting information about distribution and viewership.

Adaptation of Smart Data technology for military applications involves the embedding of key contextual information such as location coordinates, date, time, and sender onto reconnaissance imagery. The embedding technology developed by the Smart Data team will eliminate data loss that has negative effects on Current Force ISR operations. Addressing this data loss will improve operative effectiveness and save lives in the field.

AMENDMENT NO. 3125

Mr. ROBERTS. Madam President, I rise today in support of an amendment to the 2008 Defense Appropriations Act. This amendment is in the interest of Kansas and our national security. I request up to $1 million be made available for Materials Integrity Management Research for Air Force Systems, MILTEC. This project aims to develop advanced wireless sensors to be optimally placed for aircraft structure health monitoring. The processed data will provide diagnostic and prognostic information that can be further used to assist in critical mission planning. MILTEC is currently operating through Wichita State University in Wichita, KS. I have no personal, familiar, or political connection to these projects.

AMENDMENT NO. 3128

Mr. KOHL. Madam President, I submitted amendment No. 3128 along with Senator KENNEDY to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI, for DDG51 Class Modernization, Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

Mr. KENNEDY. Madam President, I submitted amendment No. 3128 along with Senator KOHL to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI for DDG51 Class Modernization—Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

AMENDMENT NO. 3124

Mr. LOTT. Madam President, I am submitting Senate amendment No. 3124 to make funds available from the appropriation account Other Procurement, Air Force, to accelerate the deployment of the Associate Intermodal Platform pallet system.

The Associate Intermodal Platform pallet system is manufactured by Shan Industries LLC, headquartered in Miami, FL, with manufacturing plants currently located in New Jersey and Oklahoma.

The Department of Defense has concluded that use of the Associate Intermodal Platform, AIP, pallet system, developed 2 years ago by the U.S. Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed. The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers, or in conjunction with existing 463L pallets. The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the U.S. Transportation Command at various military installations in the United States and in the field in Iraq, Kuwait, and Antarctica. The Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I appreciate the work of the managers on this important piece of legislation. I have conferred with the managers. After we have 1 vote sometime tomorrow morning, and if there is nothing more happening, I think we should move to third reading. Just to protect all of our military, in case something goes awry in the next 24 hours, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 353, H.R. 3222, Department of Defense Appropriations Act, 2008.

Daniel K. Inouye, Jon Tester, Robert P. Casey, Jr., Ted Kennedy, Tom Carper, Max Baucus, Kent Conrad, Robert Menendez, Patty Murray, Carl Levin, Ben Nelson, B.A. Mikulski, Ron Wyden, Blanche L. Lincoln, Charles Schumer, Byron L. Dorgan.

Mr. REID. Mr. President, I would hope we can just totally avoid this. Of course, the cloture vote would not occur, at the earliest, until Thursday anyway. I would hope that it will not be necessary that cloture be invoked. But we want to make sure that we are able to complete this legislation, including the managers' package on which these two veteran legislators have worked. I have spoken to staff, and the managers' amendment has not been cleared yet. It should be cleared. I hope we can finish this bill tomorrow afternoon early. This cloture motion is to protect us in case something goes wrong.

I think perhaps we shouldn't go into morning business right now. Someone might want to offer an amendment, and I want to make sure everyone has the ability to do that. It is 5 o'clock now. There will be no more votes today. Unless we have somebody here by 5:30 to offer an amendment, we will go into morning business.

AMENDMENT NO. 3135

Mr. KENNEDY. I introduced amendment No. 3135 to allow the Navy to provide up to $5 million for the high temperature superconductor AC synchronous propulsion motor. These funds will be used to test and transition the high temperature superconductor AC synchronous propulsion motor to Navy ship class. This will serve in the effort to increase power while reducing vessel weight.

AMENDMENT NO. 3134

I introduced amendment No. 3134 to allow the Navy to provide up to $3 million for the MK 50, NULKA, Decoy System. These funds can be used for the purpose of continuing efforts to defend the Navy from the continually evolving threat of antiship missiles and associated seeker systems.

Mr. KERRY. Mr. President, today I submitted an amendment with Senator KENNEDY as a cosponsor which may provide up to $1 million, within the Navy Sealift Account, to the Massachusetts Maritime Academy, MMA, in Buzzards Bay, MA. The funding will be used to help complete the conversion of the T.S. *Enterprise*, a Ready Reserve Force training ship. In fiscal year 2000–2001, the Department of Defense Appropriations conference report included $25 million for the conversion of the T.S. *Enterprise*. However, that funding only allowed MARAD to produce a ship which holds only 600 cadets. The Massachusetts Maritime Academy has had a growing number of students in recent years and requires the additional room to allow all of their cadets to train on the ship. At a time when our troops depend heavily on the material shipped to war zones on American flag ships, I believe it is critical to the livelihood of the Nation that our maritime academies continue to produce the professional men and women needed in the maritime trades.

Mr. ALLARD. Mr. President, I rise today to speak on my amendment, designating $5 million—the amount requested by the Pentagon—for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO.

The Missile Defense Space Experimentation Center supports research and development, agency operations, test and evaluations and operations and training for missile defense capabilities. It provides the Missile Defense Agency a common support infrastructure and connectivity for operating MDA experimental satellites, and integrating space data in support of the missile defense mission. The MDSEC provides a multilevel security environment for sensor data management and integration across all space and terrestrial sensor data activities.

MDSEC activities support analysis, demonstration and integration of space sensor capabilities into developmental and operational MDA Elements. MDSEC also supports advanced technology and algorithm development, including fusion of multiple sensor types—radar, overhead nonimaging infrared, electro-optical and other emerging sensor technologies. MDSEC supports mission integration of space-based missile track—boost and midcourse phases—sensor and weapons cueing via C2BMC, features and discrimination, kill and impact point assessments into C2BMC, Aegis, Terminal High Altitude Area Defense—THAAD—Global Missile Defense—GMD—and other—non-MDA—mission areas such as space situation awareness, technical intelligence, and battle space characterization. For Fiscal Year 2008, the Missile Defense Space Experimentation Center will: Demonstrate connectivity and integration of space layer data into X-lab, BMDS elements, and external users; demonstrate capability to access, share, and playback data across stakeholder programs—MDSEC Interchange System; provide synergy for testing, experiments, integration and algorithm development—Integration Lab; demonstrate capability to support and integrate across multiple security environments/domains; demonstrate space-layer data support to non-BMDS Missions—external users; demonstrate integrated birth-to-death tracking and fusion across existing, R&D and future BMDS sensors; support space-based sensors data collections and algorithm testing experiments; complete MDSEC Interchange System—MIS: Test prototype MIS operating system and host MIS hardware suite.

I believe the mission and task for the MDSEC require our support and I urge passage of this amendment.

Mr. President, in regards to my amendment designating $5 million to support research and development, agency operations, test and evaluations and operations and training for missile defense capabilities at the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO, neither I nor anyone in my immediate family has a pecuniary interest in the center or its operations.

AMENDMENT NO. 3140

Mr. VITTER. Madam President, I rise today in support of amendment No. 3140 to the 2008 Defense Appropriations Act. This amendment is in the interest of Louisiana and health care programs within the Department of Defense. I request up to $1 billion be made available for Maternal-Fetal Health Informatics and Outreach Program. This project will be the use of Telehealth and electronic medical record, EMR, technologies centered on conducting research and developing technology solutions for high-risk obstetrical patients, in collaboration with the DOD. The intent of the Maternal Fetal Informatics Outreach Program, MFIOP, is to leverage technology toward optimizing health care delivery solutions for women and infants. This effort will increase portability of patient records and lead to a decrease in associated health care cost related to obstetrical, OB, and newborn health care services. The Maternal-Fetal Health Informatics and Outreach Program is currently operating out of Woman's Hospital in Baton Rouge, LA. I have no personal, familiar or political connection to this project.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

BRINGING A FALLEN SOLDIER HOME

Mr. BROWN. Mr. President, earlier today, I left a Banking Committee hearing to go out to Arlington National Cemetery to meet with a group of World War II veterans. A woman by the name of Ms. Best, who had served in World War II, was laying the wreath on behalf of Miami County, OH, veterans—some 35 or so veterans from Ohio who took a bus under the sponsorship of Glenn Devers, who raises money so veterans can come to Washington and lay a wreath at the Tomb of the Unknown Soldier and then proceed to see the World War II monument.

I was struck, first, by all the stories of Mr. and Mrs. Whited, for instance. Mr. Whited was called off to the service and went overseas. His child was born a few months after he left, and when he returned, he saw his son for the first time, who was the age of 2. He is now more than 60 years old. I was taken by the stories of so many of these World War II veterans, their courage and heroism, their love of country, their duty, their commitment, and their patriotism. They surely—without overusing the phrase—were part of "the greatest generation."

Few veterans have asked for credit or recognition, but it was such a pleasure to go there and talk to them today. I had one request of them. Of course, I thanked them over and over. I had one request, and that was that these veterans, both men and women, tell their stories to their children and grandchildren. My father, a World War II veteran who enlisted about a year after Pearl Harbor, sometime during 1942, and went overseas, he didn't talk about it much. He passed away 6 years ago at the age of 89. He didn't talk about it much. I encouraged these men and women who served our country valiantly in World War II—or any veteran since then—to share the stories with their children and grandchildren because it will enrich their lives. They don't need to brag, but they ought to tell friends and families about their accomplishments and feats. These are stories that their children and grandchildren and great-grandchildren will treasure for the rest of their lives.

I thought of that visit yesterday before I made the visit, as I was planning it. I thought yesterday, when the Senate passed the Defense reauthorization bill, of an amendment that Congressman BART STUPAK of Michigan and I have been working on. Currently, the Department of Defense—prior to this amendment—is allowed to use any combination of air, rail or road transportation to bring the body of a fallen soldier home. But what has been done, because the rule is so broad, the law is so broad, the Department of Defense in many cases has brought the body of a soldier killed in action to the nearest big city airport, which could be 50, 100, 200 or 300 miles away. Congressman STUPAK represents an area in northern Michigan, the Upper Peninsula, and often bodies are brought back to Green Bay, which is too far from many of these families who have to go to an airport that is 2 or 3 hours away with the funeral home, paying the expenses and accompanying the body back to the hometown. That has happened in southern Ohio, where there is no airport. Maybe they would go to Charleston, Columbus or Pittsburgh. It is outrageous that the Department of Defense doesn't bring the bodies to the communities where the families live, when they are already so distraught from losing a loved one.

We were able to get the fallen servicemember respectful return amendment included in the Department of Defense bill. This means that when our soldiers make the ultimate sacrifice in service to their country, the least the Government and the DoD can do—and for reasons I don't even understand they had failed to do. We talk so much about honoring our soldiers, but they failed to do this. All of the money we are spending—hundreds of billions of dollars—and they didn't get these bodies back to the funeral home in the local communities. It is incumbent upon us to do that.

Congressman STUPAK in the House and my amendment in the Senate finally has done that. The least we can do is ease the path for these families as they confront their loss.

CHILDREN'S HEALTH INSURANCE

Mr. BROWN. Mr. President, the Children's Health Insurance Plan legislation was delivered to the White House this afternoon for, I hope, the President's signature, but unfortunately, I fear the President's veto. It is unbelievable that the President would veto legislation that means so much to many working families in Ohio, in the great State of Colorado, and any of the other 48 States in our great Nation.

The Children's Health Insurance Program was conceived in 1996 and took effect in 1997, with a Democratic President and a Republican House and Senate. It now insures some 6 million children in our country. These are the sons and daughters of working families, parents who are working hard, playing by the rules, paying their taxes, but they make too much to be on Medicaid but make too little to be able to afford insurance, especially if one of their children has a preexisting condition of any serious nature. They are making $20,000, $30,000, and $40,000 a year.

The President—as Senator GRASSLEY has pointed out in criticism—has said we don't want to give help to these rich children. These are families making $20,000, $30,000, $40,000, and as much as $50,000 or $60,000 a year but mostly families making less. They are struggling, and it is not easy to pay the bills when you make $30,000 or $40,000 a year, let alone pay for health care bills and health insurance.

The President also said he doesn't want this big Government program. He talked about socialism, or something I don't understand. The President of the United States and most Members of Congress go out to Bethesda. That is a Government health care system. They get great health care at Bethesda Naval Hospital. The VA has terrific facilities, not just the CBOCs, community-based outreach clinics, such as in Mansfield, Youngstown, Lorraine, Springfield, Marion, Lima, and all over the State and all over this country; but the big VA hospitals in places such as Brecksville, Columbus, and Chillicothe, and what all that means.

The President says these are kids who should be covered by private insurance. Sure, they should. I wish these children did have private insurance. But the fact is that millions of children in our country don't have private insurance. At relatively little cost—because most children don't cost much to insure—we can put them in the Children's Health Insurance Program.

If the President vetoes this bill, it will immediately mean that some number of children—several hundred thousand—will lose their health insurance immediately, and it will mean a lost opportunity for 4 million other children in Colorado, Ohio, and all over this country, to get health insurance. Again, these are children of working parents—parents who are struggling and doing the best they can to make a go of it. All they want is health insurance for their children.

The President is critical of the cost of the bill. This bill will cost about $7 billion a year, the Children's Health Insurance Plan. The Presiding Officer voted for it and I voted for it and it passed this Senate with 68 votes, with almost 20 Republicans—almost 40 percent of the Republicans voted for this bill in the Senate and all of the Democrats. This is a bipartisan bill. The House is the same way, where dozens of Republicans in the House voted for it.

So it is clearly a bipartisan bill, and the President says it costs too much. It costs $7 billion a year in the next 5 years. What does that mean? In contrast, we spend in 1 week in Iraq close to $3 billion. So we are spending $3 billion a week in Iraq, and we want to spend $7 billion a year to cover 4 million children—some 60 or 70 or 80 in Ohio would take advantage of this—and the President says no to that. He wants more than $3 billion additional per week in Iraq. Something is wrong with those priorities.

The President has had the legislation delivered to him at the White House. I hope the President will reconsider some of his public comments and listen to middle-class families. This is one of those times when Government can directly help the middle class and make a difference in the lives of so many middle-class families who are struggling, such as the Demko family in Columbus.

I just wish the President would open his mind and his ears and his eyes for the next few days and let's send some children, some families we have met, whom you have met, Mr. President, in Boulder or Denver, whom you met in Colorado Springs, whom I have met in Columbus, Cincinnati, or Dayton, or Zanesville, or Steubenville—let's invite some of those families to the White House, sit down with the President and say: Mr. President, here is what the Children's Health Insurance Program means to me and my family and to a lot of my neighbors. Please, Mr. President, sign this bill.

I believe, because I think he is a decent person, if the President would open his ears, eyes, and mind to that conversation of those families, it would be a very different outcome. I am hopeful in the next couple of days that the President will sign the Children's Health Insurance Program. If he does not, I am confident we will override his veto in the Senate, and I am hopeful that enough Republicans will get on this bipartisan bandwagon and join the Democrats in overriding that veto because it will mean a stronger, more vibrant, more humane policy and a stronger middle class for our country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mrs. CLINTON. Mr. President, from day one, the Bush administration has pursued an aggressive agenda of privatizing essential Government services, even when there has existed overwhelming evidence that doing so would waste money, impair accountability, harm citizens who rely on those services, or jeopardize our Nation's safety and security. The Kennedy-McCaskill amendment on civilian contracting will slow this agenda and bring some much needed common sense to the administration's campaign to outsource essential functions to the private sector.

Among other reforms, the amendment will nullify an edict imposed from outside the Department of Defense that the agency contract out a certain number of jobs regardless of the merits; give Federal employees the same rights to challenge a contracting decision that are now enjoyed by private contractors; and eliminate a wasteful rule that civilian jobs automatically be recompeted at the end of each performance period. I am a strong supporter of the Kennedy-McCaskill amendment, which will serve as an important check on the administration's privatization agenda.

UNSOLVED CIVIL RIGHTS CRIMES

Mr. COBURN. Mr. President, I objected to a unanimous consent request to pass S. 535/H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act. I objected, not because I disagree with the well intended motives of the legislation, but because the authors of the bill refused to work with me to make some commonsense changes.

Let me be clear, I absolutely support the goals of this legislation and believe that those who committed civil rights crimes must be brought to justice, but I believe that we can and must do so in a fiscally responsible manner.

Just last week, the Senate voted to increase the Federal Government's debt limit to $9.815 trillion. It is beyond irresponsible to pass any bill that will add to this debt that will be inherited by our children and grandchildren. Even our best intentions need to be paid for with offsets from lower priorities or wasteful spending.

On February 5, 2007, I sent a letter to my colleagues outlining my intent to object to any legislation authorizing new spending that is not offset by reductions in real spending elsewhere. I strongly believe that Congress should stop borrowing and spending beyond our means. Instead, Congress, like all families, ought to prioritize spending and reduce less important spending when greater priorities arise.

S. 535/H.R. 923 violates two of the principles that I outlined in my February letter. These are: If a bill authorizes new spending, it must be offset by reductions in real spending elsewhere; and if a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity.

This bill authorizes unpaid for new spending and creates a new government program that duplicates existing government efforts. Both of these concerns could be easily addressed if the sponsors of the bill were interested in securing its passage.

In June of this year, my office contacted the bill's sponsors to suggest possible offsets so that I could give my consent—but there was no desire, at the time, to amend the bill. This was unfortunate because last Congress, when Senator Jim Talent was the lead sponsor, he agreed to include offsets in exchange for my consent, but the compromise language was opposed by an unidentified Senator.

It is also unfortunate because there is no shortage of potential offsets for this bill within the Department of Justice, which would administer the proposed program. The bill authorizes $12 million each year for 10 years. The Department has $1.6 billion in unobligated balances, which are funds that have been appropriated but which there are no plans to spend. In fiscal year 2006, the Department spent $45.9 million on conferences, a 34-percent increase since fiscal year 2000. The inspector general examined just 10 conferences and found that the Department spent an estimated $1.5 million on food and beverages. This included paying $4 per meatball at one lavish dinner and spreading an average of $25 worth of snacks around to each participant at a movie-themed party. It is estimated that the current fiscal year 2008 Commerce, Justice, Science Appropriations bill contains congressional earmarks totaling $587 million and the bill exceeds the President's request by more than $2 billion. Clearly, there is wasteful spending that can be reduced to pay for this program.

Just like American taxpayers, Congress needs to learn to pay for what it spends. This is a reasonable expectation but one that has been ignored by Washington politicians who tend to put off difficult decisions and, as a result, have charged up a $9 trillion debt.

This bill also creates a new Federal program that duplicates an existing Federal Government initiative that seeks to address unsolved civil rights crimes. The Department of Justice and the Civil Rights Division of the Federal Bureau of Investigation are currently working with States and nonprofit groups to pursue unsolved civil rights era crimes that resulted in death.

In February 2006, the FBI began an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death. Since then, the Bureau's 56 field offices began to reexamine their unsolved civil rights cases and determine which ones might still be viable for prosecution. To date, they have identified nearly 100 case referrals. Furthermore, the U.S. Attorney General and the FBI Director announced a partnership with the NAACP, the Southern Poverty Law Center and the National Urban League to investigate unsolved crimes from the civil rights era.

I am very supportive of this effort and I am also encouraged that these cases are currently being pursued.

On August 2, 2007, I sent a letter to the Attorney General requesting more information about these efforts to ensure that any legislation passed by Congress would assist the Department to meet its goals. I am awaiting a response.

I do believe that solving these crimes is imperative to remedying past injustices and ensuring future justice. These types of crimes should never have been and never again tolerated or ignored.

I also believe that because of the nature of the crime, the time elapsed, and the fact that many witnesses and potential murderers have moved to different States, this is an area of the law that rightly requires Federal assistance.

Consequently, it is my hope that the bill's sponsors will support my efforts to find funding for this worthy program. It is unfortunate that such a well intentioned effort is being held up because Washington politicians refuse to live under the same budget rules that every family in America adheres to. In the meantime, the American people can rest assured knowing that the Department of Justice and the FBI are already conducting the investigations that this bill seeks to address.

PERFORMANCE GOALS FOR THE MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

Mr. KENNEDY. Mr. President, on September 20, 2007, the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007. Title II of this bill includes the reauthorization of the FDA's medical device user fee program.

Performance goals, existing outside of the statute, accompany the authorization of medical device user fees. These goals represent a realistic projection of what the Food and Drug Administration's Center for Devices and Radiological Health and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document entitled "MDUFA PERFORMANCE GOALS AND PROCEDURES." According to Section 201(c) of H.R. 3580, "the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals . . . in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the CONGRESSIONAL RECORD."

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on September 27, 2007, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

I ask unanimous consent this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH AND
HUMAN SERVICES,
Washington, DC, September 27, 2007.
EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: I want to congratulate you for completing action on the FDA Amendments Act, H.R. 3580. As you know, this bill contains the reauthorization of user fees for drugs and devices as well as other key provisions vital to the Food and Drug Administration. We appreciate your support and hard work on this legislation, the commitment of Members of the Committee in working out these measures, and the support shown by the full Senate.

I am including as enclosures to this letter the two commitment documents for the drug and device user fee programs which outline the agreements between the Agency and the industries with regard to application approval timeframes, issuance of guidances, post market program enhancements, and milestones for other activities to be supported by user fees. These documents cover fiscal years 2008 through 2012 and they represent the commitment of the Department and the FDA to carry out the goals under the mutual agreement with the industries.

Thank you again for successful enactment of the FDA Amendments Act. I look forward to working with you as we proceed with the implementation of this legislation.

Sincerely,

MICHAEL O. LEAVITT,
Secretary.

MDUFA PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the medical device user fee program in the Medical Device User Fee Amendments of 2007, are summarized as follows:

I. Review performance goals—Fiscal year 2008 through 2012 as applied to receipt cohorts.

All references to "days" mean "FDA days."

A. Original premarket approval (PMA), panel-track PMA supplement, and premarket report submissions.

FDA will issue a decision for 60 percent of non-expedited filed submissions within 180 days, and for 90 percent within 295 days.

B. Expedited original PMA and panel-track PMA supplement submissions.

FDA will issue a decision for 50 percent of expedited filed submissions within 180 days, and for 90 percent within 280 days.

C. PMA modules.

FDA will take action on 75 percent of PMA modules within 90 days, and on 90 percent within 120 days.

D. 180-day PMA supplements.

FDA will issue a decision for 85 percent of 180-day PMA supplements within 130 days, and for 95 percent within 210 days.

E. Real-time PMA supplements.

FDA will issue a decision for 80 percent of real-time PMA supplements within 60 days, and for 90 percent within 90 days.

F. 510(k) submissions.

FDA will issue a decision for 90 percent of 510(k)s within 90 days, and for 98 percent within 150 days.

G. Maintenance of current performance.

The agency will, at a minimum, maintain current review performance in review areas such as IDEs and 30-day Notices where specific quantitative goals have not been established.

H. Interactive review.

The agency will continue to incorporate an interactive review process to provide for, and encourage, informal communication between FDA and sponsors to facilitate timely completion of the review process based on accurate and complete information. Interactive review entails responsibilities for both FDA and sponsors.

Interactive review is intended to: (a) prevent unnecessary delays in the completion of the review; (b) avoid surprises to the sponsor at the end of the review process; (c) minimize the number of review cycles and extent of review questions conveyed through formal requests for additional information; and (d) ensure timely responses from sponsors.

All forms of communication should be used as "tools" to facilitate interactive review. These include, but are not limited to, the following: (a) e-mail; (b) one-on-one telephone calls; (c) telephone conferences; (d) videoconferencing; (e) fax; and (f) face-to-face meetings.

Application of these tools for interactive review should remain flexible, balancing speed and efficiency with the need to ensure supervisory concurrence for significant information requests. In general, e-mail should be the preferred mechanism for informal communication because it creates a clear record of the interaction, with telephone calls used primarily for seeking clarification or answers to very limited questions. Conferencing, either by telephone, video, or face-to-face mechanisms, should be used at key milestones, such as those described below, in the review process.

A cornerstone of interactive review is that communication should occur as needed to facilitate a timely and efficient review process. In particular:

1. There should be regular, informal communication from FDA to seek clarification on issues that can be resolved without substantive review or analysis. When appropriate, FDA will also informally communicate substantive review issues if FDA determines that it will facilitate a timely and efficient review process.

Because all reviewers will be active participants in the interactive review process established under this agreement, it should be a natural outcome that reviewers will share issues with sponsors prior to incorporating them into formal letters.

2. Whenever FDA informally requests additional information, the sponsor and FDA will determine an acceptable timeframe for submission of the information. If the information is not received within the agreed upon timeframe or the information is incomplete, the application will be placed on hold (with a major deficiency letter or AI letter) until the information is received.

FDA will develop a guidance document that incorporates these general principles and should make them operational within the review processes for 510(k)s, PMAs, and PMA supplements. FDA will use this detailed interactive review summary as the basis for a guidance document which FDA will issue as a "final" guidance 6 months from the date an agreed upon legislative package is sent to Congress or 3 months from the date of enactment, whichever is later.

I. Meetings.

FDA will make every effort to schedule both informal and formal meetings, both before and during the review process, in a timely manner and industry will make every effort to provide timely and relevant information to make the meetings as productive as possible. These meetings include, but are not limited to the following: pre-submission meetings, determination meetings, agreement meetings, and Day-100 meetings (for PMAs).

J. Quarterly performance reports.

The agency will report quarterly its progress toward meeting the quantitative goals described in this letter and will do so in a timely manner. In addition, for all submission types, FDA will track total time (time with FDA plus time with the company) from receipt or filing to final decision for approval, denial, SE, or NSE. FDA will also provide de-identified review performance data for the branch with the shortest average review times and the branch with the longest average review times for 510(k)s, 180-day supplements, and real-time supplements on an annual basis. Finally, in an effort to enhance accountability and transparency, the agency will meet with the industry informally on a semi-annual basis to discuss issues related to performance and expenditures. At that time, the agency will provide a qualitative update on how funding is being used for the device review process, including investments in information technology and training.

K. New commitments.

All agency guidance documents will reflect commitments made in this goals letter, as appropriate. If a guidance document has not been updated, FDA will still act in accordance with the goals letter.

L. Reviewer training.

As resources permit, the agency will apply user fee revenues to support reviewer training that is related to the process for the review of devices, including training to enhance scientific expertise. FDA will provide summary information on the types of training provided to its staff on an annual basis.

M. Guidance document development.

The agency will continue to develop guidance documents to the extent possible without adversely impacting the timeliness of review of MDUFA-related submissions. Each year, FDA will post a list of guidance documents it is considering for development and provide stakeholders an opportunity to provide comments and/or draft language for those topics as well as suggestions for new or different guidances.

N. Imaging devices with contrast agents or radiopharmaceuticals.

FDA will, after consultation with affected parties, develop a guidance document intended to ensure timely and effective review of, and consistent and appropriate postmarket regulation and labeling recommendations for, diagnostic imaging devices used with imaging contrast agents and/or radiopharmaceuticals approved for the same or different indications. Draft guidance will be published by the end of FY 2008, and will be subject to a 90-day public comment period. FDA will issue a final guidance within one year of the close of the public comment period.

O. In vitro diagnostics.

To facilitate the development of in vitro diagnostic (IVD) devices, FDA will continue to explore ways to clarify the regulatory requirements and reduce regulatory burden, as appropriate, by:

1. Issuing new or revised guidance on: (a) the conduct of clinical trials involving deidentified leftover specimens; (b) clinical trial design issues for molecular diagnostic tests; (c) migration studies; (d) Herpes Simplex Virus IVDs; (e) enterovirus IVDs; and (f) influenza testing.

2. Conducting a pilot program to evaluate integrating the 510(k) review and Clinical Laboratory Improvement Amendments (CLIA) waiver review processes for possible increased efficiencies. This pilot will include only voluntary participants from industry, and the 510(k) applications involved in the pilot will not be counted toward the MDUFA performance goals.

3. Considering industry proposals on acceptable CLIA waiver study protocols, developing acceptable protocol designs, and making them available by adding appendices to the CLIA waiver guidance or by posting redacted protocols on the FDA website.

4. Tracking review times for CLIA waiver applications, sharing this information with industry annually and, at the end of year two of MDUFA, evaluating whether CLIA waiver user fees and performance goals should be considered for MDUFA III.

5. Reviewing a list of class I and II low risk IVD devices, to be provided by industry, to determine whether any of them could be exempted from premarket notification, and allowing interested parties to petition for exemptions consistent with section 510(m)(2) of the Federal Food, Drug, and Cosmetic Act (the Act).

6. Performing a review of its pre-IDE program for IVD devices. This review will be conducted during the first year of MDUFA and will focus on specific issues identified by industry that they would like to see addressed by the program review.

P. Transition period.

FDA will meet the performance goals established under MDUFA II beginning October 1, 2007. However, because, beginning October 1, 2007, FDA will be reviewing submissions under MDUFMA I goals and MDUFA II goals at the same time (due to submissions received in FY 2007 but acted upon in FY 2008), FDA will not manage to the MDUFMA I cycle goals for those submissions received in fiscal year 2007. FDA will meet the MDUFMA I decision goals for submissions received in FY07 and will apply the principles of interactive review.

II. Definitions and explanations of terms.

A. FDA Decision.

PMA decisions are approval, approvable, approvable pending GMP inspection, not approvable, withdrawal, and denial. 510(k) decisions are substantially equivalent (SE) or not substantially equivalent (NSE).

Not Approvable decisions will generally not be issued on the first review cycle. The rare cases where a not approvable decision might be issued on the first review cycle would include situations such as (1) the application is complete and there are no outstanding FDA issues, but the data do not demonstrate that the device provides reasonable assurance of safety and effectiveness, or (2) the PMA receives a not approvable recommendation from an advisory panel. Any "Not Approvable" decision will be accompanied by the rationale for its issuance.

Submission of an unsolicited major amendment to any original PMA, premarket report, panel-track supplement, or 180-day supplement extends the FDA decision goal date by the number of days equal to 75 percent of the difference between the filing date and the date of receipt of the amendment.

B. Expedited review.

The MDUFA II expedited review performance goals will apply only to devices for which expedited review has been granted in accordance with section 515(d)(5) of the Act.

If in any one fiscal year, the number of submissions granted expedited review equals 10 or more, FDA will be held to the expedited review performance goals for that fiscal year.

If in any one fiscal year, the number of submissions granted expedited review is less than 10, then it is acceptable to combine the submissions for the following year(s) in order to form a cohort of 10 submissions upon which FDA will be held to the performance goals. However, FDA will continue to report performance data on the cohort for each fiscal year.

C. PMA modules.

Action on a PMA module includes accepting the module, request for additional information, receipt of the PMA, and withdrawal of the module.

D. 180-day PMA supplements.

Decisions for 180-day PMA supplements include approval, approvable, approvable pending GMP inspection, and not approvable.

FDA will implement a major deficiency letter process for 180-Day PMA Supplements (similar to that for PMAs).

E. Real-time PMA supplements.

Decisions for real-time PMA supplements include approval, approvable, and not approvable.

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

Mr. KENNEDY. Mr. President, on September 20, 2007, the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007. Title I of this bill is the reauthorization of the FDA's prescription drug user fee program, and includes the initial authorization for a voluntary user fee program for advisory reviews of direct-to-consumer television advertising.

Performance goals, existing outside of the statute, accompany the reauthorization of the drug user fee program and the authorization of the advisory review user fee program. These goals represent a realistic projection of what the Food and Drug Administration's Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document with two sections entitled "PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES" and "PERFORMANCE GOALS AND PROCEDURES FOR ADVISORY REVIEW OF DIRECT-TO-CONSUMER TELEVISION ADVERTISING." According to Section 101(c) of H.R. 3580, "the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals . . . in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record."

Today I am submitting for the Record this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on September 27, 2007, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

The agency-industry agreement on prescription drug user fees includes, for each of the 5 fiscal years of the reauthorization, an additional $29,290,000 and 82 full time employees for the postmarket drug safety activities described in the document. These funds are augmented in Title I of H.R. 3580 by an additional $225 million for postmarket drug safety, $25 million for fiscal year 2008, $35 million for fiscal year 2009, $45 million for fiscal year 2009, $55 million for fiscal year 2010, and $65 million for fiscal year 2011. The FDA will use this $225 million to implement the postmarket drug safety programs and authorities set out in Title IX of H.R. 3580.

I ask unanimous consent this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Health and Human Services,
Washington, DC, September 27, 2007.

Edward M. Kennedy,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

Dear Chairman Kennedy: I want to congratulate you for completing action on the FDA Amendments Act, H.R. 3580. As you know, this bill contains the reauthorization of user fees for drugs and devices as well as other key provisions vital to the Food and Drug Administration. We appreciate your support and hard work on this legislation, the commitment of Members of the Committee in working out these measures, and the support shown by the full Senate.

I am including as enclosures to this letter the two commitment documents for the drug and device user fee programs which outline the agreements between the Agency and the industries with regard to application approval timeframes, issuance of guidances, post market program enhancements, and milestones for other activities to be supported by user fees. These documents cover fiscal years 2008 through 2012 and they represent the commitment of the Department and the FDA to carry out the goals under the mutual agreement with the industries.

Thank you again for successful enactment of the FDA Amendments Act. I look forward to working with you as we proceed with the implementation of this legislation.

Sincerely,

MICHAEL O. LEAVITT,
Secretary.

SECTION A: PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2008 THROUGH 2012

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the [cite statute] are summarized below.

Unless otherwise stated, goals apply to cohorts of each fiscal year (FY).

I. REVIEW PERFORMANCE GOALS

A. NDA/BLA Submissions and Resubmissions

1. Review and act on 90 percent of standard original NDA and BLA submissions within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and BLA submissions within 6 months of receipt.

3. Review and act on 90 percent of Class 1 resubmitted original applications within 2 months of receipt.

4. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

B. Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplement within 6 months of receipt.

C. Resubmitted Efficacy Supplements

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

D. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

E. These review goals are summarized in the following table:

ORIGINAL AND RESUBMITTED NDAs/BLAs AND EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Original Applications	90% in 10 Mo	90% in 6 Mo.
Class 1 Resubmissions	90% in 2 Mo	90% in 2 Mo.
Class 2 Resubmissions	90% In 6 Mo	90% in 6 Mo.
Original Efficacy Supplements.	90% in 10 Mo	90% in 6 Mo.
Class 1 Resubmitted Efficacy Supplements.	90% in 2 Mo	90% in 2 Mo.
Class 2	90% in 6 Mo	90% in 6 Mo.
MANUFACTURING SUPPLEMENTS		
FY 2008–2012	90% in 6 Mo	90% in 4 Mo.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

A. The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

B. For biological products, for purposes of this performance goal, all original BLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal Type A meeting, or within 21 calendar days of the Agency's receipt of a request from industry for a formal Type B or Type C meeting (i.e., a scheduled face-to-face, teleconference, or videoconference), CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90% of Type A meeting requests and within 21 days for 90% of Type B and Type C meeting requests.

B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

a) Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

b) Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

c) Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe.

C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide:

a) A brief statement of the purpose of the meeting;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A listing of planned external attendees;

e) A listing of requested participants/disciplines representative(s) from the Center;

f) The approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

Sponsors are encouraged to consult available FDA guidance to obtain further information on recommended meeting procedures.

IV. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

V. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal: 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

VII. ADDITIONAL PROCEDURES

A. Simplification of Action Letters

To simplify regulatory procedures, CBER and CDER intend to amend their regulations and processes to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of Sponsor Notification of Deficiencies in Applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of a "discipline review" (DR) letter when each discipline has finished its initial review of its section of the pending application.

VIII. ENHANCEMENT AND MODERNIZATION OF THE FDA DRUG SAFETY SYSTEM

FDA will use user fees to enhance and modernize the current U.S. drug safety system. FDA will adopt new scientific approaches, improve the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, and continue to enhance and improve communication and coordination between post-market and pre-market review staff. Enhancements to the post-market drug safety system will improve the public health by increasing patient protection while continuing to enable access to needed medical products. User fees will provide support for 1) preparing and implementing a 5-year plan to modernize drug safety, including improving communication and coordination between the post-market and pre-market review staff, 2) conducting and/or supporting activities designed to modernize the process of pharmaco-vigilance, 3) developing with sponsors, reviewing, and monitoring implementation of risk management plans, and 4) related activities.

A. Development of 5-year plan, and Communications and Technical Interactions

1. The FDA will develop and periodically update a 5-year plan describing activities that will lead to enhancing and modernizing FDA's drug safety activities/system. The activities described in the 5-year plan will include:

a) Assessment of current and new methodologies to maximize the public health benefit associated with collecting adverse event information at various points during the product lifecycle;

b) With input from academia, industry, and others from the general public, identifying epidemiology best practices and developing guidance(s) describing these practices;

c) Expanding CBER/CDER's database acquisition and use for the purposes of targeted post-marketing surveillance and epidemiology;

d) Developing and validating risk management and risk communication tools, including assessing the effectiveness of risk management plan agreements and developing, implementing, and evaluating mechanisms for public communications about the benefits and risks of drugs and biological products;

e) Improving post-market IT systems (e.g., AERS 2, safety tracking system, and opportunities for linked data management);

f) Enhancing and improving communication and coordination between the Office of Surveillance and Epidemiology and the Office of New Drugs in CDER and the Office of Biostatistics and Epidemiology and the pre-market product review Offices in CBER, including activities to assess the impact and value of routinely including post-market review staff on pre-market review teams.

2. The plan will be drafted, published on the FDA website, and updated as follows:

a) FDA will publish a draft of the plan by March 31, 2008. At that time, FDA will solicit and consider comments from the public on the draft plan. The public comment period will be at least 45 calendar days. FDA will complete revisions to the plan and publish the final version no later than December 31, 2008.

b) By the end of FY 09, FDA will conduct an annual assessment of progress against the plan to be published on the FDA website. The report will describe progress on issues outlined in the five year plan. In addition, the report will include FDA efforts to facilitate the interactions between OND/OSE related to the process of evaluating and responding to post-marketing drug safety/adverse event reports.

c) FDA will publish updates to the plan as FDA deems necessary. FDA will publish on the FDA website draft revisions to the plan, solicit comments from the public on those draft revisions, and consider the public comments before completing and publishing updates to the plan.

B. Conduct and support activities designed to modernize the process of pharmaco-vigilance

1. Maximize the Public Health Benefit of Adverse Event (AE) Collection Throughout the Product Life Cycle: By the end of FY 08, FDA will publish a Request for Proposals (RFP) to solicit proposals from outside research organizations to conduct research on determining the best way to maximize the public health benefit associated with collecting and reporting serious and non-serious adverse events occurring throughout a product's life cycle. Central to addressing this question are determining the number and type of safety concerns discovered by AE collection, the age of products at the time safety concerns are detected by AE collection, and the types of actions that are subsequently taken to protect patient safety. Contractor(s) should study adverse event collection both within and outside the U.S. Contract(s) will be awarded during FY 09 and the completion of study(ies) targeted for FY 11.

2. Epidemiology Best Practices and Guidance Document Development: During FY 08, the FDA, with input from academia, industry, and others from the general public, will hold a public workshop to identify epidemiology best practices. The workshop will examine current epidemiology practices both within and outside the U.S. By the end of FY 10, CDER and CBER jointly will develop and issue a draft guidance document that addresses epidemiology best practices and provides guidance on carrying out scientifically sound observational studies using quality data resources. A final guidance will be issued in FY 11.

3. Expanding Database Resources: A critical part of the transformation of the drug safety program is maximizing the usefulness of tools used for adverse event signal detection and risk assessment. To achieve this end, data other than passive spontaneous reports, including population-based epidemiological data and other types of observational data resources will be used and evaluated. Access to these types of data will expand the FDA's capability to carry out targeted post-marketing surveillance, look at class effects of drugs, and potentially carry out signal detection using data resources other than reports from AERs system. PDUFA funds will be used to obtain access to additional databases, to train existing staff, and to hire additional epidemiologists and programmers to be able to use these new resources.

4. Development and Validation of Risk Management and Risk Communication Tools: During FY 08, FDA will develop a plan to 1) identify, with input from academia, industry, and others from the general public, risk management tools and programs for the purpose of evaluation and 2) conduct assessments of the effectiveness of identified Risk Minimization Action Plans (RiskMAPS) and

current risk management and risk communication tools. A public workshop will be held during FY 09 to obtain input from industry and other stakeholders regarding the prioritization of the plans and tools to be evaluated. Starting in FY 09, FDA will conduct annual systematic public discussion and review of the effectiveness of one to two risk management program(s) and one major risk management tool. Reports of these discussions will be posted on the FDA website.

C. Review of risk management plans

FDA may use user fees for the review of risk management plans and related activities (e.g., meeting with sponsors, collaborations between review divisions and the appropriate safety group in CDER or CBER, and reviews of periodic reports on the implementation of any risk management plan).

D. Other Activities

FDA will establish the following standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information:

1. Enhanced adverse event reporting system and surveillance tools;

2. IT infrastructure to support access and analyses of externally-linked databases; and

3. Workflow tracking system.

IX. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

A. Review Performance Goals—Drug/Biological Product Proprietary Names

1. Proprietary names submitted during IND phase (as early as end-of-phase 2)

a) Review 50% of proprietary name submissions filed during FY 09 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) Review 70% of proprietary name submissions filed during FY 10 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

c) Review 90% of proprietary name submissions filed during FYs 11 and 12 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

d) If proprietary name is found to be unacceptable, sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

e) If proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

f) Complete submission is required to begin the review clock.

2. Proprietary names submitted with NDA/BLA

a) Review 50% of NDA/BLA proprietary name submissions filed during FY 09 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) Review 70% of NDA/BLA proprietary name submissions filed during FY 10 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

c) Review 90% of NDA/BLA proprietary name submissions filed during FYs 11 and 12 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

d) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (IND phase after end of phase 2) and has received tentative acceptance.

e) If proprietary name is found to be unacceptable, sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

f) If proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

g) Complete submission is required to begin the review clock.

3. Guidance Document Development

a) By the end of FY 08, FDA will publish a final guidance on the contents of a complete submission package for a proposed proprietary drug/biological product name.

b) By the end of FY 09, FDA will prepare a MaPP (Manual of Policies and Procedures) to ensure that FDA internal processes (e.g., Division of Medication Errors and Technical Support, Division of Drug Marketing, Advertising, and Communications, Office of New Drugs, CDER and Advertising and Promotional Labeling Branch, CBER) are consistent with meeting the proprietary name review goals.

c) By the end of FY 10, after public consultation with academia, industry, and others from the general public, FDA will publish a draft guidance on best practices for naming, labeling and packaging drugs and biologics to reduce medication errors. Final guidance will be published by the end of FY 11.

d) By the end of FY 12, after public consultation with industry, academia and others from the general public, FDA will publish a draft guidance on proprietary name evaluation best practices. Publication of final guidance on proprietary name evaluation best practices will follow as soon as feasible.

B. Pilot Program

During PDUFA IV, FDA will develop and implement a pilot program to enable pharmaceutical firms participating in the pilot to evaluate proposed proprietary names and submit the data generated from those evaluations to the FDA for review.

1. FDA will hold a public technical meeting to discuss the elements necessary to create a concept paper describing the logistics of the pilot program, the contents of a proprietary name review submission, and the criteria to be used by FDA to review submissions under the pilot program. Subsequently, by the end of FY 08, FDA will publish the concept paper.

2. By the end of FY 09, FDA will begin enrollment into the pilot program.

3. By the end of FY 11, or subsequent to accruing two years of experience with pilot submissions, FDA will evaluate the pilot program.

C. Other Activities

1. FDA and industry are interested in exploring the possibility of "reserving" proprietary names for companies once the names have been tentatively accepted by the Agency. By the end of FY 08, FDA will initiate a public process to discuss issues around "reserving" proprietary names.

2. FDA will provide the full source code and supporting technical documentation for the Phonetic and Orthographic Computer Analysis (POCA) tool and make it available on disk for use by industry and others from the general public by end of FY 08.

X. FIRST CYCLE REVIEW PERFORMANCE PROPOSAL

A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, telephone conference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 14 calendar days after the 60-day filing date.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

B. Notification of Planned Review Timelines

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will inform the applicant of the planned timeline for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling and postmarketing study commitments (PMCs) the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 14 calendar days after the 60-day filing date.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding the individual application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of original BLA and NME NDA applications beginning in FY 09; 90% of efficacy supplements for new or expanded indications beginning in FY 10; 90% of all original NDAs/BLAs beginning in FY 11; and 90% of all efficacy supplements beginning in FY 12 (see table below).

(Percent)

	FY 08	FY 09	FY 10	FY 11	FY 12
Original BLAs and NME NDAs	—	90	90	90	90
Efficacy supplements for new/expanded indications	—	—	90	90	90
All original NDAs	—	—	—	90	90
All efficacy supplements	—	—	—	—	90

6. Should the applicant submit any unsolicited major amendment(s) to the application (e.g., a major new clinical safety/efficacy study report, major re-analyses of previously submitted study(ies)) and if the division chooses to review such amendment(s) during that review cycle, the planned review timeline will no longer be applicable (even if the unsolicited major amendment leads to an extension of the overall PDUFA review clock). No new planned review timeline need be provided in such cases; however, the overall PDUFA action goal date, including any extension, will still apply. The division will notify the applicant promptly of its decision regarding review of the unsolicited major amendment(s) and whether the planned review timeline is still applicable.

7. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling or PMCs by the target date identified in the planned review

timeline (e.g., failure to demonstrate efficacy, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMP and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, telephone conference, facsimile, secure e-mail, or other expedient means. Communication of the deficiencies identified will generally occur through issuance of a discipline review letter(s) in advance of the planned target date for initiation of postmarketing study commitments and labeling discussions.

8. Should the applicant submit a major amendment(s) (e.g., a major new clinical safety/efficacy study report, major re-analyses of previously submitted study(ies)) to provide information or data requested by FDA during the review (e.g., a solicited major amendment) and if the division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated will generally no longer be applicable. If the solicited major amendment does not result in an extension of the overall PDUFA review clock, and depending upon the circumstances, the review division may choose to retain the previously communicated planned review timeline (e.g., the solicited major amendment is submitted early in the review cycle, review of the amendment is not expected to significantly alter the division's planned review timeline). If the solicited major amendment is submitted during the last 90 days of the review cycle and results in an extension of the PDUFA action date (review clock), the review division will establish a new review timeline for communication of feedback on proposed labeling and PMCs. The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable. If the solicited major amendment results in an extension of the overall PDUFA review clock, the division will communicate a new planned review timeline to the applicant at the time of the clock extension.

C. Report on Review Timeline Performance

1. FDA will report its performance in meeting the goals for inclusion of a planned review timeline with the notification of issues identified during the filing review in the annual PDUFA performance report.

2. FDA will report its performance in meeting the planned review timeline for communication of labeling comments and PMC requests in the annual PDUFA performance report. The report will include the percentage of applications for which the planned target dates for communication of labeling comments and PMC requests were met. The report will also note how often the planned review timeline was met based on communication of labeling comments and PMC requests by the target date and how often such communication did not occur due to FDA's determination that significant deficiencies in the application precluded communication of labeling comments and PMC requests at the time initially projected. Communication of labeling comments and PMC requests, or communication of FDA's determination that significant deficiencies preclude initiation of such discussions, within 7 calendar days of the target date stated in the planned review timeline will be considered to have met the target date. FDA will also report the number of times that the review timelines were inapplicable due to the Agency's decision to review an unsolicited major amendment or a solicited major amendment that did not result in an extension of the review clock (unless the review division chose to retain the previously communicated planned review timeline.)

3. FDA will engage an independent outside consultant to conduct an analysis of the Agency's success in adhering to the planned review timelines. The contractor will assess the factors, based on input from both the FDA and the applicants, that contributed to the ability of the Agency to adhere to the planned review timelines and those factors attributable to either the FDA or the applicant that contributed to failure to adhere to the planned review timeline. A final report will be provided to FDA at least 6 months before the end of FY 11. FDA will make available a releasable version of the final report within 2 months of receipt from the independent outside consultant.

D. Standard Operating Procedures and Training

FDA will develop harmonized (CBER/CDER) standard operating procedures (SOPs) regarding the notification of planned review timelines. These SOPs will be finalized and implemented by the end of FY 08. Training will be provided to all CBER and CDER review staff on the harmonized (CBER/CDER) standard operating procedures. Training will continue for all new review staff and refresher training will be provided to all review staff as necessary through FY 12.

XI. EXPEDITING DRUG DEVELOPMENT

A. Guidance Development: FDA will develop and publish for comment draft guidances on the following topics by the end of the indicated Fiscal Year of PDUFA-IV. FDA will complete the final guidances within one year of the close of the public comment period.

1. Clinical Hepatotoxicity—FY 2008
2. Non-inferiority Trials—FY 2008
3. Adaptive Trial Designs—FY 2008
4. End of Phase 2(a) Meetings—FY 2008
5. Multiple Endpoints in Clinical Trials—FY 2009
6. Enriched Trial Designs—FY 2010
7. Imaging Standards for Use as an End Point in Clinical Trials—FY 2011

B. Ongoing Scientific Collaboration: FDA will participate in workshops with representatives from the scientific community (including industry, academia and other interested stakeholders) to further the science toward development of guidance documents in the following areas:

1. Predictive Toxicology
2. Biomarker Qualification
3. Missing Data

C. FDA will participate in workshops and other public meetings to explore new approaches to a structured model for benefit/risk assessment. The results of these interactions will be used to assess whether pilot(s) of such new approaches can be conducted during PDUFA-IV. These efforts may lead to the development of guidance documents.

XII. POSTMARKETING STUDY COMMITMENTS

FDA will develop harmonized (CBER/CDER) standard operating procedures that articulate the Agency's policy and procedures (e.g., timing, content, rationale and vetting process) for requesting that applicants agree in writing to voluntary postmarketing study commitments. The SOPs will be finalized prior to the end of FY 08. In developing these SOPs, the Agency will take into consideration the findings of the contractor study of current Agency procedures to be completed during FY 07. FDA will make available a releasable version of the final report within 2 months of receipt from the contractor. Training will be provided to all CBER and CDER review staff on the harmonized (CBER/CDER) standard operating procedures. Training will continue for all new review staff and refresher training will be provided to all review staff as necessary through FY 12.

XIII. IMPROVING FDA PERFORMANCE MANAGEMENT

A. The studies conducted under this initiative are intended to foster:

1. Development of programs to improve access to internal and external expertise
2. Reviewer development programs, particularly as they relate to drug review processes
3. Advancing science and use of information management tools
4. Improving both inter- and intra-Center consistency, efficiency, and effectiveness
5. Improved reporting of management objectives
6. Increased accountability for use of user fee revenues
7. Focused investments on improvements in the process of drug review
8. Improved communication between the FDA and industry

B. Studies will include:

1. Assessment of the impact of the electronic submission and review environment on the efficiency and effectiveness of the overall process for the review of human drugs.

2. Assessment of the progress toward full implementation of Good Review Management Principles, focusing on both FDA reviewer practices and industry sponsor practices affecting successful implementation.

3. Assessment by an independent accounting firm of the review activity adjustment methodology (as described in section 736(c)(2) that is applied in FY 09 with recommendations for changes, if warranted

XIV. INFORMATION TECHNOLOGY GOALS

A. Objectives

1. FDA is committed to achieve the long-term goal of an automated standards-based information technology (IT) environment for the exchange, review, and management of information supporting the process for the review of human drug applications throughout the product life cycle. Towards this goal, FDA will work toward the accomplishment of the following objectives by the end of FY 12:

a) Develop and periodically update an IT plan, as defined in Sections B) and C) below, covering a rolling five-year planning horizon.

b) Develop, implement, and maintain new information systems consistently across all organizational divisions participating in the process for the review of human drug applications, and in compliance with the IT plan, the FDA's program-wide governance process, the FDA's target enterprise architecture, and with HHS enterprise architecture standards. The consistency of development, implementation, and maintenance of new information systems will be determined by the FDA based on considerations of program efficiency and effectiveness. Emphasis will be placed on the consistency of interactions with regulated parties and other external stakeholders.

c) Update technical specifications and IT-related guidance documents as necessary to reflect consistent program-wide implementation of new information systems supporting electronic information exchange between FDA and regulated parties and other external stakeholders.

d) Extend the capability of the secure electronic single point of entry to include two-way transmission of regulatory correspondence.

e) Establish an automated standards-based regulatory submission and review environment for INDs, NDAs, and BLAs, and their supplements, that enables the following functions over the life cycle of the product:

(1) Electronic IND, NDA, and BLA submissions received by FDA can be archived to enable retrieval through standardized automated links;

(2) Electronic IND, NDA, and BLA submissions can include cross-references to previously submitted electronic materials through standardized automated links; and

(3) Archived electronic IND, NDA, and BLA submissions can be retrieved through standardized automated links.

f) Establish a system for electronic exchange and management of human drug labeling information in a modular manner (e.g., at the label section level) that is based on FDA standards and that enables revision tracking.

g) Establish standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information, as described in Section VIII addressing the enhancement and modernization of the FDA drug safety system.

B. Communications and Technical Interactions

1. FDA will develop and periodically update a five-year IT plan for improving the automation of business processes and acquiring and maintaining information systems to achieve the objectives defined above in PDUFA IT Goal A. The plan will include measurable or observable milestones toward achievement of those objectives.

2. The IT plan will be reviewed and approved through the appropriate FDA governance process to ensure it conforms to the Agency's overall long-term automation strategy.

3. The IT plan will be drafted, published on the FDA web site, and updated as follows:

a) FDA will publish a draft of the IT plan by December 31, 2007. At that time, FDA will solicit and consider comments from the public on the draft IT plan. The public comment period will be at least 45 calendar days. FDA will complete revisions to the IT plan and publish the final version no later than May 30, 2008.

b) FDA will conduct an annual assessment of progress against the IT plan and publish on the FDA web site a summary of the assessment within 2 months after the close of each fiscal year.

c) FDA will publish updates to the IT plan as FDA deems necessary to achieve the objectives defined in PDUFA IT Goal A. FDA will publish on the FDA web site draft revisions to the IT plan; solicit comments from the public on those draft revisions; and consider the public comments before completing and publishing updates to the IT plan.

4. The FDA and industry stakeholders will meet on a quarterly basis to discuss ongoing implementation of the IT plan, status of IT metrics as available, and potential impacts that future activities may have on stakeholders. These meetings will also be used to discuss potential FDA revisions to the IT plan based on operational experience.

C. Standards and IT Plan

The IT plan referenced in PDUFA IT Goal B will provide a vision for FDA standards and technical infrastructure supporting the process for the review of human drug applications and will address the following:

1. A description of the scope and approach for an evaluation and design of the target enterprise architecture necessary to achieve the objectives defined in PDUFA IT Goal A.

2. The business processes targeted for automation to achieve business-driven objectives.

3. Which electronic data standards, including the associated Standards Development Organization, are being considered for adoption or development. (Note: The FDA's process for adopting or developing standards includes the consideration of existing open consensus standards prior to the development of new standards. FDA participates in international Standards Development Organizations and supports global harmonization of data standards through open structured processes.)

4. Implementation of information systems that are based on the electronic data standards.

5. Training for system users, stakeholder adoption, and communications for transitioning to new or reengineered information systems supporting the process for the review of human drug applications.

6. A description of FDA's processes for

a) evaluating business processes for electronic information exchange between FDA and regulated parties or external stakeholders;

b) evaluating, adopting or developing electronic data standards for information exchange between FDA and regulated parties or external stakeholders; and

c) developing, piloting, and deploying information systems that use those standards in supporting the process for the review of human drug applications.

D. Metrics and Measures

FDA will measure progress toward achievement of the objectives defined in PDUFA IT Goal A. Measures will include:

1. The number and percentage of IND, NDA, and BLA submissions received in valid electronic format in compliance with FDA standards, categorized by types of submissions. Increasing the number and percentage of IND, NDA, and BLA submissions received in valid electronic format is a goal that is supported by the FDA and industry stakeholders. Achievement of this goal requires the cooperation of regulated industry. To support the assessment of this goal, the following information will be tracked and reported at least annually:

a) Total number of submissions categorized by type of submission;

b) Total number of submissions in valid electronic format in compliance with FDA standards

c) Total number of submissions received through the secure electronic single point of entry versus other methods; and

d) Total number of submissions received substantially on paper.

2. Total number of standards-based electronic submissions that fail to comply with FDA electronic submission standards, along with a distribution of these submission failures across categories of failure or problem type.

3. Annual spending on maintenance of legacy IT systems and IT systems that are common across the organizational divisions participating in the process for the review of human drug applications.

4. Other measures and milestones to be identified in the IT plan addressed under Sections B and C above.

XV. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application, efficacy supplement, or resubmission of any of these applications, submitted within three months of a goal date, may extend the goal date by three months. A major amendment to a manufacturing supplement submitted within two months of the goal date extends the goal date by two months. Only one extension can be given per review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling

2. Draft labeling

3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)

4. Stability updates to support provisional or final dating periods

5. Commitments to perform Phase 4 studies, including proposals for such studies

6. Assay validation data

7. Final release testing on the last 1-2 lots used to support approval

8. A minor reanalysis of data previously submitted to the application (determined

* * *

9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)

10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any items that would require presentation to an advisory committee.

F. A Type A meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting) or to address an important safety issue.

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or 3) a pre-NDA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C meeting is any other type of meeting.

I. The performance Goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

J. IT Definitions (see section XI)

1. "Automation of business processes" refers to the development and deployment of information systems that support program activities (i.e., business processes) conducted under the process for the review of human drug applications. The purpose of business process automation is to support decision making by FDA program managers and reviewers. The scope of business process automation is determined by program managers toward the objective of more efficient and effective program operations.

2. "Program" refers to the organizational resources, procedures, and activities assigned to conduct "the process for the review of human drug applications," as defined in the Prescription Drug User Fee Act.

3. "Standards-based" means compliant with published specifications that address terminology or information exchange between the FDA and regulated parties or external stakeholders, as adopted by the FDA or other agencies of the federal government, and often based on the publications of national or international Standards Development Organizations.

4. "FDA Standards" means technical specifications that have been adopted and published by the FDA through the appropriate governance process. FDA standards may apply to terminology, information exchange, engineering or technology specifications, or other technical matters related to information systems. FDA standards often are based on the publications of other federal agencies, or the publications of national or international Standards Development Organizations.

5. "Product life cycle" means the sequential stages of human drug development, regulatory review and approval, post-market surveillance and risk management, and where applicable, withdrawal of an approved drug from the market. In the context of the process for the review of human drug applications, the product life cycle begins with the earliest regulatory submissions in the Investigational New Drug (IND) phase, continues through the New Drug Application (NDA) or Biological Licensing Application (BLA) review phase, and includes post-market surveillance and risk management activities as covered under the process for the review of human drug applications.

6. "The FDA's program-wide IT governance process" includes centralized oversight of all data and technology standards adoption, technology acquisition, and funding allocation.

7. "The FDA's target enterprise architecture" includes data and technology standards for the electronic exchange and management of information supporting the process for the review of human drug applications.

SECTION B: PERFORMANCE GOALS AND PROCEDURES FOR ADVISORY REVIEW OF DIRECT-TO-CONSUMER TELEVISION ADVERTISING FISCAL YEARS 2008 THROUGH 2012

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the direct-to-consumer television advertising user fee program in Section 736A of the Federal Food, Drug, and Cosmetic Act are summarized below.

I. FINDINGS

A. FDA's advisory review of proposed prescription drug television advertisements helps to ensure that these advertisements communicate information to consumers that is accurate, balanced, and adequately substantiated, thereby improving the quality of these advertisements.

B. It is important to industry and FDA to provide predictability in the timeframe for reviewing and providing written comments on direct-to-consumer television advertisements submitted to FDA for advisory review before initial dissemination.

C. FDA needs additional resources to ensure that it has adequate staff to provide advisory reviews of direct-to-consumer television advertisements in a timely manner.

D. A program that requires payment of user fees by those who choose to voluntarily submit direct-to-consumer television advertisements for advisory review by FDA is established to provide needed resources to FDA and improve the timeliness of FDA advisory reviews while maintaining the quality of the reviews.

E. Each submission for advisory review will be assessed a fee, but the sponsor may resubmit that advertisement one time after receiving comments without further fee assessment.

F. Under this program, it is important to ensure that FDA has the resources needed to hire and retain adequate staff to meet review performance goals.

G. Because reviews from this program are dependant on submissions which are unpredictable, the statute establishes a reserve fund to maintain a staff that can meet the review performance goals in case user fees for any year of the program are not adequate. In addition, user fees for all submissions during a fiscal year are to be paid at the start of each fiscal year or late fees will be assessed.

II. REVIEW PERFORMANCE GOALS

A. Goals for First 150 Advisory Review Submissions.

Fiscal Year 2008:

1. Review and provide advisory comments for 75 original submissions within 45 days (50% of 150).

2. Review and provide advisory comments for 37 resubmissions of original submissions within 30 days (50% of 75 resubmissions).

Fiscal Year 2009:

1. Review and provide advisory comments for 90 original submissions (60% of 150) within 45 days.

2. Review and provide advisory comments for 45 resubmissions (60% of 75) within 30 days.

Fiscal Year 2010:

1. Review and provide advisory comments for 105 original submissions (70% of 150) within 45 days.

2. Review and provide advisory comments for 52 resubmissions (70% of 75) within 30 days.

Fiscal Year 2011:

1. Review and provide advisory comments for 120 original submissions (80% of 150) within 45 days.

2. Review and provide advisory comments for 60 resubmissions (80% of 75) within 30 days.

Fiscal Year 2012:

1. Review and provide advisory comments for 135 original submissions (90% of 150) within 45 days.

2. Review and provide advisory comments for 68 resubmissions (90% of 75) within 30 days.

NOTE: For any goal year, if the number of submissions or resubmissions received is not greater than the number for which the Agency has committed to provide advisory comments on within the goal timeframe, then the goal will be to provide comments on 90% of the number received within the goal timeframe. For example, if FDA receives only 30 resubmissions in fiscal year 2008, then the goal would be to review 27 resubmissions within 30 days.

B. Goals after 150 Submissions

If in any fiscal year after FY 2008, participants in the program indicate (in response to the Federal Register notice) the intent to submit more direct-to-consumer broadcast advertisement submissions for advisory review than were subject to the goals in the prior year, the following performance goals will apply (see Appendix B–1 for specific examples):

1. In the first year of the increase, FDA will review and provide advisory comments for:

a) 50% of the additional paid original submissions over the cohort of original submissions from the previous fiscal year, up to a maximum of 50 additional submissions, within 45 days.

b) 50% of the additional resubmissions over the cohort of resubmissions from the previous fiscal year, up to a maximum of 24 additional resubmissions, within 30 days.

2. In each subsequent year, the performance goals will increase in the same manner as in section A. for each additional cohort of up to 50 additional submissions over the cohort of the prior year (i.e., in the second year after the increase, the goal will be to review 60% of the additional cohort from the prior year (up to 50 submissions) and 50% of any further additions (up to an additional 50 submissions)).

3. For purposes of this adjustment, it is assumed that the number of submissions subject to review metrics cannot decrease from one year to the next even if actual submissions decrease.

4. For purposes of this adjustment, it is assumed that 150 submissions are subject to performance goals in fiscal year 2008.

5. The goals described in this subsection will be calculated based solely on the number of submissions identified in response to the Federal Register notice for that fiscal year.

III. DEFINITIONS AND EXPLANATION OF TERMS

1. The term "amendment" shall mean additional documents submitted to FDA to complete an original submission or resubmission. For example, references that have been cited in the original submission but were omitted from the original submission package could be submitted as an amendment.

2. The term "original submission" shall mean a proposed television advertisement submission for which a sponsor paid for an advisory review. The proposed television advertisement may not be more than two minutes long.

3. The term "resubmission" shall mean a subsequent submission of a revised version of the advertisement contained in an original submission. Any revisions made to the proposed television advertisement must be based on FDA comments on the original submission. The resubmission may not introduce significant new concepts or creative themes into the television advertisement, or FDA will designate it as an original submission. Revisions that require a consult to another division will be considered to introduce "significant new concepts or creative themes."

APPENDIX B–1

EXAMPLE 1: ORIGINAL SUBMISSIONS

If participants indicate the intent to submit 150 submissions in fiscal year 2008; 200 submissions in fiscal year 2009; 224 submissions in fiscal year 2010; 200 submissions in fiscal year 2011; and 250 submissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 150 submissions	FY 09: 200 submissions	FY 10: 224 submissions	FY 11: 200 submissions	FY 12: 250 submissions
Cohort 1 (150 submissions)	75 (50% of 150)	90 (60% of 150)	105 (70% of 150)	120 (80% of 150)	135 (90% of 150)
Cohort 2 (50 submissions)		25 (50% of 50)	30 (60% of 50)	35 (70% of 50)	40 (80% of 50)
Cohort 3 (24 submissions)			12 (50% of 24)	0 (60% of 0)	17 (70% of 24)
Cohort 4 (0 submissions)				0 (50% of 0)	0 (70% of 0)
Cohort 5 (26 submissions)					13 (50% of 26)
Total Target for 45 Day Review Metric	75	115	147	155	205

EXAMPLE 2: ORIGINAL SUBMISSIONS

If participants indicate the intent to submit 150 submissions in fiscal year 2008; 200 submissions in fiscal year 2009; 250 submissions in fiscal year 2010; 300 submissions in fiscal year 2011; and 350 submissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 150 submissions	FY 09: 200 submissions	FY 10: 250 submissions	FY 11: 300 submissions	FY 12: 350 submissions
Cohort 1 (150 submissions)	75 (50% of 150)	90 (60% of 150)	105 (70% of 150)	120 (80% of 150)	135 (90% of 150)
Cohort 2 (50 submissions)		25 (50% of 50)	30 (60% of 50)	35 (70% of 50)	40 (80% of 50)
Cohort 3 (50 submissions)			25 (50% of 50)	30 (60% of 50)	35 (70% of 50)
Cohort 4 (50 submissions)				25 (50% of 50)	30 (60% of 50)
Cohort 5 (50 submissions)					25 (50% of 50)
Total Target for 45 Day Review Metric	75	115	160	210	265

EXAMPLE 3: RESUBMISSIONS

If participants submit 75 resubmissions in fiscal year 2008; 99 resubmissions in fiscal year 2009; 123 resubmissions in fiscal year 2010; 147 resubmissions in fiscal year 2011; and 171 resubmissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 75 resubmissions	FY 09: 99 resubmissions	FY 10: 123 resubmissions	FY 11: 147 resubmissions	FY 12: 171 resubmissions
Cohort 1 (75 submissions)	37 (50% of 75)	45 (60% of 75)	52 (70% of 75)	60 (80% of 75)	68 (90% of 75)
Cohort 2 (24 submissions)		12 (50% of 24)	14 (60% of 24)	17 (70% of 24)	19 (80% of 24)
Cohort 3 (24 submissions)			12 (50% of 24)	14 (60% of 24)	17 (70% of 24)
Cohort 4 (24 submissions)				12 (50% of 24)	14 (60% of 24)
Cohort 5 (24 submissions)					12 (50% of 24)
Total Target for 30 Day Review Metric	37	57	78	103	130

IRAQ STUDY GROUP

Mr. SALAZAR. Mr. President, last night, we passed the Department of Defense Authorization bill. I want to comment briefly on the debate we had during consideration of that legislation related to the war in Iraq. I am frustrated that we did not reach a bipartisan consensus on a new way forward that could begin to bring an end to this conflict.

When I introduced the Iraq Study Group Recommendations Implementation Act last spring with Senator ALEXANDER and a bipartisan group of our colleagues, I was hopeful we could work constructively with the President toward the goal of having our troops redeployed by the spring of 2008. I was hopeful that we would send a strong signal—with a bipartisan group that eventually grew to 17 Senators—that we should get out of the combat business in Iraq as quickly as possible.

The Iraq Study Group Report was issued 10 months ago. Its core recommendation was that we transition our military mission from combat to training, supporting, and equipping Iraqi security forces. The report said that we should condition our support of the Iraqi Government on its performance in meeting important milestones. The report contemplated that we could be out of the combat business by March 31, 2008.

The report was anticipated with great fanfare. But when it came out, the Bush administration failed to embrace it. The Iraqi Government has failed to meet most of the benchmarks described in the report. General Petraeus has testified, essentially, that we should maintain our combat mission for the foreseeable future. And that March 31 date is only 6 months away.

I still believe in the report. It is still relevant, and it is still important. It sets forth a comprehensive military, political, and economic strategy for bringing a responsible end to the war in Iraq.

But I believe we must build upon the report and take decisive action now to redefine our mission in Iraq and set a clear course for the redeployment of our troops.

Ten months after the Iraq Study Group issued its report, we have failed to begin the transition of our mission that was central to their recommendations. That transition in mission is the key to encouraging the Iraqi Government to take responsibility for the future of their country. The Government Accountability Office has concluded that the Iraqi Government has failed to take that responsibility by meeting the reasonable benchmarks set forth by the Iraq Study Group.

I continue to believe that we must follow the core principles laid out in the Iraq Study Group Report. I continue to believe we need a bipartisan solution to bring this conflict to a responsible end. And I thank each of the cosponsors of our amendment, Republicans and Democrats, for their willingness to join in this important effort. They include Senators ALEXANDER, BENNETT, COLEMAN, COLLINS, DOMENICI, GREGG, SPECTER, and SUNUNU from the Republican side and Democratic Senators PRYOR, CASEY, CARPER, CONRAD, LANDRIEU, LINCOLN, MCCASKILL, and BILL NELSON.

I believe now is the time to build upon the principles set forth by the Iraq Study Group. We must begin a transition of mission from combat to training and support. We must demand more from the Iraqi Government and send a strong and unequivocal message that our commitment is not open-ended. I believe these actions are consistent with the recommendations of the Iraq Study Group, and I remain hopeful that our legislation can be the basis for a constructive, bipartisan solution to the war in Iraq.

HONORING OUR ARMED FORCES

SECOND CLASS CHARLES LUKE MILAM

Mr. SALAZAR. Mr. President, I wish to reflect on the life and service of Navy Hospital Corpsman Second Class Charles Luke Milam. Luke was killed last Wednesday in a rocket attack near the town of Musa Qula, Afghanistan. He was 26 years old.

Luke Milam was a giant of his generation, a man who served his country and those around him with dignity, courage, and honor. I cannot begin to paint the picture of someone so deeply respected by those with whom he served, so committed to helping others.

Luke Milam grew up in Littleton, CO, the youngest of 4 siblings. He was smart, friendly, and athletic. He loved the mountains of Colorado and spent his time biking, backpacking, hiking, and canoeing.

I do not know what inspired Luke's strong sense of virtue or what led him to join the military. Perhaps it was the service of his grandfather Charles or his brother Keith that moved him to enlist after graduating from high school.

I imagine, though, that Luke's own experiences as a witness to 1 of the worst tragedies of our time, the shootings at Columbine High School, strengthened his resolve to bring healing, peace, and good to areas torn by violence. Luke Milam was a senior at Columbine when, on April 20, 1999, 2 shooters killed 12 people and wounded 24 others before turning their guns on themselves.

I was Colorado's attorney general when the shootings occurred. The time I spent with the Littleton community in the aftermath—sorting through the events, finding out what went wrong and then helping to rebuild—affirmed my unmatched admiration for the young people who endured one of the darkest moments of American history. So many of Columbine's survivors have gone on to do extraordinary things—it is as though they have committed themselves to overcoming the evil they witnessed by planting hope, decency, and goodness wherever they can. Luke Milam was among them.

Serving as a Navy corpsman with a unit of marines—a special operations unit no less—requires great skill and courage. The corpsman is tasked with providing medical care for marines on the field of battle. It is an incredibly dangerous job that entails carrying a loaded weapon along with the tools of your trade. Some of America's most renowned heroes on the battlefield were hospital corpsmen: people such as Wayne Caron, David R. Ray, and Francis Hammond—Medal of Honor recipients who gave their lives in combat to save others.

Hospital Corpsman Milam served in this tradition. He was highly decorated for his service, earning a Purple Heart, the Bronze Star, 2 Combat Action ribbons, 2 Navy and Marine Corps Achievement Medals, 2 Good Conduct Medals, the National Defense Service Medal, the Global War on Terrorism Medal, and 2 Sea Service Deployment Ribbons. More importantly for the corpsman, though, Luke Milam earned the deepest respect and admiration of the marines with whom he served.

Luke was on his fourth tour, having served 3 tours in Iraq. He "felt it was his calling to help the guys around him," his brother Keith said. "If there were guys in harm's way, he needed to be there to take care of them."

Almost a century ago, Teddy Roosevelt told a Paris crowd that the model citizen is the man who is willing to take action in pursuit of that which he thinks is right. His speech draws on the same words that family and friends use to describe Luke Milam's virtues.

When evaluating mankind's progress, said Roosevelt, "it is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Hospital Corpsman Luke Milam sacrificed his life for this Nation as a man who knew that his country needed him to be "in the arena," helping others. He accepted the risks of his job with extraordinary professionalism and served with honor in the best tradition of the corpsman. We cannot repay our debt nor replace his loss.

To Luke's parents, Rita and Michael, to his sister, Jaeme, and to his brothers, Keith and Andrew, I know that no words can describe or assuage the pain you feel. I pray that you can find comfort in the knowledge that Luke was doing something which he truly loved, that he was doing it well, and that he will never be forgotten. His country is eternally grateful. He will endure in our hearts and prayers.

IN RECOGNITION OF SCOTT GUDES

Mr. GREGG. Mr. President, today I wish to pay tribute to Scott Gudes, who leaves his post at the helm of my Budget Committee staff this week. After 29 years of loyal service to the Federal Government, Scott has chosen to become vice president for government relations for the National Marine Manufacturers Association—a job well suited for a man who loves the sea as much as he does.

When I became chair of the Senate Budget Committee in 2005, I asked Scott if he would serve as my staff director. In under a year, under Scott's stewardship, we passed both a budget for the first time in 2 years, specifically the fiscal year 2006 budget resolution, and a reconciliation bill, the Deficit Reduction Act, DRA—marking the first time in 10 years Congress had passed a reconciliation bill to reduce spending.

The DRA was a notable achievement in that it saved $39 billion, a feat which is practically unheard of around here, as the last time it was done was in 1997. These accomplishments could not have been done without Scott, who worked tirelessly to shepherd each authorizing committee through the often confusing reconciliation process. His unique combination of intellect, humor, and humbleness was a key component in navigating the complex waters of the compromise that was necessary to pass the first substantive deficit reduction legislation in 10 years.

Scott followed up his initial year of success by spearheading efforts to develop a more comprehensive approach to restraining spending. His efforts contributed to the introduction of the Stop Over-Spending Act, a budget process reform bill that helped focus the national debate on solutions to our long-term fiscal challenges. Just this year, Scott helped structure the Conrad/Gregg Bipartisan Task Force for Responsible Fiscal Action Act of 2007, legislation that will encourage bipartisan action to put our fiscal house back in order. At heart, Scott is a true nonpartisan who recognizes that the best policy is made when both sides of the aisle work together, and his first instinct is to seek out common ground rather than partisan differences.

However, much like Thomas Jefferson chose to be remembered as author of the Declaration of Independence rather than various elected offices he held, including President, I expect that Scott would rather be remembered for spearheading efforts to write, edit, and publish the "Budget Committee History" rather than his impressive legislative credentials. Scott took it upon himself to initiate a historic accounting of the Senate Budget Committee. This labor of love reflects countless interviews and hours chronicling the birth, history, and importance the committee has held in shaping the Federal budget and fiscal policy. His devotion to this project is an example of Scott's love of history and respect for the institution of the Senate.

The handful of aforementioned achievements merely reflects Scott's latest accomplishments in an achievement-filled career. It would be nearly impossible to chronicle the numerous programs and projects he created, funded, and oversaw—programs that improved and enriched both individual lives and the environment.

In addition to his tour of duty at the Senate Budget Committee, Scott has held key positions on both sides of the Capitol, both ends of Pennsylvania Avenue, and a point I like to forget, Scott has even worked on both sides of the aisle. Included in this impressive list are stints as the clerk of the Commerce, Justice, and State Appropriations Subcommittee, professional staff on the Defense Appropriations Subcommittee, and Acting NOAA Administrator, where he championed science, service, and environmental stewardship programs and greatly improved agency morale. In NOAA circles, Scott is a virtual god—king of satellites, staunch advocate of the NOAA Corps and its ships and planes, and an addict of the NOAA label, which I understand is plastered on literally everything under and around his home, car, and office.

But the true bearing of Scott's 29 years of Federal service is not the remarkable list of the jobs he has held, although the list is long and distinguished, but the manner in which Scott has approached these positions and the people he has touched along the way. Those who know Scott best describe him as a loyal, encouraging, and creative boss, who supports and celebrates those who work with him. Everything Scott does is done in an "all hands on deck" manner that gives everyone an opportunity to pitch in and support the common goal.

One cannot talk about Scott without recognizing his acumen for all things trivia—Scott is a virtual trivia savant. He knows the answer to nearly every trivia question, regardless of topic, and can somehow relate every event back to an old movie or seventies rock song. He will search to the end of the Internet to find a historic or comic analogy to make a point about fiscal responsibility, or often the lack of it. He is equally conversant on the latest entertainment news and military strategies of ancient times. The influence of his crosscutting interest and knowledge has occasionally found its way to the Senate floor, where both the Geico Caveman and a Rube Goldberg cartoon have been used to drive home a point.

As a lifelong boater, fisherman, and lover of all things relating to the ocean, Scott reminds me of the remarks that President Kennedy made at the 1962 America's Cup sailing race. He said, "All of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea—whether it is to sail or to watch it—we are going back from whence we came."

Kathy joins me in wishing Scott well as he joins the National Marine Manufacturers Association, to "go back from whence he came" and advocate on behalf of issues he is most passionate about. As he sets off for new adventures with his wife Ann, and, of course, Buddy the Budget beagle dog by his side, Scott leaves in his wake a nation that is better off for his service, and colleagues that will miss him dearly.

CHILD HEALTH DAY

Mr. JOHNSON. Mr. President, I rise today in recognition of Child Health Day. Under a joint resolution of Congress, the President has proclaimed National Child Health Day each year since 1928. It is especially fitting that we celebrated Child Health Day yesterday, October 1, 2007, just 4 days after this body approved legislation to reauthorize the Children's Health Insurance Program, or CHIP, improving benefits and ensuring that 10 million American children receive health insurance coverage.

Child Health Day serves to focus attention on children's health issues. Past themes of this day have ranged from prenatal care, childhood injury prevention, the importance of immunizations and prenatal care. This year's theme is "Building a Bright Future Through Preventive Health," and this is exactly what Congress seeks to do with the bipartisan reauthorization of CHIP sent to the President for his signature.

The role of preventive health care in ensuring the well-being of all people is well established, but such care is especially critical for children. The American Academy of Pediatrics, AAP, recommends that children receive routine preventive health services such as immunizations, vision and hearing checks, and screenings for signs of developmental or medical problems. These recommendations include 6 preventive care visits during a child's first year, 3 visits during the second year, and 17 preventive visits between ages 2 and 21.

Unfortunately, many of our Nation's children do not receive these important physician visits. A survey of literature by the Commonwealth Fund found that estimates of the number of children who receive all their recommended visits range from 37 percent to 81 percent. Critically, this review concluded that insurance coverage is the most powerful indicator of whether a child receives all recommended well-child care. One study determined that just 68 percent of uninsured children receive the recommended preventive care, compared with 76 percent of privately insured children and 85 percent of publicly insured children.

The Children's Health Insurance Reauthorization Act will increase the number of children who receive this important preventive care. Simply by providing nearly 4 million uninsured children with insurance coverage will increase the likelihood that they will be screened for developmental and medical problems, receive all their immunizations, and benefit from regular hearing and vision checks. In addition, the legislation ensures that children who receive their health coverage through Medicaid are entitled to all medically necessary early periodic screening, diagnosis, and treatment, EPSDT, services. These services are required in every State and are designed to improve the health of low-income children by addressing their physical, mental, and developmental health needs.

As we recognize Child Health Day, I wish to congratulate Congress on its bipartisan effort to improve child health through reauthorization of the Children's Health Insurance Program. I also urge President Bush, in the spirit of Child Health Day, to drop his veto threat and sign this legislation. This is the single most important action he can take to ensure more children get the health care they deserve.

SPECIAL OLYMPICS

Mr. HARKIN. Mr. President, over the next 10 days, a remarkable event will unfold in Shanghai, China. Every 2 years, thousands of Special Olympics athletes from around the world come together to showcase their athletic skills and celebrate the spirit of Special Olympics. Starting today, more than 7,500 Special Olympians will begin competing in Shanghai in the 2007 Special Olympics World Summer Games.

Over the coming 10 days, tens of thousands of athletes, coaches, volunteers, family members, government and industry officials, plus experts in health and education from 165 countries have come together to celebrate the talents of those among us who have intellectual disabilities. This spectacular event is not about athletic skill as much as it is about determination, courage, and the desire to compete.

I can speak firsthand about what a rewarding experience it is for all of us who have been involved in Special Olympics. Last year, my State of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

I am pleased that three extraordinary athletes from Iowa are now in China competing: Corey Leonhard in track, and Jenna Schrack and Jody Sheriff competing in bowling. Team USA includes 401 athletes, and 102 of them are at the World Games today.

Special Olympics is not just about sports. It is about spirit, and it is about drawing out the best in all of us. The Special Olympics organization is responsible for much more than the games. Its Special Olympics Healthy Athletes Program, developed over a decade ago, focuses on the health, fitness, and well-being of people with and without disabilities. Last year alone, it made possible more than 135,000 health care screenings. Volunteer health care professionals and students were trained to provide the screening and compile the data. In China, medical volunteers will provide health examinations free of charge, including dental, vision, and hearing exams.

The Special Olympics is both a world-class sporting event and a world-class humanitarian experience. Many countries have sent delegations to the games. In addition to our athletes and volunteers attending the Opening Ceremonies, the U.S. delegation will include Department of Education Secretary Margaret Spellings, figure skating champion Michelle Kwan, former Assistant Secretary of Education John Hager, Ernie Banks of the National Baseball Hall of Fame, Lynn Fuchs, Professor of Special Education and Human Development at Vanderbilt University, Anne Sweeney of Disney Media Networks and Disney-ABC Television Group, Jennifer Polk Wardlow, a Special Olympics North Carolina athlete, Dr. Tim Shriver, chairman of the board of Special Olympics, and the incomparable Eunice Kennedy Shriver, founder of Special Olympics.

Mr. President, I regret that, with the Senate in session, I couldn't attend today's opening ceremonies. But my thoughts are with each and every one of Special Olympics athletes. I wish them all the very best.

ADDITIONAL STATEMENTS

KCUR-FM RADIO 50TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to KCUR Radio, 89.3 FM, licensed to the curators of the University of Missouri and operating from the campus of the University of Missouri-Kansas City. KCUR Radio is celebrating 50 years of continuous service to our community on October 21, 2007.

KCUR Radio entertains, enlightens, and informs, enhancing the quality of life for listeners by broadcasting and webcasting noncommercial radio programming 24 hours a day, including 20 hours of news each weekday.

KCUR Radio has been recognized for groundbreaking features and extensive coverage of politics, the arts, health, and minority matters.

KCUR Radio has grown from a station with 2 full-time employees and a signal range of 4 miles, to 23 full-time broadcast professionals and 17 part-time employees, reaching a 90-mile radius of northwestern Missouri and northeastern Kansas, and has raised funds to support staff growth, update equipment, and expand programming, largely through the efforts of its 200 tireless volunteers.

KCUR Radio broadcasts original shows that have captured the hearts and minds of listeners nationwide.

The KCUR news department informs the Nation about our community through KCUR's charter membership as a National Public Radio station.

I am pleased to honor KCUR Radio on its 50th anniversary in October 2007.•

NATIONAL FRANCHISEE ASSOCIATION

• Mr. CHAMBLISS. Mr. President, throughout the course of our Nation's history, the prosperity of America and its citizens has invariably been linked with the success of its economy. Our country should be proud of its entrepreneurs, who are key components of that success.

I would like to recognize and thank the National Franchisee Association for providing the support and resources necessary to maintain its membership which consists of Burger King franchisees. The NFA was founded with a mission: "To improve, preserve, and ensure the economic well-being of all members." For nearly 20 years the NFA has delivered this promise by expanding its services and adapting to the ever-changing economic and technological landscape. Today, the NFA's membership is comprised of approximately 1,200 franchisees from across the country, representing every district in every State.

NFA members employ thousands of citizens and provide individuals, especially our Nation's youth, with an opportunity to learn traditional American values, including hard work, cooperation, and responsibility.

On October 10 and 11, the members of the National Franchisee Association will arrive in Washington, DC, to engage and educate this Congress. I therefore encourage my colleagues to welcome the NFA's membership to our Nation's capital and to thank them for their continuous positive contribution to the fabric of our society.•

HONORING THE 100TH BIRTHDAY OF CLOVIS

• Mr. DOMENICI. Mr. President, today I wish to recognize the community of Clovis, NM, on its 100th birthday. Since the first train depot was built in this area a century ago, Clovis has continued to grow and expand its economy.

Clovis has seen its share of turmoil and adversity throughout the past 100 years, and yet it has maintained its sense of community and is now seeing consistent growth. The growth has been so remarkable that the city has been dubbed the "City on the Move." The land, flat and fertile, has been an asset for farmers, cattle growers and dairymen all across the area. And most recently, the largest cheese producing factory in North America was built here. Clovis is home to Cannon Air Force Base, which was recently put on the BRAC list for closure. But the town fought back, and now Cannon is not only staying open, but they have received a new mission as an Air Force Special Operations Base which is slated to expand the base even further.

In honor of this centennial birthday, Clovis planned many events. Some of the events included the unearthing of a time capsule, a parade, cook-off, photo exhibit of Clovis over the last 100 years, and the year will culminate with an Anniversary Celebration Banquet this Saturday night.

Clovis is such a special place and I am honored to see this community continue to succeed. It is with great pleasure that I recognize this unique town here today on the Senate floor.•

TRIBUTE TO LYNNE M. ROSS

• Mr. LIEBERMAN. Mr. President, before I was elected by the people of Connecticut to serve in the Senate, I was privileged to serve as their attorney general for 6 years. During my tenure as AG, I was assisted not only by my top rate staff but by an organization that proved invaluable toward my efforts to protect public health and safety, the National Association of Attorneys General.

The National Association of Attorneys General, NAAG, has been assisting the chief legal officers of all 50 States, the District of Columbia, and other jurisdictions since 1907. In the last 30 years, the scope of NAAG's operations has increased dramatically with the opening of its Washington, DC, office, which has been a tremendous resource to State attorneys general seeking to coordinate with each other and with the Federal Government. One person who was particularly instrumental in expanding the association's Washington operations is Lynne Ross, who retired in September after working in public service for over 30 years.

When NAAG first opened its Washington office in 1976, Ms. Ross was its first and at that time only full time employee. Given this, it is amazing the broad array of services this office offered. Serving as both deputy director and legislative director, Ms. Ross coordinated legislative activities on behalf of attorneys general across the country, including securing $25 million dollars in Federal aid to help States develop/enhance their antitrust capacity. In addition, she worked together with State and environmental groups in passing the Federal Facilities Compliance Act, which requires Federal facilities to follow the same State, local, and Federal environmental regulations that govern private industry. This act has greatly expanded the ability of attorneys general to clean up the environment.

Ms. Ross also worked as a liaison between State attorneys general and the White House and executive agencies such as the Environmental Protection Agency and the Federal Trade Commission, with which many AGs have extensive, yet sometimes frayed, relations. Ms. Ross was known for her ability to help AGs and their staff clear through the bureaucratic brush and find who they need to talk to. She undertook efforts to help attorneys generals better perform their jobs by preparing regular NAAG meetings which fostered interaction between AGs and the various Federal agencies, by producing various NAAG publications which both informed AG offices of various legal developments, and also provided advice on how best to fulfill their roles and responsibilities as the chief public law enforcement officer for the State.

The work done by Ms. Ross and NAAG proved to be so immensely valuable to State attorneys general that by 1997, when Ms. Ross returned to the NAAG after serving 4 years at EPA, its Washington office had grown to employ almost 50 people to accommodate for the increased demand for services. This speaks volumes about Ms. Ross's talents and work ethic.

Upon returning to NAAG, Ms. Ross served again as deputy director, managing the day-to-day operations of the association. In 2002, she became executive director, in which she put her experience and wisdom to work developing programs and initiatives in an array of substantive areas including criminal law, consumer protection, cybercrime, and more.

Throughout the years Lynne was at NAAG she was also instrumental in the creation and support of an auxiliary organization of former attorneys general called the Society of Attorneys General Emeritus, SAGE. SAGE members could always rely on Lynne's prompt and responsive counsel and advice.

Mr. President, what I have provided today is just a mere sampling of Lynne Ross's professional accomplishments. One could easily fill up a large book with the things she has done and yet still not do her career justice. Perhaps it best to simply say: Thank you, Lynne Ross, for helping to make NAAG the organization it is today. All our country's attorneys general and the people they serve are better off because of you.●

MESSAGE FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Lawrence C. And Grace M. Jones Post Office Building".

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

The message also announced that the House has passed the following bills, without amendment:

S. 474: An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States ground combat military unit in Operation Iraqi Freedom.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4,2007, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly to fill the existing vacancy thereon: Mr. MILLER of Florida.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors; to the Committee on Armed Services.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 185. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3468. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Precision Measurement Equipment Laboratory functions at Kirtland Air Force Base; to the Committee on Armed Services.

EC–3469. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Environmental function at Robins Air Force Base; to the Committee on Armed Services.

EC–3470. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Test Tract Instrument functions at Holloman Air Force Base; to the Committee on Armed Services.

EC–3471. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function standard competition of the Transportation and Supply functions at Hanscom Air Force Base; to the Committee on Armed Services.

EC–3472. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of materials supporting the construction of a mobile offshore oil rig in Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–3473. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade" ((RIN1625–AA28)(Docket No. USCG–2005–20258)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3474. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Transportation Worker Identification Credential Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" (RIN1652–AA41) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3475. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations, Amendments" ((RIN1652–AA36) (USCG–2001–10881)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3476. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Winnetka Fireworks, Lake Michigan, Winnetka, IL" ((RIN1652–AA00) (CGD09–06–116)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3477. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 3 regulations beginning with CGD05–07–080)" (RIN1652–AA87) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3478. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Spa Creek and Severn River, Annapolis, MD" ((RIN1652–AA08) (CG05–07–063)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3479. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 2 regulations beginning with COTP San Juan 05–007)" (RIN1652–AA87) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3480. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 10 regulations beginning with COTP Miami 07–065)" (RIN1625–AA00) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3481. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (Docket No. PA–149–FOR) received on September 28, 2007; to the Committee on Energy and Natural Resources.

EC–3482. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Ceanothus ophiochilus and Fremontodendron mexicanum" (RIN1018–AU77) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3483. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Establishment of Nonessential Experimental Population Status for 15 Freshwater Mussels, 1 Freshwater Snail, and 5 Fishes in the Lower French Broad River and in the Lower Holston River, TN" (RIN1018–AU01) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3484. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018–AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3485. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations" (RIN1018–AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3486. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a biennial report entitled, "The Impact of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

EC–3487. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mining Industry Overview Guide" (Docket No. LMSB–04–0407–033) received on September 17, 2007; to the Committee on Finance.

EC–3488. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act in the Department of the Army, case number 06–09; to the Committee on Appropriations.

EC–3489. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Board; to the Committee on Appropriations.

EC–3490. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from Kazakhstan; to the Committee on Foreign Relations.

EC–3491. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the co-development of the Galaxy Express space launch vehicle upgrade program for Japan; to the Committee on Foreign Relations.

EC–3492. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from the Pacific Ocean utilizing a modified oil platform; to the Committee on Foreign Relations.

EC–3493. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–192—2007–200); to the Committee on Foreign Relations.

EC–3494. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Board of the International Fund for Ireland; to the Committee on Foreign Relations.

EC–3495. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to support the manufacture of the Korean Commander's Panoramic Sight; to the Committee on Foreign Relations.

EC–3496. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles, technical data, and defense services to Japan in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC–3497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 3B for Fiscal Year 2005 Through 2007, as of March 31, 2007"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. GREGG):

S. 2126. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

By Mrs. MURRAY:

S. 2127. A bill to provide assistance to families of miners involved in mining accidents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself, Mr. McCAIN, Mr. McCONNELL, and Mr. LOTT):

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Res. 341. A resolution concerning the recent forest fires in Greece; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. LAUTENBERG, Ms. STABENOW, Mr. OBAMA, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. LUGAR, Mrs. BOXER, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. VOINOVICH, Mrs. DOLE, and Mr. CRAPO):

S. Res. 342. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation; considered and agreed to.

By Mr. BIDEN (for himself, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. DURBIN, Mr. SANDERS, Mr. CASEY, Mr. LAUTENBERG, Mr. BAYH, Mrs. BOXER, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON, Mr. COLEMAN, and Mr. VOINOVICH):

S. Res. 343. A resolution designating October 19, 2007, as "National Mammography Day"; considered and agreed to.

By Mr. JOHNSON (for himself, Mr. LOTT, Mr. CHAMBLISS, Mr. BROWN, Mr. COBURN, and Mr. INHOFE):

S. Con. Res. 48. A concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 327

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 327, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

S. 617

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 980

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1150

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1895

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1905

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1905, a bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1990

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1990, a bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 339

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 339, a resolution expressing the sense of the Senate on the situation in Burma.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to introduce the Preparing America's Seniors for the Digital Television Transition Act of 2007. Seniors are particularly vulnerable to slipping through the cracks of the digital television transition. Not only are they more likely to rely on free over-the-air analog TV, but for many seniors television is their only link to the outside world. Yet the majority of the public remains unaware of the impending digital television transition. Millions of Americans may turn on their TVs on February 18, 2009, only to find themselves left in the dark without access to critical weather updates, emergency alerts, news or entertainment programming. In my home state of Wisconsin alone, over half a million households rely on free over-the-air TV.

As Chairman of the Special Committee on Aging, I recently held a hearing entitled, "Preparing for the Digital Television Transition: Will Seniors Be Left in the Dark?" Our hearing uncovered several concerns. First, seniors need targeted outreach about the transition and the related coupon program. Second, there is shockingly little coordination between the Government agencies overseeing the transition and the voluntary industry efforts to educate consumers. Third, nonprofit organizations require additional resources to sufficiently assist seniors with navigating the transition. Finally, the Government's plan to provide coupons to partially offset the cost of a converter box is fraught with confusion and vulnerable to fraud and abuse.

My legislation will address these problems by creating a formalized partnership between the Federal Communications Commission, the National Telecommunications and Information Administration and the Administration on Aging with specific reporting requirements. Together these entities will work with stakeholders such as the broadcasters, the aging network, disability groups, rural Americans, and State, local and tribal governments to craft a coordinated outreach campaign. This legislation will also establish a grant program to ensure that nonprofits and state and local government agencies, like area agencies on aging, have access to assistance as they help seniors and other vulnerable populations navigate the transition and the coupon program.

This legislation will help safeguard seniors and their families by facilitating a number of common sense solutions. The bill requires commercial broadcasters to air public service announcements and develop consumer education plans to meet the needs of local viewers. It requires that coupon-eligible converter boxes are easily identifiable to mitigate the potential of consumers being swayed into purchasing expensive equipment they do not need. It also requires that manufacturers of converter boxes maintain a toll-free 1-800 number to assist individuals with installation. It sets specific reporting requirements for the FCC and NTIA to monitor the progress of their consumer awareness campaign and the coupon program. The legislation also modifies the coupon program to ensure that households relying solely on over-the-air television sets are prioritized and that residents of nursing homes and assisted living facilities are eligible to participate.

I want to thank the following organizations for endorsing this legislation: AARP, the Association for Public Television Stations, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, American Association of Homes and Services for the Aging, the Meals on Wheels Association of America, and the National Association of Nutrition and Aging Services Programs.

Senior citizens deserve to receive targeted outreach and complete information about the upcoming transition. They do not deserve to be the brunt of fraudulent schemes or to be left in the dark after February 17, 2009. I believe we must prepare America's seniors, and I hope my colleagues will join in my effort to do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preparing America's Seniors for the Digital Television Transition of Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. DTV educational partnership to benefit older individuals.
Sec. 4. Provisions relating to forfeitures.
Sec. 5. Digital television transition public education outreach and installation assistance grants program.
Sec. 6. Modification of the digital-to-analog converter box program.
Sec. 7. Reporting requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) on February 17, 2009, television stations will cease broadcasting analog signals and traditional analog televisions will stop

working unless they are connected to a digital-to-analog converter box, cable, or satellite;

(2) a study conducted by the National Association of Broadcasters revealed that over half of the respondents had "seen, read, or heard nothing" about the transition to digital television, and only 10 percent were able to guess that the transition would occur in 2009;

(3) according to a July 2007 study released by the Association of Public Television Stations, older individuals—

(A) over the age of 65 are more likely to be found in over-the-air households and are, therefore, a much more vulnerable group with respect to maintaining television service as the digital transition is completed;

(B) as a group, are less likely to have purchased a new television in the past 3 years, are less likely to have HDTV capabilities in their households, and are less likely to own a digital television;

(C) will not have the same exposure to digital television transition messages from electronic retailers as will younger members of the population; and

(D) will need special focus in efforts to educate the public with respect to the transition from analog to digital television;

(4) according to a Nielsen Media Research report, approximately 20,000,000 households rely exclusively on analog or free over-the-air broadcasts;

(5) of these 20,000,000 households, approximately 8,000,000 include at least 1 person over the age of 50, according to the Nielsen Media Research TV Household Estimates;

(6) according to the General Accountability Office, about 48 percent of over-the-air households have incomes under $30,000;

(7) frail, homebound, rural, minority, disabled, limited English proficient, and low-income older individuals will need specific guidance and assistance in order to purchase and properly install a digital-to-analog converter box;

(8) without a targeted outreach program residents in nursing homes and assisted living facilities represent a segment of the population at risk for losing television service as a result of the digital transition;

(9) failure to seamlessly transition from analog to digital television will restrict or eliminate the access of older individuals to essential preparedness and safety information in the event of an emergency or disaster, as such individuals will be unable to receive national and local alerts aired over television;

(10) it is now 6 years after the communication failures of September 11, 2001, which spurred Federal Government adoption of a firm digital television transition date;

(11) unfortunately the Department of Commerce and the Federal Communications Commission have not adequately assured Congress that vulnerable households will be properly educated and prepared for such transition; and

(12) older individuals, their families, caregivers, and aging support networks will need targeted outreach to inform them of steps to take in order to ensure uninterrupted television service and to help mitigate potential digital television transition scams that may target the elderly.

SEC. 3. DTV EDUCATIONAL PARTNERSHIP TO BENEFIT OLDER INDIVIDUALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 342. FEDERAL INTERAGENCY TASKFORCE TO EDUCATE OLDER INDIVIDUALS ON THE DTV TRANSITION OF 2009.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Chairman and Commissioners of the Federal Communications Commission shall enter into a partnership with the Administration on Aging and the National Telecommunications and Information Administration, to create a comprehensive public education campaign that provides information and assistance to older individuals, their families, caregivers, and aging support networks about measures that may be taken—

"(A) to ensure that such older individuals receive uninterrupted television service during the transition from analog to digital television that is to occur on February 17, 2009; and

"(B) to mitigate the likelihood of success of fraudulent schemes relating to such transition that may target such older individuals.

"(2) ACCESS TO RESOURCES.—In carrying out the educational campaign required under paragraph (1), the federal interagency taskforce established under such paragraph shall utilize existing resources and efforts of the Federal, State, and local governments, industry, and other appropriate entities.

"(3) TIMING.—The educational campaign required under paragraph (1) shall commence not later than January 1, 2008 or 60 days after the date of enactment of this section.

"(b) ADVISORY BOARD.—

"(1) IN GENERAL.—The Commission, the Administration on Aging, and the National Telecommunications and Information Administration shall establish an advisory board to recommend to the federal interagency task force established under subsection (a) the type, manner, and content of the information to be used as part of the educational campaign required under such subsection.

"(2) MEMBERSHIP.—The advisory board established under paragraph (1) shall consist of 2 designees each from the Commission, the Administration on Aging, and the National Telecommunications and Information Administration and no more than 30 additional members, which shall include—

"(A) representatives from the aging network, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), such as the National Association of Area Agencies on Aging, Meals on Wheels Association of America, and National Association of State Units on Aging;

"(B) representatives from the entity or entities that the Assistant Secretary for Communications and Information selects or assigns to administer the digital-to-analog converter box program required under section 3005(c)(2)(A) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23);

"(C) representatives from the associations of industry and related stakeholder groups to include—

"(i) commercial and noncommercial broadcasters;

"(ii) manufacturers and retailers of consumer electronics equipment;

"(iii) cable operators; and

"(iv) satellite providers;

"(D) State, local, and tribal governments, such as the National Association of Telecommunications Officers and Advisors and the National Governors Association;

"(E) members from the general public who have expertise in consumer education and outreach;

"(F) older individuals;

"(G) representatives from—

"(i) minority groups, including Hispanic Americans;

"(ii) Americans whose primary language is not English;

"(iii) tribal groups;

"(iv) Americans with disabilities;

"(v) Americans living in rural communities;

"(vi) nursing homes and assisted living facilities; and

"(vii) consumer protection groups; and

"(H) representatives from low-income assistance program providers.

"(3) APPOINTMENT.—Not later than 30 days after the date of enactment of this section, the Commission, the Administration on Aging, and the National Telecommunications and Information Administration shall appoint each member of the advisory board.

"(4) CHAIRMAN.—The members of the Advisory Board shall elect 1 member to serve as Chairman within 30 days after the date of enactment of this section, in order to facilitate rapid creation and implementation of the Advisory Board.

"(c) DUTIES.—

"(1) IN GENERAL.—The Federal interagency taskforce established under subsection (a) shall carry out a nationwide program with the assistance of the advisory board established under subsection (b) that includes, at a minimum—

"(A) an easily comprehensible explanation of the digital television transition, including—

"(i) the effective date of such transition; and

"(ii) who is affected by such transition;

"(B) the public safety and emergency preparedness concerns the transition will address, such as the Digital Emergency Alert System and reverse 911, and the potential public safety hazards to older individuals of not successfully transitioning to digital television;

"(C) instructions to determine whether a television will receive a digital signal and, if not, the options to ensure reception of a digital signal and the related costs;

"(D) information related to the digital-to-analog converter box coupon program, eligible versus noneligible converter boxes, certified retailers, and important associated deadlines; and

"(E) tips on how to avoid potential fraudulent schemes related to the digital television transition that may target older individuals.

"(2) ADDITIONAL DUTIES.—The Federal interagency taskforce established under subsection (a) shall—

"(A) examine ways to simplify the purchasing and installing of a digital-to-analog converter box for older individuals and take into consideration the unique needs of frail, homebound, minority, disabled, limited English proficient, rural, and low-income older individuals, as well as residents of nursing homes and assisted living facilities;

"(B) consult with and seek assistance from the Commission's Homeland Security and Public Safety Bureau;

"(C) establish specific and realistic benchmarks for identifying the estimated reach of the public education campaign required under this section to older individuals, their families, caregivers, and aging support networks;

"(D) coordinate with stakeholder to properly implement the comprehensive education campaign;

"(E) provide, at no cost, to non profit entities such as entities within the aging network consumer education materials and technical assistance regarding the transition from analog to digital television that is to occur on February 17, 2009; and

"(F) specifically analyze the impact of the transition from analog to digital television on the residents of non profit nursing homes and assisted living facilities.

"(d) REPORT.—

"(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this section, the Commissioner, the Assistant Secretary for Aging, and the Assistant Secretary for Communications and Information shall submit a report to Congress on—

"(A) the ability of the Federal interagency taskforce to meet the requirements and duties described under subsection (c); and

"(B) that summarizes each agency's efforts to increase consumer education and awareness about the transition from analog to digital television among older individuals, as well as that agency's efforts to coordinate with the other Federal and non-Federal members of the taskforce and the advisory board.

"(2) CONTENT OF REPORT.—The report required under paragraph (1) shall, at a minimum, also include the following:

"(A) How the Federal interagency taskforce will meet the specific benchmarks established under subsection (c)(2)(C) to ensure that older individuals who rely on over-the-air broadcasting are not left without television service after February 17, 2009.

"(B) How the Federal interagency taskforce will address the unique needs of frail, homebound, disabled, minority, rural, limited English proficiency and low-income older individuals, as well as residents of nursing homes and assisted living facilities, all of whom will need specific guidance and assistance in order to purchase and install a digital-to-analog converter box through the National Telecommunications and Information Administration's Digital-to-Analog Converter Box Coupon Program without any undue burden.

"(C) How the Federal interagency taskforce will provide guidance and technical assistance to the families, caregivers, and aging support networks of these vulnerable older individuals.

"(D) How the Federal interagency taskforce will mitigate potential scams that may target the elderly throughout the course of the National Telecommunications and Information Administration's Digital-to-Analog Converter Box Coupon Program.

"(E) How the Federal interagency taskforce will coordinate between State, local, and tribal governments and the head of each Federal agency overseeing a low-income assistance program, such as the Supplemental Security Income Program, the Low Income Home Energy Assistance Program, the Lifeline Assistance, and Link Up America programs, to ensure that such programs disseminate information about the transition from analog to digital television to their program recipients.

"(F) What resources will be necessary to provide outreach and assistance at the community level and how the taskforce will prioritize such resources.

"(3) FINAL REPORT.—Not later than 3 months before February 17, 2009, the Commissioner, Assistant Secretary for Aging, and the Assistant Secretary for Communications and Information shall submit a report to Congress that describes—

"(A) the level of outreach and success achieved by the education campaign required under subsection (a); and

"(B) the necessary remaining steps that must be taken in order to ensure that older individuals who rely on over-the-air broadcasting are not left without television service after February 17, 2009.

"(e) DEFINITION OF OLDER INDIVIDUAL.—For purposes of this section, the term 'older individual' means an individual who is 50 years of age or older.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal interagency taskforce established under subsection (a) such sums as are necessary to carry out the provisions of this section in addition to—

"(1) amounts transferred pursuant to section 344(c)(5) of this Act; and

"(2) amounts transferred pursuant to section 503(b)(7) of this Act.

"(g) Return of unexpended funds.—Upon termination of the federal interagency taskforce, any unexpended funds shall be paid back to the original source of such funds, including to the general accounts of the Federal Communications Commission held at the Treasury for any amounts deposited in the fund pursuant to paragraphs (1) or (2) of subsection (f).

"SEC. 343. ADDITIONAL REQUIREMENTS RELATED TO THE DTV TRANSITION.

"(a) REQUIREMENTS ON BROADCASTERS.—

"(1) PSAS.—Beginning on the date of enactment of this section and ending on March 31, 2009, the Commission shall require each full power commercial television broadcast licensee or permittee to broadcast during each day between the hours of 6 a.m. and 11 p.m., public service announcements notifying the public, in particular older individuals and their families, caregivers, and aging support networks, of the transition from analog to digital television that is to occur after February 17, 2009.

"(2) TIME REQUIREMENTS AND TOTAL RUNNING TIME.—Based on the overall concentration of over-the-air households by State and locality, broadcasters shall air a minimum of 60 seconds of public service announcements per day at variable time slots throughout the week, with half airing between 5 p.m. and 11 p.m.

"(3) REQUIRED CONTENT.—Any public service announcement broadcast after January 1, 2008, shall include—

"(A) information concerning the digital-to-analog converter box program required under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23);

"(B) such additional consumer information as the Federal interagency taskforce may recommend based on input from the advisory committee established under section 342; and

"(C) such additional information as local broadcasters may determine necessary to appropriately educate their viewers about the transition from analog to digital television.

"(4) CONSUMER EDUCATION PLANS.—

"(A) IN GENERAL.—Not later than January 1, 2008, or 30 days after the date of enactment of this Act if this Act is enacted after such date, each full power commercial television broadcast licensee or permittee shall have in place a comprehensive consumer education plan to inform local viewers about the impending the transition from analog to digital television based on the overall concentration of over-the-air households by State and locality.

"(B) PROGRAMS.—Programs carried out under the plan required by subparagraph (A) may include educational programming, donut spots, crawls, and speaking events.

"(5) PERIODIC REPORTS TO THE FCC.—

"(A) COMMERCIAL BROADCASTERS.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter until March 31, 2009, each commercial television broadcast licensee or permittee shall submit a report to the Commission detailing their efforts to comply with the requirements of this subsection.

"(B) NON COMMERCIAL BROADCASTERS.—Not later than June 18, 2008 the Corporation for Public Broadcasting, as defined in section 397(2) shall submit a report to the Commission on behalf of television public broadcast stations—

"(i) detailing the activities of the public television industry in educating the public about the digital transition; and

"(ii) including information relating to—

"(I) airtime allocated towards consumer education; and

"(II) other outreach efforts.

"(C) PUBLIC AVAILABILITY.—The Commission shall make any report required under subparagraph (A) or (B) available to the public on the Internet, without fee or other access charge, in a searchable and downloadable manner.

"(b) REQUIREMENTS ON MVPD.—

"(1) IN GENERAL.—Not later than January 1, 2008, or 30 days after the date of enactment of this Act if this Act is enacted after such date, each multichannel video programming distributor (as defined in section 602) shall develop a plan to notify subscribers about the transition from analog to digital television that is to occur on February 17, 2009.

"(2) REQUIREMENTS OF PLAN.—The plan required under paragraph (1) shall explain—

"(A) what the digital transition is;

"(B) how the transition will affect subscribers of the multichannel video programming distributor; and

"(C) such additional information as multichannel video programming distributors may determine necessary to appropriately educate their viewers about the transition from analog to digital television.

"(c) REQUIREMENTS FOR ELECTRONICS RETAILERS AND DISTRIBUTORS OF CONVERTER BOXES.—

"(1) REQUIREMENTS FOR MANUFACTURERS OF CONVERTER BOXES.—The manufacturer of any digital-to-analog converter box that is eligible to be obtained using a redeemable Federal coupon and that is manufactured in the United States or shipped in interstate commerce shall—

"(A) place an appropriate label on the retail packaging of the converter box; and

"(B) maintain a toll-free 1-800 number that customers can call to obtain installation assistance.

"(2) LABEL REQUIREMENT.—For purposes of paragraph (1), an appropriate label is a label that meets the following requirements:

"(A) The label is displayed—

"(i) in a clear and conspicuous manner; and

"(ii) in large and visible font.

"(B) The label informs the consumer that the converter box is fully compliant with all Federal standards relating to the eligibility of that converter box to be used with the Federal coupon program described under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23). The information required to be included on a label under this subparagraph may be conveyed by affixing the following phrase to the label: 'NTIA Coupon-Eligible'.

"(3) REQUIREMENTS FOR IN-STORE RETAILERS.—Each in-store retailer shall place adjacent to digital-to-analog converter boxes that such retailer displays for sale or rent, a separate sign that identifies which converter boxes are 'NTIA Coupon-Eligible'.

"(4) REQUIREMENTS FOR OTHER RETAILERS.—Any retailer of digital-to-analog converter boxes that sells such converter boxes via direct mail, catalog, or electronic means, shall ensure that all advertisements or descriptions of such converter box identifies whether or not such converter box is 'NTIA Coupon-Eligible'.

"(5) PENALTIES.—

"(A) IN GENERAL.—The forfeiture penalties established by section 503(b) shall apply to a violation of any requirement under this section.

"(B) TRANSFER TO FEDERAL INTERAGENCY TASKFORCE.—The amount of any forfeiture penalty determined, imposed, or otherwise assessed by the Commission for violations of this section shall be transferred to the accounts of the Federal interagency taskforce established pursuant to section 342.

"(d) REPORT OF CERTIFIED RETAILERS.—The National Telecommunications and Information Administration shall require—

"(1) each retailer certified by the Administration to participate in the digital-to-analog converter box coupon program under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23); and

"(2) not later than 30 days after certification, each such retailer to report to the Administration on their employee training or consumer information plans regarding the transition from analog to digital television that is to occur on February 17, 2009.

"(e) REPORT OF OTHER FEDERAL AGENCIES.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the head of each Federal agency that oversees a low-income assistance program, as determined by the Federal interagency taskforce, and including the Supplemental Security Income Program, the Low-Income Home Energy Assistance Program, shall report to the Commission on how such agency or program will work with the Federal interagency taskforce established under section 342 to ensure coordinated efforts are made to disseminate consumer education materials developed under such section on the transition from analog to digital television to eligible program participants.

"(2) REQUIRED CONTENT.—The report required under paragraph (1) should affirm each Federal agency's commitment to assist with the nationwide transition from analog to digital television.

"(f) DEFINITION OF OLDER INDIVIDUAL.—For purposes of this section, the term 'older individual' means an individual who is 50 years of age or older.".

SEC. 4. PROVISIONS RELATING TO FORFEITURES.

(a) IN GENERAL.—Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended by adding at the end the following:

"(7) Beginning on the date of enactment of this paragraph and ending on February 17, 2009, the amount of any forfeiture penalty determined, imposed, or otherwise assessed by the Commission, and payable into the Treasury of the United States, for violations of the point of sale disclosure requirements for analog-only television equipment as described in the Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television (MB Docket No. 03–15; RM–9832; adopted April 25, 2007) during such period shall be transferred to the accounts of the Federal interagency taskforce established pursuant to section 342.".

(b) FUTURE RULEMAKINGS RELATED TO DIGITAL TELEVISION TRANSITION.—The Federal Communications Commission shall in any future rulemaking related to the nationwide transition from analog to digital television that is to occur on February 17, 2009, ensure that any proposed forfeiture penalty for violation of such rule is transferred to the accounts of the Federal interagency taskforce established pursuant to section 343 of the Communications Act of 1934 (as added under section 3 of this Act).

SEC. 5. DIGITAL TELEVISION TRANSITION PUBLIC EDUCATION OUTREACH AND INSTALLATION ASSISTANCE GRANTS PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) GRANTS.—The Federal Communications Commission shall award grants, on a competitive basis, to eligible entities to—

(A) provide public education outreach about the digital television transition taking place on February 17, 2009 to vulnerable populations particularly at risk for losing television reception as a result of the digital television transition; and

(B) provide assistance with the purchasing and installation of digital-to-analog converter boxes to vulnerable populations particularly at risk for losing television reception as a result of the digital television transition.

(2) GRANT PERIODS.—The Commission shall award grants under this section for a period of up to 3 years.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission may require.

(2) ACTION.—The Commission shall take such action necessary to award grants not later than 90 days after the date of enactment of this section.

(c) PREFERENCE.—The Commission shall give priority in awarding grants under this section to an entity that—

(1) will provide public education outreach and installation assistance to older individuals and other vulnerable populations (with particular attention to individuals with disabilities, individuals with limited English proficiency, individuals residing in rural areas, minorities, and low-income communities);

(2) has demonstrated experience in providing outreach and assistance to older individuals and other vulnerable populations; and

(3) can demonstrate the ability and commitment to identifying, after February 17, 2009, the date of the transition, those households that may have lost television reception and can aid in reinstating television reception for such households.

(d) PARTNERSHIPS.—In awarding grants under this section, the Commission may encourage applicants to enter into a partnership with 1 or more private entities who may assist with training or providing donated technologies including digital televisions or digital-to-analog converter boxes.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity shall use funds made available under a grant awarded under this section to—

(A) carry out a project described in subsection (a); and

(B) evaluate the project in accordance with subsection (h).

(2) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this section shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government to provide the services described in subsection (a).

(f) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under subsection (a) shall be—

(1) a nonprofit organization, an area agency on aging or other local government agency, a State unit on aging or other State government agency, and a tribal government or organization (including a consortium thereof) that—

(A) has the ability to conduct the coordination, promotion, and facilitation described in subsection (a); and

(B) has experience providing outreach and assistance targeted at older individuals and other vulnerable populations (with particular attention to individuals with disabilities, individuals with limited English proficiency, individuals residing in rural areas, minorities, and low-income communities); or

(2) any other entity not described in paragraph (1) that—

(A) the Commission determines to be appropriate to carry out a project under subsection (a); and

(B) demonstrates experience conducting public education outreach campaigns and providing assistance targeted at older individuals and other vulnerable populations.

(g) COMPETITIVE GRANTS FOR TECHNICAL ASSISTANCE.—The Commission may make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to—

(1) provide technical assistance to recipients of grants under subsection (a); and

(2) carry out other duties, as determined by the Commission.

(h) LOCAL EVALUATION AND REPORT.—

(1) EVALUATION.—Each entity or consortium thereof receiving a grant under subsection (a) to carry out a project described in subsection (a) shall evaluate the outreach and assistance carried out under the project to determine—

(A) the effectiveness of the outreach and assistance involved; and

(B) the impact of such outreach and assistance on the community being served and the organization providing the outreach and assistance.

(2) REPORT.—The organization shall submit a report to the Commission containing the evaluation not later than 3 months after the expiration of the period for which the grant is in effect.

(i) ANNUAL REPORT TO CONGRESS.—Not later than 60 days after the close of fiscal year 2008 and fiscal year 2009, the Commission shall prepare and submit a full and complete report to Congress on the activities carried out under this section which shall—

(1) summarize the distribution of funds authorized for grants under this section and the expenditure of such funds;

(2) summarize the scope and content of the public education outreach campaigns and assistance carried out under this section; and

(3) make recommendations for legislative or administrative action, as the Commission determines appropriate.

(j) FINAL REPORT TO CONGRESS.—Not later than 60 days after the close of fiscal year 2010 the Commission shall prepare and submit a full and complete report to Congress on the activities carried out under this section which shall—

(1) summarize the distribution of funds authorized for grants under this section and the expenditure of such funds;

(2) summarize the scope and content of the public education outreach campaigns and assistance carried out under this section;

(3) summarize findings from the reports containing the evaluations from subsection (h)(2); and

(4) make recommendations for legislative or administrative action, as the Commission determines appropriate.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for fiscal years 2008, 2009, and 2010.

SEC. 6. MODIFICATION OF THE DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

Section 3005(c) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) APPLICATIONS.—

"(A) PROCUREMENT OF COUPONS.—

"(i) SUBMISSION OF APPLICATION.—Not later than December 31, 2007, the Assistant Secretary shall by regulation develop and produce a standard application that each household shall submit to the Assistant Secretary between January 1, 2008, and March 31, 2009, inclusive, in order to obtain a coupon that can be applied toward the purchase of a digital-to-analog converter box.

"(ii) REQUIREMENT FOR APPLICATIONS.—The application developed under clause (i) shall—

"(I) be uniform in style and form regardless of the medium through which it is available, including for printed applications, application available by e-mail, or available on the website of the Assistant Secretary or of the Federal Communications Commission;

"(II) require each household to submit—

"(aa) the name, address, phone number, and e-mail address of the applicant;

"(bb) the number of coupons that the household seeks to obtain;

"(cc) a certification of whether the household receives—

"(AA) only over-the-air broadcast programming; or

"(BB) cable or satellite service and over-the-air broadcast programming;

"(III) inform households about—

"(aa) the transition from analog to digital television, including information on the—

"(AA) digital-to-analog converter box coupon program; and

"(BB) important associated deadlines; and

"(bb) the various options and alternatives that households may utilize to ensure reception of a digital signal, including that if the household—

"(AA) has an analog television set and receives only over-the-air broadcast programming that a digital-to-analog converter box is required;

"(BB) has a digital television set and receives only over-the-air broadcast programming that a digital-to-analog converter box is not required; and

"(CC) has either an analog or digital television set and receives cable or satellite service that a digital-to-analog converter box is not required.

"(iii) SHIPPING OF COUPONS.—The Assistant Secretary shall ensure that each household that submits an application for a coupon under this subparagraph receives such coupon via the United States Postal Service.

"(iv) DURATION OF COUPONS.—All coupons shall expire 4 months after issuance.

"(v) RULE OF CONSTRUCTION.—For purposes of this paragraph, the term 'household' shall include residents of nursing homes and assisted living facilities.";

(2) by amending paragraph (2) to read as follows:

"(2) DISTRIBUTION OF COUPONS.—

"(A) PRIORITY CONSIDERATION FOR OTA HOUSEHOLDS.—

"(i) IN GENERAL.—The Assistant Secretary shall for the period beginning January 1, 2008, and ending March 31, 2009, distribute coupons only to households that have certified on their coupon application submitted under paragraph (1) that such household receives only over-the-air broadcast programming.

"(ii) CAP ON COUPONS.—The total maximum value of all the coupons distributed under clause (i) shall not exceed $990,000,000.

"(B) OTHER HOUSEHOLDS.—

"(i) IN GENERAL.—The Assistant Secretary shall for the period beginning July 1, 2008, or the period beginning on the date that the total maximum value established under subparagraph (A)(ii) is reached, whichever is earlier, and ending March 31, 2009, distribute coupons to any household that has submitted a coupon application under paragraph (1).

"(ii) CAP ON COUPONS.—The total maximum value of all the coupons distributed under clause (i) shall not exceed $510,000,000.

"(C) LIMITATION.—The Assistant Secretary shall ensure that—

"(i) no household that receives only over-the-air broadcast programming receives more than 2 coupons; and

"(ii) no other household receives more than 1 coupon.

"(D) REQUIRED DISCLOSURES.—The Assistant Secretary shall include along with any coupon distributed pursuant to this subsection a list of—

"(i) certified retailers of digital-to-analog converter boxes by zip code and area code, including each retailer's phone number and address;

"(ii) at least 2 national certified retailers or mail order companies and the 1-800 numbers of such retailers or companies so that households may order digital-to-analog converter boxes over the phone; and

"(iii) digital-to-analog converter boxes that are eligible to be purchased with a coupon.

"(E) PROHIBITION ON RESALE OF COUPONS.—No person, including any retailer or manufacturer, may sell or offer to sell a coupon distributed under this section for any monetary amount.".

SEC. 7. REPORTING REQUIREMENTS.

(a) REPORT BY THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until March 31, 2009, the National Telecommunications and Information Administration shall report to Congress on the following:

(1) CONSUMER EDUCATION EFFORTS.—The effectiveness of its outreach efforts to inform the public about the transition from analog to digital television, including a summary of any materials distributed, surveys and focus groups conducted, and any other efforts targeted at high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities. The ongoing efforts and coordination of the Administration with industry groups (such as broadcasters, retailers, and manufacturers), other Federal agencies, nonprofit organizations, and community-based organizations.

(2) CONVERTER BOX MANUFACTURING.—With respect to the digital-to-analog converter box program required under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23):

(A) The participation level of manufacturers in such program.

(B) The number of digital-to-analog converter box models manufactured pursuant to such program.

(C) The number of digital-to-analog converter boxes shipped in the prior 90 days.

(D) The performance testing results of each digital-to-analog converter box model manufactured pursuant to such program.

(E) The number of digital-to-analog converter boxes in the marketplace that are—

(i) compliant with the requirements under such program; and

(ii) noncompliant with the requirements under such program.

(3) CONVERTER BOX RETAILING.—With respect to retailers:

(A) The compliance rates of retailers with the labeling requirements under section 344(c) of the Communications Act of 1934.

(B) The supply levels of retailers of digital-to-analog converter boxes, such levels shall be categorized on a—

(i) State by State level; and

(ii) regional level.

(C) The price charged by such retailers for digital-to-analog converter boxes, and the sales efforts of such retailers with respect to such boxes.

(D) The efforts of retailers on training and educating their sales force regarding the transition from analog to digital television.

(4) COUPON ADMINISTRATION.—With respect to the digital-to-analog converter box coupon program established under section 3005(c) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23):

(A) The number of coupons issued, categorized nationally, by State, and by 5 digit zip code.

(B) The number of coupons redeemed by households, categorized nationally, by State, and by 5 digit zip code.

(C) The efforts of the Administration and the Assistant Secretary of Communications and Information to inform retailers about the coupon program and the process needed to redeem coupons, categorized by 5 digit zip code.

(D) The number of households that have an analog television set and receive only over-the-air broadcast programming and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(E) The number of households that have a digital television set and receive only over-the-air broadcast programming and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(F) The number of households that have either an analog or digital television set and receive cable or satellite service and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(G) The efforts of the Administration to utilize the household demographics collected under subparagraphs (D), (E), and (F) to determine an appropriate strategy for the distribution of print applications for coupons, such as distribution at post-offices, departments of motor vehicles, and community centers.

(H) The average time of redemption of a coupon, measured from the date of issuance of the coupon to a household to the date of redemption of that coupon at a certified retailer of digital-to-analog converter boxes.

(I) The top 10 retailers, by volume, where coupons are redeemed.

(J) The results of quarterly surveys conducted between January 1, 2008 and March 31, 2009, on consumer satisfaction with the coupon program, including results related to ease of redemption, availability of digital-to-analog converter box, and the certified retailer's knowledge of the impending transition from analog to digital television.

(b) REPORT BY THE FCC.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until March 31, 2009, the Federal Communications Commission shall report to Congress on—

(1) the effectiveness of its outreach efforts to inform the public about the transition from analog to digital television, including a summary of any materials distributed, surveys and focus groups conducted, and any other efforts targeted at high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities;

(2) the ongoing efforts and coordination of the Commission with industry groups (such as broadcasters, retailers, and manufacturers), other Federal agencies, States, nonprofit organizations, and community-based organizations; and

(3) the ongoing efforts of the Commission to—

(A) prevent fraud and abuse with respect to the transition from analog to digital television;

(B) educate high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities, on how to—

(i) avoid potential fraudulent schemes related to the digital television transition; and

(ii) identify occurrences of fraud;

(C) prosecute those individuals accused of participating in fraudulent schemes related to the digital television transition; and

(D) monitor the compliance of retailers and manufacturers with the labeling requirements under section 344(c) of the Communications Act of 1934.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Telecommunications and Information Administration and the Federal Communications Commission such sums as are necessary to carry out the provisions of this section.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. GREGG):

S. 2126. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce, along with my colleagues TIM JOHNSON of South Dakota and JUDD GREGG of New Hampshire, an important bill that will allow Americans to save more for the long term and will better prepare them for a secure retirement. The Generating Retirement Ownership Through Long-Term Holding, GROWTH Act, had substantial bipartisan support in the House last Congress, and has been introduced in a bipartisan manner again in the House this Congress. Mr. JOHNSON and I are proud to introduce in the Senate this bipartisan legislation that provides Americans a better tool to grow their long-term retirement savings.

The GROWTH Act would allow investors in mutual funds to keep more retirement savings invested longer and growing longer by deferring taxation of automatically reinvested capital gains until fund shares are sold, rather than allowing those long-term gains, which generate no current income or cash in hand, to be taxed every year.

To understand how beneficial this bill would be, it is important to understand the role of mutual funds in long-term retirement savings. Among households owning mutual funds, 92 percent are investing for retirement, with more than 70 percent saying their primary purpose in investing in funds is to prepare for retirement. Many of today's workers do not yet have in place the retirement savings supplement to Social Security that will prepare them for the future. In fact, almost half of American workers, nearly 75 million of 155 million workers—are not offered any form of pension or retirement savings plan at work.

Meanwhile, the number of years spent in retirement is growing and the costs individuals can expect to bear in retirement are growing, too. The Employee Benefit Research Institute estimates that an individual retiring at age 65 in 2016 will need more than $300,000 just to cover health coverage premiums and expenses. Individual savings efforts also face significant obstacles. Those not covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year, $5,000 if they are age 50 or older.

Mutual funds are a hugely important part of American workers' preparation for retirement, both through their employers' retirement plans and on their own. Mutual funds now make up about half of the $4.1 trillion held by American workers through 401(k) plans and other similar job-based savings programs. About 38 million American investors hold mutual funds through their defined contribution plans. More than 31 million American investors are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans.

The GROWTH Act is also a good idea because it remedies an unfairness in the tax code that can make saving difficult for many Americans. Mutual fund investors who are struggling to save for retirement should not have to pay taxes on "profits" they have not realized. If they don't have money in hand, it makes no sense for them to have to pay taxes. The GROWTH Act would defer taxes until the mutual fund shares are sold and the investor has actual funds to pay the taxes.

The GROWTH Act would be a valuable contributor to retirement savings efforts. Mutual fund savers who automatically reinvest are doing what policymakers want to see. They are holding for the long term, contributing to national savings, and building up their own retirement nest egg. These Americans should be encouraged to save, not discouraged through a tax on automatic reinvestments. The GROWTH Act is a step that will show immediate results, a step that will help tens of millions of American savers and "should-be savers" over the course of their working lives, and a step that with time can make a real difference in the retirement readiness of American families.

I urge my colleagues to join Mr. JOHNSON and me in supporting the GROWTH Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generate Retirement Ownership Through Long-Term Holding Act of 2007".

SEC. 2. DEFERRAL OF REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by inserting after section 1045 the following new section:

"SEC. 1046. REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

"(a) NONRECOGNITION OF GAIN.—In the case of an individual, no gain shall be recognized on the receipt of a capital gain dividend distributed by a regulated investment company to which part I of subchapter M applies if such capital gain dividend is automatically reinvested in additional shares of the company pursuant to a dividend reinvestment plan.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CAPITAL GAIN DIVIDEND.—The term 'capital gain dividend' has the meaning given to such term by section 852(b)(3)(C).

"(2) RECOGNITION OF DEFERRED CAPITAL GAIN DIVIDENDS.—

"(A) IN GENERAL.—Gain treated as unrecognized in accordance with subsection (a) shall be recognized in accordance with subparagraph (B)—

"(i) upon a subsequent sale or redemption by such individual of stock in the distributing company, or

"(ii) upon the death of the individual.

"(B) GAIN RECOGNITION.—

"(i) IN GENERAL.—Upon a sale or redemption described in subparagraph (A), the taxpayer shall recognize that portion of total gain treated as unrecognized in accordance with subsection (a) (and not previously recognized pursuant to this subparagraph) that is equivalent to the portion of the taxpayer's total shares in the distributing company that are sold or redeemed.

"(ii) DEATH OF INDIVIDUAL.—Except as provided by regulations, any portion of such total gain not recognized under clause (i) prior to the taxpayer's death shall be recognized upon the death of the taxpayer and included in the taxpayer's gross income for the taxable year ending on the date of the taxpayer's death.

“(3) HOLDING PERIOD.—

“(A) GENERAL RULE.—The taxpayer's holding period in shares acquired through reinvestment of a capital gain dividend to which subsection (a) applies shall be determined by treating the shareholder as having held such shares for one year and a day as of the date such shares are acquired.

“(B) SPECIAL RULE FOR DISTRIBUTIONS OF QUALIFIED 5-YEAR GAINS.—In the case of a distribution of a capital gain dividend (or portion thereof) in a taxable year beginning after December 31, 2010, and properly treated as qualified 5-year gain (within the meaning of section 1(h), as in effect after such date), subparagraph (A) shall apply by substituting ‘5 years and a day’ for ‘one year and a day’.

“(c) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—This section shall not apply to—

“(1) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, or

“(2) an estate or trust.

“(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 852(b)(3)(B) of such Code is amended by adding at the end the following new sentence: “For rules regarding nonrecognition of gain with respect to reinvested capital gain dividends received by individuals, see section 1046.”.

(2) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1045 the following new item:

“Sec. 1046. Reinvested capital gain dividends of regulated investment companies.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. JOHNSON. Mr. President, I am pleased today to once again join my colleague MIKE CRAPO of Idaho in introducing a bill with growing bipartisan support, a bill that promises to be an important part of the many steps we will need to take to help Americans save more effectively for the many long-term needs they must increasingly plan for on their own—health, education and retirement.

Currently, mutual fund investors who are saving outside a 401(k) plan or an IRA find themselves taxed every year as a result of the buying and selling that is part of fund diversification, even if they have arranged to automatically reinvest any capital gains, even though they sold no shares, in fact, even if the value of their investments have fallen.

As a result, each year during tax season, we hear from investors who have worked hard and played by the rules. These are Americans who are committed to a plan of saving for the long term, who nevertheless find themselves hit with a tax bill although they are simply staying the course. Mr. CRAPO and I don't believe that these people should be discouraged from long-term investing and taxed I prematurely when a better-timed tax—one that comes in when investments are sold—would better facilitate long-term investing, retirement readiness, and perhaps even tax compliance through simpler calculations and fewer annual adjustments.

Congress has spent a great deal of effort trying to strengthen and promote pension promises, through both defined benefit and defined contribution plans. Yet many of today's workers do not yet have in place the retirement savings to supplement Social Security benefits. In fact, almost half of American workers—nearly 75 million of 155 million workers—are not offered any form of pension or retirement savings plan at work. These are the people who need GROWTH the most.

And the challenge they face for the future is growing. The number of years Americans and their families can expect to spend in retirement is growing, as are the costs individuals can expect to bear in retirement. Individual savings opportunities for those who spend some or all of their working years without participating or vesting in an employer's retirement plan are modest. Those workers covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year, $5,000 if they are age 50 or older. Many will want and need to save more every year if they are to be ready for retirement. These are the people who need GROWTH.

How many are there? More than 31 million Americans are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans. The GROWTH Act would provide sensible tax treatment that would defer, not avoid, taxation. In the process, it would better enable retirement savers in what they are trying to do, plan for an uncertain road ahead.

A bigger tax debate is ahead, along with a bigger debate about the future of Social Security and the way to modernize and improve private sector retirement savings tools that must supplement it. The GROWTH Act is one of those practical building blocks that deserves to be part of future debates on tax and retirement policy. Its impact illustrates just how many millions of American households are out there right now, households of modest incomes, saving on their own, through mutual fund investments, making up that growing middle class, a middle class that is facing a lot of squeezes, a lot of growing demands on their savings, but a group that is trying to save nevertheless. About 3 in 5 fund investors have household incomes between $25,000 and $100,000. Not high-flyers looking to be creative, but working people who deserve to find a few less obstacles in their way.

I urge my colleagues to join Mr. CRAPO and me in supporting the GROWTH Act and refocusing their attention to just who these savers are and what kind of sensible tax policy they need.

Mrs. MURRAY:

S. 2127. A bill to provide assistance to families of miners involved in mining accidents; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today, I heard disturbing testimony during a Senate HELP Committee hearing on the Crandall Canyon Mine disaster about the misinformation that families received during the tragedy. When I met with many of the family members of the miners involved in the accident, I saw the enduring pain of their loss, and, although there is nothing I can do to take that pain away, I can work to ensure that if other families are ever faced with such tragedy in the future, they will be cared for with respect, dignity, and consistency.

I am proud to introduce the Mine Disaster Family Assistance Act of 2007, closely modeled after the National Transportation Safety Board's highly effective family assistance model used during major aviation accidents in this country to care for victims and their families.

This bill puts families who experience such a tragedy first by establishing a director of family support services at MSHA. This person would serve as the Federal Government's point-of-contact for families during an emergency. The director would be responsible for the overall coordination of family services provided by all parties involved in a mine emergency and ensure that families receive consistent information first during rescue and investigation efforts.

Second, it requires the designation of an independent nonprofit organization with experience in disasters and post trauma family communication, such as the American Red Cross, ARC, as the primary coordinator of emotional care and support for families. This organization will provide mental health and counseling services to families, and a private place to grieve; meet with family members onsite; and update families on accident and post accident activities.

Third, it requires mine operators to submit a strategic plan to clearly establish accident protocols for meeting the needs of families before an emergency occurs. To ensure these plans are submitted and approved in a timely fashion, the bill also prohibits approval of other operating plans until a mine has an MSHA-approved family assistance plan.

Finally, it gives families a voice in the process by including them as a required partner in a task force designed to provide recommendations for program enhancements. Other partners include mine operators, including operators of small mines, labor, the ARC, and the Bureau of Land Management.

We all agree that families who have lost loved ones in mining tragedies like those at Sago and Crandall, deserve our best efforts to provide consistent communication and support. The landmark MINER Act, signed into law last year, was a good first step in this direction, but these tragedies demand that we take additional steps to ensure that the victims' families receive the best information and care possible during an emergency.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 341—CONCERNING THE RECENT FOREST FIRES IN GREECE

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 341

Whereas more than 3,000 forest fires have been recorded in Greece since June 2007;

Whereas over a 10-day period, an estimated 4,000 people saw their homes destroyed by the wildfires, which razed dozens of villages, destroyed livestock and charred an estimated 469,000 acres of mostly forest and farmland;

Whereas dozens of Greek families have lost their loved ones to the fires;

Whereas thousands of Greeks have been left homeless and hundreds of thousands of acres of pristine forest have been destroyed;

Whereas hundreds of thousands of mature olive trees, vineyards and thousands of animals perished in the flames;

Whereas damage to the Greek economy is estimated at between $1,600,000,000 and $5,400,000,000;

Whereas the United States and Greece have stood side by side in confronting world challenges throughout the 20th century, and will stand together in confronting this new challenge; and

Whereas the United States, through its government, its people and its Greek-American community, has already extended significant support to the people of Greece during this difficult time: Now, therefore, be it

Resolved, That the Senate—

(1) extends its condolences and sympathy to the Government and the people of Greece for the grave loss of life and vast destruction caused by the devastating fires raging through Greece;

(2) vows its full support and solidarity to a close friend, a strategic partner, and a longstanding ally in this painful and difficult hour;

(3) fully supports the Administration's initiatives to provide assistance and relief to the people of Greece, including its pledge of $1,500,000 in aid as well as expert and technical assistance;

(4) encourages public institutions, specialized agencies, as well as private citizens, to offer their resources; and

(5) expresses confidence that Greece and its people will succeed in overcoming the hardships incurred through this tragedy.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution with my friend and colleague Senator MENENDEZ concerning the devastating series of forest fires which ravaged much of Greece, especially in the Peloponnese, this past summer.

Beginning in June, over 3,000 forest fires raged across the cradle of Democracy. Tragically, 9 people were killed in blazes in June and July, and 68 people lost their lives in the especially destructive fires between August 24 and September 4. The Greek economy ministry initially estimated that the fires caused 1.6 billion euros, or $2.2 billion of damage. Subsequent assessments have placed that figure as high as $5.4 billion.

I am proud that, more than offering its sympathy, the U.S. has also offered its help to the brave people and government of Greece. According to the State Department, the U.S. Government has thus far contributed nearly $2 million in aid to Greece in response to the fires. The bulk of this aid was provided in a "wildfire assistance package" consisting of the deployment of a technical assistance team which arrived in Greece on September 1 representing the disciplines of: fire management, fire investigation, emergency management systems, burn area emergency rehabilitation, and ecosystem and watershed restoration. Additionally, the U.S. Government provided 3,000 complete fire suits for the national fire brigade.

Americans have also stepped up to give privately to the victims of these terrible fires as well. Charities organized by Greek-American organizations and the Orthodox Church in the U.S. have already raised millions to aid the people and government of Greece in rebuilding and mitigating the economic loss resulting from the fires.

It is essential for the Senate to both recognize and pledge its support for these efforts, as the connection between the U.S. Congress and the Greek people is not limited to the Greek Americans who have served as members, or the foreign policy issues debated in its halls. Rather, the very inspiration for the Congress as a legislative body are the democratic chambers of ancient Greece.

More recently, the U.S. and Greece stood resolutely by one another in confronting the political and economic challenges of the 20th century, and are close partners in combating terror in these opening years of the 21st century. It is imperative that we continue to stand together in confronting this new challenge.

On September 5, the House of Representatives passed a similar resolution to the one Senator MENENDEZ and I have introduced today. These resolutions reflect that the myriad ties between our 2 countries, be they cultural, economic or geopolitical, comprise a bond that can and should only strengthen in the wake of this devastating tragedy. I urge my colleagues to join us in supporting the people and government of Greece at this critical moment.

SENATE RESOLUTION 342—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF HISPANIC AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. LAUTENBERG, Ms. STABENOW, Mr. OBAMA, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. LUGAR, Mrs. BOXER, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. VOINOVICH, Mrs. DOLE, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 342

Whereas from September 15, 2007, through October 15, 2007, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 44,300,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in every 3 children under the age of 18 in the United States is Hispanic, and there are now more than 14,000,000 Hispanic children living in the United States;

Whereas the purchasing power of Hispanic Americans is projected to reach $1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned businesses in the United States, representing the economic contributions and spirit of entrepreneurship of the Hispanic community;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas approximately 11 percent, the largest percentage of any ethnic or racial group, of the more than 3,700 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2007, through October 15, 2007;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

SENATE RESOLUTION 343—DESIGNATING OCTOBER 19, 2007, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. DURBIN, Mr. SANDERS, Mr. CASEY, Mr. LAUTENBERG, Mr. BAYH, Mrs. BOXER, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON, Mr. COLEMAN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas, according to the American Cancer Society, in 2007, 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases the cancer resulted in death;

Whereas approximately 3,000,000 women in the United States are living with breast cancer, about 2,300,000 have been diagnosed with the disease, and an estimated 1,000,000 do not yet know they have the disease;

Whereas African-American women suffer a 36 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 90 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of 98 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19, 2007, as "National Mammography Day"; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 48—EXPRESSING THE SENSE OF THE CONGRESS REGARDING HIGH LEVEL VISITS TO THE UNITED STATES BY DEMOCRATICALLY-ELECTED OFFICIALS OF TAIWAN

Mr. JOHNSON (for himself, Mr. LOTT, Mr. CHAMBLISS, Mr. BROWN, Mr. COBURN, and Mr. INHOFE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 48

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas, in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, DC;

Whereas these restrictions deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas whenever high-level visitors from Taiwan, including the President, seek to come to the United States, their request results in a period of complex, lengthy, and humiliating negotiations;

Whereas lifting these restrictions will help bring a friend and ally of the United States out of its isolation, which will be beneficial to peace and stability in the Asia-Pacific region;

Whereas, in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet and communicate directly with the democratically-elected officials of Taiwan;

Whereas since the Taiwan Strait is one of the world's flashpoints in terms of global security, it is essential that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington, DC, at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level with the Government of Taiwan, in order to strengthen a policy dialogue with Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected officials of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3116. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3117. Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) proposed an amendment to the bill H.R. 3222, supra.

SA 3118. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3119. Mr. GREGG proposed an amendment to amendment SA 3117 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) to the bill H.R. 3222, supra.

SA 3120. Mr. BAUCUS (for himself, Mr. SMITH, Mr. WYDEN, Mr. KERRY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3121. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3122. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3123. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3124. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3125. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3126. Mrs. BOXER proposed an amendment to the bill H.R. 3222, supra.

SA 3127. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3128. Mr. KOHL (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3129. Mr. DURBIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3130. Mr. SANDERS proposed an amendment to the bill H.R. 3222, supra.

SA 3131. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3132. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3133. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3134. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3135. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3137. Mr. REID (for Mr. Obama (for himself and Mr. Coburn)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3138. Mr. BROWN (for Mr. Durbin) proposed an amendment to the resolution S. Res. 319, expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary.

SA 3139. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3140. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3141. Mr. SESSIONS (for himself, Mr. Nelson, of Florida, Mr. Kyl, Mr. Lieberman, Mr. Vitter, Mr. Inhofe, Mr. Nelson, of Nebraska, Mr. Pryor, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3142. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3143. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3144. Mr. KYL (for himself, Mr. Sessions, and Mr. Thune) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3145. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table .

SA 3146. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3116. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SA 3117. Mr. GRAHAM (for himself, Mr. Gregg, Mr. McConnell, Mr. Vitter, Mr. Corker, Mr. Kyl, Mr. Domenici, Mr. Chambliss, Mr. Cornyn, Mr. Sununu, Mr. McCain, Mr. Specter, Mr. Isakson, and Mr. Martinez) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the "Border Security First Act of 2007".

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109-367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3118. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. No amounts appropriated or otherwise made available by this Act may be obligated or expended for any purpose relating to the transfer of hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for destruction, including for the conduct of a study of such transfer.

SA 3119. Mr. GREGG proposed an amendment to amendment SA 3117 proposed by Mr. Graham (for himself, Mr. Gregg, Mr. McConnell, Mr. Vitter, Mr. Corker, Mr. Kyl, Mr. Domenici, Mr. Chambliss, Mr. Cornyn, Mr. Sununu, Mr. McCain, Mr. Specter, Mr. Isakson, and Mr. Martinez) to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

This section shall become effective 1 day after the date of enactment.

SA 3120. Mr. BAUCUS (for himself, Mr. Smith, Mr. Wyden, Mr. Kerry, and Mr. Tester) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

SA 3121. Mr. KERRY (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title V under the heading "NATIONAL DEFENSE SEALIFT FUND", up to $1,000,000 may be available for the conversion of the T.S. Enterprise ship at Massachusetts Maritime Academy in Buzzards Bay, Massachusetts.

SA 3122. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby increased by $30,215,000, of which—

(1) up to $6,000,000 may be for Advanced Automotive Technology (PE #0602601A); and

(2) up to $20,215,000 may be for Combat Vehicle and Automotive Advanced Technology (PE #0603005A), of which—

(A) up to $14,215,000 may be for the Future Combat Systems; and

(B) up to $10,000,000 may be the Fuel Efficiency ground vehicle Demonstrator (FED).

SA 3123. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities against any other country without the enactment of an Act or the passage of a resolution passed by the Senate and the House of Representatives specifically authorizing such obligation or expenditure.

(b) The prohibition in subsection (a) shall not apply with respect to the following military operations or activities:

(1) Military operations or activities to directly repel an attack against the territory or the Armed Forces of the United States.

(2) Military operations or activities in hot pursuit of hostile forces who are directly engaged in combat operations against the Armed Forces of the United States.

(3) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) Not later than 48 hours after determining to obligate or expend amounts otherwise prohibited from obligation or expenditure under subsection (a) for purposes of a military operation or activity described in subsection (b), the President shall submit to the Committee on Armed Forces and the Committee on Appropriations of the Senate and the Committee on Armed Forces and the Committee on Appropriations of the House of Representatives a report on such determination, including a justification for the determination.

(d) Nothing in this section shall be construed as limiting the authority of the President under Article II, Section 2, of the Constitution of the United States.

SA 3124. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) FINDINGS ON ASSOCIATE INTERMODAL PLATFORM PALLET SYSTEM.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) Specific benefits of usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers, providing savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) The Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, AIR FORCE", up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

SA 3125. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

SA 3126. Mrs. BOXER proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

SA 3127. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add following:

SEC. 8107. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

SA 3128. Mr. KOHL (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class Modernization-Hybrid Propulsion Permanent Magnet Drive System.

SA 3129. Mr. DURBIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, ARMY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, NAVY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, AIR FORCE", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

SA 3130. Mr. SANDERS proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" and "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD", is hereby reduced by $10,000,000.

SA 3131. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory-Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

SA 3132. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby increased by $30,215,000, of which—

(1) up to $6,000,000 may be for Advanced Automotive Technology (PE #0602601A); and

(2) up to $20,215,000 may be for Combat Vehicle and Automotive Advanced Technology (PE #0603005A), of which—

(A) up to $14,215,000 may be for the Future Combat Systems; and

(B) up to $10,000,000 may be the Fuel Efficiency ground vehicle Demonstrator (FED).

SA 3133. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities against any other country without the enactment of an Act or the passage of a resolution passed by the Senate and the House of Representatives specifically authorizing such obligation or expenditure.

(b) The prohibition in subsection (a) shall not apply with respect to the following military operations or activities:

(1) Military operations or activities to directly repel an attack against the territory or the Armed Forces of the United States.

(2) Military operations or activities in hot pursuit of hostile forces who are directly engaged in combat operations against the Armed Forces of the United States.

(3) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) Not later than 48 hours after determining to obligate or expend amounts otherwise prohibited from obligation or expenditure under subsection (a) for purposes of a military operation or activity described in subsection (b), the President shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on such determination, including a justification for the determination.

(d) Nothing in this section shall be construed as limiting the authority of the President under Article II, Section 2, of the Constitution of the United States.

SA 3134. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", $3,000,000 may be made available for the MK 50 (NULKA) Decoy System.

SA 3135. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

SA 3136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

SA 3137. Mr. REID (for Mr. OBAMA (for himself and Mr. COBURN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SA 3138. Mr. BROWN (for Mr. DURBIN) proposed an amendment to the resolution S. Res. 319, expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary; as follows:

In the eighth clause of the preamble, strike "4,000,000,000,000 gallons" and insert "4,000,000,000 gallons."

SA 3139. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $1,500,000 may be available for Commercialization and Industrialization of Adaptive Optics (PE #0602890F).

SA 3140. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Program Element 0602787A, up to $1,000,000 may be available for the Maternal Fetal Health Informatics and Outreach Program.

SA 3141. Mr. SESSIONS (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM-3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM-3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

SA 3142. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by $23,600,000,000, with the amount of the increase to be available for the procurement of Mine Resistant Ambush Protected (MRAP) vehicles: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3143. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR RDTE, DEFENSE-WIDE, FOR MARK V REPLACEMENT RESEARCH.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by up to $8,000,000, with the amount of the increase to be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

(b) OFFSET.—The amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY" is hereby decreased by $8,000,000.

SA 3144. Mr. KYL (for himself, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amounts appropriated or other otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $10,000,000 may be available for Program Element 0603895C for the Space Test Bed.

SA 3145. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

SA 3146. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $5,000,000 may be available for the Missile Defense Space Experimentation Center (MDSEC) (PE #0603895C).

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mrs. FEINSTEIN, pursuant to the provisions of section 512 of Public Law 110-181, submitted her notice of intent to object to proceed to consider the bill (S. 223) to require Senate candidates to file designations, statements, and reports in electronic form, dated Oct. 2, 2007, for the following reasons:

Mr. President, I objected to Senator ENSIGN's proposed unanimous consent of September 27, 2007, to take up and vote on an amendment to S. 223, the Senate Campaign Disclosure Parity Act, which is not germane to the underlying bill and has not been reviewed by the Rules and Administration Committee.

The proposed Ensign amendment would require outside groups, such as advocacy and charitable organizations, that file ethics complaints to disclose their donors.

His proposal to require limited debate and then a vote on the amendment before voting on S. 223 could be prevent the timely passage of the underlying bill before the 2008 election.

Next year's presidential and congressional elections are expected to have record contributions to and expenditures by candidates for federal offices. Electronic filing by Senate candidates will provide timely reports of these activities.

I believe the subject matter of the Ensign amendment would be best addressed first in the Rules Committee, where a hearing will provide an opportunity for all interested parties to express their views on this matter.

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 2, 2007, to me from Senator FEINSTEIN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, October 2, 2007.

Hon. HARRY REID,
The Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: As you know, under the provisions of the Honest Leadership and Open Government Act of 2007 (section 512 of P.L. 110-81), a Senator is required to submit a "Notice of Intent to Object" letter when another Senator objects to a unanimous consent request on his/her behalf. Please consider this letter as my notice of intent to object for Senator Baucus' objection, on my behalf, to Senator Ensign's proposed amendment to S. 223, the Senate Campaign Disclosure Parity Act, on September 27, 2007.

On that date, Senator Ensign asked unanimous consent to proceed to consideration of Calendar No. 96, S. 223, the Senate Campaign Disclosure Parity Act, only if an unrelated and potentially controversial amendment that he proposed is also brought up for a vote.

As you know, the underlying bill—S. 223—requires Senate candidates to file designations, statements and reports in electronic form, rather than paper. Forty-one Senators have signed onto this long overdue bill.

When Senator Feingold, the bill's principal sponsor, and I sought unanimous consent to take up and adopt this bill on September 24, Senator Ensign objected, saying he would continue his hold on the bill unless we agreed to a vote on his proposal to have outside groups, such as advocacy and charitable organizations that file ethics complaints disclose their donors.

This unfortunate delay followed two earlier occasions in April when Senator Feingold and I sought unanimous consent for passage of S. 223 and the Minority placed holds on that effort.

While S. 223 has had a full hearing in the Senate Rules and Administration Committee and has widespread support, Senator Ensign's amendment has not been reviewed by either the Rules Committee or the Finance Committee, which also may have concerns about its impact on nonprofit organizations.

On September 27, Senator Baucus objected to Senator Ensign's proposed amendment on my behalf. And while I have taken no position on the merits of Senator Ensign's amendment, I believe it is non-germane to the underlying bill and it could be a poison pill that will prevent the timely passage of S. 223 before the 2008 election.

Next year's presidential and congressional elections are expected to have record contributions to and expenditures by candidates for federal offices. Electronic filing by Senate candidates will provide timely reports of these activities.

Sincerely,

DIANNE FEINSTEIN,
Chairman.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 4, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on backlogs at the Department of the Interior: Land into Trust Applications; Environmental Impact Statements; Probate; and Appraisals and Lease Approvals.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on October 2, 2007, at 10:30 a.m., in order to conduct a hearing entitled "An Examination of the National Flood Insurance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 2, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order for a hearing to consider pending nominations.

Agenda

Andrew R. Cochran, of Virginia, to be Inspector General, Environmental Protection Agency. John S. Breslan, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of 5 years. (Reappointment) John. S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of 5 years. C. Russell H. Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of 5 years. William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012. (Reappointment) Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012. (Reappointment) Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to conduct a hearing entitled: "Current Mine Safety and Disasters: Issues and Challenges," during the session of the Senate on Tuesday, October 2, 2007, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled: "Preserving the Rule of Law in the Fight Against Terrorism," on Tuesday, October 2, 2007, at 10 a.m., in the Dirksen Senate Office Building, room 226.

Witness List:

Jack Landman Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School, Cambridge, Massachusetts.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, October 2, 2007, in order to conduct a vote on the nomination of Paul J. Hutter, to be General Counsel, Department of Veterans Affairs. The Committee will meet in the reception room off the Senate Floor immediately after the first rollcall vote that occurs after the party lunches on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, October 2, 2007, at 10 a.m. in order to conduct a hearing entitled: "Preparing the National Capital Region for a Pandemic."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, on behalf of Senator DODD, I ask unanimous consent that LTCOM Christopher Martin, a Congressional Fellow in Senator DODD's office, be granted the privilege of the floor during the debate of H.R. 3222.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Earl Rilington and Eric Perritt, fellows serving in Senator COCHRAN's office, be granted the privilege of the floor during consideration of this Defense Department appropriations bill for fiscal year 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HISPANIC HERITAGE MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 342, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 342) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, en bloc; and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 342) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 342

Whereas from September 15, 2007, through October 15, 2007, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 44,300,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in every 3 children under the age of 18 in the United States is Hispanic, and there are now more than 14,000,000 Hispanic children living in the United States;

Whereas the purchasing power of Hispanic Americans is projected to reach $1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned businesses in the United States, representing the economic contributions and spirit of entrepreneurship of the Hispanic community;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas approximately 11 percent, the largest percentage of any ethnic or racial group, of the more than 3,700 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2007, through October 15, 2007;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

NATIONAL MAMMOGRAPHY DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 343, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) designating October 19, 2007, as "National Mammography Day."

There being no objection, the Senate proceeded to consider the resolution.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 19, 2007, as "National Mammography Day." This is the 15th straight year I have introduced such legislation, and I am proud to say that on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2007, it is estimated that nearly 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die of this disease.

The first several times I introduced this resolution, I commented on how gloomy the statistics surrounding breast cancer were. While too many of our loved ones still die from breast cancer each year, there are some numbers these days that give us hope in our persistent struggle to defeat this disease. As I mentioned last year, the trend over time is that the number of deaths from breast cancer is actually stable or falling from year to year. According to the American Cancer Society, the death rate from breast cancer in women has decreased since 1990: between 1975–1990, the death rate increased by 0.4 percent; between 1990–2004, the death rate decreased by 2.2 percent annually.

This decline in the breast cancer mortality rate has been attributed to both improvements in breast cancer treatment as well as early detection from mammograms and other screening methods. New digital techniques make the process of mammography much more rapid and precise than before. In addition, early detection of breast cancer continues to result in extremely favorable outcomes: 98 percent of women with localized breast cancer will survive 5 years or longer. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. With all of these advances in research, screening and treatment, a diagnosis of breast cancer is not a death sentence—all of us encounter long-term survivors of breast cancer almost daily, whether we realize it or not.

Recently, there has been discussion among scientists regarding the best and most appropriate screening tool for breast cancer—traditional mammography or more advanced technology like magnetic resonance imaging, MRI. In addition, newspapers have been filled with discussions over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. For those of us who are neither physicians nor scientists in this highly technical area, we look to the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography.

As for mammography versus MRI's, in 2007 an expert panel convened by the American Cancer Society released new recommendations for the use of MRI for women at increased risk for breast cancer. Essentially, the Society recommended annual screening using MRI in addition to mammography for women at high lifetime risk, 20 to 25 percent or greater of developing breast cancer. Women with moderately increased risk of developing the disease, 15 to 20 percent lifetime risk, should discuss the option of adding an MRI to their annual mammogram with their physician. Women that do not fall into the high-risk or moderate-risk categories for developing breast cancer have no need to supplement their mammogram with an MRI.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what the test will reveal. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where National Mammography Day comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: A child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: Pick 1 of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Once you pick a date, call your health care provider and make an appointment. If you have access to the internet, go the American Cancer Society's website and sign up for the mammogram reminder service—they'll send you an e-mail to remind you about the date you picked. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, once again I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 19, 2007, as "National Mammography Day".•

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas, according to the American Cancer Society, in 2007, 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases the cancer resulted in death;

Whereas approximately 3,000,000 women in the United States are living with breast cancer, about 2,300,000 have been diagnosed with the disease, and an estimated 1,000,000 do not yet know they have the disease;

Whereas African-American women suffer a 36 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 90 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of 98 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19, 2007, as "National Mammography Day"; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

UNITED STATES TRANSPORTATION COMMAND 20TH ANNIVERSARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. Res. 319 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 319) was agreed to.

The amendment to the preamble (No. 3138) was agreed to, as follows:

In the eighth clause of the preamble, strike "4,000,000,000,000 gallons" and insert "4,000,000,000 gallons."

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, S.J. Res. 13.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 13) granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, this joint resolution reflects the best traditions of international cooperation between our nation and our Canadian neighbors to the north.

Formally, this joint resolution would grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, which allows emergency responders from the United States and Canada to help each other across our shared border during natural disasters and other serious emergencies. But beyond this legal formality, this agreement reflects our longstanding cooperative partnership with Canada, and how, in times of emergency or natural disaster, we respond together, as neighbors across a largely unguarded border.

When our communities need help, we must join together and come to their aid, whether or not a border is drawn between us. This agreement allows us to honor the extraordinary tradition of international cooperation and good will between our nations, and will make the citizens of both the United States and Canada more secure and safer.

We must all do our best to prepare for the most serious emergencies that can harm our communities. These crises may arise from natural or manmade disasters, from technological hazards, civil emergencies, or even terrorist events. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern Provinces of Canada, and we have endured catastrophic blizzards and ice storms as recently as this winter that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. Under this agreement, first responders and emergency management professionals from the United States and Canada can work together to provide the necessary assistance to secure public safety.

This compact works well for New England and the eastern Canadian Provinces, and it stands as a model for emergency management planning and cooperation. It has the support of all the emergency management directors in the New England States, and the bipartisan support of all of the New England Senators who have joined me and Senator SNOWE to cosponsor this resolution. It is a crucial element of the security and safety planning for all communities in New England and eastern Canada.

Mr. BROWN. I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 13) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

"The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

"The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

"This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

"Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

"The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

"On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

“Article III—Party Jurisdiction Responsibilities

“(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

“(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster or emergency aspects of resource shortages;

“(2) initiate a process to review party jurisdictions’ individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

“(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

“(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

“(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

“(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

“(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

“(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

“(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting party’s response and a point of contact at the location.

“(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

“Article IV—Limitation

“Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

“Article V—Licenses and Permits

“Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

“Article VI—Liability

“Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

“Article VII—Supplementary Agreements

“Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

“Article VIII—Workers’ Compensation and Death Benefits

“Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers’ compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

“Article IX—Reimbursement

“Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

“Article X—Evacuation

“Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

“Article XI—Implementation

“(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

“(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

“(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

"This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

"The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

"This compact may be amended by agreement of the party jurisdictions.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

MEASURE READ THE FIRST TIME—S. 2128

Mr. BROWN. Mr. President, I understand that S. 2128 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2128) to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

Mr. BROWN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 3, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, October 3; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the 2 leaders reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the 2 sides, with the majority controlling the first half and the Republicans controlling the final portion; that following morning business, the Senate resume consideration of H.R. 3222, as provided for under a previous order, and that the mandatory quorum be waived as required under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:16 p.m., adjourned until Wednesday, October 3, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, October 2, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COHEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 2007.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from California (Mr. ISSA) for 5 minutes.

WAR IN IRAQ

Mr. ISSA. Mr. Speaker, today in the Committee on Oversight and Reform, we are going to continue without a doubt the attack on our men and women in uniform. It is clear after last week's debate in which 79 Members of the House refused to denounce MoveOn.org for their attacks on the patriotism of General David Petraeus, there are those who intend to continue to attack the war on any front.

Mr. Speaker, I rise not because I support the war, not because I love war, not because in fact I have any desire to have this war or any war last one day longer than absolutely necessary.

Mr. Speaker, unable to effectively portray our men and women in uniform as guilty of wrongdoing, in spite of the fact that 1 of our Members called in fact our marines, marines based at Camp Pendleton, killers of women and children in cold blood. Those charges for the most part have already been dismissed.

Our men and women in uniform make mistakes. In the Committee on Oversight and Reform today, we are going to be talking about not our men and women in uniform, but men and women who served an average of 10 years in uniform who have joined private contractors in support of our State Department. Specifically, Mr. Speaker, I am talking about Blackwater. I am not defending Blackwater. The truth is neither Speaker PELOSI nor Chairman WAXMAN know what happened in Iraq in September. What we do know is that there are investigations going on into the specific incidents, like so many incidents in a country in which every day soldiers, sailors and marines die by IEDs and roadside bombs and other ways of killing our men and women without taking risk to their own lives.

An incident like that apparently occurred in September, but instead of waiting until the IG, the FBI, the State Department concluded their investigations, today, Mr. Speaker, the Government Oversight and Reform will decide that they are going to go after the facts directly. They have subpoenaed directly the CEO of that company, not because he was there, not because he has some special knowledge, but because, Mr. Speaker, it is all about the headlines. The bodies were not even cold on that incident before the Committee on Oversight and Reform began to prepare for today's hearings.

In order to believe that Blackwater is guilty before the evidence is in, you have to believe the Minister of Interior. Mr. Speaker, you have to believe the very organization that former Washington, DC, Chief Ramsey and retired four star General Jim Jones called that organization that he leads, some 300,000 police, 85 percent of whom are Shia, so corrupted and so compromised as to be disbanded. In fact, that is exactly the organization that apparently arrived and apparently is to be believed that some wrongdoing occurred.

Mr. Speaker, when I went to Iraq the last time or one time, I went with Chairman WAXMAN and now Speaker PELOSI, our unit was guarded by Blackwater. At that time, I didn't hear any objections to the overhead cover provided by Blackwater. I didn't hear any objections to the EOD unit that was protecting us against bombs. In fact, Mr. Speaker, the only time there seems to be a desire to have this type of oversight is when the headlines would help demean the very effort we are involved in in Iraq.

Mr. Speaker, I trust that the American people are in fact more knowledgeable of what this war is all about. Not that they want this war, but that they do not want to have the men and women in uniform or those Americans who under contract go to this combat zone willingly, most of them after service in that combat zone while in uniform, demeaned without a fair opportunity for investigation.

Mr. Speaker, I was 1 of many Members of Congress who asked that today's hearing be postponed until at least the State Department, the FBI, and other organizations had an opportunity to do a proper investigation. I am proud to be a ranking member on the Subcommittee on Oversight and Reform, but I am ashamed that we in fact are doing trials rather than oversight. We have never done anything more shameless than what we are doing today, going after an organization without waiting for the facts. We do not oversee Blackwater in the Congress; we oversee the administration, and we should be looking at their reports, we should be looking at what they have done, and we should be in fact reforming anything that is wrong in the administration.

So I trust that today's hearings will be watched by many people, Mr. Speaker. I trust that Members of this body will view this as what it is, a witch hunt, because they can't go after our men and women in uniform.

ACKNOWLEDGING IRAQIS AT RISK

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning-hour debate for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there is fierce debate and dissension on this floor and in Congress and around the country about the war in Iraq. This disagreement runs deep. It is profound. I believe it to be sincere. But there is one thing that everybody will agree on regardless of whether they think this war is merited or not, regardless of whether they think it has been prosecuted in a reasonable and efficient manner or not. They can acknowledge the debt and obligation that the United States has to over 4 million Iraqis who have been forced to flee their homes. This is a humanitarian crisis that rivals Darfur. It is the worst ongoing humanitarian crisis in the world at this point.

Over 2 million Iraqis have fled their country. And while there is debate over the precise numbers these days, whether it is an additional 25,000 a month or

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

50,000 a month, whether it is going up or going down, no one disputes that they are still fleeing their homes by the thousands.

I first became involved with the problem of the Iraqis who are at risk because they help the United States, guides and translators, when I started working with a group of high school students in Portland, Oregon, at Lincoln High School, who were working in turn with some Oregon National Guard members who had returned to Oregon but were trying desperately to save the life of a young woman who had served as their translator. Because she had helped the Americans, she was targeted. She and her family were targeted by extremists. It took months. Time doesn't permit going through all the hurdles that we encountered. Luckily, that young woman is safely in the United States now going to college and she is no longer at risk, although afraid to show her face or to be identified specifically for fear that her family would in turn be targeted. I made a commitment to those young people in the high school and in the Oregon National Guard that we would work to introduce comprehensive legislation to make it easier to meet the obligation to those who took America at its word, who helped our brave soldiers, and who in turn now have their lives imperiled.

We have introduced comprehensive legislation that would increase the allowable number that could come, that would put somebody in charge of this responsibility, make it possible to actually be processed in country.

It is ironic that we have the largest embassy in the world in Baghdad, and yet the Iraqis have to leave the country to seek refugee status. They can't go to the green zone and this vast embassy. They have to leave the country in order to apply for asylum.

I frankly was encouraged that last week our colleagues in the Senate made important progress by passing an amendment to the Senate defense authorization bill that would start to address the crisis by including some of the elements in the comprehensive legislation that I have introduced. It is an important first step, but it is only a first step. It is time for the United States to do the right thing for these people whose lives are imperiled.

When we started this process at the beginning of the fiscal year, the United States was going to allow 7,000 people in the country. A small number, actually, by comparison to what little Sweden, for example, was willing to do, a country a fraction of our size, and they aren't the country who engineered this war nor are occupying Iraq. Well, in a few months that goal of 7,000 was reduced to 2,000. As the fiscal year ended this last weekend, we fell short even of that reduced goal: Only 1,600 of these Iraqi refugees were brought into this country.

Our failure to step up is having serious operational consequences. Ambassador Crocker in a memo that has been I suppose leaked but widely published, widely disseminated here in Washington, DC, points out that the failure to help these people who are helping us actually undermines the ability to have other guides and interpreters and people working with us. We risk leaving a legacy of despair, undermining our credibility in the Middle East, to say nothing of the thousands of people whose lives are at risk.

I urge my colleagues to join me in passing comprehensive legislation that will deal with this humanitarian crisis, at least for the people who are most at risk for having put their trust in the United States as they worked to help us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Divine teacher and source of ageless wisdom, keep within Your vision all students, teachers, school administrators, and providers from families, business and government who are engaged in education across this vast and varied land.

Fan into flame, Lord, the desire for knowledge and the ability to make good decisions in Your people of all ages. Help the young to use their energy and imagination in all intellectual pursuits. Guide committed students to adjust to the needs of our times and look beyond self-interest to serve the broader community with global perspective.

Confirm professionals and the elderly with educational opportunities which will draw upon their experience and offer greater wisdom.

May educational possibilities flourish in this Nation so that growth in technology, science and human understanding may create an exciting future for Your people and give You greater glory founded upon solid reasons for faith and love, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CHILDREN'S HEALTH INSURANCE PROGRAM

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, President Bush, having vetoed fewer bills than almost any President in American history, is now talking about vetoing many bills. One of these is the children's health insurance bill, the so-called CHIP or SCHIP piece of legislation.

To veto this bill would be a big mistake. One reason is the Senate has already demonstrated it has the votes for an override, and I think in the House it's just a question of time until we have the votes to override.

But the key point is this: It's a good bill. And I don't say that lightly. I voted against the first version of the SCHIP legislation that came through the House. I thought it was unaffordable, and over half the bill wasn't for kids at all; it was for senior citizens.

This bill is tightly focused on poor children. Poor children, only up to 200 percent of poverty, not the $80,000 you may have been hearing about on talk radio. These are the Tiny Tims of the United States. President Bush should not want to play Ebenezer Scrooge in this play.

IN MEMORY OF HARRY SHULER DENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Harry Shuler Dent passed away Friday. The Charleston Post and Courier recognized him as the father of the present-day South Carolina Republican Party and White House southern strategist.

Lee Bandy of Columbia's The State outlined Harry Dent's successful career as a journalist, chief of staff for Senator Strom Thurmond, State Republican Chairman, White House Deputy Counsel, and founder of a multinational lay ministry.

I was grateful to see firsthand Harry's achievements. Under his leadership, the South Carolina Republican Party grew in the 1960s from no officeholders to having majorities in the State legislature, congressional delegation and Statewide offices. In Romania I watched his ministry take action and provide medical equipment to a local hospital.

His greatest achievement was to marry his high school sweetheart, Betty Francis Dent. In their 56 years of marriage, they produced 4 outstanding children, Harry, Jr., Jack, Dolly and Ginny, along with 9 grandchildren.

As a political adviser, mission director and dedicated family man, Harry Dent has made an extraordinary difference to the people of South Carolina.

In conclusion, God bless our troops, and we will never forget September the 11th.

PRESIDENT BUSH'S VETO THREAT ON SCHIP

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, during a speech at the 2004 National Convention, President Bush made a promise to cover America's uninsured children. The President said, "In a new term we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance program."

Last week, both this House and the Senate passed a bill to reauthorize the State Children's Health Insurance Program, or SCHIP, which provides health coverage for children in low-income families who would otherwise be uninsured. This bipartisan bill will allow 4 million children who are currently eligible for SCHIP, but not yet enrolled, to now receive coverage. In fact, it does just what President Bush said he would do if America reelected him. But despite this election year promise, President Bush is now threatening to veto the bipartisan SCHIP reauthorization act.

Mr. Speaker, if the President vetoes this much-needed legislation, he will be breaking his election year campaign promise to enroll millions of currently eligible but uninsured children in the SCHIP program. I hope the President will reconsider his veto threat and instead hold to his promise to strengthen the SCHIP program.

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the peaceful protestors in Burma deserve our support, and the brutal generals in charge of the SPDC must be held accountable.

Reports on the number of deaths ordered by the dictatorship range from hundreds to thousands. It's difficult to get specific numbers, particularly as other reports detail the regime burning dead bodies so that no one can get an accurate count of the dead and disappeared.

One new image shows the badly bruised and semi-dressed body of a Buddhist monk floating face down in the Rangoon River.

The regime has also no respect for journalists. A Japanese journalist was shot point blank by the dictator's troops, and the regime detained other journalists.

One senior Burmese intelligence official is claiming that thousands of protesters are dead, and the bodies of hundreds of executed monks have been dumped in the jungle.

We must do everything possible to press the regime to stop the killing and detentions. This includes sanctions against the regime, specifically freezing bank accounts of members of the dictatorship.

The people of Burma deserve to live in peace and freedom.

WHAT KIND OF NATION ARE WE?

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, what kind of Nation are we? And is anyone really listening?

Forty-seven million citizens have no health care coverage at all. Zero. And the costs, the costs for care are simply impossible to pay. People cannot afford to pay for their pills, for their doctor bills, for their hospital tests and treatments. They can't even afford their cancer treatments. And why? It's simple. They don't have the money.

And what kind of Nation are we when, in Shawano County in Wisconsin at the courthouse, 19 out of 20 families going bankrupt do so because they can't pay their medical bills?

We need a uniquely American solution to this crisis and we need it now because my patients can't hold their breath any longer.

Mr. Speaker what kind of Nation are we? Let's all agree here, right now and right here to change this situation. This is a national disgrace. My constituents are listening and so are yours. Let's end this national nightmare and guarantee access to affordable care for everyone everywhere in these United States.

THE BACK DOOR IS OPEN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Government Accountability Office is in the border crossing business. Like the illegals, drug dealers, smugglers that cross both our southern and northern borders at will, GAO investigators recently crossed undetected from Canada into the United States in three different areas with, get this, red duffel bags of radioactive material, detonators and narcotics. They crossed with no problem, and no border agent was anywhere in sight.

On the 5,000-mile Canadian border, there are no more than 250 border agents on duty at any given time according to a deputy chief of the Border Patrol. It sounds easy to slip back and forth unnoticed across the border.

A GAO investigator said that "there were substantial vulnerabilities on the northern border to terrorists and criminals entering the United States undetected". While America's watching the front door to illegal crossing at the southern border, the back door is wide open to unwanted illegal guests on the northern border.

Homeland Security needs to get serious about homeland security and shut the open doors to our homeland.

And that's just the way it is.

REAL AND MEANINGFUL CHANGE IN CONGRESS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I'm proud to be a Member of this Congress which has delivered to the American people real and meaningful change. We are fiscally responsible. We have instituted pay-as-you-go rules and deficit reduction discipline.

Where our majority has made real progress is by creating greater opportunity and a chance for prosperity for all. Already we have reduced the cost on student loans and increased the size of Pell Grant scholarships, and President Bush signed our college affordability bill into law last week. We thank him.

We gave millions of Americans a pay raise by increasing the minimum wage and restored government oversight lacking for the last 6 years, saving billions of taxpayer dollars and exposing corruption. These investments, done for all Americans, are a few examples of how this Congress is taking America in a new direction.

EXPAND OUR NATION'S EXPORT MARKETS

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of expanding our Nation's export markets. Last week Congress was challenged to implement the proposed free trade agreement with Peru. It is a challenge we need to meet.

The agreement laid on the table will create significant new opportunities for American farmers, ranchers, businesses and consumers by opening new markets and reducing trade barriers.

Nebraska's agriculture producers, manufacturers and service providers deserve more access to foreign markets. Last month I hosted a forum on the importance of exports for Nebraska and the United States.

Trade supports nearly one in five jobs in Nebraska, and Nebraska exported $2.8 billion worth of agriculture products in 2005.

Opening new export markets has long been a priority of mine. It goes without saying that agriculture markets are tremendously important to my district and the Nation as a whole, and I hope to help Nebraska's products continue to compete in the global marketplace.

PRESIDENT BUSH'S VETO THREAT ON CHIP

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, last week, Congress passed legislation, of course, to reauthorize the Children's Health Insurance Program. It's a bipartisan bill, provides health coverage to 10 million low-income Americans. It's fully paid for, no change in eligibility requirements. And the President says he's going to veto it because it's going to lead to "socialized medicine."

We've had children who have received access to doctors for years. Many States have done it on their own. The Federal Government has supported it with the children's health care initiative. And what's happened? Children have been able to see a doctor. Parents have gone to bed at night with the confidence that if their child was sick they'd have access to health care.

It is bipartisan. Republican Senator SUSAN COLLINS said, "I can't believe the President would veto a program that benefits low-income children."

CHARLES GRASSLEY: "The President's understanding of our bill is wrong. I urge him to reconsider."

Senator HATCH: "We're talking about kids who basically don't have coverage."

No justification for this veto, Mr. President. Change your mind.

AUTO INDUSTRY MOVING TOWARD A BRIGHTER FUTURE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the recent contract negotiated by General Motors and the United Auto Workers was really a historic watershed for the domestic auto industry.

By tackling the very tough issues of pension reform and job security and, most importantly, health care reform, the industry is now poised to compete and win against foreign competitors.

The domestic auto industry has momentum in moving toward a brighter future, a future that will include high-tech alternative fuel vehicles that will help us reduce our dependence on foreign oil.

I had the opportunity actually last week to check out one of these vehicles. This was the Ford Edge powered by a lithium ion battery. This is a vehicle that uses no gas and its only emission is actually water.

That is the future if we join the cause. This Congress needs to partner with the domestic auto industry and the UAW to ensure that we produce those automobiles right here in America.

What we should not do is enact draconian fuel economy standards that will stifle innovation, assist our foreign competitors and kill American jobs. Both management and labor are doing their jobs to strengthen the industry. Now is the time for Congress to step up and do ours. Focus on the future, focus on technology, and focus on American jobs.

□ 1015

DEMOCRATIC CONGRESS PASSES BILL THAT FORCES BUSH ADMINISTRATION TO PLAN FOR REDEPLOYMENT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, when President Bush announced that he was keeping the troop escalation plan in effect until next summer, it was clear that he had no plan for ending the war in Iraq. In fact, the administration admits that they see our troops remaining in Iraq for at least 10 more years.

President Bush continues with the status quo in Iraq even though the Iraqi Government is not fulfilling its promise to meet the political benchmarks that were outlined by President Bush himself earlier this year.

House Democrats are not going to tolerate another decade of our troops serving as referees in a civil war. And while this Congress cannot force the President to change course in Iraq until some of our Republican colleagues break ranks with the administration, I think that they even see the value in forcing this administration to finally come up with an exit strategy that is strategic in purpose.

Today the House will vote on legislation that would require the President and his administration to develop and submit a comprehensive redeployment strategy within the next 60 days. This war cannot go on indefinitely, and this administration needs to begin preparing for the day that we can finally bring our troops home.

URGING THE PRESIDENT TO VETO THE DEMOCRATIC CONGRESS'S SCHIP BILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in 1998 the Republican Congress enacted the State Children's Health Insurance Program to help children of families near poverty.

But now, true to their big government agenda, the Democrat Congress has sent the President a massive increase in the SCHIP program that will usher in a new era of socialized medicine in America. This bill will take a program designed to help children near the poverty level and expand it to include families with incomes of up to $83,000 a year, and Democrats would pay for this middle-class entitlement with a 61 cent per-pack tax increase on cigarettes.

Let's provide health insurance for children of the poor and the near poor, but let's reject a liberal Democratic Congress's attempt to create middle-class entitlements on the backs of American smokers.

Mr. President, veto this bill.

MOURNING TAYLOR BRADFORD AND URGING CONGRESS TO PASS THE COPS BILL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Sunday night a football player, a young man named Taylor Bradford on the University of Memphis football team, was murdered on our campus. The football team, the City of Memphis, and the university mourn the passing of this fine young man.

We play a game tonight on ESPN2 against Marshall, and there will be a moment of silence, a moment of silence for that young man's memory.

But while it is a national news event because he was a football player, he is an example of people who have senselessly been killed in this country, and there are crime problems everywhere. That is why we need to pass the COPS bill that this House has passed and the Senate should pass to provide community policing and aid for local governments to hire more policemen, to have feet on the streets to protect our citizenry.

While there are horror stories in Baghdad, there are horror stories in America; and we need to protect our own.

I will remember Taylor Bradford, and I will remember all victims of senseless crime tonight.

URGING MEMBERS TO VOTE "YES" ON H.R. 2003, ETHIOPIA DEMOCRACY AND ACCOUNTABILITY ACT

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, I rise today to urge my colleagues to vote "yes" on H.R. 2003, the Ethiopia Democracy and Accountability Act.

As Chair of the Ethiopia Caucus, I believe that if given the necessary tools, Ethiopia can truly be a lighthouse for Africa. In the dawn of the Ethiopian millennium, it is important now more than ever to celebrate this country with vigilance and genuine partnership.

I will continue to be an advocate of humanitarian assistance to Ethiopia and for supporting policies that promote trade and economic development there, but I cannot comply with clear offenses to the democratic process by the ruling government right now.

I believe that the financial and ideological backing of the United States administration can encourage the Ethiopian Government to allow for the effective participation of opposition parliamentarians and civil society.

I hope we can find a way to provide substantially more support for a true political and economic partnership with the Ethiopian people beyond this legislation.

I will vote "yes" on Mr. PAYNE's legislation. I ask my colleagues to do so too.

BIPARTISAN AGREEMENT ON CHILDREN'S HEALTH IS SOMETHING THE ENTIRE CONGRESS SHOULD SUPPORT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, last week the House and Senate passed a bill ensuring that 10 million low-income children have access to the quality health care coverage they need to live healthy and productive lives.

Democrats and Republicans alike worked together to do what was right for our Nation's children. This bipartisan agreement will strengthen the SCHIP program over the next 5 years by ensuring that an additional 4 million low-income children receive access to health care coverage they desperately need.

At a time when the number of uninsured children is increasing, we need to do more, more to ensure that they have access to quality health care, and that is what this bipartisan agreement does.

Despite strong bipartisan support here in Congress, President Bush is threatening to veto this bill. Instead, he favors a plan that would take health care coverage away from needy children. A million children would lose health insurance coverage. He should reconsider his veto threat and support our bipartisan legislation.

INTELLECTUAL PROPERTY ENFORCEMENT ACT

(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY. Mr. Speaker, I rise today in support of H.R. 3578, the Intellectual Property Rights Enforcement Act.

In recent weeks, the confidence of the American people has been shaken by the revelation that contaminated food and counterfeit products have entered our country, threatening the safety of American consumers.

However, for many manufacturers in my home State of Indiana, dealing with counterfeit products has been a part of everyday business. It is estimated that these products comprise almost 10 percent of world trade, that they are costing American companies nearly $250 billion in revenue and an estimated 750,000 jobs.

In order to address this IP theft, I have joined with other Members of Congress and also with Senator EVAN BAYH and Senator GEORGE VOINOVICH on the Intellectual Property Enforcement Act. It has been endorsed by numerous groups, from the Chamber of Commerce to the AFL–CIO. This legislation creates a global task force to encourage our trading partners to join in a united effort to combat the practice of stealing intellectual property.

I ask my fellow Members to join me in supporting this legislation.

HONORING MAHATMA GANDHI

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today is a very special day. Today, October 2, marks the birthday of Mahatma Gandhi. To honor him, the United Nations approved a resolution that, beginning today, designates October 2 as International Day of Nonviolence.

It's a start, one that was inspired by Sonia Gandhi after she successfully led an international conference called "Peace, Nonviolence and Empowerment—Gandhian Philosophy in the 21st Century." There is a yearning for peace, for an end to world hunger and poverty, and a world in which peace and justice for all is not a dream but a reality.

Gandhi showed us the way. He said: "Nonviolence is not a garment to be put on and off at will. Its seat is in the heart, and it must be an inseparable part of our being."

Gandhi's philosophy is a legacy he left to benefit the whole world. It is up to us to preserve this great gift. And I will do my part. I have introduced House Resolution 653 to express the sense of the Congress that the concept of nonviolence and the teaching of Gandhi remain relevant in this world.

As Gandhi himself said: "Nonviolence is the greatest force at the disposal of mankind. It is mightier than the mightiest weapon of destruction devised by the ingenuity of man."

The U.N. resolution itself shows Gandhi's remarkable ability to change the world. A record 143 nations cosponsored the U.N. resolution, Gandhi uniting us again.

Let us resolve to honor his memory by dedicating ourselves to Gandhi's philosophy of peace through nonviolence. It is the only path to true peace in the world.

BUSH AND CONGRESSIONAL REPUBLICANS HAVE MISPLACED PRIORITIES: WAR OVER CHILDREN'S HEALTH

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, last week Democrats and Republicans came together here in Congress to pass a bipartisan bill that will ensure that 10 million low-income children have access to private health care insurance. The bill would invest $35 billion more over the next 5 years in the Children's Health Insurance Program. It's fully paid for, as this Congress has vowed to pay as we go.

Despite receiving strong bipartisan support here in Congress, President Bush is threatening to veto this legislation. He says the bill is simply too big. Instead, the President proposes a $5 billion funding increase that the nonpartisan CBO concludes would force 800,000 children to lose their health insurance.

Talk about misplaced priorities. President Bush didn't bat an eye when the Pentagon said that it needed as much as $200 billion, with a "b," over the next year to continue the war in Iraq.

Mr. Speaker, President Bush has no problem sending billions of dollars to Iraq every day, but doesn't seem inclined to support an investment in children's health care here in the U.S. Talk about misplaced priorities.

APPOINTMENT OF MEMBER TO U.S. GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly to fill the existing vacancy thereon:

Mr. MILLER, Florida

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AWARDING A CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 474) to award a congressional gold medal to Michael Ellis DeBakey, M.D.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908, in Lake Charles, Louisiana, to Shaker and Raheeja DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major invention, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which led to the development of mobile army surgical hospitals or "MASH" units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the city of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons worldwide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established "to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training".

(12) In the mid-1960s, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-tenth the size of current versions, which may eliminate the need for heart transplantation in some patients.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. AL GREEN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. AL GREEN).

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 474.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we take the final steps in the legislative process to accord the Honorable Dr. Michael E. DeBakey a Congressional Gold Medal.

While I am proud to be here at the revelation of this process while we are now revealing all that has taken place and all that has happened for us to have this great opportunity, I must confess that I was not there at the genesis of the process. But, Mr. Speaker, there is 1 person who has been a constant throughout the entirety of this process, and that 1 person, Mr. Speaker, is the Honorable KAY BAILEY HUTCHISON, Senator from the great State of Texas. She has been consistent in that she has annually filed this bill to get it to this point, and she has been persistent in that she has insisted that we work together so as to cause the Honorable Dr. Michael E. DeBakey to have this opportunity.

Mr. Speaker, while I am the original sponsor of the House bill, H.R. 1154, to accord this Congressional Gold Medal, there are many other persons who must be thanked. I want to thank my chairman of the Financial Services Committee, the Honorable BARNEY FRANK, for the outstanding job that he has done to help get this piece of legislation, the bill that has already passed, out of the committee and to the floor. But he has also done an outstanding job in helping us to get the Senate bill to the floor, and for this we thank him.

I also would like to thank my colleagues Congressman MICHAEL BURGESS and Congressman JOHN CULBERSON for the outstanding job that the 2 of them jointly performed in getting the necessary signatures to get this bill to the floor.

□ 1030

That would be the bill in the House, not the Senate bill. But I want to thank them for what they did because it took getting the House bill through to get us to the point where we can now get the Senate bill passed, such that we can accord the Gold Medal.

I would like to thank the entire Texas delegation. They have all thought highly of Dr. DeBakey, and they have worked with us to make sure that we were in a position to get this done.

We want to thank the 313 cosponsors of this legislation. Literally, we have gone to the floor of the House and we have talked to persons who agreed that the Honorable Dr. Michael E. DeBakey should be accorded this preeminent privilege and this great honor.

I want to thank the House leadership because the leadership made it possible for the fellowship to be in this position today. And again, we thank Senator HUTCHISON and all of the Members of the Senate who have helped us with this process.

Mr. Speaker, the Congressional Gold Medal has 535 judges, 100 in the Senate, 435 in the House, because each Member of the House and each Member of the Senate has a vote on the Congressional Gold Medal. And I am honored to say that, while we must receive 290 votes in the House and 67 votes in the Senate, we have exceeded the required numbers in both the House and the Senate. People were excited about the opportunity to accord the Honorable Dr. Michael E. DeBakey a Congressional Gold Medal.

What is a Congressional Gold Medal? It is the Nation's highest and most distinguished civilian award. It was originally awarded to military leaders for their service and later became a civilian medal. It is the congressional equivalent of the Presidential Medal of Freedom. Each medal is unique. It is designed by the U.S. Mint and is duplicated in bronze for sale.

The Congressional Gold Medal has been awarded approximately 134 times to approximately 300 individuals. Some notable recipients include our first President, George Washington; General Andrew Jackson; the Wright brothers; Thomas Edison; Sam Rayburn, former Speaker of this august body; Sir Winston Churchill; Robert Kennedy; Lady Bird Johnson; Mother Teresa of India; Nelson Mandela; Rosa Parks; Pope John Paul, II; the Reverend Dr. Martin Luther King and Coretta Scott King; and the last recipients were the Tuskegee Airmen. I was honored to be present in the rotunda when they received their Congressional Gold Medal in April of 2006.

Mr. Speaker, I think that Dr. Michael E. DeBakey, the oldest of five children, born of parents of Lebanese descent, has truly been an outstanding American. He was born in Louisiana in Lake Charles, performed his residency at Charity Hospital. Mr. Speaker, I am from Louisiana. I was born in New Orleans. I was born in Charity Hospital. And while it may be a bit of wishful thinking, there may be the possibility, or the possibility may exist, that I am a DeBakey baby and that he was performing his residency at Charity Hospital at the time that I was born.

Mr. Speaker, he was on the faculty of the Baylor College of Medicine from 1948 to 1993, where he chaired the Department of Surgery. He served as President and Chancellor of the Baylor College of Medicine.

And Mr. Speaker, I say from the bottom of my heart that I thank God for the Honorable Dr. Michael E. DeBakey. He has earned the right to receive a Congressional Gold Medal. He served his country in World War II, and he volunteered to perform this service. He helped to develop, while in the military, the mobile army surgical hospital, we know it as the "MASH" units. And Mr. Speaker, there is a TV program and a movie that was made popular because of the MASH units that were developed because of the Honorable Michael E. DeBakey. In fact, it may be said that, but for the Honorable Dr. Michael E. DeBakey, there might not be a MASH television series.

He helped to establish the VA Hospitals. He helped to establish the current Veterans Affairs medical system. He was one of the first to successfully perform a coronary bypass. He established the field of surgery for strokes. He led the movement to establish the National Library of Medicine. He performed the historic transplantation procedure, with a team of surgeons of course. He was the first person to successfully use a partial artificial heart to help patients who could not be weaned from the heart-lung machine following heart surgery.

He pioneered the field of telemedicine, with the first demonstration of open heart surgery transmitted overseas via satellite. He invented the Dacron tube, using his wife's sewing machine and fabric he purchased from a store in Houston, Texas. This, Mr. Speaker, was the first artificial artery.

He was a leader in the development of the artificial heart. He operated on more than 60,000 patients in Houston. He has published over 1,600 articles. He helped to establish health care systems around the world in Jordan, Morocco, Russia, Saudi Arabia, Spain, to name a few countries.

He became one of the persons to work at the Baylor School of Medicine, to the extent that Baylor has recognized his unprecedented achievements by naming the DeBakey Heart Center in his honor. And also, the Baylor College of Medicine has named the Michael E. DeBakey Department of Surgery in his honor.

Dr. DeBakey is a great citizen, Mr. Speaker, not only of the United States but also of the world. He is a great humanitarian; he has helped rich and poor alike. If we did not have the Congressional Gold Medal, Mr. Speaker, we would have to create one for the Honorable Dr. Michael E. DeBakey.

On his 99th birthday, we called him to let him know that we had completed the process in the House in terms of passing the House bill so that we can move forward to this bill, and his comment was, "I am so grateful that I am a citizen of the United States." Mr. Speaker, I believe that his life stands for the proposition that one person can not only impact the world, but can change the world for the good of all.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Texas, one of the original cosponsors of this bill, Mr. CULBERSON.

Mr. CULBERSON. Thank you, Dr. BURGESS.

I want to thank my good friend, AL GREEN, my good friend and colleague, MICHAEL BURGESS, Senator HUTCHISON, who has been a leader in this effort, and the chairman of the Financial Services Committee as well in bringing this important legislation to the floor. Chairman FRANK has been extraordinarily helpful.

I won't be long, but I want to point out that Dr. Michael E. DeBakey is one of those singular geniuses whose name will truly be remembered in a thousand years when our work here today is long forgotten. What we do here we hope will impact the lives of our children and fellow Americans in ways that will improve their lives, and we all do our best every day to make that contribution, but Dr. Michael DeBakey has genuinely made contributions that will last for many, many generations and will continue to save lives for many generations.

Dr. DeBakey is an inventive genius. He is not only a physician, he is an engineer, an innovator, a surgeon, an educator, and the impact that he has had on medicine truly cannot be overstated.

Many of the medical procedures we rely on today would truly not be available were it not for his groundbreaking efforts. He is responsible for pioneering four different types of operations for the treatment of aneurysms in the heart, and the first physician to successfully perform bypass surgery.

Dr. Michael DeBakey's contributions are too numerous to mention here. We have had the privilege of bringing the House bill to the floor here within the last couple of weeks, and are very pleased that Chairman FRANK has brought Senator HUTCHISON's bill to the floor so that we can speed this important legislation to the President's desk. Dr. DeBakey is now 99 years old, still in good health, still consulting as a physician in medical cases. The man is truly a legend. And it is my singular privilege to be here today to join with my colleagues, AL GREEN, Dr. BURGESS and Senator HUTCHISON, in recognizing and honoring this great, good man for his magnificent contributions to the improvement of the health of all humanity in awarding Dr. Michael DeBakey the Congressional Gold Medal.

Mr. BURGESS. Mr. Speaker, I am now pleased to yield such time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE. Thank you, Dr. BURGESS. And thank you, Judge GREEN, for sponsoring this legislation.

Mr. Speaker, Dr. Michael DeBakey's life motto is "strive for nothing less than excellence," and he has achieved excellence in all of his 99 years.

He will be 100 years old next year, and he has made remarkable and valuable contributions to surgery and to the entire world in the area of heart surgery.

When he was only 23 years old, Dr. DeBakey reported the roller pump for blood transfusions, which was later used in the heart-lung machine used in the first successful open heart surgery. When he volunteered for the Army during World War II, his experience in the Surgeon General's staff taught him that more needed to be done for veterans and for the wounded that are on the battlefield. He recommended massive changes in the management of war wounds. And as Judge GREEN mentioned, he invented the mobile army surgical hospital, or the MASH units, as Americans know them. We have all watched MASH on television and its satire, but MASH has served a tremendous purpose for those who are wounded on the battlefield.

Once the MASH units came into play, Americans wounded during battle at war and were taken to these units, the survival rate increased tremendously. In previous wars when Americans were wounded, most of them died. Now, when they're wounded and taken to a MASH unit, most of them survive.

He created the medical follow-ups for veterans. We call that the Veterans Affairs Medical Center. And in 1948, Dr. DeBakey joined the Baylor University College of Medicine staff. He launched the first surgical residency program in Houston, and now Baylor Medical School is one of the Nation's most respected health science centers in the world.

He developed innovative treatments for aneurysms, performed the first successful coronary bypass, successfully used a partial artificial heart to help a patient wean off a heart-lung machine after open heart surgery, and he supervised the first successful multiorgan transplant.

Dr. DeBakey could be, Mr. Speaker, the finest heart surgeon that has ever lived in the world. He deserves this Nation's greatest honor. And we're forever grateful for his contributions, his vision, his leadership and his big heart for others.

Winston Churchill said, "We live by what we get, but we judge our life by what we give." Dr. DeBakey has given hearts to thousands of people throughout the world.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do want to thank my friends who have come to the floor to help us today honor Dr. Michael DeBakey. I do want to thank AL GREEN for his persistence in getting this bill to the floor. It has been a long time in the making. And obviously I want to thank our senior Senator from Texas, KAY BAILEY HUTCHISON, and certainly thank Chairman FRANK for allowing the Senate bill to come through the floor procedure so that we may hasten this floor process for Dr. DeBakey. As has been mentioned here several times this morning, Dr. DeBakey is 99 years old and certainly deserving of this honor, and we need to get it to him with all haste.

Dr. DeBakey is the father of cardiovascular surgery in our country. And I do encourage my colleagues to vote in favor of S. 474, a bill to designate the Congressional Gold Medal for the famed Houston heart surgeon.

□ 1045

This bill has been very important to me, as one of the physicians in the House of Representatives, to be able today to come to the floor and talk about how Dr. DeBakey changed the face of medicine so significantly forever in this country. As a fellow physician, Dr. DeBakey's work on medical advancements is legendary. His dedication to healing those around him came not only from his talents as a physician but his ongoing commitment to the larger medical community. His motto, as we heard others mention it today, was "strive for nothing less than excellence." Boy, every Member of this House could adopt that as one of our mottos and do better by the country for it.

Mr. Speaker, I would be remiss if I didn't mention the education and entrepreneurial spirit that made him worthy of the Nation's highest expression of appreciation for distinguished achievements and contributions. Dr. DeBakey received his bachelor's and M.D. degree from Tulane University in New Orleans, as we have already heard mentioned. He delivered AL GREEN in medical school.

But probably more importantly, while in medical school, he developed the roller pump, later to become the major component in the heart-lung machine that is used in open heart surgery routinely today. This was a groundbreaking achievement, Mr. Speaker. Every pump to pump the heart, to take over the work of the heart artificially, prior to that time, had worked on a mechanical piston-type arrangement. Dr. DeBakey envisioned the roller pump which preserved the structure of red blood cells as they took their course through the pump and allowed this pump to, in fact, become part and parcel with something that we now just all accept as part of cardiovascular surgery. It was truly a visionary change. Again, he popularized that while he was in medical school in the 1930s.

Now, Dr. DeBakey completed his internship at Charity Hospital, one of the venerable institutions of learning in this country. Many of my professors at Parkman Hospital trained at Charity Hospital. Charity Hospital is no longer with us because of the ravages of Hurricane Katrina 2 years ago. After Dr. DeBakey completed his internship at Charity, he went on to the University of Strasbourg in France and the University of Heidelberg in Germany.

He volunteered for service in World War II and was subsequently named director of the surgical consultants division of the U.S. Surgeon General's Office. His work during that war led to the development of what we have already heard described today as the Mobile Army Surgical Hospital, the so-called MASH unit. Mr. GREEN has already eloquently pointed out that we wouldn't have the MASH units today. More importantly, we wouldn't have those forward surgical teams that go into the combat areas and provide vital care to our soldiers in that first golden hour after injury, all of that pioneered by Dr. DeBakey well over 2 generations ago.

He helped establish the specialized medical and surgical center system for treating military personnel returning home from war, which we now know as the Veterans Administration Medical Center. But it was at Methodist Hospital in Houston where Dr. DeBakey performed many of his groundbreaking surgeries, including the first removal of a carotid artery blockage in 1950, interestingly the year that I was born, the first coronary artery bypass graft in 1964, the first use of a ventricle assist device to pump blood and support a diseased heart in 1966; and then on to some of the first heart transplants in this country in 1968 and 1969.

He developed a self-contained miniaturized left ventricular assist device to pump blood for a diseased heart, something that is in use to this day. The techniques used to miniaturize the device's inner workings were developed by engineers working on the Nation's space program at nearby NASA.

He has served as adviser to every President of the United States for the last 50 years. Think of that, Mr. Speaker: Every President for the last 50 years has depended upon Dr. Michael DeBakey for medical advice. He has given advice to heads of state throughout the world and traveled famously to Russia in 1996 to consult on heart surgery for the ailing Boris Yeltsin. I have to believe, Mr. Speaker, that he did a lot more than consult in that operating room that day 10 years ago.

During his professional surgical career, he performed more than 60,000 cardiovascular procedures and trained thousands of surgeons who practice around the world. Today, his name is affixed to any number of organizations, centers for learning and projects devoted to medical education and health education for the general public.

But think of this, Mr. Speaker: Dr. DeBakey also underwent an operation that was named for him. I picked up a copy of the New York Times last December and read a story about how Dr. DeBakey had undergone the surgery that he himself had described many years before. In fact, Dr. DeBakey admitted that at the time, although he knew he was ill, he never called his own doctor, he never called 911.

"If it becomes intense enough you are perfectly willing to accept cardiac arrest as a possible way of getting rid of the pain." This is what he told the New York Times last year. What a unique, what a pragmatic individual.

He helped establish the National Library of Medicine which is now the world's largest and most prestigious repository of medical archives. The National Library of Medicine is something I look at several times a week as I prepare for committee hearings on our Committee on Energy and Commerce, developed and established by Dr. Michael DeBakey.

Mr. Speaker, as we talk in this Congress about the need for improving computer technology for medical records and medical information, Dr. DeBakey was on the forefront of that while most of us were still in grammar school. In 1969 he received the highest honor a United States citizen can receive, the Presidential Medal of Freedom with Distinction. In 1976, his students founded the Michael E. DeBakey International Surgical Society. His contributions to medicine and his breakthrough surgeries and innovative devices have completely transformed our view of the human body and our view of longevity on this planet. He has been designated as a living legend by the United States Library of Congress; and, today, we take another step in honoring him with the Congressional Gold Medal.

Mr. Speaker, it has been a high honor for me to be associated with this endeavor. And I certainly do thank Mr. GREEN and thank him for allowing me to be on the telephone when we gave the news to Dr. DeBakey several weeks ago on his 99th birthday. It is imperative that we get this legislation accomplished quickly. I appreciate Mr. GREEN's willingness to work with the other body in getting this legislation to the floor so swiftly.

Mr. Speaker, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I thank my colleague, Congressman BURGESS, for it was he who called this piece of legislation to my attention. And he has been steadfastly with me throughout the process, and I am honored to have worked on this piece of legislation with him and Congressman CULBERSON.

I also think that we would be remiss, Mr. Speaker, if we did not mention Mrs. DeBakey and the persons who are caring for him currently. We have had conversations with the persons caring for him. They have indicated that, of course, he was doing well when last we spoke to them, and they do an outstanding job of caring for Dr. DeBakey.

Earlier, I mentioned that he has had the Methodist Hospital DeBakey Heart Center named in his honor, and I may have misspoken and said Baylor, but it is Methodist.

Finally, Mr. Speaker, this piece of legislation has received bipartisan as well as bicameral support. I had the honor of meeting with Senator HUTCHISON, and we talked about continuing the effort together to move this piece of legislation as quickly as possible through the process so that the President can sign it and get the actual award ceremony to take place. The President will now have 10 days to sign this bill. History will show us that at no time has a President refused to sign a Congressional Gold Medal. So my suspicion is that this President, who is from the State of Texas, will move expeditiously to sign the bill. After the bill has been signed, the U.S. Mint will meet with the sponsors and with interested parties, which may include family members, to discuss possible designs for the medal.

The Mint engravers will then prepare a series of sketches and possible designs for consideration. These designs will be commented on by the Commission of Fine Arts, and subsequently the Secretary of the Treasury will make the final decision as to the medal's design. The medal is created by the Philadelphia Mint. The medal will be in bronze. The gold medal, of course, will be the 1 presented to Dr. DeBakey, but there will be replicas in bronze to offset the cost of the medal, and arrangements will be made for the presentation of the gold medal, a ceremony to honor the Honorable Michael E. DeBakey.

Mr. Speaker, this has been one of the great pleasures of my life in terms of being in Congress, in fact, one of the great pleasures of my life period. But this is a high point in my congressional career. I am so honored that my friends have worked with me on this process and that Senator HUTCHISON has been there throughout the entirety of the process. We are committed to making this happen as expeditiously as possible. If Dr. DeBakey were here today, I am confident that he would continue to talk about how great it is to be a part of this great country that we know as the United States of America.

So I close by saying, God bless you, Dr. DeBakey, and thank you for what you have done to make life better for all of us, and God bless America.

Mr. Speaker, the National Association for Biomedical Research, NABR and Foundation for Biomedical Research, FBR, are the Nation's oldest and largest organizations dedicated to improving human and veterinary health by promoting public understanding and support for humane and responsible animal research. I would like to submit their following comments for the record on the passing of legislation to award a Congressional Gold Medal to Dr. Michael E. DeBakey:

The National Association for Biomedical Research, NABR and Foundation for Biomedical Research, FBR, salute you and your colleagues in the House of Representatives for recognizing Dr. Michael Ellis DeBakey and his unparalleled contributions to cardiovascular medicine. Dr. DeBakey's work has improved the health of millions of American citizens and people around the world. His extraordinary talents as a surgeon, inventor, educator and medical statesman make him a true medical legend.

Dr. DeBakey richly deserves his reputation as one of this country's most innovative and pioneering physicians and the most famous cardiovascular surgeon in the world. A former president of the International Cardiology Foundation referred to him as ". . . the genius . . . the father of open heart surgery." Upon receiving the prestigious Lasker Award, Dr. DeBakey was cited for: "His pioneer contributions in cardiovascular surgery . . . His laboratory investigations, translated with extraordinary courage and unprecedented skill to the patient, have resulted in the correction and cure of previously incurable cardiovascular disease, replacing what would have been lingering chronic disease and disability, or sudden death, by vigorous, happy, and productive life."

Among his many inventions and innovations was the Dacron tube. Using his wife's sewing machine and fabric purchased from a local store in Houston, Dr. DeBakey created the first artificial artery. These Dacron tubes yielded remarkable advancements in vascular surgery. Dr. DeBakey continued to perfect new vascular surgical techniques, which spawned the modern era of the surgical treatment for stroke. His innovative work didn't end there, as he continued to develop new pioneering surgical techniques for the treatment of aneurysms, again leading to new, effective treatments and the saving of thousands of lives.

In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery when he performed the first successful coronary bypass. Two years later, he made medical history again by becoming the first person to successfully use a partial artificial heart (left ventricular bypass pump) to help patients who could not be weaned from a heart-lung machine following open-heart surgery. Later in that decade, Dr. DeBakey again became part of medical history, supervising the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor to 4 separate recipients. Also during that decade, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite. Medical staff in Geneva, Switzerland were able to watch aortic valve replacement surgery being performed at The Methodist Hospital in Houston.

In 1942, still early in his career, Dr. DeBakey had achieved a national reputation as an authority on vascular disease. Rather than returning to his university employer and working to enhance his career, Dr. DeBakey felt morally bound to serve his country during World War II. He volunteered for military service, joining the Surgeon General's staff and rising to the rank of colonel and Chief of the Surgical Consultants Division. His work, inspecting field hospitals and actively caring for the wounded, led to his proposal for the proper staged management of war wounds. These recommendations made possible the development of mobile army surgical hospitals, or MASH units. Dr. DeBakey's experience during the war also caused him to recommend the creation of specialized medical centers in different areas of the U.S. to treat wounded military personnel returning from war. That recommendation evolved into the establishment of the Veterans Affairs Medical Center, VAMC, System.

As a scholar and man of letters, Dr. DeBakey would later initiate the concept and spearhead the movement to establish a national facility for historical medical papers and artifacts. His idea and leadership brought about the establishment of the National Library of Medicine in 1959, housed at the National Institutes of Health.

Dr. DeBakey has also made enormous contributions to the city of Houston and what is now known as the Baylor College of Medicine. In 1948, Baylor University College of Medicine was a small, virtually unknown institution recently moved from Dallas to be the cornerstone of the new Texas Medical Center. At the time, it was the only medical school in Houston and lacked most of the facilities and programs essential to a viable medical and teaching institution. Dr. DeBakey reluctantly accepted a faculty position, but once on board, he worked quickly to set the standard that would allow the College to become one of the most respected health science centers in the Nation and the world. In 1969, after working for 2 decades to build the institution into a world-class health science center, Dr. DeBakey was elected the first President of the newly named Baylor College of Medicine. Under his leadership, the College would experience an unprecedented era of growth and renowned reputation.

In recognition of his life-saving achievements, Dr. DeBakey has been honored numerous times with hundreds of awards, including the Legion of Merit from the United States Army, the Presidential Medal of Freedom with Distinction, the Eleanor Roosevelt Humanities Award, and the Presidential National Medal of Science. He has been honored by kings and queens, and virtually every U.S. President since Harry Truman has sought the wisdom of "the maestro."

Mr. BOUSTANY. Mr. Speaker as a former cardiovascular surgeon, I rise to celebrate the contributions of Dr. Michael DeBakey to not only the medical community but to humanity. Honoring him with the Congressional Gold Medal is a fitting tribute for a modern leader and one of medicine's great pioneers.

The son of Lebanese immigrants, Dr. DeBakey grew up in my district, in Lake Charles, Louisiana. He attended medical school at Tulane University and served our country during World War II where he developed the concept of Mobile Army Surgical Hospitals. These M.A.S.H. units became famous during the Korean War, but today, modern M.A.S.H. units with the latest equipment and some of the best trained medical personnel in the world assist our service men and women in some of the most dangerous places in the world.

Following his military service, Dr. DeBakey began his work at Baylor University in 1948. There, he forged new surgical techniques, assisted with the first artificial heart, and operated on more than 60,000 patients. His success and contributions extend in each and every patient and the lives they lead after encountering Dr. DeBakey.

His model of determination, innovation, and perseverance serve as inspiration to our Nation's best and brightest who enter the medical profession to improve the condition of life for their fellow citizens. Dr. DeBakey has impacted our world for the better, and he is highly deserving of the Congressional Gold Medal. Lake Charles is both fortunate and proud to call him a native son.

Mr. AL GREEN of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the Senate bill, S. 474.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution (H. Res. 699) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 699

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FINANCIAL SERVICES: Mr. McCarthy of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY FOR MIDWESTERN FLOOD VICTIMS

Mr. WALZ of Minnesota. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 657) expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 657

Whereas during August 2007, severe thunderstorms were responsible for bringing as much as 18 inches of torrential rain to parts of the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, resulting in devastating floods;

Whereas these storms tragically took the lives of 14 people;

Whereas these storms injured countless other people, damaged or destroyed thousands of homes, and devastated businesses and institutions;

Whereas on August 21, 2007, the Governor of Minnesota declared Fillmore, Houston, Steele, Olmsted, Wabasha, and Winona Counties, Minnesota, to be in a state of disaster as a result of these storms, and subsequently Dodge County, Minnesota, received a Federal major disaster declaration as well;

Whereas on August 19, 2007, and in the days following, the Governor of Wisconsin declared Crawford, La Crosse, Richland, Sauk, Vernon, Columbia, Dane, Grant, Green, Iowa, Jefferson, Kenosha, Racine, and Rock Counties, Wisconsin, to be in a state of disaster as a result of these storms;

Whereas on August 22, 2007, and in the days following, the Governor of Iowa declared Appanoose, Boone, Calhoun, Cherokee, Davis, Humboldt, Mahaska, Palo Alto, Pocahontas, Van Buren, Wapello, Wayne, and Webster Counties, Iowa, to be in a state of disaster as a result of these storms;

Whereas on August 22, 2007, the Governor of Ohio declared Allen, Crawford, Hancock, Hardin, Putnam, Richland, Seneca, Van Wert, and Wyandot Counties, Ohio, to be in a state of disaster as a result of these storms;

Whereas on August 24, 2007, and in the days following, the Governor of Illinois declared Cook, DeKalb, DuPage, Grundy, Lake, LaSalle, Kane, Knox, McHenry, Warren, and Will Counties, Illinois, to be in a state of disaster as a result of these storms;

Whereas President Bush declared 7 counties in Minnesota, 7 counties in Ohio, and 7 counties in Wisconsin to be major disaster areas as a result of these storms, and individuals and families in these areas became eligible for Federal disaster assistance;

Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and

Whereas the catastrophic injury, death, and damage in Illinois, Iowa, Minnesota, Ohio, and Wisconsin would have been even worse in the absence of local relief efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin;

(2) conveys gratitude to the local, State, and Federal officials and emergency personnel who responded swiftly to the crisis, including emergency management teams in each of the affected States, Michael Chertoff, Secretary of Homeland Security, and David Paulison, Administrator of the Federal Emergency Management Agency;

(3) recognizes the generous and selfless support of citizens, local businesses, the American Red Cross, the United Way, Catholic Charities, and the Salvation Army; and

(4) reaffirms support to helping the victims of the flooding rebuild their homes and lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 657.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Mr. GRAVES for joining us today. On August 18 and 19, torrential rains devastated communities all across the Midwest. In less than a 24-hour period, more than 18 inches of rain fell in some areas of southeast Minnesota causing severe flooding, mud slides, loss of property and loss of life. In my district in southeast Minnesota, seven people lost their lives as a result of these sudden and violent storms. Countless more were injured. Thousands of homes and businesses were damaged and destroyed. In community after community, people returned to their homes to discover that priceless family memories, literally all they owned, had been washed away in a matter of minutes. Roads and bridges had been swept away and must be rebuilt.

I went to many of these towns countless times. I saw the challenges that these people face. Let me give you one example. Rushford, Minnesota, sits in the beautiful Driftless area, the rolling hills and rich farmland of southeast Minnesota. It is a town of 1,700 people, with a vibrant Main Street, a great civic pride, and they are also defending State football champions from last year. This town was almost completely under water. I entered the town on the morning of the rains by boat. There was one small island, a dry bit of land that had a church, part of a local school and a city building. That was the only part of the town that was above water. People had to take boats to get to this island in which they were having meetings, receiving help, and even getting started on that very morning of the task of rebuilding.

□ 1100

Even during the flood itself, Minnesotans were reaching out to their neighbor. In Minnesota City, during the worst of the flash floods, authorities ran out of all rescue equipment and rescue boats. Residents used their own boats to go from house to house, literally plucking people off the rooftops and bringing them to safety.

The response to this disaster has been inspiring. People from all across Minnesota and across the Nation have stepped forward to help. There have been blood drives, canned food drives, and waves and waves of volunteers who have come into the area to offer their help, open their hearts and homes.

This disaster was not limited to Minnesota. Similar storms pounded all across my neighboring district, and my good friend from Wisconsin (Mr. KIND) experienced devastating damage, as well as Iowa, Illinois and Ohio also. All told, 14 people died as a result of these storms and the flash floods that it caused.

This resolution that the House considers today is one very, very small, but important way, to recognize the challenging times that these individuals have faced and will face. It expresses sympathy for their loss and gratitude to the State and Federal officials who responded swiftly. This resolution recognizes the generous support given by so many and reaffirms the support of this Congress for the flood victims and the immediate and heartfelt and serious disaster declaration help that came from FEMA and the Federal Government. President Bush was in Minnesota within days of this, reaffirming his support.

I urge my colleagues to support this resolution and to stand with Minnesota and those throughout the Midwest who have come through the flood waters and are now working to rebuild their lives. I am sorry to say, the same area received between 6 and 12 inches of rain in some areas last night and is experiencing heavy rains again today.

We have work to do, but the response so far has been truly inspiring.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 657 was introduced by Mr. WALZ of Minnesota on September 17, 2007. The resolution expresses the heartfelt sympathy of the House of Representatives for the victims of severe flooding in the States of Illinois, Iowa, Minnesota, Ohio and Wisconsin during August of 2007. These storms took the lives of 14 people, injured countless others, and damaged or destroyed thousands of homes and devastated businesses and institutions.

In addition, this resolution conveys gratitude to local, State and Federal officials and emergency personnel who responded swiftly to the crisis. Their selfless actions saved lives and helped their communities in their efforts to recover from this disaster.

Additionally, this resolution is a fitting commendation to the generous and selfless support of local citizens, businesses and volunteer organizations. They have shown their heroism and compassion for their fellow citizens while facing such destruction.

The citizens of the States of Illinois, Iowa, Minnesota, Ohio and Wisconsin will work hard to rebuild and make every effort to ensure the recovery of their communities. In recognition of their efforts, this resolution reaffirms our support to help the victims of the flooding rebuild their homes and lives. I extend my heartfelt sympathy to all those affected by this tragedy, and to their families.

Mr. Speaker, I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Speaker, at this time I want to yield as much time as he may consume to my colleague, my neighbor and my friend from Wisconsin whose district was greatly affected by this flooding. We have worked closely on this. It's through Mr. KIND's leadership, experience and forcefulness that we were able to secure, I believe probably in unprecedented fashion, the support we needed from the Federal Government.

With that, I yield to my friend from Wisconsin.

Mr. KIND. Mr. Speaker, I am honored to join Mr. WALZ here today to offer this resolution expressing our concern and support to the victims of the flooding that ravaged our congressional districts and so many other States during those fateful days in August, but also to take a moment to express our eternal gratitude and thanks to the countless numbers of official agencies, to private organizations, to individuals who rose to the call of many people in great need during this time.

I personally saw Mr. WALZ and the action that he immediately took when I visited southeastern Minnesota along with Senator KLOBUCHAR from Minnesota to see some of the damage and get together with many of the first responders who were working around the clock to come to the aid of so many businesses and families and individuals affected by the flooding.

The rains started on August 18, and it seemed as if they were never going to stop. It was literally a torrential downpour; in some areas, from 12 to 20 inches in just a very short period of time. It's amazing to personally witness the severe devastation that an intense amount of rain can accomplish in a very short period of time.

Fortunately for Mr. WALZ and myself, we represent two very beautiful congressional districts, but part of that beauty is the fact that we have a lot of hills and valleys and coulees that act like a funnel effect when you have the so-called "1,000-year rain" take place within a 24-hour period. That is exactly what happened; the rain came, the water backed up and started devastating community after community.

Unfortunately, at the end of the rain, there were 14 people who lost their lives. Fortunately for myself, there were none in my congressional district, but we did have some loss of life in Mr. WALZ's district. There were also three electrocutions associated with the rain and the flooding that occurred in Madison.

Short of loss of life or physical injury, there is nothing more devastating than having your personal belongings washed away, whether it was in your home or in your businesses or on your farm.

I was down in one of my communities in the southern part of my congressional district, Gays Mills, shortly after the flooding, and they described to me horrific conditions where the rain came so quickly that within a matter of an hour there was five feet of water standing on the main street in their downtown area. I was talking to two teenage girls who, that evening, literally left their homes only to see the rising water and the swift current coming through the main street; and they jumped into a tree in order to get out of the way, it was coming so quickly, only to be rescued by a volunteer fire department personnel in a boat that took them to high land. You heard countless stories of this.

I guess it's times like this during great personal tragedy when you also witness the greatness of humanity and the response that occurred, from the various agencies at the Federal, State and local level that immediately geared up and started rushing in help and supplies, to the private organizations and businesses, to the Salvation Army, Red Cross, Catholic charities that were on the ground with their staff and their volunteers to provide assistance, to also FEMA.

One of the fortunate aspects at the time of this tragedy was Hurricane Dean didn't hit landfall in the United States, so FEMA, in preparation for Hurricane Dean, had a lot of supplies, they had a lot of personnel ramped up in the southern part of our country anticipating the worst of the hurricane. When it didn't arrive, they were able to redeploy a lot of their personnel and resources up to our area to provide assistance immediately.

I also want to take a moment to thank Director David Paulison of FEMA, who personally came on an inspection tour shortly after the flooding to see the devastation himself, and his office out of the Chicago regional office who were there very quickly.

With the help of Representative WALZ and our respective Senators, as well as Governor Jim Doyle of WI, we were able to get quick State declarations, to be followed by a Natural Disaster Declaration in order to provide much-needed relief to the victims of the flooding. There's still a lot of work that needs to be done. There's still a lot of assistance that is going to have to occur in the community and in our respective States to try to make people whole.

On a lighter, happier note, I was fortunate to be home on Sunday to visit Gays Mills during their annual apple festival celebration and parade. This was a little more than a month after the floodwaters that were 5 feet deep in their town, yet they strove to make sure that they were going to keep this celebration, try to keep that continuity of tradition in their community. It was a wonderful day; the sun shown on us, the kids were having a great time, and that little sense of normalcy brought some smiles on a lot of faces in that community.

But if it wasn't for the quick reaction, again, of the agencies, but especially the family, the friends, the neighbors who responded to people in need, we could have suffered a fate much worse than what we did.

Again, I want to thank Representative WALZ for the work that he did. I look forward to continuing the work that still needs to take place, because this isn't going to get fixed overnight. It's going to be a slow, laborious process. There's nothing worse than being denied access to a home or businesses. Just now, people are able to go in and have access for the first time.

Many of our farms, too, were devastated just before the crop was supposed to be harvested. Many livestock were lost in the flooding. Again, you work so hard and long all year long, and then just at the time you are going to go to market with the fruits of your labor, something like this takes place.

We also were fortunate that 20 earthen dams in Vernon County in my congressional district held up. It is a great tribute to the engineers and their foresight over 20 or 30 years ago that constructed these earthen dams that they held up, or the damage and devastation could have been much worse if they had given out and those floodwaters had released further down the valley.

So I want to thank all of those that were involved in providing much-needed and quick assistance to the individuals and to the communities that were affected by it. I again want to express my gratitude to FEMA and their quick reaction, Director Paulison and his team on the ground. But there is still more work to be done. It is good to see in a tragedy like this that there is that type of capability, both at the local and Federal and State level, in order to come to the aid of many citizens who needed it.

In particular, I would like to thank the many people who were involved in the recovery effort, only a few of which are named here. In Vernon County: Cindy Ackerman, Glenda Sullivan and the Emergency Management staff; Elizabeth Johnson and the Public Health staff; Pamela Eitland and the Human Services staff; Gene Cary and the Sheriffs Department staff; Mark Rahr and the Viroqua Police Department staff; Steve Skrede and the Viroqua Fire Department staff; Kelly Jacobs and the Land Conservation staff; Virgil Hanold and the Highway Department staff; Pat Peterson and the Aging Department staff; Bethel Butikk Food Pantry; Linda Nederlow, Public Information Officer; Thomas Spenner, County Board Chair; Cathy Lewison and the Farm Service Agency staff.

In Crawford County: Roger Martin and the Emergency Management staff; Laurel Hestetuene of Soldiers Grove; Larry McCarn and Maura Otis of Gays Mills; Jerry Moran and Sheriff's Department staff; Ron Leys, County Board Chair; Dennis Pelock and the Highway Department staff; Gary Knickerbacker; John Baird and the Farm Service Agency staff; Russ Hagen and the Land Conservation staff; Sara Ryan and the Human Services staff; Gloria Wall and the Public Health staff.

In La Crosse County: Keith Butler and the Emergency Management staff; Lynetta Kopp, Town of Shelby Chair; Dennis Osgood and the Highway Department staff; Randy Roeck and the Shelby Fire Department staff; Steve Doyle, County Board Chair; Ben Bosshart and the Farm Service Agency staff.

In Richland County: Darin Gudgeon and Emergency Management staff; Darrell Berglin and the Sheriff's Department staff; Randy Schoeneberg and the Highway Department staff; Ann Greenheck, County Board Chair; Jared Reuter and the Farm Service Agency staff; Marianne Stanek and the Public Health staff; Cathy Cooper and the Land Conservation staff; Dean Winchell and family; Bob Naegele and members of the Pine Valley Repeater Club ARES/RACES; Harriet Pedley, Ron Fruit and the WRCO radio station staff; Kim Clark and the Richland County Ambulance Service; Wes and Michelle Starkey; Richland Center Police Department; Rudy Nigel; Ken Anderson; Bob Bindl, Darrell Slama, Brian Jones, Dan Wilson, and the staff of the Richland County Fire Departments; Richland Center Public Works; DNR Warden Mike Nice and the DNR staff.

In Sauk County: Jeff Jelink and the Emergency Management staff; Marty Krueger, County Board Chair; Randy Stammen and the Sheriff's Department staff; Steve Muchow and the Highway Department staff; Cindy Bodendein and the Health Department staff; Joe Van Berkel and the Land Conservation staff; William Orth and the Human Services staff; Trish Vandre and the Commission on Aging staff; Curtis Norgard and the Farm Service Agency staff.

In Grant County: Steve Braun and Julie Loeffelholz, Emergency Management; Eugene Bartels, County Board Chair; John Wiederholt and the Farm Service Agency staff; Jeffery Kindrai and the Health Department staff.

In Iowa County: Ken Palzkill and the Emergency Management staff; Judy Lindholm and the Commission on Aging staff; June Meudt and the Health Department staff; Leo Klosterman and the Highway Department staff; Jim McCaulley and the Land Conservation staff; Darin Smith and the Social Services staff; Mark Masters, County Board Chair; Ned Johnson and the Farm Service Agency staff.

Further, I would like to thank: Ashley Furniture; AmeriCorps volunteers; Cheryl Hancock and the American Red Cross staff; Terri Leece and the Salvation Army staff; Deacon Richard Sage and the Catholic Charities staff; the Wisconsin Department of Agriculture, Trade, and Consumer Protection; the Wisconsin State Patrol; the Wisconsin Department of Corrections; the Wisconsin Department of Natural Resources; the Wisconsin National Guard; the Natural Resources Conservation Service; and the U.S. Fish and Wildlife Service.

Mr. Speaker, I wholeheartedly support this resolution and urge my colleagues to join me in voting for its passage.

Mr. GRAVES. Mr. Speaker, I certainly want to associate myself with the words of Mr. KIND and Mr. WALZ.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. WALZ of Minnesota. Mr. Speaker, I say thank you to my colleague from Wisconsin, whose leadership and voice was instrumental. I also want to thank Mr. GRAVES. I think it is very important as Americans watch, and watch the proceedings on this floor, to understand the solidarity that is in this body and to hear my friends from Missouri and across the Nation stand with us in time of tragedy and understand that we will work together, we will solve these problems. I think it is encouraging to understand that we are making progress, we are making changes. I applaud that.

Mr. KIND. Mr. Speaker, if the gentleman will yield, we would be remiss, too, if we didn't acknowledge the help and the work that our respective staffs did during this time. They were 24/7 on the spot trying to provide assistance. I know my staff didn't get much sleep during those weeks following the flooding. I know Mr. WALZ's staff was the same way. I just want to take a moment to acknowledge their hard work.

Mr. WALZ of Minnesota. Mr. Speaker, reclaiming my time, I thank the gentleman for that. It absolutely is a team effort in this. I think the greatness that is this country is that when in times of tragedy and times of need, we can put many, many things aside and come together.

As Mr. KIND pointed out so clearly, to have Director Paulison from FEMA on the ground within a matter of about 72 hours of this tragedy and Secretary Chertoff from Homeland Security personally be on the ground to assess this, and to have President Bush in Minnesota and guarantee that we would get this declaration and then follow through, I think the American public should feel very, very good about that.

We have a lot of work to do, but the word coming out of our district and the word going to our staffs as they are working with people is that in this tragedy, they felt there was a face on a faceless bureaucracy. They felt America was there for them. They felt they could count on this body doing everything they could. For that, I thank everyone in here. I encourage my colleagues to adopt the resolution to show that continued solidarity.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 657, a resolution to express sympathy for the victims of the thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin.

I rise once again, as I did in May in the wake of devastating forest fire in the Gunflint Trail area in my district and again in August after the tragic collapse of the Interstate 35W bridge in Minneapolis, to express my heartfelt sympathy to our fellow citizens in Minnesota, and in surrounding States, in the aftermath of the destruction.

These severe floods serve as another reminder of the millions of men and women who serve this nation as police officers, firefighters, and emergency medical personnel who place themselves in great danger every day in order to protect each one of us. These well-trained, highly-skilled individuals are truly on the front lines in preparing for, responding to, and mitigating damages from a variety of hazards. They deserve our deepest thanks and respect.

Twenty-four hours a day, every day of the year, all over this country, when any type or tragedy enters our lives, from a medical emergency to a large-scale natural disaster, terrorist attack, or other incident, our Nation's emergency responders are the first on the scene to provide professional services, expert help, aid and comfort. These heroic, selfless individuals will tell you they are "just doing their job".

We rise today to also acknowledge and praise the support of local businesses, the American Red Cross, Catholic Charities, the United Way, and the Salvation Army who contributed to the local relief effort. Their boundless generosity and caring are just one of the pillars of recovery on which we have come to rely.

While we can never adequately express our gratitude to the organizations and the brave men and women who serve as our first responders, this resolution is a fitting tribute.

I strongly support this resolution and urge its passage.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to honor the courageous people of southeastern Minnesota who have banded together to rebuild their communities after the devastating floods this past August.

Minnesota has had a tough summer with the unanticipated bridge collapse in the Twin cities and now extensive flooding in numerous smaller communities. Minnesota is known for its strong spirited communities and for how people come together to help one another in times of crisis. There is much to be admired in the way Minnesotans reached out to help their fellow neighbors.

It reminds me of how truly devastating storms can be. In 1997 and 2001, my district saw some terrible flooding along the Red River and its tributaries. I remember how hard it was for people to rebuild their lives, to have to start all over again after losing everything.

Flood recovery is a long and hard road, but I know that southeastern Minnesota has the support of the Minnesota legislature, the Minnesota Congressional Delegation and others across the State who have pitched in to help rebuild. I also want to commend the Minnesota National Guard and local officials, and those everyday heroes amongst us who saved lives, led their communities and helped to provide relief for all who needed it.

My heart goes out to the families that have lost loved ones and to those who have suffered injury in that devastating flooding. I pray that the healing will be swift and that your communities will recover and rebuild, stronger than ever.

Mr. WALZ of Minnesota. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 657, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL EMERGENCY ECONOMIC POWERS ENHANCEMENT ACT

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1612) to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Emergency Economic Powers Enhancement Act".

SEC. 2. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

"SEC. 206. PENALTIES.

"(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

"(b) CIVIL PENALTY.—A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

"(1) $250,000; or

"(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

"(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.".

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

"(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this bill, and yield myself such time as I may consume.

Mr. Speaker, the International Emergency Economic Powers Act, IEEPA, has over the years enabled the United States on various occasions to impose significant economic sanctions and limitations on terrorists, terrorist groups and their supporters, on financiers and on some of the worst rogue regimes in the world. It has allowed three Presidents to keep the U.S. dual-use export control system in operation against the efforts of states like Iran and North Korea to require sensitive dual-use technology and equipment.

IEEPA has accomplished this goal, even though Congress has been unable to reauthorize the long-expired Export Administration Act, and I hope that later in this Congress we do reauthorize the Export Administration Act. That act was the original basis for the system of export control which is now handled through IEEPA.

Immediately after 9/11, IEEPA authority was used to freeze the assets of terrorist, terrorist organizations and their supporters and to hobble the international terrorist network that sought and still seeks to kill and maim innocent Americans. Yet the penalties for violating IEEPA's provisions are lighter than they should be. Send $1 million as a gift to Osama bin Laden and you get as a maximum penalty a $50,000 fine and 10 years in prison under the act. The same is true for unlawful exports of sensitive commercial technology, equipment and components that have military applications that are controlled for national security purposes.

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If you send a milling machine for shaping nuclear warhead cores to either Iran or North Korea, the same maximum fine and prison terms under the act apply.

This bill increases the penalties to a level that I think is consistent with the importance of making sure that Americans do not, whether for ideological reasons or financial gain, deliberately violate our efforts to control terrorism and to prevent the spread of weapons of mass destruction.

S. 1612 increases civil penalties from $50,000 up to $250,000, or to an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed. It also increases criminal penalties for willful violations from $50,000 up to $1 million and/or imprisonment for not more than 20 years. This increase in penalties is appropriate given the importance of the International Emergency Economic Powers Act to our national security. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1612. S. 1612 is legislation which significantly increases the enforcement and deterrent effects of sanctions and export control violations imposed under the International Emergency Economic Powers Act, otherwise known as IEEPA.

Through this law, the President may respond to unusual and extraordinary threats originating in substantial part outside of the United States by, among other things, prohibiting transactions associated with particular entities or countries.

In other words, IEEPA authorizes the President to impose economic and financial sanctions against certain foreign threats to the U.S. and our interests around the world. An example of success was the use of these tools to bring North Korea back to the bargaining table to eliminate their nuclear program.

IEEPA is also vital to U.S. national security because it continues the expired Export Administration Act in full force, allowing the Department of Commerce to carry out its mission of ensuring sensitive goods and technologies do not fall into the hands of our adversaries. It is important to keep the EAA in force so violators do not escape the penalties of the law on a mere technicality.

I would like to take the time to respectfully remind the administration that IEEPA brings the entire Export Administration Act into force, not just certain provisions.

Mr. Speaker, this legislation would remove existing barriers to meaningful enforcement of U.S. sanctions against terrorist financers, proliferators of weapons of mass destruction, Iran, Sudan, and other threats under IEEPA.

Current penalties under IEEPA do not constitute an effective deterrent to entities that violate the law by engaging in prohibited transactions.

The legislation will remedy that problem by increasing civil penalties from $50,000 to $250,000 and increasing criminal penalties for willful violations to $1 million with a maximum jail sentence of 20 years.

Mr. Speaker, while I strongly support this increase in penalties to willful and knowing violators, I have expressed concern that these increased penalties may be applied without taking into account unintentional, accidental, or inadvertent violations by companies that are trying to comply with the law.

I have since been assured by the Departments of Treasury and Commerce that they will not abuse this new authority, and I include for the RECORD the letter sent to me by Under Secretary of Commerce Mancuso.

DEPARTMENT OF COMMERCE,
Washington, DC, September 26, 2007.

Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: Thank you for your letter of September 24, 2007, to Secretary Carlos Gutierrez expressing your concerns over S. 2000, the Export Enhancement Act of 2007 (EEA), and S. 1612, the International Emergency Economic Powers Enhancement Act, Secretary Gutierrez asked me to respond to you on his behalf.

We share a concern for ensuring the vitality of American businesses—small, medium and large, while keeping the most sensitive U.S. goods and technologies out of the hands of those who would do us harm. The Department of Commerce, including the Bureau of Industry and Security (BIS), welcomes your leadership in promoting the role of America's manufacturing sector in sustaining our country's industrial innovation and global competitiveness.

BIS is focused on ensuring that penalties for violations of the dual-use export control laws and regulations are appropriate. These penalties must not bear disproportionately on small businesses that may have committed a minor, inadvertent violation. With these goals in common, we can work together to protect businesses while protecting America.

Passage of the EEA is an important step toward this goal, and for this reason is a high priority of the Secretary. Although you point out that S. 2000 would substantially increase penalty levels for civil and criminal violations, we believe that such levels are necessary to make these penalties a more effective deterrent to companies that would intentionally violate the law. Given the national security issues involved, such as WMD proliferation, terrorism, and military diversions, we must do all we can to make our export controls effective.

Our intent is not to punish any business unfairly for minor, accidental violations. As you know, BIS has implemented a system that mitigates the penalty if certain elements are met in each case of a violation. It is through this system, as articulated in the BIS Penalty Guidelines published in the Code of Federal Regulations in July 2007 (a copy of which is enclosed for your review), that BIS ensures that the penalty assessed is commensurate with the infraction.

In civil cases, the published Penalty Guidelines set forth several factors that may be considered when deciding ultimate penalty amounts to be imposed, including;

1. whether or not the respondent submitted a voluntary self-disclosure in the case;
2. whether the respondent had an export compliance program in place at the time of the violation;
3. whether the respondent has a prior conviction for export control violations; and
4. how cooperative the respondent is with the investigation by export enforcement officials.

These, and other factors, are taken into consideration by BIS when imposing penalties to ensure the punishment fits the violation. Further, the Penalty Guidelines are drafted to allow BIS to take into account company size and the nature of the specific violations in a way that would warrant smaller penalty amounts.

Additionally, BIS frequently conducts outreach to large and small businesses to aid in the assessment of their export compliance programs, and to address general compliance questions. These visits and outreach programs provide significant opportunities for the federal government and exporters to have a dialogue on export controls, penalties, and compliance concerns. To that end, I would like to offer to visit your Congressional District and hold roundtable discussions with business leaders and entrepreneurs.

We are working to create, administer and improve an effective and flexible system of export controls that recognize the unique situations that U.S. businesses, particularly small businesses, encounter. Please do not hesitate to contact me or Bill Houston on my staff at 202-482-6002 at anytime. I value our relationship and look forward to working together in the future.

Sincerely,

MARIO MANCUSO,
Under Secretary for Industry and Security.

Mr. Speaker, I have also expressed concern about the lack of understanding that most small businesses have concerning export controls and sanctions. Our sanctions and export control laws are the most complex in the world. I believe if we are truly to keep goods and services from embargoed countries, small businesses must have a better understanding of what those prohibited items are.

Educated self-governance by small businesses would greatly enhance IEEPA as a deterrent, far more than some of the minimal fines that are currently imposed.

Mr. Speaker, I look forward to working with the Departments of Treasury and Commerce to make certain that small businesses clearly understand the law. IEEPA is an important tool in the effort to combat terrorist financing and other illicit activity, such as the proliferation of weapons of mass destruction.

I want to thank Chairman LANTOS, Ranking Member ROS-LEHTINEN and obviously Subcommittee Chairman SHERMAN for the bipartisan way they have moved this measure. They have worked with the administration to address my concerns. I support passage of this critical improvement to our economic sanctions law.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I thank the gentleman for his support of the bill. I thank Chairman LANTOS and our ranking member, Ms. ROS-LEHTINEN, for their work in bringing this bill to the floor.

IEEPA is but one part of an overall effort to use the economic power of the United States to prevent terrorism and the spread of nuclear weapons. I think we have adequately covered in today's debate the importance of this bill to strengthen IEEPA; but I now would like to put IEEPA into overall context and take a look at some of the other economic measures that we should also be employing in our effort to stop the spread of nuclear weapons.

This House passed H.R. 1400 designed to improve the Iran Sanctions Act. We need to press our colleagues in the Senate to pass that bill as well. But even more important, we need to press the administration to enforce the Iran Sanctions Act.

Many of us know that as the Iran-Libya Sanctions Act, or ILSA. What happened is both the last administration and this administration applied those sanctions to investments in the Libyan oil sector. That was effective. Gaddafi changed his policies, and so we had to rename the bill the Iran Sanctions Act, as we lifted sanctions from Libya.

Unfortunately, both the last administration and now this administration have been unwilling to enforce what is now the Iran Sanctions Act, which would be our best tool to put pressure on the regime in Tehran.

We need to close Iranian access to the U.S. financial system. I applaud the Treasury Department for blocking access to the New York Federal Reserve Board branch in New York to two major Iranian banks, which begs the question: Why not the others as well?

We need to stop World Bank loans to Iran. We need to urge upon our colleagues in the Senate that they pass H.R. 2337, known in their house as S. 1430, to allow American pension plans to divest from those companies doing business in Iran, and we need to urge the Senate to pass similar legislation already passed through this House doing the same thing with regard to investments in Sudan.

Finally, we need to make sure that our procurement laws and our laws for assisting businesses like the Ex-Im Bank and OPEC also require that corporations stop investing in the oil sector of Iran if they want the support of U.S. Government agencies.

It is time for us not to assume that the only possible response is either to acquiesce in a nuclear Iran or to use military action. It is time for us to get the message to Iranian elites and the Iranian people that they face true economic isolation if they continue down the current course. The way to do that is to muster all of the economic power of the United States towards achieving our national security objectives, and one small step in that direction is for us to pass S. 1612 today.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the Senate bill, S. 1612.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING COMMENCEMENT OF RAMADAN AND COMMENDING MUSLIMS FOR THEIR FAITH

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 635) recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 635

Whereas it is estimated that there are approximately 1,500,000,000 Muslims worldwide;

Whereas since the terrorist attacks on the United States on September 11, 2001, some threats and incidents of violence have been directed at law-abiding, patriotic Americans of African, Arab, and South Asian descent, particularly members of the Islamic faith;

Whereas, on September 14, 2001, the House of Representatives passed a concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of the terrorist attacks on the United States;

Whereas some extremists have attempted to use selective interpretations of Islam to justify and encourage hatred, persecution, oppression, violence and terrorism against the United States, the West, Israel, other Muslims, and non-Muslims;

Whereas some Muslims in the United States and abroad have courageously spoken out in rejection of interpretations of Islam that justify and encourage hatred, violence, and terror, and in support of interpretations of and movements within Islam that justify and encourage democracy, tolerance and full civil and political rights for Muslims and those of all faiths;

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, and is the 9th month of the Muslim calendar year; and

Whereas the observance of the Islamic holy month of Ramadan commenced at dusk on September 13, 2007, and continues for one lunar month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Islamic faith as one of the great religions of the world;

(2) expresses friendship and support for Muslims in the United States and worldwide;

(3) acknowledges the onset of Ramadan, the Islamic holy month of fasting and spiritual renewal, and conveys its respect to Muslims in the United States and throughout the world on this occasion;

(4) rejects hatred, bigotry, and violence directed against Muslims, both in the United States and worldwide; and

(5) commends Muslims in the United States and across the globe who have privately and publicly rejected interpretations and movements of Islam that justify and encourage hatred, violence, and terror.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I would like to thank our colleague from Texas, Ms. EDDIE BERNICE JOHNSON, for introducing this important and timely legislation, and I look forward to hearing her remarks as we proceed with this debate.

As we speak, millions of our Muslim friends and neighbors around the world are in the midst of Ramadan, a holy month of fasting and spiritual renewal. The observance of Ramadan requires devotion to faith, community and family, truly universal values we all share. During the month of Ramadan, observant members of the Islamic faith fast from sunrise to sunset and focus their attention on the teachings of their religion as well as purity of thought and action.

It is appropriate and necessary for the U.S. House of Representatives to mark the commencement of this important event which began this year on September 13 and continues for one lunar month. This legislation expresses the deep respect we all feel for Muslims in the United States and around the world.

Since the horrific events of September 11, 2001, unfortunately, peaceful patriotic members of the Islamic faith have been subject to hateful and demeaning threats, words, even acts of violence. This House must stand with these law-abiding citizens in this time of conflict. I strongly support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 635, which recognizes the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and expresses respect to Muslims in the United States and throughout the world on this occasion.

Regarded as the holiest month in the Islamic calendar, Ramadan signifies a time of deep reflection for the 1.5 billion Muslims across the globe. During this month, special emphasis is put on prayer, giving to charity, daylight fasting, and self-examination and improvement.

It is tragic that radical Islamists have used selective interpretations of Islam to justify and encourage hate, injustice, oppression, violence, and terror. They have indoctrinated many young Muslims to hate and target for violence America, Israel, the West, other Muslims, and non-Muslims.

Worse still, some have exploited the month of Ramadan, which should be devoted to spirituality and self-perfection, to stoke the fires of fanaticism and destruction.

It is important to note that a growing number of Muslims, including many in America, are rejecting radical Islam and its culture of death. Instead, they are articulating interpretations of Islam that embrace the values of human life, liberty, and democracy.

Indeed, today we are seeing a clash within Islamic civilization between those who wish to step into the light of progress and those who wish to return the entire world to the dark ages.

Given the threat that radical Islam poses worldwide, the clash within Islamic civilization affects everyone throughout the world. That is why this House should take the opportunity to pass H. Res. 635. This resolution commends Muslims who reject interpretations of Islam that justify and encourage hatred, violence, and terror.

May Ramadan this year truly be a time when Muslims and people of all faiths embrace freedom and tolerance for all, and reject violence and extremism.

I thank my friend and distinguished colleague from Texas, Ms. EDDIE BERNICE JOHNSON, for introducing this resolution; and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON), who is the chairperson of the Transportation and Infrastructure Subcommittee on Water Resources and Environment and, more importantly, is the author of this important legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on September 13, 2007, Muslims in America and around the world celebrated the commencement of the Islamic holy month of Ramadan. I'd like to thank Chairman LANTOS, Congresswoman ROS-LEHTINEN, Congressman MEEK, Congressman ELLISON and the Congressional Muslim Staffers Association for their continued support and leadership on this historic bill.

The 2 best that I know are on my staff: my chief of staff, Murat Gokcigdem, a Turkish American; and Illham Jaffer, legislative assistant.

H. Res. 635 recognizes Muslims around the world and commemorates them during their holy month of Ramadan. Ramadan is observed in the ninth month of the Islamic lunar calendar. Of the Abrahamic faiths, Islam is a faith that places great emphasis on knowledge; therefore, it is a faith of reason and peace.

The month of Ramadan is a time of heightened spiritual awareness, family bonding, communal service and worship, and self-renewal for Muslims everywhere. It is the month of fasting from sunrise to sunset for over 1 billion Muslims throughout the world.

During this month, Muslim Americans are appreciative of America's tradition of diversity. The community displays its appreciation by reconfirming its duty to ensure human dignity and a better future for all.

The Muslim American community contributes to the vibrant growth of American society and culture. Muslim Americans play a significant role in our Nation's political process, economic growth, scientific development, free enterprise, religious tolerance, law enforcement and homeland security.

American pluralistic ideals, democratic institutions and multiculturalism are expanded and strengthened by the contribution of Muslim American civic participation.

During this holy month, I'd like to say Ramadan Mubarak to all Muslims.

Mr. POE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield 3 minutes to a member of both the Committee on Ways and Means and the Homeland Security Committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H. Res. 635, which recognizes the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

I'm proud to be a cosponsor of this bill, and I want to congratulate the sponsor, Congresswoman EDDIE BERNICE JOHNSON. This is the first time in history that the United States Congress will commemorate and recognize the month of Ramadan, a month which Muslims have been observing for more than 1,300 years.

In this month, I know that Muslims will fast from sunrise to sunset, but the month of Ramadan is about so much more than the act of abstaining from food.

During the month of Ramadan, Muslims will strive to become stronger in their faith and in their character. This means striving to be better members of our families and within our communities, striving to perform acts of charity for those who are less fortunate, striving to set a better example to those around us. In truth, it is a striving to become a more complete human being.

But this month should not just be important for Muslims. It should also be imperative for all of us non-Muslims to learn about this faith, which too often has been misunderstood and mischaracterized.

Muslims share a great deal of commonality with other faiths. For example, the practice of fasting is not just done by Muslims but is also observed by Christians, Jews, Buddhists, and Hindus, among others. These United States of America, this is a Nation of God and all religions.

Indeed, the book of Exodus tells us that Moses fasted for 40 days and 40 nights while he was on the mountain with God, and the accounts of Matthew and Luke tell us that Jesus fasted for 40 days and 40 nights while in the desert prior to the 3 temptations.

I've always been extremely fortunate to represent probably one of the most diverse districts in the entire country, the Eighth District of New Jersey. It has been through the many good works of my Muslim constituents that it has become clear to me that the true faith of Islam is one of peace and mutual understanding.

Despite what others may say, we should have no qualms about electing a Muslim to any elected office in the United States, for our Nation was founded on the principle that there can be no religious test for holding office, only a test of that individual's character.

We are all part of the beautiful tapestry that comprises our Nation, and Muslim Americans are starting to move to the forefront where they belong.

I wish all Muslims in our Nation a happy and a blessed month of Ramadan.

Mr. SHERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota, who serves with me on both the Financial Services Committee and the Judiciary Committee, Mr. ELLISON.

Mr. ELLISON. Mr. Speaker, let me thank the gentleman for yielding time and for this excellent resolution. I'd like to thank all of the authors, including Congresswoman EDDIE BERNICE JOHNSON and everyone who signed on to the resolution commemorating the month of Ramadan.

I am celebrating Ramadan myself personally, and I have been doing so ever since my 19th birthday. I'm 44 now, and I can tell you that it is a time of reflection, a time of renewal, and regeneration.

It's true that we fast during the daylight hours during Ramadan, but it also says in the sayings of Prophet Mohammed, that if you do not refrain from ill speech, bad speech, bad words, basically a bad attitude and negative disposition, then God has no use of your refraining from food and drink. And so in this month of Ramadan, it's important to reassess your life, to contemplate your role in society and to benefit your neighbor.

I think it's very important when we talk about "neighbor" that we reflect upon what that word really means, "neighbor." It was Jesus, who the Muslims call Esau and who they revere very highly, who told the lawyer in the Bible that his neighbor really wasn't even somebody of his own religion or his own tribe but really was that Samaritan from that other group who lended assistance and gave a helping hand when it was needed. And that is the origin of the story of the Good Samaritan.

This idea of the neighbor is something that's very important in Islam, especially during Ramadan where Muslims of all faiths, all colors, all backgrounds, reach out to our neighbors, Muslim, Christian, Jewish, Buddhist of all types.

I want to report to you, Mr. Speaker, that over the course of the last several weeks we've had several Iftar celebrations right here in the Capitol and also in the Pentagon and a tremendous demonstration of interfaith cooperation, interfaith working together and mutual respect and recognition.

As was said earlier, and I quite agree, every faith tradition relies on fasting as a means for spiritual regeneration. I also want to report to you that on the date of Yom Kippur, which is the Jewish holiday of atonement and the commemoration of the time of the new year, that my mosque in Minneapolis and the synagogue Temple Israel in Minneapolis joined together to break fast together, and we ended up with a good problem, Mr. Speaker, and that is, that there were 150 people who RSVP'ed and said they wanted to come. We ended up with about 160 people coming, and we didn't have enough chairs for everybody, but we had enough food because we shared it, Mr. Speaker, showing again that we're not too far apart.

Mr. Speaker, I'd also like to let you know that many of our Christian friends came to celebrate the breaking of the fast with the Muslims and Jews together, and we're really warmed and encouraged by the fact that we can all come together even though we have different faith traditions.

So, Mr. Speaker, let me again thank the wonderful, excellent commemoration we're having today as a true expression of American values, religious tolerance, inclusion of everyone.

Mr. SHERMAN. Mr. Speaker, I would just like to take this opportunity to wish all my Muslim friends, particularly those in the San Fernando Valley, a Ramadan Mubarak, and I reserve the balance of my time.

Mr. POE. Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I would like to take this opportunity to commend the gentlelady from Texas for introducing this legislation and our committee leadership, Chairman TOM LANTOS and Ranking Member ILEANA ROS-LEHTINEN, for moving this bill to the floor.

Mr. LAMPSON. Mr. Speaker, as a longtime advocate and friend of the Muslim-American community, I am pleased to support H. Res. 635, a bill recognizing the commencement of Ramadan, and commending Muslims everywhere for their faith.

I have always admired the unwavering commitment Muslims show towards their faith during the holy month of Ramadan. It has been an honor to join many of my Muslim friends during this month of family togetherness, selfless service, worship and spiritual rebirth.

As the grandson of immigrants, I know true assimilation means preserving tradition while achieving success. I am in awe at how quickly the Muslim-American community has mastered both. In a matter of decades, the Muslim-American community has rapidly assimilated into American society. With shared values of hard work, discipline, community, family and culture, it's no wonder that Muslim-Americans are one of the fastest growing, most educated and highest earning ethnic groups in the U.S.

America owes much of its vibrant society and rich culture to the contributions of Muslim-Americans. From the medical professionals who care for us, the educators who teach us and the titans of industry large and small, Muslim-Americans are one of the most indispensable parts of our nation's ever-growing melting pot. Muslim-Americans are authentic Americans, and proof that the American Dream continues to thrive.

Mrs. CAPPS. Mr. Speaker, today I rise in strong support of H. Res. 635, a resolution honoring the month of Ramadan, the Islamic holy month of fasting and spiritual renewal. This is an important resolution in support of our Muslim friends, neighbors and citizens.

In my district we have many distinguished Muslim residents who contribute extensively to our community. They work tirelessly to educate our community about their faith and work to build interfaith relationships across our communities. For this I am deeply grateful. Their efforts, along with those of other people of faith in my district, are enabling us to build a strong and pluralistic environment that promotes tolerance and diversity.

In this time of international conflict, it is critical that we demonstrate solidarity with and support for members of the Muslim community in the United States and throughout the world. In two weeks I will be bringing faith leaders from across my district, including Jews, Muslims, Christians and Buddhists, to Washington, DC, for a day of discussions with Members of Congress and advocacy organizations to help further the important interfaith work already underway throughout the Central Coast of California.

I am grateful for all of the people of faith in my district who are working to promote peace and justice through understanding.

May this month of Ramadan bring us all closer to realizing a peaceful society at home and abroad.

I urge all of my colleagues to support this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on September 13, 2007, Muslims in America and around the world celebrated the commencement of the Islamic holy month of Ramadan. I would like to thank Chairman LANTOS, Congresswoman ROS-LEHTINEN, Congressman MEEKS, Congressman ELLISON, and the Congressional Muslim Staffers Association for their continued support and leadership on this historic bill. The two I know best are Murat Gokcigdem who is Turkish American and my Chief of Staff and Illy Jaffer, Pakistani American and my Legislative Assistant. House Resolution 635 recognizes Muslims around the world and commemorates them during their holy month of Ramadan. Ramadan is observed in the ninth month of the Islamic lunar calendar. Of the Abrahamic faiths, Islam is a faith that places great emphasis on knowledge; therefore, it is a faith of reason and peace. The month of Ramadan is a time of heightened spiritual awareness, family bonding, communal service and worship, and self-renewal for Muslims everywhere. It is the month of fasting from sunrise to sunset for over one billion Muslims throughout the world. During this month, Muslim Americans are appreciative of America's tradition of diversity. The community displays its appreciation by reconfirming its duty to ensure human dignity and a better future for all.

The Muslim American community contributes to the vibrant growth of American society and culture. Muslim Americans play a significant role in our Nation's political process, economic growth, scientific development, free enterprise, religious tolerance, law enforcement, and homeland security. American pluralistic ideals, democratic institutions, and multiculturalism are expanded and strengthened by the contribution of Muslim American civic participation. During this holy month, I would like to say Ramadan Mubarak to all Muslims.

Mr. DINGELL. Mr. Speaker, I am pleased to rise in support of House Resolution 635, a resolution recognizing the Islamic holy month of Ramadan. On September 13 this year, millions of Muslims throughout the world, and a great number in Michigan's 15th Congressional district, began a month of fasting, prayer, and spiritual renewal. It is an important step for acceptance and tolerance within the United States that Congress, for the first time, is recognizing this exceptional religious observance.

During the holy month of Ramadan, Muslims engage in self-discipline and purification. From sunrise to sunset, Muslims refrain from common daily activities such as eating and drinking, and tobacco use. Muslims also spend time reading the Koran, contemplating Islam, and cleansing their spirits. Ramadan is also a time to gather with family and friends, both at the nightly iftar, as well as at the conclusion of Ramadan, during the Id-al-Fitr.

It is a pleasure to join my colleagues in honoring the celebration of Ramadan, not simply because Muslims are an important and growing part of American society, but also because goals and tenets of Ramadan—self sacrifice, charity, and spiritual renewal—are shared by Americans of all faiths. Hopefully, Congressional recognition of Ramadan will lead to an increased appreciation for these shared values. Certainly, recognizing Ramadan, along with its observance in the United States, contributes to the vibrancy, dynamism, and character of our great Nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today in strong support of H. Res. 635, recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith. I would like to thank my colleague, Ms. EDDIE BERNICE JOHNSON, as well as the 30 other cosponsors for introducing this important and timely piece of legislation. I would also like to thank Chairman LANTOS for his leadership on this issue. This important legislation brings us together in celebration with our Muslim brothers and sisters, during this, their holy month of fasting and spirituality.

Since the tragic terrorist attacks on the United States of September 11, 2001, patriotic, law-abiding Muslim-Americans of the Islamic faith have been targeted by threats and incidents of violence. The House of Representatives has rebuked and condemned such actions from their very inception, with their September 14, 2001 resolution condemning bigotry and violence against American Muslims, and must continue to do so. It is important during this period of international uncertainty and apprehension to look to our commonalities, recognizing universal values that transcend culture, nationality, and religion.

The Muslim American Community has grown in size and prominence, and is an integral part of the fabric of this nation. The Muslim population in North America is characterized by its diversity. Some 80 nations are represented in the mosque communities of the United States, including a variety of traditions, practices, doctrines, and beliefs. Muslim Americans share the same values and ideals that make this nation great. These include ideals such as discipline, generosity, peace and moderation. In no month is this more evident than in the month of Ramadan, when more than a billion Muslims all across the world renew their bonds to family and friends, to neighbors and colleagues, and most of all to God. Ramadan is a special time of prayer and fasting, contemplation of God's greatness, and service to those in need.

Mr. Speaker, it is in the spirit of equality and sharing that we must recognize the universal values of family, community, and faith that we all share. By recognizing the Islamic faith as one of the great religions of the world, the House of Representatives may demonstrate solidarity with and support for the members of the Muslim community, both within the United States and throughout the world. By supporting this legislation, we may convey our respect to the Muslim community and commend the vast majority of Muslims within the U.S. and across the globe who have rejected the misapplication and misinterpretation of their religion.

As a co-sponsor of this legislation I feel that this is an issue we must address and I therefore strongly urge my colleagues to join me in supporting this important legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in support of H. Res. 635, a resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal. This resolution also commends the Muslims in the United States and across the globe for their devotion.

Ramadan demonstrates the strength of each Muslim's faith with a month of prayers, fasting, charity and self reflection. It is a beautiful observance each year by those who believe in Islam.

It is important to have resolutions like this that recognizes and shows respect for one of the world's most significant religions, Islam, and the nearly 1.5 billion Muslims throughout the world. Following the September 11th attacks, I am sad to say, there was an outbreak of bigotry and violence against Arab-Americans, American Muslims and Americans from South Asia. Intolerance is not an American value and Congress must show its support for the community of Islam in the United States and throughout the world.

I would like to thank Congresswoman EDDIE BERNICE JOHNSON, Congressman GREGORY MEEKS and Congressman KEITH ELLISON for introducing the resolution and working to bring it to the House floor today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 635.

As our Founding Fathers recognized, the strength of this great Nation derives from the tolerance we espouse. America builds strength from its diversity. I am proud to be a part of a country where every person may practice their religious beliefs without fear. At a time when religious differences are igniting conflicts throughout the world, America serves as a beacon of hope that religious tolerance is not only achievable, but only serves to make a country stronger and more viable.

The Islamic faith follows the lunar calendar. During the ninth month of the lunar calendar, called "Ramadan," the Arabic term for intense heat and scorched earth, Muslims throughout the world celebrate the revelation of the Quran. In 2007, the month of Ramadan lasts from September 13 to October 12. This sacred month is observed with prayers, fasting, and charity.

I believe we could all use a time of peace and reflection. Ramadan embodies these principles, and I applaud our Muslim friends and neighbors for their sincere religious beliefs.

I encourage my colleagues to support this resolution.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 635, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THAT VIOLENCE POSES AN INCREASINGLY SERIOUS THREAT TO PEACE AND STABILITY IN CENTRAL AMERICA

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 564) recognizing that violence poses an increasingly serious threat to peace and stability in Central America and supporting expanded cooperation between the United States and the countries of Central America to combat crime and violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 564

Whereas murder rates have been increasing throughout Central America in recent years;

Whereas in 2005, the estimated murder rate per 100,000 people was roughly 56 in El Salvador, 41 in Honduras, and 38 in Guatemala;

Whereas the February 2007 murder of 3 Salvadoran legislators from the Central American parliament and the subsequent murder in prison of the Guatemalan policemen linked to the crime clearly illustrated to the international community the threat posed by violence in Central America;

Whereas a May 2007 report by the United Nations Office on Drugs and Crime (UNODC) makes the case that Central American countries are particularly vulnerable to violent crimes fueled by drug trafficking and corruption because they are geographically located between the world's largest drug producing and drug consuming countries;

Whereas 90 percent of the cocaine shipped from the Andes to the United States flows through Central America and thus contributes to increased violence on the Central American isthmus;

Whereas Central American governments and United States officials have attributed a large proportion of the rise in violent crime in Central America to youth gangs, many of which have ties to the United States;

Whereas UNODC estimates that there are 69,145 gang members in Central America;

Whereas on June 7, 2005, the Organization of American States (OAS) passed a resolution to urge member states to support the creation of holistic solutions to the gang problem;

Whereas Guatemala has experienced a surge in female murders during the past 3 years, with many of those murders allegedly committed by drug traffickers and other organized criminal groups;

Whereas violence between partners, particularly violence by men against their wives or girlfriends, is widespread in Central America and an International Violence Against Women Survey comparing selected countries in Africa, Latin America, Europe, and Asia found that 60 percent of women in Costa Rica—often considered the least violent country in Central America—reported having experienced domestic violence during their lives;

Whereas the House Foreign Affairs Subcommittee on the Western Hemisphere held a briefing and hearing on June 26, 2007, on violence in Central America;

Whereas the Guatemalan government and the United Nations signed a groundbreaking agreement in December 2006 to establish the International Commission Against Impunity in Guatemala (CICIG) which was approved by the country's legislature on August 1, 2007;

Whereas the Central American Integration System (SICA) is an inter-governmental organization formed in 1991 comprised of the following member states: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama;

Whereas the Dominican Republic participates in SICA as an Associate Member State;

Whereas SICA and the United States held their first ever Dialogue on Democratic Security in Guatemala City from July 16 through 18, 2007, which focused on gangs, drug trafficking, and arms trafficking;

Whereas SICA and the United States signed an agreement at this meeting to improve intelligence sharing and policing and to institutionalize dialogue on regional security;

Whereas this meeting was the first time in almost a quarter century that high level officials from the United States and all 7 Central American countries and the Dominican Republic have met formally to discuss security issues;

Whereas United States Assistant Secretary of State for Western Hemisphere Affairs Thomas Shannon announced at this meeting the United States Strategy to Combat Criminal Gangs from Central America and Mexico designed to prevent youth from entering gangs and strengthen the fight against gang-related violence and other crimes;

Whereas Assistant Secretary Shannon recognized at this meeting that youth gang delinquency "has profound social roots and our way of fighting it cannot only be through policing";

Whereas the United States pledged $1,000,000 at this meeting to help Central American governments draft a regional strategy to fight youth gangs and drug trafficking and $3,000,000 to fund rehabilitation programs for youths in gangs; and

Whereas an enhanced political commitment and cooperation between the United States and Central America on security issues can help curb violence in Central America: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) crime and violence pose an increasingly serious threat to peace and stability in Central America;

(2) officials from Central America and the United States should be commended for holding a historic meeting to discuss regional security strategies;

(3) the announcement on July 18, 2007, of the United States Strategy to Combat Criminal Gangs from Central America and Mexico should be commended;

(4) the President of the United States should follow through on commitments made in the United States Strategy to Combat Criminal Gangs from Central America and Mexico with concrete actions;

(5) the commitment of funds by the United States to fight youth gangs in Central America is an important step forward and greater resources should be considered in the future to fight this problem due to its severity and its transnational nature; and

(6) Central American and United States officials should be encouraged to meet on a regular basis to further cooperation in combating crime and violence in Central America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I want to thank our colleagues, Congressman ELIOT ENGEL and DAN BURTON, the Chair and ranking member respectively of the Western Hemisphere Subcommittee, for introducing this important legislation.

The measure brings a long overdue spotlight to the serious and growing problem of violence in Central America. The February murder of 3 Salvadoran legislators and the subsequent shocking murder in prison of the Guatemalan policeman linked to the crime illustrate the very real daily threat posed by violence in this region.

While this high-profile incident brought violence into the spotlight, it is unfortunately nothing new. In recent years, murder rates have been increasing throughout Central America. In 2005, the estimated murder rate per 100,000 people was roughly 56 in El Salvador, 41 in Honduras, and 38 in Guatemala. These rates are extraordinarily high by international standards.

Much of the violence in Central America is closely related to drug trafficking. A report released by the United Nations in May argues that Central American countries are particularly vulnerable to violent crimes, fueled by drug trafficking, because they are geographically located between South America and the United States; in other words, between the world's largest drug-producing and the world's largest drug-consuming countries or areas. In fact, 90 percent of the cocaine shipped from the Andean region to the United States flows through Central America. This clearly plays a major role in triggering violence in the region.

If drugs are the primary factor in the scourge of violence, youth gangs are a close second. There's estimated to be about 70,000 youth gang members in Central America. Many of these gangs have ties to the United States and pose threats to security in our own communities.

□ 1145

We are beginning to address this violence crisis. The United States and Central American officials have started to work together to combat violence in Central America, but more needs to be done. This July, high-level officials from the United States and all seven Central American countries met to discuss security in the region, particularly addressing gangs, drug trafficking and arms trafficking. This meeting marked the first time in almost a quarter century that high-level officials from the United States and all the countries of Central America met formally to discuss security issues.

At the meeting, the State Department announced the U.S. strategy to combat criminal gangs from Central America and Mexico and pledged $4 million to help Central America deal with the youth gang issue. I applaud this meeting and the State Department's initiative and encourage Central American countries to go beyond a police-based approach and address the social roots of violent crime.

With passage of the important measure today, the United States Congress will recognize that violence poses an increasingly serious threat to peace and stability in Central America. This resolution encourages Central American and U.S. officials to meet on a regular basis to enhance further cooperation in curbing violence in the region.

The measure also recognizes the U.S. has a commitment of $4 million to tackle this problem, and that is a welcome start. But, importantly, this resolution notes that greater resources should be considered in the future to fight the problem of violence in Central America.

Our friends in Central America are great and close allies, and we should do everything we can to bring stability to these societies and to end excessive violence. That is why I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support today of H. Res. 564 and join my colleagues in recognizing the efforts taken by the United States and seven Central American countries to confront gang violence in Central America.

The tragic nature of gang violence in Central America threatens the peace and stability of its neighbors to the north and to the south. Geographically located between the world's largest drug-producing and drug-consuming countries, Central America faces a seemingly insurmountable problem when forced to counter gang violence on its own.

For this reason, I was pleased to see that earlier this year, the United States and seven Central American countries took the first step towards finding an international solution to the growing level of violence in Central America by holding the first-ever dialogue on democratic security in Guatemala City.

As the transnational nature of gangs causes crime and violence in Central America to bleed into the United States, this resolution recognizes the importance of a continuing United States involvement and commitment of funds towards dealing with youth gangs in Central America.

Gangs have become more organized, more violent, and affect North America, Central America and South America. It also encourages Central America and U.S. officials to meet on a regular basis for further cooperation in combating crime and violence and commends these countries for taking the first step in the struggle for security by developing the United States' strategy to combat criminal gangs from Central America and Mexico.

While I am pleased to see the progress made this year, I also recognize the grave importance of sustaining these efforts while increasing our understanding of the roots of this epidemic. I look forward to our continued cooperation with our neighbors to the south and once again applaud the efforts already taken to counter this increasing threat to peace and security in our region.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to one of the co-authors of this legislation, the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, Mr. ENGEL.

Mr. ENGEL. I thank my friend from California.

Mr. Speaker, I rise today in strong support of my House Resolution 564, which brings attention to the serious and growing problem of violence in Central America.

I first want to thank my colleague and the ranking member on the Western Hemisphere Subcommittee, Dan Burton, for introducing this resolution with me. I also want to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their support of this bill.

The February murder of 3 Salvadoran legislators in the Central American Parliament and the subsequent shocking murder in prison of the Guatemalan policeman linked to the crime illustrate the very real daily threat posed by violence in Central America. While this high-profile incident brought violence in Central America to a spotlight, it is, unfortunately, nothing new.

Homicide rates in El Salvador and Guatemala are higher today than they were in those countries' civil wars. According to government statistics, Guatemala's murder rate has doubled since 1999.

As chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, I focus intently on violence in Central America and the roots of this violence. At a recent hearing that I chaired on this topic, I was taken aback by the major role that drug trafficking plays in encouraging violence in the sub-region.

Ninety percent of the cocaine shipped from the Andean region to the United States flows through Central America. The sub-region's location between the highest drug-consuming and the highest drug-producing regions of the world make it particularly vulnerable. Unfortunately, we are the highest drug-consuming portion of that equation.

If drugs are the primary factor in this scourge of violence, youth gangs are a close second. The U.S. Southern Command has estimated that there are 70,000 gang members in Central America alone. Fortunately, we are beginning to address this crisis. The United States and Central American officials have started to work together to combat violence in Central America; but, obviously, much more needs to be done.

This resolution recognizes the recent progress that has been made in enhancing U.S.-Central American cooperation and combating violence in Central America. The seven countries of Central America, the Dominican Republic and the United States held its first-ever dialogue on democratic security in Guatemala City this July. That meeting was the first time in almost a quarter century that high-level officials from the United States and all of these countries met formally to discuss security issues.

At this meeting, Assistant Secretary of State for Western Hemisphere Affairs, Tom Shannon, announced that the U.S. strategy to combat criminal gangs from Central America and Mexico was beginning. The United States also pledged $4 million in assistance to help Central Americans begin to address this issue.

This resolution commends U.S. and Central American officials for their joint efforts to combat violence and encourages greater cooperation in the future. In the coming days, the Bush administration will present Congress with a plan to assist Mexico and Central America in dealing with issues of crime and violence, particularly as they relate to counternarcotics.

I look forward to working with my colleagues from the State Department and Central America as we begin to shape a future assistance package that will address violence in Central America.

Finally, I want to point to one area of progress that we have seen since this resolution was first introduced in July. On August 1, Guatemala's legislature approved the international commission against impunity. This is a groundbreaking agreement between the Guatemalan Government and the United Nations to combat impunity in Guatemala. It is a major step for all of us who care so deeply about curbing violence in Central America, and I want to congratulate my colleagues in the Guatemalan Congress and the executive branch on this major accomplishment.

Let me say in closing that one of the things I have noticed as chairman is the feeling of neglect in the hemisphere that the other nations feel that the United States is not concentrating on this region, that we are looking elsewhere in the world. I think that this resolution and what we are doing goes a long way in combating that feeling.

I urge my colleagues to support House Resolution 564.

Mr. POE. Mr. Speaker, I want to commend Mr. ENGEL, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Res 564, and would like to take this opportunity to commend the countries in Central America that have pooled their time and expertise to discuss common goals through the Central American Integration System (SICA)—which is an inter-governmental organization comprised of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama (with the Dominican Republic as an Associate Member).

I would also like to commend the United States government for its effort in addressing the issues of gangs, drug trafficking, and arms trafficking through the Dialogue on Democratic Security that was held with the Central American Integration System countries in Guatemala City this past July.

Violence in Central America is a grave threat to the entire region. Recent numbers from the Andes and parts of Central America show that the murder rate is above 40 per 100,000 people, and does not appear to be on the decline. The increasing prevalence of violence in this region raises serious concerns with high levels of insecurity and weak state capacity to deal with criminal activity. The transport of drugs and widespread gang activity create additional problems that must be tackled sooner rather than later.

It is this reason why I support H. Res 564, commending action taken to Combat Criminal Gangs from Central America and Mexico and encouraging regular meetings in which countries can build on existing cooperation toward this end.

I urge my colleagues to support this resolution.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 564, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

* * *

CONDEMNING THE PERSECUTION OF LABOR RIGHTS ADVOCATES IN IRAN

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 203) condemning the persecution of labor rights advocates in Iran, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 203

Whereas Iran, in violation of ILO principles, refuses to recognize independent labor unions;

Whereas, on April 9, 2007, Iranian agents arrested and imprisoned Mahmoud Salehi, founder of the Saghez Bakery Workers Association, a labor union that is independent and therefore not recognized under Iranian law;

Whereas Salehi's life is in grave danger as he sits in the Sanandaj prisons without access to kidney dialysis treatment;

Whereas, on July 10, 2007, plainclothes Iranian agents severely beat and arrested Mansour Osanloo, president of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company, another labor union that is independent and therefore not recognized under Iranian law;

Whereas this arrest was the third time in less than two years that Syndicate president Osanloo has been arrested by Iranian agents;

Whereas Osanloo now sits in Iran's notorious Evin prison with a chronic heart condition and a serious eye condition that requires immediate surgery;

Whereas Osanloo has no access to medical or legal assistance and no contact with his family; and

Whereas, on August 9, 2007, the International Transport Workers' Federation, together with the International Trade Union Confederation, staged an international "day of action" to free Osanloo and Salehi: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the Iranian regime for the arrest and imprisonment of Iranian union leaders Mahmoud Salehi and Mansour Osanloo and demands their immediate release;

(2) expresses its solidarity with the workers of Iran and stands with them, and with all Iranians, in their efforts to bring political freedom and individual liberty to Iran; and

(3) calls on the Iranian regime to respect the right of Iranian workers to form independent associations and unions, as required by its membership in the ILO.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

I would like to thank our colleagues, Mr. KIRK from Illinois, Mr. ANDREWS from New Jersey, for introducing this important and timely legislation.

Iran's pursuit of nuclear weapons in support of terrorism and its abuse of the human rights of its own people collectively form one of the most serious threats to peace and freedom faced by our country and faced by the world. It speaks volumes that Iran is a member of the International Labor Organization and formally subscribes to the core ILO principles like freedom of association, yet continues to jail those who attempt to form independent labor unions.

The mistreatment of two courageous labor leaders, Mr. Mahmoud Salehi and Mansour Osanloo, is yet another example of the unacceptable behavior of the regime in Iran.

Since 2004, Mahmoud Salehi, who comes from the Kurdish region of Iran, has been jailed on trumped-up charges for the crime of trying to organize a May Day rally in his own city. Unlike many well-known Iranian dissidents, Mr. Salehi is not a writer or a professor or even a politician. He is an ordinary man, a baker by trade, who has had the courage to stand up for the rights of working people. Since April 19 of this year, he has been imprisoned and denied access to the dialysis treatments he requires.

The same is true of Mansour Osanloo, who fell afoul of the regime for threatening in 2006 to lead his fellow bus drivers in Tehran out on strike. Mr. Osanloo was kidnapped from his bus by unknown parties and severely beaten. He too is now being held on vaguely worded charges.

It is appropriate and necessary for the United States House of Representatives to condemn the brutal mistreatment of these leaders and call for their immediate release.

I strongly support this resolution, and I encourage all my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield such time as he may consume to the author of this measure, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, this resolution before us demonstrates America's commitment to human rights around the world. As the cochair of the Iran Working Group and a member of the Human Rights Caucus, I am proud to stand here as the co-author of this Kirk-Andrews resolution.

On April 9, 2007, Iranian agents arrested and imprisoned Mahmoud Salehi, the founder of the Saghez Bakery Workers Association. Mr. Salehi is a kidney patient who now sits in the Sanandaj prisons, his life in grave danger as the regime blocks his access to dialysis treatment.

July 10, plain-clothed Iranian agents severely beat and arrested Mansour Osanloo, the president of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company. Osanloo now sits in Iran's notorious Evin prison with a chronic heart condition, no access to medical or legal assistance, and no contact with his family. The Teamsters have called on Iran to immediately release both men.

In August, the International Trade Union Confederation, together with the International Transport Workers Federation, staged an international "day of action" to free these union leaders; and now it's our turn. Together with my good friend and the cochair of the Iran Working Group, Congressman ROBERT ANDREWS of New Jersey, we introduced this resolution, a bipartisan resolution condemning the Government of Iran for the arrest and imprisonment of Iranian union leaders, demanding their immediate release. Today, we speak with 1 voice, not as Democrats or Republicans, but as Americans, to say to the Iranian people, we stand with your efforts to bring about political freedom and individual liberty in Iran.

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As a board member of the National Endowment for Democracy, I am proud of the U.S. Government's commitment to international workers' rights. This resolution embodies that commitment.

I want to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their cosponsorship and continued leadership on this human rights issue.

I also want to thank my friend, Congressman ROB ANDREWS, and the vice chairs of the Iran Working Group, Congressman BOUSTANY and Congressman KLEIN, and key staff members, including Alan Makovsky, Yleem Poblete, Alan Goldsmith, Luke Ballman, Michael Hare and Mira Kogen for their hard work on this resolution.

I especially want to thank Richard Goldberg of my staff, who did the heavy lift on this piece of legislation, so heavy he might become an honorary Teamster.

Mr. Speaker, it is very important to see what is happening in Iran, that there is now an attack going on against Baha'is, there is now an attack going on against intellectuals, and there is now an attack going on against free union members. We need to speak out against all of these if we adhere to our principles of faith to the dignity of the individual as enshrined, not just in the Constitution of the United States, but in the U.N. Universal Declaration of Human Rights, of which the Government of Iran is a signatory.

Mr. SHERMAN. Mr. Speaker, I'd like to yield 3 minutes to the coauthor of this legislation, the chairman of the Education and Labor Subcommittee on Health, Employment, Labor and Pensions, the very distinguished Mr. ANDREWS from New Jersey.

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this resolution. I would like to thank the cochairman of the Iran Working Group, my good friend, Mr. KIRK, for his efforts and the staff's efforts. And I would associate myself with the remarks that MARK made about the staff members who worked so hard on this.

I'd like to thank our subcommittee chairman, Mr. SHERMAN, and ranking members on the other side for their help.

A prison must be a terribly lonely and solitary place. And I think there is no more lonely and solitary place on the face of the Earth than an Iranian prison, because in an Iranian prison you live in a place where there is no due process, there is no right to be heard, there is no sunlight, there is no chance to address your grievances.

Mr. Speaker, as we meet today, two men, Mahmoud Salehi and Mansour Osanloo sit in that solitary confinement. Their crime is speaking up for the members of the group for which they work. Their offense is trying to organize and represent the men and women next to whom they work. This is taken universally as a human right, the right to speak up for better working conditions, for fairness in the workplace. It is a right that Iran recognizes as a signatory to the International Labor Organization, and Iran is bound to follow the core principles of the ILO. Clearly, Iran is not doing so as we meet today.

For more than 6 months, Mr. Salehi has been confined in a prison. For more than 3 months, Mr. Osanloo has been confined in a prison.

It is my hope that this resolution today will have the Members of this House, Republican and Democrat, liberal and conservative, joining the voices of labor leaders around the world as expressed on August 9 saying to the Government of Iran that this imprisonment is unjustified. This is an egregious abuse of human rights. These men should be released. Their medical needs should be tended to, and justification should be given for the unlawful and inhuman incarceration of these individuals.

This is a larger question than the political relationship between the United States and Iran. It is a larger question than labor law and the right to organize. This is a fundamental question of human rights. Innocent, infirm people should not be held against their will with no rights and no right to address their grievances. Surely, Mr. Speaker, this House can and should join together today to rise up in opposition to this inhuman practice.

I would urge a "yes" vote.

Mr. POE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of this resolution condemning the persecution of labor rights advocates in Iran.

During the past 2 years, the already brutal regime in Tehran has increased its repression of its own citizens, cracking down on religious and ethnic minorities, human rights and pro democracy activists, even university students, and now the labor movement.

Like many supposedly revolutionary governments, this regime has been particularly harsh to workers and their representatives who have dared to protest the injustices that pervade the present system in Iran.

On April 9 this year, Iranian agents arrested Mahmoud Salehi, the founder of an independent bakery workers association. And then on 3 separate occasions since 2005, this same Iranian regime has arrested and imprisoned Mansour Osanloo, the president of the Syndicate of Workers of Tehran and Suburbs Bus Company, an independent labor association of transportation workers.

Most recently then, on July 10, 2007, reports indicate that plainclothes Iranian agents kidnapped, assaulted, and imprisoned Mr. Osanloo.

When transport workers have attempted to strike in order to protest their lack of rights and the arrest of their representatives, the Iranian regime has beaten them and compelled them to return to work. Iran's deplorable behavior violates its own legal obligations under its own Constitution.

Article 26 of the Iranian Constitution permits, and I quote, "the formation of parties, societies, political or professional associations," and Iran's labor law recognizes that "it is prohibited to force a person to perform work against their will." So much for following their Constitution.

Mr. Speaker, while Iranian thug-in-chief Mahmoud Ahmadinejad spoke freely at the United Nations last week, labor representatives Mahmoud Salehi and Mansour Osanloo, both of whom suffer from medical conditions and medical problems, languished in Iran's infamous prisons without access to any medical attention. This current situation is intolerable.

The Iranian regime must stop its persecution of its own workers and systematic human rights abuses, release all the imprisoned labor representatives and fulfill its obligations in ensuring the right of Iranians to work freely and to organize freely.

I want to thank Mr. KIRK of Illinois and Mr. ANDREWS of New Jersey for introducing this resolution, and also labor unions in the United States for bringing this issue to the forefront.

This resolution condemns the Iranian regime for the arrest and imprisonment of Iranian labor leaders and demands their release. It also sends a simple but yet powerful message. As the people of Iran struggle to live freely and exercise their basic human rights, Congress and the United States stands with those people.

I urge my colleagues to adopt this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McGOVERN). The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KIRK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TAIWANESE SELF-DEFENSE CAPABILITY

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 676) declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 676

Whereas relations between the United States and Taiwan are governed by the Taiwan Relations Act (22 U.S.C. 3301 et seq.; Public Law 96-8), three joint communiqués, and the Six Assurances;

Whereas the Taiwan Relations Act has governed United States arms sales to Taiwan since 1979, when the United States extended diplomatic recognition to the People's Republic of China;

Whereas the Taiwan Relations Act specifies that it is United States policy, among other things, to consider any non-peaceful means to determine Taiwan's future "a threat" to the peace and security of the Western Pacific and of "grave concern" to the United States; "to provide Taiwan with arms of a defensive character;" and "to maintain the capacity of the United States to resist any resort to force or other forms of coercion" jeopardizing the security, or social or economic system of Taiwan's people;

Whereas section 3(a) of the Taiwan Relations Act states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability";

Whereas section 3(b) of the Taiwan Relations Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services "based solely" upon their judgment of the needs of Taiwan;

Whereas Taiwan's 2007 defense budget included approximately $488,000,000 to begin the process of procuring 66 new United States-origin F–16C/D fighters, pending United States price and availability data;

Whereas after October 31, 2007, those funds will no longer be available to begin the process of procuring the F–16C/D fighters;

Whereas the Taiwanese Defense Ministry has requested and the Executive Yuan (cabinet) approved in August 2007 a 2008 defense budget that includes approximately $764,000,000 for the second year's budget for F–16C/D fighters;

Whereas notwithstanding the requirements of the Taiwan Relations Act, the Bush Administration has not been responsive to Taiwan's clear expression of interest in receiving price and availability data for the F–16C/D fighters; and

Whereas in its annual, congressionally mandated report on China's Military Power (most recently released in May 2007) the Department of Defense concluded that China is greatly improving its military, with those improvements largely focused on a Taiwan contingency, and that this build-up poses an increasing threat to Taiwan and ultimately to the United States military presence in Asia: Now, therefore, be it

Resolved, That—

(1) it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; and

(2) the United States should determine the nature and quantity of such defense articles and services "based solely" upon the legitimate defense needs of Taiwan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to thank my distinguished colleague, the ranking member of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN of Florida, for introducing this important resolution and Chairman LANTOS, Chair of the Foreign Affairs Committee, for moving this to the floor.

When it comes to military sales to Taiwan, U.S. policy is clear: We must ensure that the thriving democracy of Taiwan has the capacity necessary to defend itself from outside threats.

We in the United States provide defensive military equipment to Taiwan, not just because it is right to aid our democratic friends, but because it is the law of the land under the Taiwan Relations Act. The Taiwan Relations Act, which has been the core of our policy toward Taiwan for almost 3 decades, also states clearly that the United States should base its decision on whether to supply defensive military equipment to Taiwan solely on the basis of the security needs of the Taiwanese military, not on the basis of political concerns.

In the context of these guiding principles, the administration currently has before it a decision on whether to sell F–16C/D fighters to Taiwan, fighters which Taiwan has expressed a clear interest in purchasing and for whose purchase they have budgeted $488 million in their 2007 defense budget and another $764 million in their budget for 2008.

The answer of the United States should be obvious. We should agree to sell the fighters without delay. Yet the administration has dragged its feet and failed even to respond to our Taiwanese friends; and this, in spite of the fact that under Taiwanese laws the funds for the fighters will no longer be available after October 31 of this year. If we do not offer to sell the planes by that date, the rules governing Taiwanese defense spending require that these funds be deleted from their budget.

Some have argued that this delay is justified because in a tense political season in Taiwan, the United States does not want to be seen as taking sides in the upcoming Taiwanese election. This assertion is wrongheaded and shortsighted in the extreme. This resolution in no way indicates support for one political party or another.

Furthermore, under the Taiwan Relations Act, we are supposed to make our decision based upon the needs of the Taiwanese military, not based on some argument that we would be falsely seen as supporting one political party or another, which, of course, is hardly the case if we decide to follow our own law and provide the Taiwanese military with the planes they need for military security.

I support this resolution and the sale of the F–16C/Ds to Taiwan so that the people of Taiwan can protect their democracy and to advance our security interests in East Asia. My support does not in any way indicate support for any candidate in Taiwan for any elected office, nor would selling these planes or agreeing to sell them indicate the support of the United States Government for any particular political party or candidate.

There are still others who claim that the F–16 sale, and this resolution, will upset the balance of the Taiwan Strait. Taiwan already has F–16 aircraft, so these additional planes will hardly upset the balance between Taiwan and China.

Moreover, no one puts forward the idea that Taiwan is today going to invade the mainland. It is obvious that the weapons Taiwan acquires are for defense, not for offense, and so a country acquiring military weapons to defend itself is not upsetting the balance of power but, rather, preserving the military status quo, preserving stability and peace.

I would also point out that the Taiwan Relations Act and our arms sales under this act have been instrumental in maintaining peace and security across the Taiwan Straits and in East Asia for 30 years.

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Under this peace, Taiwan developed from authoritarian rule into a robust and lively democracy. Taiwan has asked our assistance in defending itself, and it deserves from us the respect of a prompt response.

I strongly support this resolution and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 676, a resolution reiterating that it is the policy of the United States to make available to Taiwan such defense articles and services as may be necessary for its self-defense.

At the outset, I want to thank Chairman LANTOS and the gentlewoman from Florida, the author of this resolution; Mr. LANTOS being the cosponsor; as well as many other members from the Foreign Affairs Committee and the Taiwan Caucus.

Mr. Speaker, this is a very straightforward resolution. It simply says that the executive branch should follow the law, in this case the Taiwan Relations Act, TRA, of 1979, and make available to our friends in that vibrant democracy such defense articles as may be necessary for their self-defense.

While the Chinese Air Force and Navy continue to be upgraded with modern Russian-made combat aircraft, Taiwan's Air Force is literally falling from the sky. In fact, some 17 obsolete F–5 fighters have crashed in the last 10 years, including one this May which killed a number of Singaporean servicemen.

Yet despite Taiwan's clearly compelling needs and the fact that Taipei has not only increased defense spending but also has budgeted and appropriated for the F–16s, the United States is refusing to respond to Taiwan's entirely legitimate request for military sales. In so doing, the clear intent of Congress and the law of the land as articulated in the TRA is obviously being ignored.

In this regard, section 3(b) of TRA stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan.

In life there are times when you can outthink yourself by overanalyzing issues and events, hoping to find that perfect moment to make a major decision. This is one of those times. Given China's ongoing and notorious military buildup, as well as its ceaseless efforts to isolate and belittle Taiwan, there will never be an ideal time for the United States to make defense sales to this island. The ideal time, obviously, is when the time is right, which is now.

The reality is that any major U.S. sale at any time will be objected to by the Chinese Communist regime. Should that affect our commitment to the stability of the Taiwan Strait? Mr. Speaker, are we timid because of China? Likewise, should our defense commitment to Taiwan be held hostage to a clash of personalities, the political season in Taiwan, or Washington's desire to accommodate Beijing?

In conclusion, this commonsense resolution simply says that consistent with the Taiwan Relations Act, the TRA, the United States should make decisions about prospective arms sales to this island based upon Taiwan's legitimate self-defense needs and our assessment of the relative balance of power in the Western Pacific.

I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada, a member of the Veterans' Affairs Committee and the Ways and Means Committee, the very distinguished and dapper Ms. BERKLEY.

Ms. BERKLEY. I thank the subcommittee chairman for that very lovely introduction.

Mr. Speaker, I rise in support of this important resolution, in support of a U.S. ally and a fellow democracy.

For ever 50 years, Taiwan and the United States have enjoyed a strong political and economic partnership. Taiwan is our eighth largest trading partner with almost $60 billion in bilateral trade. In the last 2 decades, we have watched Taiwan blossom into one of the world's leading democracies, holding a number of open, fair, and internationally approved elections. Its constitution guarantees fundamental freedoms and civil liberties and ensures all citizens have a voice in local and national affairs.

Mr. Speaker, in an age of terrorism and political violence, it is absolutely imperative that the United States stands up for peaceful and free countries around the globe. We must make certain our fellow democracies can determine their own destinies at the ballot box without fear of attack or violence. And as this resolution states, we must continue to provide Taiwan with the ability to defend itself, to safeguard the expansion of democracy on that island and in its region in the coming years.

Taiwan is a vibrant democracy, a trusted ally, a strategic partner of the United States. It is imperative, I repeat, that we signal our support for the world to see that America stands with its fellow democracy and will defend against any threat of military aggression.

I urge support for this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlelady from Florida, our senior Ranking Member of this Committee for her authorship of H. Res. 676, just as I commend Chairman LANTOS also and other Members of this Committee who are supporting this Resolution. Having said this, my question is, is it necessary?

I have serious concerns about H. Res. 676 which declares that is should continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

The Taiwan Relations Act of 1978 has always been the basis of how our country has defined its relationship with Taiwan, and there has been no change in the provisions of this Act. The Act allows for the sale of arms to assist Taiwan with its defense capabilities against its enemies which it considers to be the People's Republic of China (PRC).

Why then is H. Res. 676 necessary? I also question H. Res. 676 being put forward at a time when all of us know that the situation between Taiwan and China has been extremely tense for weeks and months. While I respect my colleagues' view on H. Res. 676, I disagree with this course of action. We all know that H. Res. 676 is a nonbinding resolution that does not oblige our Government to act but only serves to add fuel to the fire, or exacerbate already tense relations between Taiwan and Beijing. Again, I ask, is this Resolution necessary?

Some 15 times now, Taiwan has sought and failed to be formally recognized by the United Nations, and this has caused a heated exchange of responses even among Members of this body. I just returned from Taiwan where I met with Taiwan's President, and the opposition party. I also recently visited China where I met with the Vice President, and other government officials. When I say that relations are tense, I mean it. From both sides, the situation between Taiwan and Beijing is quickly becoming a confrontation which may lead to an outcome none of us wants.

I am certain that all of us are committed to a course of action which will avert a crisis, and bring about a peaceful solution in the Taiwan Straits. But I do not believe H. Res. 676 gets us where we want to go. H. Res. 676 is just a reminder that an arms deal is still pending and it is pending because the Administration is having difficulties persuading Taiwan not to seek membership with the UN. Obviously, Taiwan is not listening and does not care what this may mean for the United States and our important, strategic relationship with Beijing.

The fact is there is a difference of opinion among the people and leaders of Taiwan about what position Taiwan should take towards Beijing. One of the two major parties advocates peaceful coexistence with the PRC. The other major party and its leaders keep pushing the envelope to the point of forcing Beijing's hand which led to President Clinton having to send two naval battle groups to the Taiwan Straits and almost led to a nuclear confrontation with Beijing. I wonder if my colleagues want to go through this again.

Last time, Beijing backed off. But will Beijing back off again? With implications as serious as this, I am hopeful that we will not move forward with this resolution until we have had time to consider a more thoughtful approach, and until Taiwan has time to hold its elections next March.

For now, H. Res. 626 can potentially influence the outcome of those elections, as could the sell of F–16s. I suspect this is probably one of the reasons the Administration has been reluctant to proceed with the sale of F–16 fighter jets to Taiwan because the Administration also recognizes we should give the people of Taiwan time to determine their future status before acting in ways that could set off a chain reaction in this volatile region of the world.

All of us, including Taiwan, know that our United States foreign policy has always been to accept the One-China concept whereby Beijing and Taiwan are to work out their political differences through peaceful means. This said, Taiwan has made significant progress towards a pluralistic and democratic form of government. Taiwan enjoys a free market system and economy that ranks among the top fifteen economies in the world. Taiwan also enjoys one of the highest standards of living in the world.

Currently, Taiwan conducts over $100 billion in unofficial trade with Beijing. Over the years, millions of Taiwanese have also been able to freely travel to Beijing to be reunited with their families and friends.

Beijing is also moving towards a more free market system. China has become one of the top five economies in the world, despite its Socialist Marxist ideology that puts a limitation on greater freedom for its citizens and transparency in government. Beijing is doing its best to feed more than 1 billion people, and we must also credit Beijing for bringing North Korea to the negotiating table, thwarting North Korea's efforts to produce nuclear weapons of mass destruction.

Mr. Speaker, do we want to build on the positive? Do we want to avert a crisis? Or, do we want to add fuel to the fire? I submit that H. Res. 626 tilts favorably towards Taiwan, and I suggest to my colleagues that we ought not to pursue this course of action anymore than we should adopt legislation or resolutions that favor China over Taiwan.

Having said this, I will not oppose this resolution but I will again ask if it is necessary and, in closing, I will suggest that it is not. I will also suggest that it is in our interest to work collectively and bilaterally with both Taiwan and China to prevent another standoff in the Taiwan Straits.

Mrs. CHRISTENSEN. Mr. Speaker, I stand before you today in support of our continued support and defense of Taiwan. The United States has stood on the forefront of making the World safe and as a protector of democratic freedoms. To that end, Taiwan has emerged as flag bearer of not only democratic principles but as a strong economic partner.

Although Taiwan enjoys a robust economy and has a strong trade-relationship with countries within Asia they do not have the ability to defend themselves militarily if the need arises. The United States has played a major part in the development of Taiwan's economy over the past 40 years. In order to continue this relationship, we should help to guarantee their safety.

On a recent trip to Taiwan, I was pleased to learn of the great strides they have made in a short period of time to become such a powerful economic power. Although they have an aggressive economy, they have also developed a society built on the safety and health of its citizens. A first class government funded healthcare system that provides service to over 90 percent of its people, speaks to their commitment to its citizens. A bustling industrial sector where the creation of new innovations for an ever increasing technological world is a top priority. They are also fulfilling their commitment to a secure international port with 21st century safeguards to ensure that all shipments are properly inspected and tracked before transshipment to other parts of the world.

Recently, I participated in a ceremony in the Capitol where agreements Taiwan has made to purchase billions of dollars in U.S. agricultural goods over the next several years were signed. I was a signatory to several of them as a witness.

Taiwan's continued commitment to trade in good faith with the United States should not be one sided and we should do our part in upholding our agreement with them as it pertains to the Taiwan Relations Act. I am in full support of H. Res. 676 and ask my colleagues to support the resolution and Taiwan.

Mr. POE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 676.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN SERVICE VICTIMS OF TERRORISM ACT OF 2007

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Service Victims of Terrorism Act of 2007".

SEC. 2. DEATH GRATUITY.

Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) in subsection (a), in the first sentence, by striking "at the time of death" and inserting "at level II of the Executive Schedule at the time of death, except that in the case of foreign national employees, foreign nationals appointed under section 303, and locally employed staff the amount shall be equal to one year's basic salary at the highest step of the highest grade on the local compensation plan of the country in which the foreign national or locally employed staffer was being paid";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

"(d) In addition to a death gratuity payment under subsection (a), the Secretary or the head of the relevant United States Government agency is authorized to provide for payment to the surviving dependents of a Foreign Service employee or a Government executive branch employee, if such Foreign Service employee or Government executive branch employee is subject to the authority of the chief of mission pursuant to section 207, of an amount equal to a maximum of eight times the salary of such Foreign Service employee or Government executive branch employee if such Foreign Service employee or Government executive branch employee is killed as a result of an act of international terrorism. Such payment shall be accorded the same treatment as a payment made under subsection (a). For purposes of this subsection, the term 'act of international terrorism' has the meaning given such term in section 2331(1) of title 18, United States Code.".

SEC. 3. PAYMENTS TO FAMILIES OF CERTAIN VICTIMS OF TERRORISM.

Subject to the availability of appropriations specifically for the purpose specified in this section as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by section 2(3) of this Act) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this Act, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment under section 413(d) of the Foreign Service Act of 1980, except that for purposes of this section, such payment shall, with respect to a United States citizen receiving payment under this section, be in an amount equal to ten times the salary specified in this section. For purposes of this section and section 413(d) of such Act, with respect to a United States citizen receiving payment under this section, the salary to be used for purposes of determining such payment shall be $94,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this bill. The legislation before us recognizes one of the most tragic and unfortunate incidents in the history of the Department of State. It has been more than 9 years since the brutal bombings of our embassies in Kenya and Tanzania occurred. Twelve Americans perished in these terrorist attacks, and many other foreign nationals did in both of the attacks. These murders marked the true beginning of the war on terror, when al Qaeda targeted innocent Americans abroad merely because of their association with our great country.

Of those 12 victims, 5 were foreign service officers including Julian Bartley, Sr., the Deputy Chief of Mission, and his young son who was interning at the Embassy when al Qaeda struck. I had visited the Embassy just several weeks before and had a conversation with Julian and knew him personally even as he worked here on the Hill before going to Kenya.

It was later determined in an official accountability report that the security arrangements at the Nairobi Embassy were inadequate, as were the State Department's risk assessment procedures. The Nairobi Embassy was not classified as a hardship post. It was maddening to learn that the Ambassador in Nairobi had pleaded with the Department for additional security measures, but to no avail. Worse, upon returning to the United States, many of the relatives of those killed were treated dismissively by the Department of State. The expression "pouring salt on a wound" does not do justice to the bureaucratic manner in which the government addressed the relatives' claims. It was truly a disgrace.

The families of the victims are still awaiting sufficient compensation. The fact that this tragedy occurred so far away should not undermine the care given to the victims' families, whose lives will be forever altered by this incident. No amount of money will bring back those loved ones. However, in cooperation with Representative JACKSON, our committee is making an effort to ensure that the families have some added degree of comfort.

The bill is also intended to send a message to the State Department: protect your employees; and God forbid, if incidents like this occur again, be attentive and sensitive to the families.

This legislation will create a new program whereby the Secretary of State or the head of a relevant agency may compensate the relatives of a U.S. Government employee killed in an act of international terrorism up to eight times the individual's salary. The program would include foreign service nationals. It will also require the Secretary of State to retroactively compensate those U.S. Government employees killed in an act of terrorism since 1998, which would include the 12 victims in the Nairobi attack. Those victims will receive an award commensurate with the total aid package available to a victim of terror today under this amendment.

It saddens me that such legislation is necessary, but I am heartened that perhaps this legislative act will bring some small degree of closure to the families of the Nairobi bombing victims.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on August 7, 1998, American embassies in Nairobi, Kenya and Dar es Salaam, Tanzania were the target of almost simultaneous terrorist bombings, killing hundreds and wounding thousands of people.

Among those killed were 12 American Embassy employees and dozens of foreign service nationals. These public servants paid with their lives while performing their duties, and it is our responsibility to ensure that their families receive proper compensation.

I strongly support H.R. 2828, introduced by my distinguished colleagues Congressman JACKSON and our Republican whip, ROY BLUNT, which provides compensation to the families of the United States Embassy employees who perished due to acts of international terrorism.

This bill increases the death gratuity for foreign service officers and foreign national employees. It also authorizes additional compensation to family members of foreign service employees or government executive branch employees killed as a result of an act of international terrorism. It also requires the Secretary of State to provide compensation to foreign service employees killed in an act of international terrorism that occurred from 1998 to the date of the enactment of this act, including the victims of the Nairobi bombing.

I urge all my colleagues to support this bill and provide proper compensation to the families of the United States Embassy employees killed by brutal acts of international terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I would like to thank the majority whip, JIM CLYBURN, who assisted greatly in helping to move this bill forward through the Congress; and others, SHEILA JACKSON-LEE, who had a very strong interest in this legislation. We had been dealing with this for some time, ever since the tragedy occurred; and we have been looking forward to a vehicle that we could bring this very important legislation forward.

□ 1230

And so we really are appreciative of the fine work of Mr. CLYBURN and the principal sponsor of the legislation in the Appropriations Committee, Representative JESSE L. JACKSON, Jr., Second District of Illinois, a member of the Appropriations Committee, who put in tireless effort to bring this legislation forward.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank you, Chairman PAYNE, for the time.

Mr. Speaker, I rise in strong support of H.R. 2828, a bill to compensate relatives of U.S. citizens killed in the 1998 embassy bombings in Kenya and Tanzania.

I introduced this bill with Republican Whip ROY BLUNT, and it has solid bipartisan support, including 19 members of the Foreign Affairs Committee.

On August 7, 1998, an al Qaeda truck bomb exploded at the American embassies in Dar es Salaam, Tanzania and in Nairobi, Kenya. The embassy bombing in Nairobi killed 12 Americans serving their government. The Americans killed in the embassy bombings were, and Mr. BLUNT will now join me in calling their names, Sergeant Nathan Aliganga, United States Marine Corps; Consul General Julian Bartley; his son, Jay Bartley; Jean Rose Dalizu; Molly Huckaby Hardy; Staff Sergeant Kenneth Hobson II.

Mr. BLUNT. I thank the sponsor of the bill for not only allowing me to cosponsor it with him, but for allowing me today to assist and recognize the 12 individuals whose lives were lost in this terrible attack on our embassies. And let me do that now.

First of all, Prabhi Kavaler, Arlene Kirk, Dr. Louise Martin, Michelle O'Connor, Master Sergeant Sherry Lynn Olds from the Air Force, and Tom Shah.

Mr. JACKSON of Illinois. The State Department was negligent in not responding to concerns raised about the danger and exposure of the U.S. Embassy in Nairobi to a vehicle bomb attack. The U.S. intelligence community had been surveilling several al Qaeda associates in Nairobi for 2 years, yet that information was not shared with the diplomats bidding on assignments in Nairobi, Kenya. Prior to the attack, then-U.S. Ambassador Prudence Bushnell warned the State Department about the vulnerability of the Nairobi Embassy and requested more security.

Members of al Qaeda were convicted of the bombing in New York Federal District Court in 2001. Government witnesses at the trial testified that intelligence and security reports from several different sources had confirmed the presence of an al Qaeda cell in Nairobi and the likelihood that the location of the embassy exposed the employees to an attack given the proximity of the street, but the State Department failed to act on these intelligence reports.

The Accountability Review Board, established to examine the facts and circumstances surrounding the embassy bombings, found that the bombings were the result of a "collective failure of several administrations and Congresses over the past decade to invest adequate efforts and resources to reduce the vulnerability of U.S. diplomatic missions around the world to terrorist attacks."

Like the families of those killed on 9/11, the families compensated in H.R. 2828 also suffer a similar heartache and pain from an al Qaeda attack on U.S. soil. Several of the victims' children still suffer from serious emotional problems. However, unlike quick action taken by Congress and the executive branch to respond to the needs of families of 9/11, these families have waited more than 9 years without any meaningful compensation.

Former Secretary of State Albright has stated publicly that her administration failed to help the families because the attacks happened thousands of miles away and because the Department failed to respond to the pre-attack intelligence report of the serious threat of the al Qaeda organization in Nairobi and Dar es Salaam. Mr. Speaker, this bill is the very least that a grateful Nation can do.

I would like to thank Republican Whip ROY BLUNT and his staff member, Brian Diffel, for working with us on this bill. I would also like to thank CBC Chairwoman KILPATRICK and her staff member, James Williams; DAN BURTON and his staff member, Brian Fauls, as well as the committee staff of Chairman LANTOS, Chairman PAYNE and Ranking Member ROS-LEHTINEN for all the work they did on this bill.

I want to recognize the work of Karen Williams, counsel for the Nairobi Embassy families, and especially Consul General Bartley's daughter, Edith, who has brought this issue to the attention of the Congress and has worked tirelessly to get us to where we are today.

Mr. Speaker, present with us today in the House are members of the Bartley family, members of Ms. Kavaler's family, and members of the Kirk family. And I understand that it's not appropriate or within House rules to acknowledge specifically their location in the House Chamber, but they are here today on this momentous occasion.

Thank you, Mr. Chairman, for the time. I urge an "aye" vote on H.R. 2828.

Mr. POE. Mr. Speaker, I yield such time as he may consume to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT), the original cosponsor of this legislation.

Mr. BLUNT. I thank Mr. POE for the good work he has done on this legislation and the recognition today to be allowed to speak for a few minutes.

On August 7 of 1998, al Qaeda launched a devastating and meticulously coordinated attack on American people residing in foreign countries, but on American soil because they were at our embassies. On that day, 12 Americans and 200 Kenyans were killed at the U.S. Embassy in Nairobi, and another 11 lives were taken at Dar es Salaam, the former capital of Tanzania.

Though other indications existed, these bombings represented the clearest signs to date that Osama bin Laden had declared war on our country and its people. It was a declaration that fell largely on deaf ears, as my good friend, Mr. JACKSON, just pointed out and has been acknowledged by our government. Had we been paying closer attention to that declaration, it's possible that we could have been more prepared for the terrible attacks that day and those attacks that came just 3 years later.

The legislation before us today speaks to an issue I've been working on since 2002 when, at the time, I introduced and the House passed the Embassy Victims Compensation Act. At that time, my good friend MAXINE WATERS was my cosponsor and an active advocate in dealing with this issue, and the House as a whole stepped forward and dealt with this issue, now 5 years ago. It was our first effort at that time to recognize the profound sacrifices made by those Americans that have been mentioned here today, and just as important, that their families made and continue to make.

Today, we take a step toward completing the work this House started 5 years ago. The families of those who lost so much at the hands of al Qaeda deserve this bill, and I'm proud to have been involved in it.

I would also like to especially thank Congressman JESSE JACKSON, Jr., who has helped make this bill happen this year. He took up the mantle of the hard work that needed to be done; he was tireless in insisting that our Nation deal with this issue and deal with it now.

Along with JESSE JACKSON, I would like to recognize the incredible and patient work of Edith Bartley, who lost her father and her brother in the Nairobi attack. For almost a decade now, she has worked to point out the sacrifices made by our State Department personnel, as well as some of the shortcomings of that agency's treatment of her family and others both before and after the attacks.

Obviously, nothing we do today can replace those who were lost nearly a decade ago, but I'm hopeful that this effort, if nothing else, will demonstrate that we have not forgotten those who died in this horrific attack. And we will never forget the enduring lessons that we've learned from it.

Mr. PAYNE. I yield as much time as she may consume to the gentlelady from the 35th District of California, chairperson of the Financial Services Subcommittee on Housing and Community Opportunity, Congresswoman MAXINE WATERS.

Ms. WATERS. Thank you very much for yielding this time to me, Congressman PAYNE.

I rushed from my last appointment to be here because this is a day that we have waited for far too long. And I certainly appreciate all of the work that you have done, and certainly the work of Congressman JESSE JACKSON, Jr., and the work of Members on both sides of the aisle. And Congressman BLUNT is correct; we did coauthor this legislation I think some 6 years ago, but we have only been able to stick with this legislation because of one person, in my estimation, and that is Edith Bartley. She has walked these halls. She has lobbied. She has educated us. She has always been pleasant. She has been patient and cooperative. You couldn't have a better daughter. You couldn't have a better child. You couldn't have a better family member not only looking out for the family, but for all of the families who have not yet been treated fairly and compensated for what happened to them.

Mr. Speaker, as it was said, 9 years ago, on August 7, 1998, terrorists affiliated with al Qaeda bombed United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. These terrorist attacks were one of the first warnings of the threat posed by al Qaeda, the international terrorist organization that hijacked American airplanes and attacked the World Trade Center and the Pentagon on 9/11 6 years ago.

The embassy bombings in Nairobi killed over 200 United States Embassy employees, 12 of whom were United States citizens, and injured thousands more. The embassy bombing in Dar es Salaam, Tanzania killed 11 employees and injured over 80 people. The terrorist attacks of 9/11 killed nearly 3,000 innocent people.

The United States Government provided compensation to the families of the victims of the 9/11 attacks. It is, therefore, entirely appropriate that the United States be consistent and provide compensation to the families of the victims of the embassy bombings in East Africa 3 years earlier.

So, I urge all of my colleagues to support this bill. I offer my apology and the apology of many others because it has taken so long. My sympathies to the families of the victims of those embassy bombings, as well as all of the victims of al Qaeda's acts of terror. Let us move forward so that we can finally do the right thing.

Mr. PAYNE. Mr. Speaker, let me once again commend the combined effort on both sides of the aisle.

As you know, this has been lingering ever since it occurred. I recall meeting with the family, very devastated by the event, but I do recall, too, that the manner in which the Department of State dealt with the issue was in very, very poor taste.

The family persisted. And all of the families that suffered I'm sure today are pleased that the recognition for what their family members, those who joined the Foreign Service, those who said that they wanted to contribute their careers to serving the United States of America on foreign soils in diplomatic ways. And so we are extremely pleased that this bill has finally come to fruition.

Once again, I, too, commend Ms. Bartley, who has been in my office year in and year out in a pleasant and very persistent manner. As Congresswoman MAXINE WATERS said, she is just a gem for anyone to have as their daughter.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2828, to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States embassies in East Africa on August 7, 1998. I would like to commend my colleague, Congressman JESSE JACKSON, JR., for introducing this important and long-overdue legislation, and I would like to thank the Chairman of the Committee on Foreign Affairs, Congressman LANTOS, for his leadership on this important issue.

I have been pleased to work with Congressman JACKSON, and to cosponsor this bill, because I strongly believe that the relatives of the victims of the 1998 East Africa bombings have gone too long without the recognition and the compensation they need and deserve. I was also pleased to work with the Chairman of the Committee, Congressman LANTOS, to ensure that these families receive what they deserve.

Mr. Speaker, as you are well aware, in 1998 simultaneous bombs exploded at United States embassies in the East African capital cities of Dar es Salaam, Tanzania, and Nairobi, Kenya. These attacks, which killed hundreds of people, first brought international attention to Osama bin Laden and his al Qaeda terrorist network, and stand out as one of the worst anti-American terrorist attacks preceding September 11, 2001.

Mr. Speaker, nearly a decade later, the families of those victims who died in these bombings still have not been compensated. In contrast, after the catastrophic events of September 11, Congress acted relatively quickly to set up the September 11 Victim Compensation Fund, which paid out nearly $6 billion to 2,880 families of those injured on that catastrophic day. We have shown compassion toward those affected by terrorism, and we have shown that we can act with purpose and haste. It is now time to finally act to compensate the families of those who died in East Africa.

In the case of the Kenya bombings, a 2001 bipartisan review panel found no negligence per se, but did find that there was an "institutional failure . . . to recognize threats posed by transnational terrorism and vehicle bombs worldwide." The intelligence community had been monitoring several Al Qaeda associates in Nairobi for 2 years. That information was not shared with the diplomats bidding on assignments in Nairobi. Prior to the attack, then-Ambassador Prudence Bushnell warned the State Department about the vulnerability of the embassy and requested more security. Instead of properly addressing Bushnell's concerns, State replied: "go back to Nairobi, don't send any more cables about this or we are going to place a statement in your personnel file."

After this cavalier treatment of embassy officials in Africa, many of the relatives of those killed were treated dismissively by the State Department upon returning to the United States. Instead of compassion they found bureaucracy, and instead of recompense they found only red tape. Now, 9 years later, those families are still awaiting sufficient compensation. While no amount of money can bring back loved ones or heal the wounds this act of terrorism caused, we must make an effort to ensure that the families receive some degree of comfort.

This legislation would amend the Foreign Service Act to provide a death benefit to all U.S. Government employees abroad in U.S. diplomatic facilities who are killed in an act of international terrorism. It would retroactively require the Secretary of State to compensate those killed since 1998, including the Nairobi families, at ten times the salary of the highest paid employee in the embassy.

Mr. Speaker, this legislation recognizes one of the most tragic and unfortunate incidents in the history of the Department of State. We have waited too long to bring recognition and compensation to the families of those who perished in these tragic bombings. I am pleased to have worked with these brave families to bring this legislation, with a full compensation package, before the Committee today.

Mr. Speaker, I strongly support this legislation, and I urge my colleagues to do the same.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 2828, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1245

RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Natural Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Natural Resources Committee, effective today. I appreciated the opportunity to serve on this important committee and its jurisdictional prerogatives that affect the resources on Federal lands across our nation.

Sincerely,

KEVIN MCCARTHY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Agriculture Committee, effective today. I appreciated the opportunity to serve on this important committee and its jurisdictional prerogatives that affect the farmers, ranchers, and consumers of our nation.

Sincerely,

KEVIN MCCARTHY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ETHIOPIA DEMOCRACY AND ACCOUNTABILITY ACT OF 2007

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2003). to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethiopia Democracy and Accountability Act of 2007".

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) support the advancement of human rights, democracy, independence of the judiciary, freedom of the press, peacekeeping capacity building, and economic development in the Federal Democratic Republic of Ethiopia;

(2) seek the unconditional release of all political prisoners and prisoners of conscience in Ethiopia;

(3) foster stability, democracy, and economic development in the region;

(4) support humanitarian assistance efforts, especially in the Ogaden region;

(5) collaborate with Ethiopia in the Global War on Terror; and

(6) strengthen United States-Ethiopian relations based on the policy objectives specified in paragraphs (1) through (5).

SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.

The Secretary of State shall—

(1) provide financial support to local and national human rights groups and other relevant civil society organizations to help strengthen human rights monitoring and regular reporting on human rights conditions in Ethiopia;

(2) provide legal support, as needed, for political prisoners and prisoners of conscience in Ethiopia and assist local, national, and international groups that are active in monitoring the status of political prisoners and prisoners of conscience in Ethiopia;

(3) seek to promote and bolster the independence of the Ethiopian judiciary through—

(A) facilitation of joint discussions between court personnel, officials from the Ethiopian Ministry of Justice, relevant members of the legislature, and civil society representatives on international human rights standards; and

(B) encouraging exchanges between Ethiopian and United States jurists, law schools, law professors, and law students, especially in legal fields such as constitutional law, role of the judiciary, due process, political and voting rights, criminal law and procedure, and discrimination;

(4) establish a program, in consultation with Ethiopian civil society, to provide for a judicial monitoring process, consisting of indigenous organizations, international organizations, or both, to monitor judicial proceedings throughout Ethiopia, with special focus on unwarranted government intervention on matters that are strictly judicial in nature, and to report on actions needed to strengthen an independent judiciary;

(5) establish a program, in consultation with Ethiopian civil society, and provide support to other programs, to strengthen independent media in Ethiopia, including training, and technical support;

(6) expand the Voice of America's Ethiopia program;

(7) support efforts of the international community to gain full and unfettered access to the Ogaden region for—

(A) humanitarian assistance organizations; and

(B) independent human rights experts; and

(8) work with appropriate departments and agencies of the Government of the United States and appropriate officials of foreign governments—

(A) to identify members of the Mengistu Haile Mariam regime and officials of the current Government of Ethiopia who were engaged in gross human rights violations, including those individuals who may be residing in the United States; and

(B) to support and encourage the prosecution of individuals identified under subparagraph (A) in the United States or Ethiopia.

SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.

(a) STRENGTHENING LOCAL, REGIONAL, AND NATIONAL DEMOCRATIC PROCESSES.—The Secretary of State shall—

(1) provide assistance to strengthen local, regional, and national parliaments and governments in Ethiopia, as needed;

(2) establish a program focused on reconciliation efforts between the Government of Ethiopia and political parties, including in minority communities, in preparation for negotiation and for participation in the political process; and

(3) provide training for civil society groups in election monitoring in Ethiopia.

(b) DEMOCRACY ENHANCEMENT.—

(1) ASSISTANCE.—United States technical assistance for democracy promotion in Ethiopia should be made available to all political parties and civil society groups in Ethiopia.

(2) RESTRICTION.—

(A) IN GENERAL.—Nonessential United States assistance shall not be made available to the Government of Ethiopia if the Government of Ethiopia acts to obstruct United States technical assistance to advance human rights, democracy, independence of the judiciary, freedom of the press, economic development, and economic freedom in Ethiopia.

(B) DEFINITION.—In this paragraph, the term "nonessential United States assistance" means assistance authorized under any provision of law, other than humanitarian assistance, food aid programs, assistance to combat HIV/AIDS and other health care assistance, peacekeeping assistance, and counter-terrorism assistance.

SEC. 5. ENSURING GOVERNMENT SUPPORT FOR HUMAN RIGHTS, DEMOCRACY, AND ECONOMIC DEVELOPMENT IN ETHIOPIA.

(a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL RESTRICTIONS.—

(1) LIMITATION ON SECURITY ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), security assistance shall not be provided to Ethiopia until such time as the certification described in paragraph (3) is made in accordance with such paragraph.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to peacekeeping assistance, counter-terrorism assistance, or international military education and training for civilian personnel under section 541 of the Foreign Assistance Act of 1961 (commonly referred to as "Expanded IMET"). Peacekeeping or counter-terrorism assistance provided to Ethiopia shall not be used for any other security-related purpose or to provide training to security personnel or units against whom there is credible evidence of gross human rights abuses or violations.

(2) TRAVEL RESTRICTIONS.—Beginning on the date that is 60 days after the date of the enactment of this Act and until such time as the certification described in paragraph (3) is made in accordance with such paragraph, the President shall deny a visa and entry into the United States to—

(A) any official of the Government of Ethiopia—

(i) who has been involved in giving orders to use lethal force against peaceful demonstrators or police officers in Ethiopia; or

(ii) against whom there is credible evidence of gross human rights abuses or violations;

(B) security personnel of the Government of Ethiopia who were involved in the June or November 2005 shootings of demonstrators;

(C) security personnel responsible for murdering Etenesh Yemam; and

(D) security personnel responsible for murdering prisoners at Kaliti prison in the aftermath of the election violence in 2005.

(3) CERTIFICATION.—The certification described in this paragraph is a certification by the President to Congress that the Government of Ethiopia is making credible, quantifiable efforts to ensure that—

(A) all political prisoners and prisoners of conscience in Ethiopia have been released, their civil and political rights restored, and their property returned;

(B) prisoners held without charge or kept in detention without fair trial in violation of the Constitution of Ethiopia are released or receive a fair and speedy trial, and prisoners whose charges have been dismissed or acquitted and are still being held are released without delay;

(C) the Ethiopian judiciary is able to function independently and allowed to uphold the Ethiopian Constitution and international human rights standards;

(D) security personnel involved in the unlawful killings of demonstrators and others, including Etenesh Yemam, and Kaliti prisoners are held accountable;

(E) family members, friends, legal counsel, medical personnel, human rights advocates, and others have access, consistent with international law, to visit detainees in Ethiopian prisons;

(F) print and broadcast media in Ethiopia are able to operate free from undue interference and laws restricting media freedom, including sections of the Ethiopian Federal Criminal Code, are revised;

(G) licensing of independent radio and television in Ethiopia is open and transparent;

(H) Internet access is not restricted by the government and the ability of citizens to freely send and receive electronic mail and otherwise obtain information is guaranteed;

(I) the National Election Board (NEB) includes representatives of political parties with seats in the Ethiopian Parliament and the NEB functions independently in its decision-making;

(J) representatives of international human rights organizations engaged in human rights monitoring work, humanitarian aid work, or investigations into human rights abuses in Ethiopia are admitted to Ethiopia and allowed to undertake their work in all regions of the country without undue restriction; and

(K) Ethiopian human rights organizations are able to operate in an environment free of harassment, intimidation, and persecution.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the application of paragraph (1) or (2) on a case-by-case basis if the President determines that such a waiver is in the national security interests of the United States.

(B) NOTIFICATION.—Prior to granting a waiver under the authority of subparagraph (A), the President shall transmit to Congress a notification that includes the reasons for the waiver.

(b) TREATMENT OF POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE.—

(1) IN GENERAL.—The President, the Secretary of State, and other relevant officials of the Government of the United States shall call upon the Government of Ethiopia to immediately—

(A) release any and all remaining political prisoners and prisoners of conscience, especially prisoners held without charge; and

(B) allow full and unfettered access to the Ogaden region by humanitarian aid organizations and international human rights investigators.

(2) TORTURE VICTIM RELIEF.—While it is the responsibility of the Government of Ethiopia to compensate the victims of unlawful imprisonment and torture and their families for their suffering and losses, the President shall provide assistance for the rehabilitation of victims of torture in Ethiopia at centers established for such purposes pursuant to section 130 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States should—

(1) encourage the Government of Ethiopia to enter into discussions with opposition political groups interested in reconciliation in order to bring such groups into full participation in the political and economic affairs of Ethiopia, including their legalization as political parties, and provide such assistance as is warranted and necessary to help achieve the goal described in this paragraph; and

(2) provide assistance to promote the privatization of government owned or controlled industries and properties in Ethiopia.

SEC. 6. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHIOPIA.

(a) RESOURCE POLICY ASSISTANCE.—The President, acting through the Administrator of the United States Agency for International Development and in cooperation with the World Bank and other donors, shall provide assistance, as needed, for sustainable development of Ethiopia's Nile and Awash River resources, including assistance to help Ethiopia with the technology necessary for the construction of irrigation systems and hydroelectric power that might prevent future famine.

(b) HEALTH CARE ASSISTANCE.—The President, acting through the Administrator of the United States Agency for International Development, shall provide material support to hospitals, clinics, and health care centers in Ethiopia, especially hospitals, clinics, and health care centers in rural areas.

SEC. 7. REPORT.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report on the implementation of this Act, including a description of a comprehensive plan to address issues of security, human rights, including in the Ogaden region, democratization, and economic freedom that potentially threaten the stability of Ethiopia.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $20,000,000 for each of the fiscal years 2008 and 2009.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

Mr. Speaker, first let me thank Chairman LANTOS for his leadership in bringing this bill up and the ranking member, Ms. ROS-LEHTINEN, and the ranking member of the Africa and Global Health Subcommittee, Mr. SMITH, for H.R. 2003, the Ethiopia Democracy and Accountability Act of 2007.

Ethiopia is one of our most reliable allies as one of Africa's most capable peacekeeping forces and is making positive steps towards a prosperous economy and functioning democracy. However, Ethiopia continues to be a country riven with conflict that threatens to tear the country apart. Ethiopia took a major step backwards in the immediate aftermath of the 2005 general elections when the Prime Minister declared a state of emergency, outlawed any public gatherings, and placed all security forces under his direct command. While the government performed commendably in negotiations with opposition parties before the election, the response after the election set off a violent confrontation between the opposition and the government. The opposition accused the government of vote rigging and fraud and called for a public demonstration and civil disorder.

The government responded by ordering the security forces to fire live ammunition at demonstrators, killing some and detaining opposition leaders and their followers. In spite of continued negotiations between the government and the opposition, the political environment continued to deteriorate, resulting in regrettable death of civilians and police.

An estimated 112 political leaders, human rights activists, community leaders and journalists, including the founder of the Ethiopian Human Rights Council, were imprisoned and charged with treason and genocide. In spite of international pleas for more measured responses by the government towards its civilians, the Government of Ethiopia has continued to stifle and criminalize opposition activities and to intimidate and silence civil society and independent journalists.

The legislation before the House will withhold nonhumanitarian funds from the Ethiopian Government until democracy and respect for human rights are fully restored. It will send a strong signal of dissatisfaction toward the Ethiopian Government and increase pressure on the Ethiopian leaders to change. As I indicated, in leading up to the election, the government made debates available, opened up journalism and had the opposition candidates on equal footing. However, after the results, 193 people were killed, shot and murdered by sharpshooters.

So we are very disturbed. We urge our colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very, very strong support of the Ethiopian Democracy and Accountability Act. I am very happy that it has finally been brought to the floor. It is legislation that will limit and condition U.S. Government assistance on the Ethiopian Government provided that the government meets a very modest list of human rights benchmarks and provides financial support to human rights promoters in Ethiopia.

Mr. Speaker, the Ethiopian Democracy and Accountability Act is as timely now as it was last year, maybe even more so after the failure of so many attempts to promote human rights reform through dialogue and persuasion. It is clear that stronger measures are necessary, and they must come now. Human rights abuses have to be penalized.

Recently, Human Rights Watch reported that the Ethiopian Government, fighting an insurgency in Ogaden region, had forcibly displaced thousands of civilians in that region, burned villages and food stocks and imposed a trade blockade on the region. Just a few minutes ago in the Subcommittee on Africa and Global Health, we heard from a number of witnesses who told us very chilling tales. People who were there on the ground, human rights reporters on the ground were documenting the abuse that is being committed against people: rape, and a whole host of other gross indignities being committed, crimes against humanity by government forces.

Mr. Speaker, even the U.S. Department of State in its "Country Reports on Human Rights Practices for 2006" points out that there were numerous credible reports that security officials often beat or mistreated detainees. Massive arrests and detentions are common, the reports went on to say. Although the Ethiopian Constitution and law prohibit arbitrary arrest and detention, the government frequently did not observe these provisions in practice. Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in the outlying regions. The Independent Commission of Inquiry found that security officials held over 30,000 civilians incommunicado for up to 3 months in detention centers located in remote areas. Other estimates place the number of such detainees as high as 50,000.

This is only part of a long series of human rights outrages, Mr. Speaker, committed by Prime Minister Meles. On June 20, 2005, after an election that displeased the Prime Minister, almost 200 pro-democracy demonstrators in Addis were slaughtered when they demanded that there be a true accurate accounting of how people voted. It was a magnificent outpouring of Ethiopians. They voted. Eighty-five percent of the eligible voters poured out to vote despite much intimidation and despite the fact that many of the election observers all of a sudden were thrown out of the country by the Meles government, including NDI and the International Republican Institute. So they weren't there.

But despite all that, people voted, only to have, in many cases, their votes discounted by the government. Then, as people took to the streets to protest, like I said, almost 200 pro-democracy demonstrators were gunned down.

When I visited Ethiopia in August of that year and met with Prime Minister Meles, I urged him to investigate that atrocity, to punish those who were responsible and to release the political prisoners. Meles told me, I have a file on all of them, that is to say, all of the opposition leaders. He said, They are all guilty of treason. It is hard to put faith in the reformist intentions of a government official who says those kind of things.

Mr. Speaker, I believe that neither we nor the international community has pushed Meles hard enough on human rights and democracy issues because we have been satisfied perhaps that they cooperate with us to some extent in the war on terror. I would point out to my colleagues that the war on terror is very important, but no regime that terrorizes its own citizens can be a reliable ally in the war on terror. Terrorism isn't just a military issue. It is also a human rights issue. Terrorists come from countries where their governments fail to respect their human rights. In promoting human rights in Ethiopia, we are attacking terrorism at its root.

Mr. Speaker, I have come to know and admire many people from Ethiopia's great and ancient civilization. I ensure my colleagues that democracy, human rights, and rule of law are things that they desperately want for their country. It should be our country's policy to promote these important things which correspond with our own long-term interests.

Mr. Speaker, I urge my colleagues to support this bill; and, again, I congratulate my good friend and colleague from New Jersey (Mr. PAYNE) for his leadership on this very important issue.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, let me once again thank the gentleman from New Jersey (Mr. SMITH) who has worked so hard on this issue of Ethiopia. We are very pleased that today the proof it is coming to fruition is the fact that this bill is here on the floor. I, too, met with Prime Minister Meles in the summer of 2006 and asked if he would consider releasing the prisoners. He once again said that it is up to the judiciary. It is not in his hands. I then went to the Kality prison and met with two of the witnesses who just testified this morning Dr. Nega and Ms. Mideska, who appreciated the pressure and the insistence that we had through the years and because perhaps they would still be in prison. But they are here as free citizens testifying before the Africa and Global Health Subcommittee this morning.

So, once again, we have also in this bill made provisions to assist the Government of Ethiopia. We are saying that you need help in your judicial system, and there are funds in it for that, that we hope to get appropriated. We say the health system is in disrepair, and there are funds in it to help the health system. We say that there is a need for water projects, and in this bill there is financial assistance to help in the economic development.

So this is a bill that we are saying that Ethiopia is an ally of the United States. We need a strong Ethiopia. But we need a democratic Ethiopia, not an Ethiopia that is run by a dictatorial regime. So we are hoping that this bill will move forward and effect change in that great country with such a long and rich history.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the Ethiopia Democracy and Accountability Act of 2007. As an original cosponsor of this legislation, I commend the majority and minority managers and urge strong support for this measure to support human rights, democracy, independence of the judiciary, freedom of the press, peacekeeping capacity building, and economic development in the Federal Democratic Republic of Ethiopia; to collaborate with Ethiopia in the Global War on Terror; to seek the release of all political prisoners and prisoners of conscience in Ethiopia; to foster stability, democracy, and economic development in the region; and, finally, to strengthen U.S.-Ethiopian relations. This is a message not just to the leadership in Ethiopia, but also to the Secretary of State to take specified actions to support human rights and democratization in Ethiopia.

This important legislation expresses the sense of Congress that we should encourage the government of Ethiopia to enter into discussions with peaceful political groups to bring them into full participation in Ethiopia's political and economic affairs. We need to provide the necessary assistance to help achieve such a goal, so this legislation directs the President to provide Ethiopia with resource policy assistance and health care assistance. This legislation is crafted to seek a balance and return democracy to one of the African continent's oldest democracies.

Northern Virginia is home to one of the largest African immigrant populations in America, with significant numbers of Nigerians, Ethiopians, Eritreans, Somalians, and Ghanaians.

They both enrich our culture, and enrich our appreciation of what a return to democracy in Ethiopia could mean. Ethiopia's peoples—in my District, in our country, and in Africa are the proud representatives of a great and ancient civilization. I believe we have an opportunity and responsibility to them to help restore democracy, human rights, and the rule of law—goals they want desperately for their own country. It should be our country's policy as well to promote these objectives which correspond to our long-term interests.

What it ought not to mean was last summer's sentencing of 35 opposition politicians and activists to life in prison—in a case where the prosecution had asked for the death penalty against the defendants, who included Ethiopia's top opposition leaders. Those sentenced to life imprisonment include the leader of the Coalition for Unity and Democracy, Hailu Shawel; Berhanu Nega, who was elected mayor of Addis Ababa; former Harvard scholar Mesfin Woldemariam; and former U.N. special envoy and former Norfolk State University professor, Yacob Hailemariam.

Thus, this is an important step for the Congress to take to foster accountability for the actions the Ethiopian government has taken that undermine rule of law and fundamental political freedoms. It is an important act to restrict security assistance for Ethiopia until such time as the President certifies that, among other things, the government of Ethiopia has taken steps to release political prisoners, hold security forces accountable for human rights abuses related to the demonstrations of 2005, and the Meles regime is respecting freedom of speech and information and allowing human rights groups to operate without being harassed.

For, as our colleague CHRIS SMITH said, "Terrorism is not just a military issue; it is also a human rights issue. Terrorists come from countries whose governments failed to respect their human rights. In promoting human rights in Ethiopia, we are attacking terrorism at its roots." It is for this reason that the bill also contains provisions for economic assistance and health care assistance for victims of torture, and it authorizes $20 million in 2008 and $20 million in 2009 to carry out these provisions.

Equally important, this legislation is intended to promote accountability for the killing of innocent civilians by government security forces, to build the institutions of democracy, and to provide meaningful support for human rights and those who defend them in Ethiopia. It requires our Secretary of State to support human rights by establishing a mechanism to provide funds to local human rights organizations and victims' support networks to provide legal support for political prisoners and prisoners of conscience. In this legislation, we require the Secretary of State to put in place a means to identify and extradite members of the Mengistu regime currently residing in the United States. We are trying, through this effort today, to balance this demand for accountability by supporting democratization through directing the State Department to provide assistance to strengthen local, regional, and national democratic processes through training authorities, political parties, and civil society groups in negotiation skills, campaign management, and election monitoring. The legislation bars non-humanitarian assistance to Ethiopia if the ruling party obstructs U.S. efforts to provide human rights and democracy assistance and training within Ethiopia. It makes it illegal for members of the security forces who have committed human rights violations against civilians to receive U.S. security assistance training.

This bill does provide flexibility for the administration by providing a waiver the President can exercise to continue security assistance to programs with Ethiopia that support U.S. efforts on the Global War on Terror and the Ethiopians' efforts in United Nations peacekeeping and whatever is deemed necessary for the U.S. national interests.

Mr. Speaker, we cannot and must not remain silent, but rather we have an obligation to do much more in order to promote the rule of law and respect for fundamental freedoms in Ethiopia—a very proud country with a tremendous heritage and history. We want to see Ethiopia move back, as it has in the past, to being our good ally. We can no longer allow this situation to fester.

Mr. LAHOOD. Mr. Speaker, I rise today in support of H.R. 2003, the Ethiopia Democracy and Accountability Act of 2007. This important legislation authorizes $20 million for both FY 2008 and FY 2009 to provide economic support for Ethiopia, the oldest independent nation in Africa.

H.R. 2003 provides a framework for support programs designed to impact all aspects of Ethiopian society. The bill would provide financial support to human rights groups to continue their efforts in Ethiopia, as well as expand the Voice of America's Ethiopia program. The legislation would also provide economic development assistance, with a focus on meeting the healthcare needs of the Ethiopian people. The legislation also requires the President to submit a report to the Congress outlining a comprehensive plan to address Ethiopia's many economic, security, and human rights issues.

Perhaps most importantly, H.R. 2003 places a number of limitations on our country's dealings with the Ethiopian government, requiring that a number of benchmarks be met before the full support of the United States is realized. The Ethiopian Government must allow the media to operate freely; the judiciary must operate independent of government influence; all political prisoners must be released; internet access cannot be restricted; and human rights and democratization groups must be allowed to operate free of government interference.

I believe our country can be a positive and powerful influence to the Ethiopians, and I am thankful that this Congress has turned its attention to a people that struggle to achieve the basic human freedoms that we enjoy. I urge adoption of the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2003, the Ethiopia Democracy and Accountability Act of 2007, which I, together with over 80 of my colleagues, have co-sponsored. This important legislation reaffirms the United States commitment to supporting human rights, democracy, independence of the judiciary, freedom of the press, and economic development in the Federal Democratic Republic of Ethiopia.

I would like thank Chairman PAYNE for introducing this important legislation, and Chairman LANTOS for his leadership on this important issue. I was pleased to work with both Chairmen within the Committee on Foreign Affairs to incorporate important language into the bill at the committee markup. As amended, to reflect my language, I believe that this bill is an important and firm diplomatic step toward addressing our serious concerns with Ethiopia.

My language will work to bolster an independent judiciary in Ethiopia by encouraging exchanges between Ethiopian and United States jurists, law schools, law professors, and law students, especially in legal fields such as constitutional law, role of the judiciary, due process, habeas corpus, political and voting rights, criminal law and procedure, and discrimination. Mr. Speaker, Ethiopia's judicial system is making important strides forward, but it still requires our support and ongoing engagement. Such exchanges would be mutually beneficially to both American and Ethiopian legal students and professionals.

In addition, I am pleased to have successfully offered language that added exemptions for international military education and training for civilian personnel under section 541 of the Foreign Assistance Act of 1961, commonly referred to as "Expanded IMET," from the restrictions on security assistance until the Government of Ethiopia can certify it has met certain standards of human rights, democracy, and economic development. While I certainly believe these standards are crucial goals, and that we should be using our aid programs as an incentive for the government to meet these objectives, I also strongly believe that we must continue to fund crucial programs. IMET ensures that the military and related civilian personnel receive a range of necessary training, in important areas including human rights and military justice. I do not believe these crucial programs should be suspended, pending certification. Making sure that the military receives proper training, including in international standards and norms, is a crucial component to helping Ethiopia meet human rights specifications.

Finally, I offered language to provide assistance to promote the privatization of government industries and property. As Ethiopia transitions from a socialist structure to an open-market, I believe it is mutually beneficial for us to assist in this groundbreaking transformation. My language authorizes the President, acting through USAID, to provide assistance to promote the privatization of government owned or controlled industries and property in Ethiopia.

Mr. Speaker, though Ethiopia is currently on the road to democracy, I do not believe we should be treating the country with kid gloves. This is a path that should be paved with civil and political discourse, peaceful transitions of power, and respect for human rights. By necessity, the achievement of a modern democracy requires the implementation of electoral reforms, the separation of powers in the government, and the establishment of a truly independent judiciary. These are the founding principles of our American Republic, and I have seen firsthand the progress on the path to democracy Ethiopia has made since the brutal dictatorship of Mengistu Haile Mariam was brought down in 1991. I strongly believe that the United States should do all it can to support this transition, including bolstering civil society and speaking out when fundamental human rights are violated.

Mr. Speaker, Ethiopia is a leader in its region, and in the African continent, and has the potential to be a great global leader. However, years of fighting and alleged abuses are standing in the way of Ethiopia's progress. We need a roadmap toward establishing peace, stability, protection of human rights, and democracy in Ethiopia, and in the entire Horn of Africa region. This will necessitate addressing the ongoing lawlessness in neighboring Somalia, which continues to destabilize and threaten the entire region.

Ethiopia has a long and proud history. It is the cradle of mankind, as illustrated by "Lucy," also known as Dinkinesh (Amharic for "you are wonderful"), which is the nearly complete hominid skeleton discovered by archaeologists in the Awash Valley of Ethiopia on November 30, 1974. Lucy is estimated to have lived 3.2 million years ago and has redefined science's understanding of human evolution. I was happy to work with Texas State Senator Rodney Ellis, Ethiopian Ambassador Samuel Assefa, and the Houston Museum of Natural Science to bring Lucy to Houston, which is one of only 9 American cities and the only city in Texas to host the exhibit. The bones are currently on display in Houston, and will be until April 2008.

Ethiopia is also the oldest independent nation in Africa, has never been colonized, and is home to the African Union. Despite Ethiopia's rich history, however, this bill recognizes that recent decades have brought hardship and suffering to Ethiopia's people, through military conflict, natural disasters, and a military dictatorship.

For over a decade in the House of Representatives, and prior to that in the Houston city council, I have been an outspoken and unwavering advocate for the country of Ethiopia and its people, both in Ethiopia and in the diaspora. Following in the legendary footsteps of my predecessor, Mickey Leland, who died attempting to alleviate the starvation faced by Ethiopia's innocent populace, I have been a champion of increasing foreign aid to, political, economic, and social cooperation with, and improving human rights in Ethiopia.

While I continue to advocate close interaction and constructive dialogue with Ethiopia and its leaders, I believe the human rights situation there must be addressed. Of particular recent concern was the detention of elected parliamentarians, human rights advocates, and independent journalists and the harsh response to protesters after Ethiopia's recent unprecedented elections in 2005. In response to reports that thousands of prisoners languished in prisons throughout Ethiopia, I was proud to join a number of my colleagues in sending a letter to Secretary Rice, expressing our strong concern about the treatment of detainees.

In July, an Ethiopian court harshly sentenced 35 opposition leaders and activists to life in prison and denied them the right to vote or run for public office on charges of inciting violence. Although I was pleased to see the Court rebuff the prosecution's call for the death sentence against these defendants, I believe that the sentence of life imprisonment is still too severe a punishment.

However, I am heartened by the active role that elders such as Professor Ephraim Isaac played in the negotiations for these prisoners' release, and I was extremely pleased that these negotiations led to the release of these prisoners. Only through amnesty will the Ethiopian government and opposition leaders be able to secure a path to reconciliation rather than assuring a future of political divisiveness.

This legislation reaffirms the United States commitment to supporting Ethiopia as it builds the necessary institutions and civil society framework for a successful democracy. It contains a number of important provisions directing the Department of State to provide mechanisms for supporting and monitoring the promotion of human rights and democracy within Ethiopia.

Mr. Speaker, I believe that we in Congress should focus on the pursuit of truth. It is extremely important that we seek truthful accounts of what is going on in Ethiopia, and in the entire Horn of Africa region, and that we use these reports to develop a roadmap that will guide Ethiopia along the path to democracy and greater guarantees for human rights. This roadmap must be characterized, above all, by firm diplomacy.

I would like to conclude by reiterating my firm belief in the extreme importance of supporting the strengthening of democracy and human rights in Ethiopia.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 2003, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1300

COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE ACT

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3432) to establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Abolition of the Transatlantic Slave Trade Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) On March 2, 1807, President Thomas Jefferson signed into law a bill approved by the Congress "An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States" (hereinafter in this Act referred to as the "1808 Transatlantic Slave Trade Act") and made it unlawful "to import or bring into the United States or territories thereof from any foreign kingdom, place or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such. . .as a slave, or to be held to service or labour".

(2) Article I, Section 9 of the United States Constitution clearly spelled out that the international slave trade could not be banned before 1808, and it is only on January 1, 1808, that the 1808 Transatlantic Slave Trade Act went into effect.

(3) An Act entitled "An Act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy,' and also to make further provisions for punishing the crime of piracy", enacted May 15, 1820, made it unlawful for any citizen of the United States to engage "in the slave trade, or . . ., being of the crew or ship's company of any foreign ship . . ., seize any negro or mulatto . . . with the intent to make . . . a slave . . . or forcibly bring . . . on board any such ship . . . .".

(4) The transatlantic slave trade entailed the kidnapping, purchase, and commercial export of Africans, mostly from West and Central Africa, to the European colonies and new nations in the Americas, including the United States, where they were enslaved in forced labor between the 15th and mid-19th centuries.

(5) The term "Middle Passage" refers to the horrific part of the transatlantic slave trade when millions of Africans were chained together and stowed by the hundreds in overcrowded ships where they were forced into small spaces for months without relief as they were transported across the Atlantic Ocean to the Americas.

(6) During the Middle Passage, enslaved Africans resisted their enslavement through non-violent and violent means, including hunger strikes, suicide, and shipboard revolts, the most historically-recognized events taking place on board the Don Carlos in 1732 and on board the Amistad in 1839.

(7) Scholars estimate that, at a minimum, between 10,000,000 and 15,000,000 Africans survived the Middle Passage, were imported as chattel through customs houses and ports across the Americas, and were sold into slavery.

(8) The thirteenth amendment to the Constitution of the United States recognizes that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.".

(9) The slave trade and the legacy of slavery continue to have a profound impact on social and economic disparity, hatred, bias, racism, and discrimination, and continue to affect people in the Americas, particularly those of African descent.

(10) In 2007, the British Parliament marked the 200th anniversary of the abolition of the slave trade in the former British Empire with plans launched by the Department for Education and Skills which provided joint funding of £910,000 ($1,800,000) for the Understanding Slavery Initiative, and the Heritage Lottery Fund announced awards of over £20,000,000 ($40,000,000) for projects to commemorate the anniversary.

(b) PURPOSE.—The purpose of this Act is to establish the Commission on the Abolition of the Transatlantic Slave Trade to—

(1) ensure a suitable national observance of the bicentennial anniversary of the abolition of the transatlantic slave trade by sponsoring and supporting commemorative programs;

(2) cooperate with and assist programs and activities throughout the United States in observance of the bicentennial anniversary of the abolition of the transatlantic slave trade;

(3) assist in ensuring that the observations of the bicentennial anniversary of the abolition of the transatlantic slave trade are inclusive and appropriately recognize the experiences of all people during this period in history;

(4) support and facilitate international involvement in observances of the bicentennial anniversary of the abolition of the transatlantic slave trade; and

(5) study the impact of the transatlantic slave trade on the United States and the Americas.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "Commission on the Abolition of the Transatlantic Slave Trade" (referred to in this Act as the "Commission").

SEC. 4. MEMBERSHIP, DUTIES, AND RELATED MATTERS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—

(A) The Commission shall be composed of 9 members, of whom—

(i) 3 shall be appointed by the Speaker of the House of Representatives;

(ii) 2 shall be appointed by the majority leader of the Senate;

(iii) 2 shall be appointed by the minority leader of the House of Representatives; and

(iv) 2 shall be appointed by the minority leader of the Senate.

(B) Each appointing authority described in subparagraph (A) shall appoint the initial members of the Commission not later than 30 days after the date of the enactment of this Act.

(2) QUALIFICATIONS.—Members of the Commission shall be individuals with demonstrated expertise or experience in the study and program facilitation on the transatlantic slave trade and the institution of slavery as it relates to the United States and the Americas.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(4) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) as many times as necessary; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its initial meeting.

(C) NOTICE OF MEETINGS.—All Commission members shall be given reasonable advance notice of all Commission meetings.

(D) APPOINTMENT OF CHAIRPERSON AND EXECUTIVE DIRECTOR.—Not later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall—

(i) designate 1 of the members as Chairperson; and

(ii) select an executive director as described under subsection (d)(2).

(5) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the members of the Commission, which includes at least 1 member appointed pursuant to clause (iii) or (iv) of paragraph (1)(A), shall constitute a quorum for conducting business but fewer members may meet or hold hearings.

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the bicentennial anniversary of the abolition of the transatlantic slave trade;

(B) facilitate commemoration-related activities throughout the United States;

(C) encourage civic, historical, educational, religious, economic, and other organizations, as well as State and local governments, throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States;

(E) assist in the development of appropriate programs and facilities to ensure that the bicentennial anniversary of the abolition of the transatlantic slave trade provides a lasting legacy and long-term public benefit;

(F) support and facilitate marketing efforts for the issuance of a commemorative coin, postage stamp, and related activities for observances;

(G) facilitate the convening of a joint meeting or joint session of the Congress for ceremonies and activities relating to the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States;

(H) promote the sponsorship of conferences, exhibitions, or public meetings concerning the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States;

(I) coordinate and facilitate the sponsorship of high school and collegiate essay contests concerning the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States; and

(J) examine reports of modern-day slavery and human trafficking to raise the public's awareness of these matters and ensure such atrocities do not go unnoticed by the people of the United States.

(2) INITIAL REPORT.—Not later than March 31, 2009, the Commission shall submit to the Congress a report containing a summary of the activities of the Commission for 2008.

(c) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and gift items related to the transatlantic slave trade, the institution of slavery, and the significance of slavery to the history of the United States;

(2) appoint such advisory committees as the Commission determines necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act (except that any contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of the termination of the Commission); and

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) BASIC PAY.—Members of the Commission shall not receive compensation for the performance of their duties on behalf of the Commission.

(B) TRAVEL EXPENSES.—Upon approval of the Chairperson, a member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business in the performance of their duties on behalf of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission shall, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform its duties.

(B) EXECUTIVE DIRECTOR.—

(i) QUALIFICATIONS.—The person appointed executive director shall have demonstrated expertise or experience in the study and program facilitation on the transatlantic slave trade and the institution of slavery, particularly as it relates to the United States.

(ii) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the members of the Commission.

(C) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(D) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) NON-APPLICABILITY OF FACA.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 5. TERMINATION.

(a) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2009.

(b) FINAL REPORT.—Upon termination, the Commission shall submit to the Congress a report containing—

(1) a detailed statement of the activities of the Commission; and

(2) a final accounting of the funds received and expended by the Commission.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank the chairman of the committee, Mr. LANTOS, for moving this bill through expeditiously, and also the cooperation of our friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for assisting in the moving of this bill through our committee.

Let me say that January 1, 2008, will mark the 200th anniversary of the Act to Prohibit the Importation of Slaves, which effectively ended the legal transatlantic slave trade. I am proud to be the sponsor of H.R. 3432. The Bicentennial Abolition of the Transatlantic Slave Trade Commemoration Commission Act of 2007, is the total title, to honor the victims and survivors of the transatlantic slave trade.

The bill before us establishes a commission to cultivate and preserve the memory of a grave injustice in American history, the transatlantic slave trade, and to mark the trade's conclusion at the hands of our President at that time, Thomas Jefferson.

In the early years of the Republic, the transatlantic slave trade constituted a thriving economic vein of the United States. By 1807, millions of Africans had been captured and transported to the Americas on notorious slave vessels. We may recall "Roots." The 30th anniversary of that is being lived out now, which so vividly showed that era. As a matter of fact, it was the most watched series on television, even today.

Many individuals perished as a result of torture, including rape, malnutrition and disease. Those who survived faced miserable prospects of a lifetime of bondage. Few Americans are aware that captured slaves resisted their enslavement until the bitter end.

During the Middle Passage, enslaved Africans defied their slave masters through nonviolent and violent means, including hunger strikes, suicide, and shipboard revolts, the most historically recognized events taking place on board the *Don Carlos* in 1732 and on board the *Amistad* in 1839, that famous case that was defended by John Quincy Adams, who argued and won the case and had the enslaved people released in Connecticut.

On March 3, 1807, President Thomas Jefferson signed into law the Transatlantic Slave Trade Act, which prohibited the importation of slaves into any port or place within the jurisdiction of the United States. The bill was nothing short of revolutionary. It single-handedly outlawed the longstanding and brutal trade of transporting Africans to the United States.

In commemoration of President Jefferson's act and to explore the impact of the slave trade on the United States, we will move this legislation which is drafted that will establish the 200th Anniversary Commemoration Commission.

This important body will be tasked with the mandate to plan, develop and execute programs and activities appropriate to commemorate the 200th anniversary of the abolition of the transatlantic slave trade, which we will tend to start talking about "slave trade" as "enslaved people," which is a new definition that is starting to be used. Slaves are now considered people who were enslaved people.

The mission is timely, and the subject is critical. The United States is a primary voice on trafficking issues today, and we are aware also that the principal advocate for human rights and freedom around the world that we stand so strongly behind. Our Nation's willingness to confront its past and calmly assess the impact of enslaved people on the United States strengthens our ability to serve as an advocate on the international stage. I strongly urge the support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the poet Maya Angelo once said, "History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again." I find these words fitting as we consider H.R. 3432 today.

For over 200 years, countless Africans died in brutal conditions during the so-called Middle Passage, the overseas voyage of their lives to enslavement in America. The United States formally prohibited the importation of slaves nearly 200 years ago, although the institution of slavery persisted in this country for another 50 years afterwards.

This bill will establish a commission to ensure that this important anniversary is appropriately commemorated within the United States and also abroad. In essence, the bill seeks to ensure that all Americans, no matter their age, race, gender, culture, or even religion, are afforded the opportunity to learn more about the institution of slavery and its vestiges so that we may understand this tragic aspect of history.

While we cannot unlive our past, it is hoped that this commission will promote greater tolerance and understanding among all Americans, while shedding light on the fact that slavery still exists in the modern world. Yes, even 200 years after the transatlantic slave trade was abolished, slavery still goes on. It exists through human trafficking and wherever any group of people is systematically robbed of its fundamental human rights.

So I stand in support of H.R. 3432, in the hopes that this commission will help Americans confront the past with honesty, while committing themselves to the eradication of modern-day slavery in all of its forms, no matter where it may be found.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, let me once again thank all of those responsible for moving this bill through. As you recall, it was in 1807 that slavery was abolished in England through the work of Mr. Wilberforce, who for 20 years argued against slavery in the British Parliament. A resolution was passed this year by Mr. PITTS commending the abolition of slavery in Great Britain and commending Mr. Wilberforce for his work as a great abolitionist. So we are pleased that this will give us time to commemorate, to investigate, to remember those who had this difficult period of time.

As has been indicated, even though transatlantic slavery was abolished in 1807, slavery continued. As a matter of fact, even in the North, and our State has found records that even after the Emancipation Proclamation and as late as 1866, the last slave was freed in New Jersey. Many people are unaware of the fact that there was slavery in New Jersey, which abolished slavery, but you had to be 25 as a man and 21 as a woman, and any children born of a union had to remain in slavery. Therefore, people remained in slavery up through after the Emancipation Proclamation, which only freed slaves in the Confederacy.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished chairman of the committee. I rise enthusiastically to support the present legislation on the floor, because we have had a rocky time, Mr. Speaker, over the last couple of months, and we have raised in the current light that race and history are not relevant.

I am grateful that the most powerful lawmaking body in the world has now come to the floor to acknowledge the slave trade and all of the ramifications, from its beginning to its ending, because we have been told over the last couple of months that there is no concern to a young African American male still being incarcerated in the State of Georgia and that race is not an issue. We have been told that there is no problem to the existence of the Jena Six, and that race is not an issue. Likewise, we have been told that inequity in our school systems that impact heavily on African American and other minorities is not an issue of race, and many times it is. So to be able to rise to debate this question of recognizing the impact of slavery and the slave trade and its relationship to our international allies and their history with it is extremely important.

Might I, in my comments, as I support the underlying bill, thank the chairman for his leadership. I thank Congresswoman BARBARA LEE. I particularly thank the chairman for his leadership on remuneration.

On the previous bill, very briefly, I would like to acknowledge my support for the remuneration of those families that suffered in the tragedy of the African Embassies, who did not get a response, did not get coverage, did not get a response from the Federal Government for 9 years after this tragic incident where they lost their loved ones.

Mr. Speaker, I thank the chairman of the full committee and other members of the full Committee on Foreign Affairs for understanding that the moneys had to be raised to compensate for the grief and pain that these particular family members now hold dear to their heart. That legislation was long in coming, and it is crucial that we did it under this Democratic majority Congress. We pressed the administration to sign it.

Then I would finally like to comment, Mr. Speaker, that my delay was because we had a hearing, at the same time as this legislation, on Ethiopia. Having just come back from Ethiopia, I know how hard Mr. PAYNE has toiled. I, frankly, am concerned on the recent legislation that I know has just passed that we would have an indictment of a chairperson who has shown nothing but love and affection for the continent of Africa.

I said in my remarks that we need to be big boys and girls. The world arena of diplomacy is a tough business, and we need to be able to have tough love. We need to be able to love the people of Ethiopia and its opportunities, but we likewise need to know that we need to be able to promote human rights, we need to be able to have an independent judiciary, we need to be able to have a move toward democratization and a recognition of the brilliance of Prime Minister Meles.

But we have to address the concerns of the people, and I am grateful that amendments that I offered in that legislation now on the floor were accepted, that we have greater exchange between U.S. and Ethiopian judiciary, that we begin to look at changing property ownership from Ethiopia to the people. I saw that firsthand in Ethiopia. And in the discussion we had in the committee, it is important that we look at the Somalia-Ethiopian border and the people caught up in that crisis and begin to fight for humanitarian rights.

That is crucial. I believe that this legislation that passed just prior to my coming to the floor, I believe the legislation on the terrorist victims whose families were lost in the African Embassies 9 years ago, and this legislation, begins to address nationally and internationally that America understands that this Congress will not abnegate its responsibility to, one, affirm its commitment to the continent of Africa, but also to understand the questions of race, and that race should not be negated for the crisis that we face.

Mr. Chairman, let me thank you for your leadership and also for the acceptance of my amendments regarding the Ethiopian bill. I still, in the name of Mickey Leland, have a love and affection for Ethiopia and will continue to work with a degree of tough love with Ethiopia. I hope that the message that came forward, that you can't be harsh, you have to handle it with kid gloves, is very tricky and that it does not keep us from fighting for those incarcerated, fighting for those who are in need of humanitarian needs, and affirming the value of Ethiopia as it fights with us in the war against terror, and in Sudan. Why should we be afraid to give tough love? It will help the people of Ethiopia. That is what we are looking for.

Ethiopian Americans, bring us your roadmap so that we can work together and make not only the United States the best country in the world, but work with Ethiopia as it aspires to be a shining star of democracy on the continent.

Mr. Speaker, I rise today in strong support of H.R. 3432, the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade of 2007, which I am proud, along with over 90 of my colleagues, to cosponsor. This legislation recognizes the 200th anniversary of the Transatlantic Slave Trade, and it establishes the rubric from which the Commission, to be known as the "Transatlantic Slave Trade 200th Anniversary Commission," shall be formed.

I would like to thank my distinguished colleague, Congressman PAYNE, for introducing this important legislation, as well as the Chairman of the Committee on Foreign Affairs, Congressman LANTOS, for his leadership on this issue.

Mr. Speaker, though 200 years have passed since the abolition of the Transatlantic Slave Trade, the legacy of slavery continues to have a profound impact on American society. The legacy of social and economic disparity lives on, as do hatred, bias, and discrimination. Despite two centuries of progress, the African American community continues to feel the impact of the Transatlantic Slave Trade, and subsequent years of racism and persecution.

While our Nation has pursued the ideals of liberty and equality for all, there still remain steps that must be taken in order to ensure that even such a dark piece of our Nation's history be preserved and its conclusion at the hand of President Thomas Jefferson be celebrated.

Mr. Speaker, the bill before us establishes a commission to cultivate and preserve the memory of a grave injustice in American history, we must recognize and in some small way try to rectify our past. In the early years of the Republic, the transatlantic slave trade constituted a thriving economic vein of the United States. By 1807, millions of Africans had been captured and transported to the Americas, many perishing as the result of torture, rape, malnutrition, and disease. It was not until March of 1807 that President Thomas Jefferson signed into law "An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States," a Congressionally approved bill intended to end the heinous practice of the transatlantic slave trade.

It is in commemoration of President Jefferson's revolutionary act, and to explore further the impacts of the slave trade on our Nation that H.R. 3432 establishes the 200th Anniversary Commemoration Commission. This import commission will be composed of 11 congressionally appointed members charged with the task of planning, developing, and executing programs and activities appropriate to commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

January 1, 2008 will mark the 200th anniversary of the "Act to Prohibit the Importation of Slaves." The United States today serves as a moral compass for the rest of the world and as such we must provide a voice for human trafficking issues. Our willingness to confront our Nation's past and to address the impacts of the slave trade and its legacy on the Unites States strengthens our undeterred commitment to serving as an advocate for human rights and freedom in the international community.

I strongly urge my colleagues to join me in supporting this important legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3432 which establishes the 200th Anniversary Commission of the Abolition of the Transatlantic Slave Trade. It was 200 years ago in 1807, when first the British Parliament and then the U.S. Congress abolished the then 300 year old practice of forcibly removing Africans from their homes along the Western coast of that continent to provide free labor for the empires of Europe in the New World.

The triangular trade would link the peoples of Africa, Europe and the Americas in a chain of blood, power, money, imperialism and despair and set the tone for our modern day relationships as none of our ancestors were left untouched by its sheer brutality.

By the time it was all over, the world's first massive attempt at globalization, would profoundly change it from corner to corner and would leave behind many of the social reverberations of race, class and poverty that we as a world community struggle with today.

As we recognize this momentous anniversary and the way it has shaped the lives of African descendants in the Western Hemisphere, and as one of those descendants I want to take the opportunity to call attention to the end of enslavement of Africans in my own district, the U.S. Virgin Islands, which was then the Danish West Indies. The abolition of the slave trade did not immediately end slavery. It was not until 1848 in response to an uprising by enslaved Africans demanding emancipation that slavery was ended there. It is a day which we celebrate on July 3rd of every year, and this year will be the 160th Anniversary of that important event.

As we approach that anniversary it is relevant to note the dialogue that the people of the Virgin Islands and the people of Denmark have embarked upon regarding reparations—not in terms of monetary compensation, but in education, restoration and reconciliation efforts that can finally close that sad chapter of our history and our relationship. While discussions have not taken place at a government to government level, we anticipate that these will begin in the near future and we look forward to the opportunities this could make available to both sides.

Mr. Speaker, returning to the resolution before us, it is important that we mark the end of this dark period in world history and human relations and that we study and commemorate the events that led up to the beginning, the middle and the end of slavery. It is important that the civic, historical, educational, religious and economic activities planned on the state and national levels be used for the American people to look back and seek understanding of that time and the legacy that it has left behind.

As we commemorate with speeches and conferences and exhibitions, let us remember that there is still human trafficking taking place today and that we should be as adamant and as vigilant as our forbears of 200 years ago, in seeing to its end.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in honor of H.R. 3432, the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade Act of 2007. The transatlantic slave trade was the forcible capture and procurement of more than 12 million Africans. These men, women, and children were transported in bondage from their African homelands to the Americas for the purpose of enslavement between the sixteenth and late nineteenth centuries. The actual transport is often referred to as "The Middle Passage." During this transition, many Africans suffered abuses of rape and perished as a result of torture, malnutrition, disease, and resistance. If these individuals survived the trip, their fate was a life of slavery.

I recently visited Ghana. During this trip, I toured the former slave dungeon, Cape Coast Castle. I also had the opportunity to stand in the "Door of No Return" where captives were held with little light, water, and absolutely no toilet facilities. Over 125 million West Africans died during the Middle Passage, and more than one-third of the people captured died within the first 3 years of their life on a plantation. The importance of this legislation lies in the fact that the slave trade and the legacy of slavery continue to have a profound impact on social and economic disparity, hatred, bias, racism, and discrimination. This legislation underscores the fact that the legacy of the slave trade continues to affect people of African descent today. One of the key purposes of this act is to ensure a suitable national observance of the 200th anniversary of the end of the transatlantic slave trade. By sponsoring and supporting commemorative programs, we raise awareness of the transatlantic slave trade and its effects, as well as recognize the experiences of all people during this period in history. I strongly urge my colleagues to support H.R. 3432 in creating this commission that would not only celebrate the abolition of the transatlantic slave trade, but also educate citizens regarding a significant part of our Nation's history.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 3432, an excellent bill that commemorates the abolition of the Transatlantic Slave Trade.

This year marks a very important anniversary in history—the 200th anniversary of the enactment of the Transatlantic Slave Trade Act. It was in 1807 when then President Thomas Jefferson signed into law this vital Act. Nearly 200 years prior, in 1619, twenty Africans arrived in Jamestown, Virginia aboard a Dutch ship. This was the beginning in America of the atrocity of slavery which unfortunately lasted for more than 2 centuries.

While America was in deep turmoil over the morality of slavery, William Wilberforce, a Member of the U.K. Parliament, led the campaign to abolish the transatlantic slave trade in Britain. This great man was a statesman, an avowed and practicing Christian, and a champion of the underprivileged.

Early on, Wilberforce wrestled with whether he should pursue a calling from God or serve as a driving force in the House of Commons. He successfully accomplished both. Wilberforce was an example of faith in action, modeling that we do not have to abandon our values to be effective in our jobs—whether as a business owner, nurse, mechanic, working mom or Member of Congress.

We must stand up for our beliefs and fight passionately for our causes. We must not betray our values or our faith, and never cease to help those in need. On the 200th anniversary of the 1807 abolition of the U.K. and U.S. slave trade, we should reflect on the greatness of those who stood up for what was right and true—even though it was not popular.

It wasn't until 1865 that slavery in the United States was abolished through the passing of the Thirteenth Amendment. Then President, Abraham Lincoln, helped push the bill through Congress. Earlier in his presidency, he issued the Emancipation Proclamation freeing all slaves. He believed this was "the central act of my administration, and the great event of the nineteenth century."

While slavery ended, discrimination continued. It is my hope that we will remember the struggles of this great Nation and continue our efforts to stand for what is right. We can build momentum and engage communities to find new ways to improve our culture.

I am honored each day to serve in the U.S. House of Representatives and stand faithfully for what is right. It is a privilege to cast my vote in favor of a bill that honors a great moment in our history.

I look forward to today's passage of H.R. 3432.

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Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 3432, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to establish the Commission on the Abolition of the Transatlantic Slave Trade.".

A motion to reconsider was laid on the table.

CONGRESSIONAL ACCOUNTABILITY ACT AMENDMENTS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3571) to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING FORMER OFFICE OF COMPLIANCE EMPLOYEES TO SERVE IN APPOINTED POSITIONS WITH OFFICE.

Section 301(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(d)(2)(B)) is amended by striking "legislative branch," and inserting "legislative branch (other than the Office),".

SEC. 2. PERMITTING ADDITIONAL TERM FOR EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF OFFICE OF COMPLIANCE.

(a) IN GENERAL.—

(1) EXECUTIVE DIRECTOR.—Section 302(a)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1382(a)(3)) is amended by striking "a single term" and inserting "not more than 2 terms".

(2) DEPUTY EXECUTIVE DIRECTORS.—Section 302(b)(2) of such Act (2 U.S.C. 1382(b)(2)) is amended by striking "a single term" and inserting "not more than 2 terms".

(3) GENERAL COUNSEL.—Section 302(c)(5) of such Act (2 U.S.C. 1382(c)(5)) is amended by striking "a single term" and inserting "not more than 2 terms".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual who is first appointed to the position of Executive Director, Deputy Executive Director, or General Counsel of the Office of Compliance after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 3571.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Office of Compliance is an independent agency that was tasked by Congress to oversee the administration of the Congressional Accountability Act, which provides congressional and legislative branch employees with workplace protections enjoyed by other Federal and private sector workers.

Being responsible for the oversight of 12 workplace protection, health care, labor and civil rights laws is a huge task that requires a well-seasoned and experienced staff. Unfortunately, when the Congressional Accountability Act was signed into law in 1995, the law barred the Office of Compliance from promoting from within. This lack of flexibility threatens to impact the effectiveness of the office by preventing them from building on the expertise gained by certain personnel.

This legislation would lift the current ban on hiring former legislative branch employees within 4 years of their appointment to the Office of Compliance, as well as allowing for the reappointment of executive staff for one additional term. Congress passed legislation during both the 108th Congress and 109th Congress to temporarily address the issue of reappointment. Both pieces of legislation, H.R. 5122 and H.R. 3071, were noncontroversial and passed both Chambers unanimously.

Let us continue to provide the Office of Compliance with the tools needed to carry out their mandate of ensuring that all of our workers' rights are protected.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3571, which provides needed flexibility for the Office of Compliance to fill critical positions within the office and to maintain institutional knowledge within the office.

The Office of Compliance provides an important function in the legislative branch. It is charged with administering and enforcing the Congressional Accountability Act. The act, one of the first considered and passed by the 104th Congress with the new Republican congressional majority, required Congress to comply with the same employment and workplace safety laws that applied to the private sector, including the Americans with Disabilities Act, Occupational Safety and Health Act, and the Family and Medical Leave Act.

Current law governing the office places limits on the appointment and tenure of the staff and board. These limits, placed in part to preserve the integrity and independence of the office, have unfortunately resulted in the board's inability to fill vacancies with the best-qualified candidates.

In addition, GAO has recommended, and the board agreed, that Congress amend the law to allow for reappointment of board members and staff to an additional term in the office to maintain institutional continuity and to "prevent the loss of critical organizational knowledge" within the office.

This bill is a commonsense adjustment of current law, and I recommend my colleagues support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3571.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Protective Service Guard Contracting Reform Act of 2007".

SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—The Secretary of Homeland Security may not award a contract for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

(c) IMPLEMENTATION.—In this section, the term "Secretary" means the Secretary of Homeland Security acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume, and I would like to note that I am here for the gentlewoman from the District of Columbia (Ms. NORTON) and if she does come in, I will relinquish my duties.

But in the meantime, Mr. Speaker, this bill, H.R. 3068, as amended, is the result of two oversight hearings held by the Transportation and Infrastructure Committee that examined the role of Federal Protective Service, FPS, in providing security for our Nation's public buildings. There was evidence of serious allegations of wrongdoing, chaos, and irregularities in contracting employment of private security guards who protect Federal employees and facilities.

This legislation intends to preserve the security of the country's most sensitive buildings. Due to the security needs of a Federal building, it is surprising that an individual with a felony conviction would hold a contract for security services in a Federal building.

This bill codifies the commonsense approach to providing security for Federal buildings. Specifically, this bill directs the Secretary of Homeland Security not to award any security guard contracts through the Federal Protective Service to any company that is owned, controlled, or operated by a convicted felon. The bill would ensure that contractors are capable, responsible and ethical as required by the Federal Acquisition Regulations.

Contract security officers are a critical component of Federal strategies to protect the safety and security of Federal employees, visitors to Federal buildings and the surrounding community. Given the critical role these guards play in Federal security, this bill will hold owners of companies who provide security to Federal buildings to the highest standards. I urge all Members to vote for H.R. 3068, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I don't have any other speakers and I am going to talk about the bill, but I know it is Ms. NORTON's bill and she may want to say something before I do. I would reserve the balance of my time and would like to speak after her if that is all right.

Mr. BRADY of Pennsylvania. I ask unanimous consent to relinquish control of the time to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Missouri, and particularly thank the gentleman from Pennsylvania in my absence for assuming the responsibility because I was at a hearing on Blackwater.

H.R. 3068, as amended, the Federal Protective Service Guard Contracting Reform Act of 2007, ensures that Federal Protective Service guard contractors are "capable, responsible, and ethical," and those are the words of the regulation. I want to thank Chairman OBERSTAR for facilitating early consideration of this bill, and for the leadership on both sides, including the Subcommittee on Economic Development, Public Buildings, and Emergency Management Ranking Member GRAVES for understanding its importance and for their efforts in support of the bill.

The Federal Protective Service Guard Contracting Reform Act prohibits the Secretary of the Department of Homeland Security from contracting with any security guard service that is owned, controlled or operated by an individual who has been convicted of a felony. The bill would eliminate proxy operation by felons who are relatives, spouses or others.

H.R. 3068, as amended, is a result of two oversight hearings Mr. GRAVES and I held that examined the role of the Federal Protective Service in providing security for the Nation's public buildings. There was evidence of serious allegations of wrongdoing, chaos and irregularities in the contracting and employment of private security guards whose mission it is to protect Federal employees and facilities.

Our subcommittee worked closely with appropriate Department of Homeland Security officials to eliminate the backlog in payments to guards and to correct FPS mismanagement that risked the security of Federal employees and visitors. FPS guards, like guards employed by the Federal Government, these security guards are used on our most sensitive buildings, including here in the Nation's Capital and the National Capital region where your most secure facilities are located.

Therefore, it was surprising to learn that an individual with a felony conviction would hold a contract for security services in a Federal building, especially here, but frankly anywhere in the United States in the post-9/11 climate.

It was clear that this bill was necessary when our subcommittee learned at a hearing in June that an FPS security guard contractor had failed to pay 600 DC area Federal security officers and to make other important benefit payments to pensions, health benefits and the like. Our subcommittee intervened when an action by the FPS and the Immigration and Customs Enforcement, a division of DHS where FPS is placed, was reported to us.

The effects on the security of employees, visitors and the Federal agencies alike could not be ignored in today's post-9/11 climate.

We are indebted to the contract security officers who continue to work to protect Federal workers, the visiting public and the work sites, as well as to their unions. As a result of the subcommittee's June hearing, we learned that an individual who had served 5 years in prison for money laundering and fraud was a de facto owner of a private security business despite Federal law barring felons from owning companies that do business with the Federal Government. In fact, it was the felon, not his wife, who came forward to defend the company after it failed to pay the 600 DC-based guards despite receipt of funds for payment from the FPS. His testimony concerning his operational control of the company was nothing short of a case study in evasion of existing law by taking advantage of obvious loopholes.

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His company has, of course, since been dismissed. H.R. 3068, as amended, strengthens existing requirements and prohibits all proxy ownerships by felons, including control or operation by an individual who has been convicted of a felony.

H.R. 3068, as amended, reminds us that we must not lose sight of the mission of private contract guards who serve the Federal Government to guard Federal employees and sites as vital as nuclear plants and military posts against terrorism and crime. The example of unpaid contract guards and apparent misuse of Federal funds that had been directed to pay them demonstrated why these contractors must be required to have a satisfactory record of integrity and business ethics. H.R. 3068, as amended, codifies this important requirement.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3068, introduced by Subcommittee Chairwoman NORTON, adds an additional level of security to our Federal buildings by prohibiting the Federal Protective Services from awarding contracts to convicted felons.

I would like to commend Chairwoman NORTON for her commitment to the security of Federal buildings, government employees and visitors. She probably has more than anybody else in the House.

The protection of the employees and visitors at Federal buildings remains a high priority. This legislation will increase the standards of safety and security for Federal properties across this country.

The Federal Protective Service serves as one of the first lines of defense for our Federal buildings. We entrust the security of Federal courthouses and buildings and their employees and visitors to FPS personnel. From day-to-day security screening, to protection from riots and terrorist attacks, the FPS force plays a vital role in facilitating the work of the Federal Government.

The Federal Protective Service employs more than 1,000 trained employees and more than 15,000 contract security guards. H.R. 3068 prohibits FPS from contracting with security firms that are owned or operated by convicted felons. It's a very simple measure. The security of Federal buildings must be managed by those that have the best interests of the American people in mind.

This legislation will ensure the integrity of the forces protecting our Federal buildings, and I urge my colleagues to join me in supporting H.R. 3068.

Mr. Speaker, I think this is a fantastic idea, and again, I want to applaud Chairwoman NORTON for the work that she's done on this, again, to push it through.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his kind words to me and for his work with me on the committee.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3068. This bill represents an important step in ensuring the safety of Federal employees and all those who work in and visit our Federal buildings.

I thank the Delegate of the District of Columbia (Ms. NORTON), chair of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for bringing this issue to the attention of the Committee on Transportation and Infrastructure and for quickly developing and advancing, in a bipartisan manner, a remedy.

On April 18, 2007, the committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". The hearing probed the Department of Homeland Security's plans to cut the presence of Federal Protective Service, FPS, officers nationally. The reliance on contract security guards to protect Federal buildings is a troubling trend.

H.R. 3068 prohibits the award of contracts to provide guard services under the contract security guard program of the FPS to any business that is owned, controlled, or operated by an individual who has been convicted of a felony. The bill directs the Secretary of Homeland Security to promulgate regulations within 6 months to implement the provisions of this act.

This bill offers a common sense way to ensure that security contracts that provide an essential service are awarded only to contractors who are "capable, responsible, and ethical" as required by the Federal Acquisition Regulations.

I support this bill and urge its passage.

Ms. NORTON. I have no further speakers, and I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3068, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 33 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 3 p.m.

EXPRESSING SENSE OF CONGRESS REGARDING THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DAW AUNG SAN SUU KYI

Mr. LANTOS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 200) expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 200

Whereas on August 15, 2007, Burma's ruling military junta, the State Peace and Development Council (SPDC), cancelled fuel subsidies resulting in the quintupling of the price of fuel which had an immediate and damaging impact on the living conditions of the Burmese people and Burma's already devastated economy;

Whereas on August 19, 2007, in reaction to this crippling measure, prominent student and democracy leaders peacefully took to the streets in Rangoon and elsewhere to protest the draconian action of the military junta in Rangoon; during the subsequent weeks, protests continued in Rangoon, and spread to other cities and towns throughout Burma, including Mandalay, Sittwe, Pakokku, Tounggok, Yehangyaung;

Whereas the growing numbers of protestors peacefully demanded democratic reforms and the release of 1991 Noble Peace Prize Winner Daw Aung San Suu Kyi and all political prisoners and prisoners of conscience;

Whereas Buddhist monks actively participated and increasingly led these peaceful demonstrations, culminating in an estimated 100,000 people marching through Rangoon on September 24, 2007; in response to this largest protest since the 1988 demonstrations which were brutally crushed by the Burmese military by firing on unarmed civilians, the Burmese regime threatened to "take action", indicating the junta's willingness to significantly increase the level of violence used against the Burmese people;

Whereas on September 25, 2007, the Burmese junta imposed a 60-day (9pm-5am) curfew and a ban on gatherings of more than five people and moved military forces into strategic locations;

Whereas on September 26, 2007, the Burmese military opened fire on protesting crowds who bravely continued to peacefully demand democratic reforms; the continuing vicious attacks on Buddhist monks and other peaceful protesters, who were simply demanding human rights, democracy, and freedom, led to the reported deaths of 200 people and hundreds of injured to date; democracy and human rights groups further estimate that over 2,000 individuals have been arrested, imprisoned, or tortured as part of this violent crackdown;

Whereas members of the international and Burmese media covering the protests, including a Japanese photojournalist, have also been killed, injured, or imprisoned by the Burmese Government;

Whereas the Burmese military junta tried to hide from the world community its indiscriminate attacks on peaceful protestors by severely restricting the use of the Internet, phone lines, and radio and television equipment, making it extremely difficult to gauge the full extent of the government's crackdown on Buddhist Monks and other peaceful demonstrators;

Whereas on September 27, 2007, the United Nations Security Council held an emergency session in response to the brutal crackdown and Special Envoy Ibrahim Gambari updated the Security Council on the situation in Burma; as a result of the Security Council meeting, United Nations Secretary General Ban Ki-moon ordered Special Envoy Gambari to visit the region; on September 30, 2007, Special Envoy Gambari arrived in Burma and was able to meet with Daw Aung San Suu Kyi;

Whereas the Burmese regime has mobilized all its resources, including armed soldiers stationed in all strategically important locations throughout the country, including religious centers, and has made it impossible for peaceful protesters to gather;

Whereas the rapid growth of spontaneous demonstrations into the largest Burmese protests in the last two decades should not come as a surprise given the human rights record of the regime over the past two decades;

Whereas the ruling military junta in Burma has one of the worst human rights records in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor;

Whereas the Burmese regime has destroyed more than 3,000 ethnic villages, displaced approximately 2,000,000 Burmese people, more than 500,000 of which are internally displaced, and arrested approximately 1,300 individuals for expressing critical opinions of the government;

Whereas in 1990, the State Law and Order Restoration Council (SLORC), the military junta in Burma, which renamed itself the State Peace and Development Council (SPDC) in 1997, nullified the victory of the National League for Democracy (NLD);

Whereas NLD leader Daw Aung San Suu Kyi was not allowed to assume the office of Prime Minister and was subsequently placed under house arrest;

Whereas Daw Aung San Suu Kyi was released in July 1995, yet once again placed under house arrest in September 2000;

Whereas following a second release, Daw Aung San Suu Kyi and several of her followers were attacked by a government-sponsored mob on May 30, 2003, and she was then imprisoned at Insein Prison in Yangon;

Whereas on May 16, 2007, more than 50 world leaders sent a letter demanding the release of Daw Aung San Suu Kyi, a demand repeated by United Nations Secretary-General Ban Ki-moon, 14 United Nations human rights experts, the European Union, the United States, the Association of Southeast Asian Nations (ASEAN), and the foreign ministers of three ASEAN member states, yet on May 27, 2007, her detention was extended; and

Whereas for her non-violent struggle for democracy and human rights, Daw Aung San Suu Kyi received the Nobel Peace Prize in 1991: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the despicable crackdown on peaceful protesters in the strongest possible terms and demands that the Burmese junta end its violent crackdown on dissent;

(2) demands that the People's Republic of China and other countries that provide political and economic support to Burma's military junta end such support until the Burmese regime's violent campaign against peaceful protest has ceased and the Burmese Government has fully met the political demands of the Burmese opposition;

(3) firmly insists that Burma's military regime begin a meaningful tripartite political dialogue with Daw Aung San Suu Kyi, the National League for Democracy, and ethnic nationalities toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(4) demands the immediate and unconditional release of Daw Aung San Suu Kyi, detained Buddhist monks, and all other political prisoners and prisoners of conscience;

(5) calls on governments around the world, including the nations of the European Union and the Association of Southeast Asian Nations (ASEAN) to severely tighten their sanctions regimes against Burma, including through the imposition of import bans such as maintained by the United States, with the goal of denying the Burmese ruling junta with hard currency to continue its campaign of repression;

(6) calls on the United Nations Security Council to immediately pass a resolution imposing multilateral sanctions on Burma's military regime, including a complete arms embargo, and to take other appropriate action to respond to the growing threat the State Peace and Development Council (SPDC) poses in Burma;

(7) calls on the United States Government to work with its global partners to bring to justice those Burmese military and government leaders who have ordered or participated in any massacre during or after the protests, or who may be guilty of crimes against humanity; and

(8) calls on the members of ASEAN to immediately suspend Burma's membership in such organization as a response to the violent crackdown on political protesters.

SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Madam Speaker, the images from Burma that have flashed across our television screens over the past two weeks have stirred the conscience of the entire civilized world. Buddhist monks draped in their simple crimson robes, peacefully gathering to press for change. Rangoon citizens pouring from their homes to join their holy men, their numbers swelling to over 100,000. Sandals hurriedly abandoned in the road as peaceful marchers were chased away by baton-wielding police. Soldiers firing automatic weapons into unarmed crowds. The charred body of a Buddhist monk, slain by the ruling junta, lying face down in a pool of dirty water stained crimson with his innocent blood.

These indelible images, Madam Speaker, will not soon fade, nor will the anguished cry to us made by the leader of the Burmese Democratic movement, Noble Laureate Aung San Suu Kyi, and I quote her: "Use your liberty to promote ours."

So today, Madam Speaker, we use our liberty here in the Congress of the United States to condemn the violent crackdown on dissent in Burma. We use our liberty to call for the release of Aung San Suu Kyi, the imprisoned Buddhist monks, and all other Burmese prisoners of conscience. And today we use our liberty here in the Congress of the United States asking our friends in Asia and Europe to join us in using economic leverage to promote democratic change in Burma.

Since the last bloody crackdown in Burma 17 years ago, we in the United States have led the way in imposing tough economic sanctions against the ruling junta. Each year, I ask my colleagues to join me and my good friend PETER KING of New York in renewing import sanctions against Burma, and each year this Congress, under both Republican and Democratic control, has responded overwhelmingly to our request.

But Burma's elite will only feel the economic squeeze when other countries join us. The enormous flow of aid and trade from China to Burma, not to mention China's political support for the regime in the United Nations Security Council, must come to an abrupt end. The military packages for Burma offered by the world's largest democracy, India, must be removed from the table. And our friends in ASEAN, the Association of Southeast Asian Nations, who have begun to speak out for democratic change in Burma, must move beyond words and suspend Burma's membership in this very important regional organization.

Madam Speaker, when the generals run out of cash, change will come to Burma. When military officials cannot send their children to be educated abroad, change will come to Burma. And when the Burmese officials are no longer welcome at the table of ASEAN, change will come to Burma.

And to those Burmese military officers who are on the fence deciding whether to join in the violent campaign of repression or to refuse orders to kill and torture your fellow citizens, I have a simple message: Do the right thing. As in Germany, as in Rwanda, as in Yugoslavia, those who commit war crimes will be brought to justice before an International Criminal Tribunal. Put yourself on the right side of history.

The crimes committed by this junta, Madam Speaker, stretch far beyond the atrocities of the past few days. This regime has systematically used rape as a means of war against ethnic minorities. Recently released satellite images show that it has burned and destroyed entire villages. And since the regime nullified the democratic elections in 1990 won by Aung San Suu Kyi, it has arbitrarily arrested and tortured dissidents, real and imagined, by the thousands.

Just a few days ago, the world caught a brief glimpse of Aung San Suu Kyi peaking out of the gate of her home, which has become her virtual prison. Today, we stand with Aung San Suu Kyi, this courageous woman, demanding her freedom, demanding the freedom of all those prisoners of conscience in Burma, and demanding far-reaching democratic change.

Change will not come overnight to Burma, but it will come, and it will be my great pleasure to join our distinguished Speaker, NANCY PELOSI, a true champion for human rights around the globe, in witnessing the inauguration of Aung San Suu Kyi as the true prime minister of a free Burma.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

First of all, let me thank Congressman KING for offering this very important resolution, and my good friend and colleague, Chairman LANTOS, for bringing this to the floor, as well as ILEANA ROS-LEHTINEN, who serves very admirably as the ranking member.

This is a very important and very timely resolution. Chairman LANTOS has been speaking out on behalf of Burma and human rights in Burma for years, and this today is another expression of our collective bipartisan support for the beleaguered pro-democracy activists in that country.

Madam Speaker, the shocking, unprovoked actions of Burma's brutal regime in recent days are part of a long history of repression by that country's dictators. The wanton bloodshed, Tiananmen Square-like, was just another serious manifestation of hate and cruelty by the junta in Rangoon.

Members will recall, that in 1988 Burmese military forces slaughtered several thousand peaceful demonstrators, sending even more into hiding in the hills and border areas. The military regime took no heed of international criticism of these crimes and continued to suppress the most basic freedoms of its people.

When the National League for Democracy won control at the ballot box, the generals nullified that election and harassed, tortured and killed parliamentarians and pro-democracy activists. They also harassed, incarcerated and put under house arrest Nobel Peace Prize winner Aung San Suu Kyi, one of the greatest people on Earth.

Meanwhile, in 1998, Madam Speaker, a 19-year-old student from my district, Michelle Keegan, traveled to Burma to commemorate in a peaceful way with other pro-democracy activists the 10th anniversary of those 1988 massacres. She and others were locked up, convicted and sentenced to 5 years imprisonment. Her only crime was to distribute pamphlets calling for democracy in Burma. As a matter of fact, it was a very small business card. Very small. They handed those out, and for that she got 5 years.

I travelled to the region at the time in an effort to help negotiate the release of these young people, including my constituent. I repeatedly was denied a visa to enter Burma, but from Bangkok remained in close contact with the U.S. Embassy in Rangoon, and others as we were pressing for the release of Ms. Keegan and the five other Americans.

Together, along with family members of the detainees and others, we made these dictators understand that the whole world, including the U.S. Congress and the American people, were watching and would somehow hold them accountable. In response to international pressure, the government soon released them and then expelled them from the country. She and those other Americans were the lucky ones. Others from other countries regrettably spent long periods of time in jail.

Sorry to say, the members of the junta in Rangoon are not people who readily listen to reason. This body has addressed the situation in Burma several times over the years. I chaired a hearing on human rights abuses in Burma in September of 1998, and we shed further light on these issues in February of 2006 at a hearing entitled "Human rights in Burma. Where are we now and what do we do next?"

Clearly we need to do more. Yes, we have sanctions. Chairman LANTOS is the prime sponsor of legislation imposing sanctions on Burma. But, unfortunately, the other countries, the ASEAN countries and other countries of the world, have not followed suit the way they ought to.

We need to be united in this effort. That is when we will get the junta to stand up and take notice, especially when the PRC does something other than enable and facilitate these abuses.

Madam Speaker, now as the courageous Burmese people again dare to demonstrate peacefully for change in their society, the junta has once again unleashed the military, killing more of their people and imprisoning at least 700 Buddhist monks and 500 others. Former prisoners in Burmese jails have told us at hearings and at meetings of the torture, humiliation and deprivation that they experienced.

One called it the closest thing to hell on Earth that he could imagine. We have good reason to fear that those who are arrested in recent days, that they too now are spending time in hell.

So we have a duty, Madam Speaker, an obligation, to speak out in the face of these outrages. We need to call in the strongest way possible for the restoration of democracy and the restoration of human rights in Burma and the unconditional release of Aung San Suu Kyi.

Those with interests in Burma, especially the Chinese government, would like to turn a blind eye to these continuing abuses. China may be happy to have another egregious human rights abuser in the spotlight deflecting attention as it prepares to host the world for the Olympics amidst its own repression. But we must hold the Chinese accountable, as well, at home and abroad, and they need to step up to the plate and do what they can to stop this terrible repression in Burma.

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Madam Speaker, I wholeheartedly endorse this resolution. I ask my colleagues and the global community to act to end the suffering in Burma and bring about democratic reforms that the Burmese people so desperately desire.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the author of the resolution, the distinguished gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I am proud to stand today in support of H. Con. Res. 200. Let me thank at the outset Mr. SMITH for the work he has done for so many years for the cause of human rights in so many countries, often at great risk to himself. I thank him for that, and we all admire him for his tenacity. I have a special regard for the chairman of the committee, Mr. LANTOS, who is cosponsoring this resolution with me and has been such an outspoken advocate of freedom and human rights in Burma for so many years. Even when it is not on the television screens and the eyes of the world are not watching, Mr. LANTOS has been there, dedicating himself to this issue; and I have been privileged to be able to work with him on this.

Madam Speaker, as terrible as the atrocities have been in Burma over the past 6 to 7 weeks, the fact is this is unfortunately merely an extension of the type of tyrannical behavior which has characterized the junta in Burma for almost two decades now. This is a junta which tramples upon human rights. They use rape and torture and murder as an instrument of policy.

When we see the hundreds of innocent, freedom-loving people who have been murdered over the past several weeks, who have been tortured and arrested and abused, when we see the innocent Buddhist monks who have been shot down, when we see that communication into and out of Burma has been shut off by the junta, we can only assume the worst.

That is why it is incumbent upon the international community to speak with one voice, as we are speaking with one voice here in Congress. This is not a Republican or Democratic issue, or majority or minority issue. It is a world issue, an issue of human rights. For all of these years Daw Aung San Suu Kyi has been in prison or under house arrest and now imprisoned again, she has become a symbol of that fight. When we talk about symbols, often we forget these are real human beings who are paying the price for being symbols of freedom and justice and who are willing to put their lives and their freedom on the line.

That is why this resolution calls for her release and the release of all of the political prisoners and an end to the repressive actions of the Burmese junta. In saying this, as Mr. LANTOS and Mr. SMITH have said, yes, the United States has been at the forefront of this. But it is so important for neighboring countries now to step forward, especially China and India.

When we think of China, which is going to be hosting the Olympic Games and is trying to clean up its image in the eyes of the world, is attempting to project itself as a true country on the world scene, the fact is if China continues in any way to support Burma, to be silent in the face of what the junta is doing, it really puts a cloud and a tarnish over whatever image China is attempting to establish for itself. And that will be kept in mind by world governments as we approach the Olympic Games next year. So it is essential that China step forward and work with the world community, work with the United States, work with the United Nations, work with countries in the region to put pressure on the junta in Burma to ease, stop and, end its oppressive tactics.

As Mr. LANTOS said, we are also sending a very clear signal to the military leaders, the officers, in Burma who are part of this junta, telling them that the world will hold them responsible for what they do. The world will hold them accountable.

As Mr. LANTOS knows better than anyone in this House, we saw what happened when military leaders in Germany felt they could go forward and do what they were ordered to do and carry out those atrocities against innocent people. Nuremburg showed that is not a permissible defense. Similarly, it will not be a permissible and acceptable defense for the military leaders in Burma who continue to carry out these atrocities. They just can't say, We were following orders.

So our message to Daw Aung San Suu Kyi is that we stand with you. Our message to the Buddhist monks is we stand with you. Our message to the oppressed people of Burma is that we stand with you. And our message to the Government of China is we are watching what you are going to do as far as putting pressure on the junta. And our message to the military leaders in Burma is the world is watching you and will hold you accountable and will know what you did. You will face justice when this is over, depending on whether you did the right or you continued to carry out the atrocities ordered upon you.

So with that, I strongly urge the adoption of H. Con. Res. 200. I applaud the fact that the House of Representatives is speaking with one voice. We have put partisanship aside. We stand as one and have put differences aside. I thank Mr. LANTOS and Mr. SMITH for the leadership they have shown over the years. I urge adoption of the concurrent resolution.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the gentleman from New York, as well as Chairman LANTOS, for his leadership on this issue.

Fort Wayne, Indiana, my hometown, is estimated to have 2,000 or 3,000 people from Burma, the greatest number of refugees from Burma in the United States. Many are coming in directly. Many are coming through Washington and Los Angeles and heading to Indiana because of our job situation. It is important to note because as Americans become more internationally aware, just like in Iraq there are different groups, and in Afghanistan there are different groups, it is important to say "people of Burma" because the Mon and other subgroups were persecuted by the Burmese inside Burma.

What they all agree on is the current situation in Burma is intolerable. The violent suppression of Buddhist monks and the peaceful demonstrators in Burma, they want the immediate, unconditional release of Daw Aung San Suu Kyi who is their elected leader. They all know she is the elected leader. Regardless of the differences they have in their country, they elected a leadership and worked together, like what we are trying to do in Iraq and like what we are trying to do with the different tribes in Afghanistan. They chose a leader, and then the leader was locked up.

In 1990, Daw Aung San Suu Kyi was rightfully elected, and the junta placed her under arrest. This has been going on for 18 years. She has been locked up for 12 of the 18 years since the election.

In Fort Wayne, I hear many stories as I talk to individuals who have talked to their relatives who have lived in concentration camps, in effect, more refugee camps; but at times they felt both abused by the Thai Government that wants to move them back to Burma, by the Burmese Government that is trying to chase them out. They have been abused in the camps. They have been raped in the camps, and they have had their money stolen in the camps.

We have a huge challenge in America, and it is speaking to broader questions than just Burma, which is how to handle situations, because our area has also become in the top three of refugees from Darfur. One of the challenges we are having is Catholic Social Services has come to me and said we don't have the support system to handle, and the State Department has come back and said what do you want to do, leave the people in the refugee camps? They aren't doing well in the refugee camps.

We have to understand that we no longer live in an isolated world. What happens in Burma and the demonstrations you are seeing in Burma and the persecution of the people in Burma, the terrible tragedies in Darfur, what happens in Iraq and Afghanistan impacts all of us. It impacts us in our hometowns. If we are going to be the Nation that welcomes immigrants, there is only so much we can handle, and we need to put international pressure on some of these countries to handle their own regional problems. This resolution helps us move in that direction.

They have to have changes in Burma. It is not only unfair to the people who come to the United States; it is unfair to the people trapped in the camps. It is unfair to the monasteries being emptied out in Burma, and it is unfair to the people being persecuted throughout Burma. If we don't stand up and force some changes for human liberties in Burma, we are going to face another type of .catastrophe like is happening in Darfur while the world watches.

Mr. LANTOS. Madam Speaker, before yielding to our distinguished Speaker, I would like to say a word comparing our Speaker to the subject of this resolution, Daw Aung San Suu Kyi.

These are two extraordinary women of deep courage and commitment, but there is one profound difference in their political lives: when Members of this body elected NANCY PELOSI as Speaker of this House, she assumed that position. When the people of Burma elected Daw Aung San Suu Kyi to serve as their Prime Minister, she was subjected to onerous imprisonment and persecution for almost two decades.

It gives me a great deal of pleasure and pride to yield such time as she may consume to the Speaker of the House of Representatives, an indefatigable fighter for human rights and the champion of a fellow woman political leader, Daw Aung San Suu Kyi.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time and thank him for his leadership in bringing this resolution to the floor. I thank him for mentioning my name in the same breath with Daw Aung San Suu Kyi. You compliment me, Mr. Chairman. You and I know that the sacrifice she has been making for so many years is incomparable, really, in the world.

For many years, many of us, CHRIS SMITH, DANA ROHRABACHER, JOHN PORTER when he was here, worked on this issue for a very long time. JOHN PORTER and Chairman LANTOS co-chaired the Human Rights Caucus, and the issue of Daw Aung San Suu Kyi and repression in Burma was and has been an important priority for them.

So today we are coming together again following this horrible crackdown in Burma, and I am pleased to rise in support of the resolution condemning that crackdown on the peaceful protesters in Burma and calling for the immediate release of Burma's democracy leader, a Nobel Peace Prize recipient, Daw Aung San Suu Kyi. I thank Mr. LANTOS for bringing this resolution to the floor.

Daw Aung San Suu Kyi for many decades has been a leader on this issue. She won the last democratic election in 1990 and has spent the last decade under house arrest away from her husband and her two children. Who in the world could have the courage and strength that she has had? When her husband was ill and was in the United Kingdom for his treatment, she could not visit him. When he passed away, she could not attend his funeral. Imagine the personal sacrifice of this great leader. Imagine the turmoil within her. But she understood that the democracy for all of the people of Burma was more important than the personal needs that she had for her family. What greatness.

She has seen her supporters beaten, tortured and killed; and, yet, she has never responded with hatred and violence. All she ever asked for was peaceful dialogue.

Others have mentioned some of the provisions of the legislation, and I think it is important to continue to mention them: condemn the crackdown. Mr. KING particularly emphasized the role of China in all of this. And, yes, we should act in a bipartisan way, Mr. KING.

This resolution demands that the People's Republic of China and other countries that provide political and economic support for Burma's military junta end such support.

This resolution firmly insists that Burma's military regime begin a meaningful tripartite political dialogue with Daw Aung San Suu Kyi, the National League for Democracy, and ethnic nationalities; demands the immediate unconditional release of Daw Aung San Suu Kyi, detained monks and other political prisoners and prisoners of conscience; calls on governments around the world, including the nations of the European Union and the Association of Southeast Asian Nations, to severely tighten their sanctions regime against Burma; calls on the United Nations Security Council to immediately pass a resolution imposing multilateral sanctions on Burma's military regime.

Of course, this cannot happen without China's cooperation on the Security Council. That is why their role is so important. It is also important because of the role they have played in propping up the junta. I am disappointed but not surprised that China is using its veto power at the United Nations Security Council to block the condemnation of the recent crackdown. For many years, the Chinese Government has helped prop up the Burmese, I think of them as thugs, but the Burmese regime, by blocking multilateral sanctions and providing substantial economic and military assistance to the Burmese Government.

China is Burma's largest trading partner, and it is estimated that China controls more than 60 percent of the Burmese economy and has provided close to $3 billion in military aid since the early 1990s.

□ 1530

Simply said, the Burmese regime would not have the strength and power that it has absent the support of China. We're calling on China to use its influence to bring about a political negotiation with the pro-democracy activists. This is a golden opportunity for China to show that it can be a force for peace and stability in the world.

In the last few weeks, we all know that we've seen an extraordinary turn of events in Burma. This has been there for a long time. The repression has been there for a long time, but in these last few weeks, courageous people led by Buddhist monks have taken to the streets to stand up to a corrupt, illegitimate military regime that has repressed the country for nearly 20 years.

The ruthless crackdown is outrageous, and the international community must not stand by while peaceful protesters are arrested, beaten and murdered.

Let there be no doubt that the United States stands with the freedom-seeking people of Burma in their just cause.

President Bush is to be commended for supporting tougher sanctions on those responsible for the gross violations of human rights. We can and should go further in bringing diplomatic pressure to bear on the regime. I know we all look forward to working closely with the President on this as we go forward.

And so I again commend Aung San Suu Kyi as years ago, she called on individuals, organizations and governments to support Burma's democracy movement, and at that time, she said please use your liberty to promote ours.

Today, on the floor of the United States House of Representatives, we are doing just that. I commend Aung San Suu Kyi for her courage and her leadership. The people of Burma are rising up and demanding their country back. The world must meet this challenge to our conscience.

I thank again Mr. LANTOS and Mr. SMITH and all of my colleagues, in a bipartisan way, in support of democracy in Burma.

Mr. SMITH of New Jersey. Madam Speaker, we have one remaining speaker. I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I would like to thank Speaker of the House PELOSI. Over the years we have worked, along with Chairman LANTOS, on many human rights issues, and it has always been the people of Burma that were the most inspiring of those people that we sought to stand with over the years in these human rights causes that have unified us and Congressman SMITH and so many others in this body.

Chairman LANTOS again, of course, has provided such leadership. His life, of course, is exemplary of a person who holds such values as human rights and democracy and that we hold dear and affirm today.

Today, the Congress of the United States speaks with one voice. The people of Burma, we are on your side. Be courageous. You are not alone.

To the gangsters in uniform who have held the people of Burma in bondage for decades, you will be held accountable. Now is the time to join with the people of Burma. If, instead of joining them and trying to build a new Burma, that you bloody your hands even more, you will be held accountable. Your bank accounts will be frozen and you will be arrested for crimes against humanity if you leave your country.

And I can promise that those of us who hold dear human rights in this Congress will not rest until those actions are taken against you as individuals if you are committing these crimes against the people of Burma.

We call on those in the Burmese military, who take orders from the gangster regime that runs that country, we call on them to change sides. Now is the time for the Burmese military to join the people of Burma in creating a democratic and free society.

The military clique that gives orders to the military of Burma has no lawful authority. They are criminals. They are the criminals who have made deals with the government in China to steal Burma's natural resources and to impoverish the people of Burma in the process.

Let us not overlook the role of China in this crime. China has provided the military junta in Burma with over a billion and a half dollars of military aid over the last few years. It is the government of China that has enabled this monstrous dictatorship to hold 50 million people in bondage. It is China which has blocked the actions of the United Nations to stop the junta slaughter of Burmese monks and other peaceful demonstrators who, right as we speak, are losing their lives in the cause of human freedom.

I ask my colleagues to support my efforts and others' efforts who have come here. We have several people who have already cosponsored a resolution to hold China accountable for what they are doing in Burma. This is only a taste of what we're going to experience around the world as China becomes a monstrous power in this planet. We have built up their economy. We have not only permitted them to become a powerful force in the world; we have subsidized the growth of power of this Chinese monster that now not only supports Burma, but is involved with the genocide in Darfur.

The United States should not be participating in an Olympics that is being hosted by a regime that commits genocide in Darfur and Burma.

Finally, let us today remember Aung San Suu Kyi. She represents not just the people of Burma, but she is the one who represents the higher aspirations and the higher ideals of humanity. She has suffered for many long decades peacefully in her home. Now, she has been taken from house arrest and sent to a prison. We do not know what fate she is suffering. We know that she is in the hands of murderers. We know she is in the hands of people who torture and would slaughter peaceful monks in the streets. So our hearts go out to her, and we keep her in our prayers, but we also suggest that if anything happens to Aung San Suu Kyi, the rise of anger will be heard not only from Washington but from around the world, for every decent and freedom-loving person will rise up. So those criminals who now slaughter the monks on the streets of Rangoon should understand that we are watching and the whole world is watching, and we speak with one voice.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to our distinguished colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution and for the leadership of his Foreign Affairs Committee in bringing this forward.

Madam Speaker, one of the most inspiring events of my life was being able to spend an afternoon with Aung San Suu Kyi in her compound in Burma with my son and daughter. Having a chance to meet this gentle woman, a clarion voice for democracy, for human rights, a strong and steadfast beacon for the 50 million people. Burma, a country that a generation ago was poised to be one of the bedrocks of that area in southeast Asia, a country that is rich in natural resources, with a gentle and sophisticated people have been taken over, as my colleagues have mentioned, by a gang of thugs. The Burmese have suffered untold privation, brutality by the regime as symbolized by their treatment of this gentle woman who was appropriately awarded the Nobel Peace Prize. It is time for us not only to speak resolutely but for us to work behind the scenes and overtly with countries like China, India and Thailand that can, in fact, have a significant influence on the behavior of the government in Burma. We must work for the Asean countries and speak with one voice about the intolerable behavior that is being evidenced by this regime.

There are many areas that the United States is involved with internationally where there isn't a consensus, where Members on this floor will debate with themselves and disagree about the best path forward. Yet as it relates to Burma, I think there is no debate. There is no confusion. There is no division. We need to speak as one. We need to work to fashion that international consensus. We need to make sure that we use every resource possible to put the spotlight on the problem, and help save the Burmese people.

Mr. SMITH of New Jersey. Madam Speaker, we have no further requests for time, and I yield back the balance our time and urge a strong "yes" vote for this resolution.

Mr. LANTOS. Madam Speaker, before yielding back our time, I would like to make mention of a visit I had yesterday afternoon from the ambassador of China on the subject of Burma.

We had a long and difficult discussion. The Chinese Ambassador outlined for me the various steps his government has taken in recent days to deal with the crisis in Burma. I pointed out to him that gestures are not enough, that with the enormous leverage China has over Burma, China must take serious, substantive measures to compel the Government of Burma to give back the freedom to its own people and her freedom to Aung San Suu Kyi, the legally elected leader of Burma.

I call on the Government of China, just a few months short of the opening of the Beijing Olympics, to do the right thing, to exert its enormous influence on behalf of the people of Darfur, on behalf of the people of Burma, and by inviting His Holiness, the Dalai Lama, for a dialogue in Beijing. Nothing would make the climate for the opening of the Beijing Olympics more positive and salutary than a serious dialogue between the Government of China and the Dalai Lama.

There have been so many negative developments from China's point of view in recent times: the selling of food, the selling of tooth paste, the selling of children's toys, all of them dangerous to consumers in this country. There is a deep concern here that China's insatiable appetite for raw materials closes their eyes and minds to human rights violations across the globe, from Darfur to Burma.

This is a glorious opportunity for the government in China to do the right thing, and to do the right thing vis-à-vis Burma is to put pressure on the military junta to ease up on the Burmese people and to give Aung San Suu Kyi her right to live in freedom as the elected leader of the Burmese people.

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of H. Con. Res. 200, a resolution that condemns the Burmese Junta for their violent suppression of Buddhist Monks and other peaceful demonstrators in Burma and demands the immediate release of opposition leader Daw Aung San Suu Kyi. As a cosponsor of this resolution, I believe it is important for Congress to show its support for Burma's call for democracy.

In 1988, the Burmese military established rule through a military junta, and named themselves the State Peace and Development Council (SPDC). This repressive regime arrested those who opposed them, including Daw Aung San Suu Kyi, who is the leader of the legitimately elected political party, the National League of Democracy. SPDC, which has changed the country's name to Myanmar, has forcefully led the Burmese citizens ever since. According to the U.S. Department of State's Country Reports on Human Rights, as well as private organizations, Burma's human rights record has worsened in recent years. These reports have cited government and military abuses of civilians that include killings, torture, rape, arbitrary arrests, and forced labor.

This past August, the SPDC ended fuel subsidies, which led to excessive costs for gas. The Burmese citizens, unhappy with yet another burden, held pro-democracy rallies and called for the transfer of power to Aung San Suu Kyi. These rallies were ended forcefully by the SPDC, but Buddhist Monks, nuns and students have continued to peacefully protest the regime. The SPDC has recently banned the assembly of citizens in public, as well as attacked, arrested and killed those involved in the protests.

Madam Speaker, the ongoing violence and repression of peaceful protests for democracy is a travesty. H. Con. Res. 200 shows our country's support for the Burmese citizens' right to challenge their regime. This resolution also demands the release of other political prisoners who are detained by the regime, and calls on the United Nations Security Council to take the appropriate action against the State Peace and Development Council. The United States has already imposed heavy sanctions on the SPDC for many years, but we must also call on other countries, including China and India, who benefit from Burma's natural gas exports, to keep the pressure on the SPDC to end this atrocity.

As a member of the Congressional Human Rights Caucus, I will continue to work with my colleagues to keep pressure on the Burmese regime and express support for those citizens who peacefully congregate for a new government. Passing H. Con. Res. 200 is an important and necessary step for Congress to take as we work to achieve this goal.

Mr. MANZULLO. Madam Speaker, the horrendous massacre that is taking place in Burma is despicable and unconscionable. Now is the time for Members of this House to condemn the military junta and support human rights by supporting my good friend, Representative PETER KING's resolution on Burma.

On September 27, 2007 the military junta violated the sacred traditional sanctuary of Buddhist temples in mass coordinated predawn raids. More than 200 monks were arrested. What we know is that at least five monks, eight civilian protestors, and a Japanese photographer were killed by the army. But how many more were gunned down or dragged off in the middle of the night by the junta may never be known.

This resolution not only calls for the immediate and unconditional release of Nobel Peace Price laureate Aung San Suu Kyi but also for a restoration of democracy and human rights that has eluded the people of Burma for so long. The Rangoon Massacre only makes our call for the return to democracy ever more urgent.

Burma was once the richest country in Southeast Asia and the world's largest rice exporter. However, as a result of decades of corruption and gross mismanagement, Burma is now an economic failure. Countless Burmese are regularly victimized by human traffickers as they seek a better life outside the country. The junta's decision in August to hike fuel prices further threatened the people's livelihood. This led to the largest street demonstrations in two decades. So, instead of listening to the will of the people, the generals have only made things worse by cracking down violently.

Aung San Suu Kyi is the daughter of Burma's George Washington. Ms. Suu Kyi is the living symbol of Burmese democracy, and this year she turns 62. How much longer must democracy and freedom be held hostage?

President Bush, in his recent speech before the United Nations General Assembly in New York, announced plans for new U.S. sanctions against the military regime in Burma. I join the President in calling on the U.N. to act more decisively in the face of the unprecedented demonstrations taking place in that country. Now is the time for the world community to stand up for human rights and democracy.

Who else will join the U.S. in raising their voice against this injustice? Singapore has issued a strong statement on behalf of the Association of Southeast Asian Nations. I commend them for this. However, more needs to be done. Burma's neighbors can make a real difference by letting the junta know that their actions will not be tolerated. China, India, and Russia must act too because the world is watching.

The U.S. Congress must speak loudly and clearly. Let there be no mistake. As the senior Republican on the Asia Subcommittee of the House Foreign Affairs Committee, I strongly and wholeheartedly urge passage of this resolution today. We must stand with the people of Burma; they have waited long enough and can wait no longer.

Mr. PAUL. Madam Speaker, I rise in opposition to this legislation not because I do not sympathize with the plight of the oppressed people of Burma, particularly as demonstrated by the continued confinement of Aung San Suu Kyi. Any time a government represses its citizenry it is reprehensible. My objection to this legislation is twofold. First, the legislation calls on the United Nations Security Council to "take appropriate action" with regard to Burma and its internal conditions. This sounds like an open door for an outside military intervention under the auspices of the United Nations, which is something I do not support.

More importantly, perhaps, I am concerned that while going around the world criticizing admittedly abhorrent governmental actions abroad we are ignoring the very dangerous erosions of our own civil liberties and way of life at home. Certainly it is objectionable that the Burmese government holds its own citizens in jails without trial. But what about the secret prisons that our own CIA operates around the globe that hold thousands of individuals indefinitely and without trial? Certainly it is objectionable that the government of Burma can declare Aung San Suu Kyi a political prisoner to be held in confinement. But what about the power that Congress has given the president to declare anyone around the world, including American citizens, "enemy combatants" subject to indefinite detention without trial? What about the "military commissions act" that may well subject Americans to military trial with secret evidence permitted and habeas corpus suspended?

So while I am by no means unsympathetic to the current situation in Burma, as an elected Member of the United States House of Representatives I strongly believe that we would do better to promote freedom around the world by paying better attention to our rapidly eroding freedom here at home. I urge my colleagues to consider their priorities more closely and to consider the much more effective approach of leading by example.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased to rise in support of H. Con. Res. 200, condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi. I want to congratulate my good friend and colleague, the distinguished Ranking Member of the House Committee on Homeland Security from New York, PETER KING, on this extremely timely resolution on the deteriorating human rights situation in Burma.

When this bill was first introduced in August, the main concern was for the well-being of the 1991 Nobel Peace Prize Winner Daw Aung San Suu Kyi, and the overall deplorable human rights situation in Burma. Little did the members of Congress or the Committee know that only a few weeks later we would be witnessing this unrelenting brutality, as the Junta released its military personnel to crack down on the non-violent protesters and the Buddhist Monks. These actions set a new low even for this regime.

Even before this latest escalation, Burma's human rights record was abysmal. Systematic rapes as a means of war against ethnic minorities, the burning and destruction of their villages, the torture and arbitrary arrest of dissidents and trafficking in people and illicit drugs, are all hallmarks of this illegitimate regime. This unenviable record guarantees the military government a leading place among the world's worst human rights offenders. The Burmese regime has led this beautiful and resource-rich country down the spiraling path of degradation, instability, economic plunder and bankruptcy.

Prominent pro-democracy leader and Nobel Peace Prize winner, Daw Aung San Suu Kyi, has had various restrictions placed on her activities since the late 1980s. Her party, the National League for Democracy, won a landslide victory in 1990 in Burma's first multi-party elections for 30 years, but she has never been allowed to govern. In 1990, the ruling military junta placed the rightfully and lawfully elected Daw Aung San Suu Kyi under house arrest, where she has remained ever since. During her arrest, she was awarded the Sakharov Prize for Freedom of Thought in 1990, and the Nobel Peace Prize the year after. Her sons Alexander and Kim accepted the Nobel Peace Prize on her behalf. Aung San Suu Kyi used the Nobel Peace Prize's 1.3 million USD prize money to establish a health and education trust for the Burmese people.

On August 15, in a sign of incredible courage, non-violent protesters, took spontaneously to the streets and protested the government's actions, demanding the release of Daw Aung San Suu Kyi and a meaningful dialogue to national reconciliation and democracy. Thousands of Buddhist monks started leading protests on September 18, and were joined by Buddhist nuns on September 23. Undeterred by threats of military retaliation, on September 24, as many as 100,000 protesters led by monks marched in the largest protest Burma has seen in two decades.

In the wake of the protests, hundreds were arrested, beaten, and severely tortured. Peaceful monks were disrobed and severely abused, tortured and imprisoned. Over the past week, nearly 4,000 monks have been rounded up by the military. There are reports of hundreds if not thousands of bodies now littering the jungles near Burma's largest cities.

A United Nations Special Envoy has been in Burma since Saturday, but has yet to meet with the Senior Gen. Than Shwe. Instead of the meeting Gambari sought Monday, he was sent to a remote northern town for an academic conference on relations between the European Union and the Association of Southeast Asian Nations, diplomats reported, speaking on the condition of anonymity. This circus show must stop. The Burmese military leaders need to stop parading these diplomats around, and real dialogue needs to start, so that we can bring an end to the unrelenting violence.

This resolution before us rightly calls on our government to continue its leadership role in the international community to move the U.N. Security Council to act swiftly on Burma, and shine a bright spotlight on the actions of those countries, such as the People's Republic of China, which collaborate with this despicable regime. They need to use their influence with the Burmese government to bring an immediate end to those despicable actions, and to force the regime to enter into a meaningful tripartite dialogue with Daw Aung San Suu Kyi, the National League of Democracy, and the ethnic groups.

I urge all Members of Congress to join me in supporting H. Con. Res. 200 and in sending the Burmese military regime and the international community a wakeup call. The United States will stand unwavering with the people of Burma, Daw Aung San Suu Kyi, and the National League of Democracy. It is essential that these violence ends and a peaceful resolution is reached. The Burmese people are yearning for democracy, and as the world's shining beacon of democracy, the United States must not let these protests be in vain. I call on Burma's military leaders to allow its people to freely elect its government and to call for the immediate and unconditional release of Nobel Prize Winner Daw Aung San Suu Kyi.

Mr. KENNEDY. Madam Speaker, the horrific violations of human rights in Burma have alarmed leaders in the United States and around the world. When repressed people across the globe cry out for help, America has an obligation to lead the calls for justice and equality. In Burma, a nation with a long history of egregious human rights violations, a repressive regime has cracked down on civil liberties and peaceful protests. The State Peace and Development Council, a military junta and illegitimate ruling party, has brutally cracked down on dissidents using rape and murder as their tools of terror. Now, leaders of the legitimately elected opposition, lead by Daw Aung San Suu Kyi, face increased violence and incarcerations. This bipartisan resolution expresses Congress's support for the immediate release of Daw Aung San Suu Kyi and restoration of democracy in Burma. I believe the United Nations should swiftly act in response to this dangerous and growing threat in Southeast Asia. As the world watches the events in Burma, the United States must take a firm leadership role to speak for the voices that have been silenced by repression and make perfectly clear that this brutality will not be tolerated.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 200, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1545

DEVELOPING A COMPREHENSIVE STRATEGY IN IRAQ

Mr. SKELTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3087) to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), enacted into law on October 16, 2002, authorized the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time.

(2) The Government of Iraq which was in power at the time the Authorization for Use of Military Force Against Iraq Resolution of 2002 was enacted into law has been removed from power and its leader indicted, tried, convicted, and executed by the new freely-elected democratic Government of Iraq.

(3) The current Government of Iraq does not pose a threat to the United States or its interests.

(4) After more than four years of valiant efforts by members of the Armed Forces and United States civilians, the Government of Iraq must now be responsible for Iraq's future course.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nothing in this Act shall be construed as a recommendation by Congress that any particular contingency plan be exercised;

(2) it is necessary and prudent for the Department of Defense to undertake robust and comprehensive contingency planning;

(3) contingency planning for a redeployment of the Armed Forces from Iraq should address—

(A) ensuring appropriate protection for the Armed Forces in Iraq;

(B) providing appropriate protection in Iraq for United States civilians, contractors, third party nationals, and Iraqi nationals who have assisted the United States mission in Iraq;

(C) maintaining and enhancing the ability of the United States Government to eliminate and disrupt Al Qaeda and affiliated terrorist organizations; and

(D) preserving military equipment necessary to defend the national security interests of the United States; and

(4) contingency planning for a redeployment of the Armed Forces from Iraq should—

(A) describe a range of possible scenarios for such redeployment;

(B) outline multiple possible timetables for such redeployment; and

(C) describe the possible missions, and the associated projected number of members, of the Armed Forces which would remain in Iraq, including to—

(i) conduct United States military operations to protect vital United States national security interests;

(ii) conduct counterterrorism operations against Al Qaeda in Iraq and affiliated terrorist organizations;

(iii) protect the Armed Forces, United States diplomatic and military facilities, and United States civilians; and

(iv) support and equip Iraqi forces to take full responsibility for their own security.

SEC. 3. REPORTS AND CONGRESSIONAL BRIEFINGS ON THE STATUS OF PLANNING FOR THE REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(b) CONGRESSIONAL BRIEFINGS REQUIRED.—Not later than 14 days after the submission of the initial report under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall meet with the congressional defense committees to brief such committees on the matters contained in the report. Not later than 14 days after the submission of each subsequent report under subsection (a), appropriate senior officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) TERMINATION OF REPORTING AND BRIEFING REQUIREMENTS.—The requirement to submit reports under subsection (a) and the requirement to provide congressional briefings under subsection (b) shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees a certification in writing that the Armed Forces are no longer primarily engaged in a combat mission in Iraq.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" has the meaning given the term in section 101 of title 10, United States Code.

SEC. 4. ARMED FORCES DEFINED.

In this Act, the term "Armed Forces" has the meaning given the term in section 101 of title 10, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3087, a bill to require the Secretary of Defense to report to Congress on the status of planning for the redeployment of the Armed Forces from Iraq.

This bill is the rarest of creatures, a bipartisan compromise on one of the most significant issues facing our country today, the war in Iraq. This bill was marked up in the Armed Services Committee with the support of our ranking member, DUNCAN HUNTER of California. The committee took the excellent work of Representative NEIL ABERCROMBIE and Representative JOHN TANNER and built on it.

The committee adopted a comprehensive amendment developed by Mr. ABERCROMBIE and Representative MIKE TURNER, two of our leaders on our committee on the advancement of national defense. The bill, as amended, passed our committee 55–2.

I am proud of the work of our committee. I am glad it has been brought to the floor. The bill seeks to accomplish two primary goals. First, it affirms the critical need for comprehensive, well-thought-out planning for a redeployment of troops from Iraq, the kind of planning that, frankly, was not done for the post-war period in Iraq, the so-called phase 4 of the war before we invaded.

This will help Congress fulfill its duties to ensure that such a mistake is not repeated.

Second, it requires that the planning the Pentagon is doing for deployment from Iraq be shared with Congress, as it should. It lays out a clear statement on the need for appropriate, detailed contingency planning for our redeployment of troops from that country, including consideration of force protection for our military and civilian personnel, and the need to continue to protect our vital national security interests.

It requires by statute that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff provide us with a report and briefing on redeployment planning from Iraq within 60 days of enactment, and that updated reports and briefings from senior Department of Defense officials continue to be provided on a quarterly basis thereafter. It will allow the Armed Services Committee to perform the oversight function, which is central to our purpose.

Time is not on our side. In my view, it's time to begin responsible redeployment of forces and a change of mission in Iraq. Members are on different places on Iraq, but we can agree that we must be engaged in serious planning for the redeployment of American forces.

Madam Speaker, I reserve the balance of my time.

Mr. TURNER. Madam Speaker, today Iraq remains the most important issue facing our Nation. The American people want congressional action in a bipartisan fashion. The rhetoric of the last 6 months has left the American people saddened that the work on this House floor has been focused upon partisan division. The most important action this House of Representatives could take today is to support our troops by coming together in a bipartisan effort.

I want to thank Chairman SKELTON, and I also want to thank subcommittee Chairman ABERCROMBIE for his leadership on H.R. 3087, which gives us an opportunity for a bipartisan step in the Iraq debate.

I am a cosponsor of this bill, which was reported out of the Armed Services Committee by an overwhelming bipartisan vote of 55–2.

H.R. 3087, as amended, supports our troops, our national interests, and our counterterrorism operations against al Qaeda in Iraq.

The bill requires our Department of Defense to undertake robust and comprehensive contingency planning for a redeployment of the Armed Forces from Iraq. The bill recognizes that the role and mission of our Armed Forces in Iraq will change and properly acknowledges that the Government of Iraq must be responsible for Iraq's future.

As America's responsibilities shift, our focus must include planning to protect our vital national interests and our troops.

In a letter I sent to our Speaker, Speaker PELOSI, on August 1, 2007, I elaborated saying that, for example, this bill states the contingency planning element should include ensuring appropriate protection for the Armed Forces in Iraq, providing appropriate protection in Iraq for United States civilians, contractors and third-party nationals, and Iraqi nationals who have assisted the United States mission in Iraq, maintaining and enhancing the ability of the United States Government to eliminate and disrupt al Qaeda, and affiliated terrorist organizations and preserving military equipment necessary to defend the national security interests of the United States.

I want to thank Chairman ABERCROMBIE for his leadership on this bill and for his insistence that this bill come to the House floor for a vote. I urge all of my colleagues in the House to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. I yield 1 minute to my colleague, my friend, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I rise in strong support of this bill and especially in strong support of our distinguished chairman, who has done so much to continue the steady progress, the steady march towards the safe, secure redeployment of our troops.

This body is well served by the legislation introduced by Mr. ABERCROMBIE and Mr. TANNER, inasmuch as it provides intelligent and meaningful legislation that will lead to the safe, speedy and responsible redeployment of our troops and once again returns accountability, as this committee has insisted on, to its proper venue within the Armed Services Committee to do the kind of oversight that will be necessitated by this bill.

I commend the chairman and all of the staff for their hard work on this.

Mr. TURNER. Madam Speaker, I yield 3 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding his time.

Madam Speaker, I rise today in very strong, strong support of this resolution.

You know, it has been said that no battle plan survives first contact with the enemy, and I believe that that is true. That's why our military must constantly plan for every eventuality in warfare, because failure to do so can cost lives.

The situation in Iraq is no different. We must prepare for every contingency. The day is coming when our brave men and women in uniform will leave Iraq, hopefully very, very soon. In fact, General Petraeus in his testimony last month spoke of the possibility that some of our troops will leave Iraq very soon, perhaps within weeks.

In order to facilitate a very safe and orderly withdrawal, it is important that our military leaders plan appropriately, and they must also consult with the Congress so that we can provide the needed support to ensure that our troops are safe and that our vital national interests are protected.

Prudent planning leads to success and provides the ability to react quickly to events on the ground. I believe that this resolution encourages such prudent planning. That's why I supported it when it came before the House Armed Services Committee, when it was debated then, and why I would urge the entire House to support it today. As was just mentioned by the chairman, it was a bipartisan vote and it passed 55–2.

The issue of our troop presence in Iraq has caused great debate across our country, has polarized this Congress, and I believe that this resolution is a demonstration that a bipartisan way forward can be achieved, that it can happen. In fact, it must happen for our Nation to move forward.

I certainly want to express my appreciation to the sponsors of this bill. I want to express my appreciation and deep regard and respect for the chairman of the House Armed Services Committee, Mr. SKELTON, as well as our ranking member, DUNCAN HUNTER, great American patriots, all of them.

Let us hope that the day is coming soon when our troops will come home with honor, with honor, our brave men and women who so proudly and bravely have protected and exported liberty and freedom, democracy.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to my friend, my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE), who is the chairman of the Air and Land Forces Subcommittee of the Armed Services Committee and is also an original cosponsor of this legislation along with Mr. TANNER from Tennessee.

Mr. ABERCROMBIE. Madam Speaker, I would at this point like to thank Mr. Mike Turner for working with us and the committee, right from the get-go, and also Mr. Phil English as well, to demonstrate what we have been saying here that Republicans alone, Democrats alone cannot bring this to an end. It requires us all to work together.

Now, there are some, I am sorry to say, on both ends of the spectrum of the parties who want to diminish what the bill is all about and what its intent is all about. Someone went so far yesterday as to say, well, this bill is like naming post offices.

Well, yesterday, we named two post offices for marines that were killed in Iraq. I don't suppose the author of that kind of commentary would like to speak with the family of the marines who have been killed about why these post offices were named.

I think it's pretty important that we concentrate on those who are bearing the brunt of the policies that we approve of in this body. That's what this is all about. We want to end the party sniping. We want to end the commentary about advantages being taken from one party or another.

Cover has been mentioned, about whether it would be given to one party or another. The only cover that we are interested in is the cover that has to be obtained by our fighting men and women in the field, because they are engaged in battle as a result of the policies that we either approve or disapprove of.

It's time for the Congress to take back its responsibility.

Madam Speaker, I would like to enter into the RECORD a commentary from the Government Accountability Office as of the end of July of this year.

Issues that DOD needs to consider in planning and executing the draw down and redeployment of forces from Iraq:

DRAW DOWN SCOPE, COSTS, TIMETABLE, AND CAPACITY ISSUES

What forces will be drawn down, and over what period of time? (i.e. the process for determining the order in which specific forces will draw down, the timetable for the draw down, and planning for the consolidation and relocation of forces and related force protection issues).

How will DOD estimate, budget, and report costs associated with the draw down? (i.e. the use of baseline budgets versus GWOT-specific funding requests for related costs, and the determination of which cost elements will be directly associated with draw down and redeployment operations).

What will be DOD's responsibilities for transporting, protecting, housing, and supporting other government civilian personnel and contractors during the draw down and for those forces that will remain behind? (i.e. civilian personnel from the Department of Defense, State Department, USAID, and defense contractors).

What forces will stay in theater after the draw down, and what will the footprint be for forces remaining in Iraq and Kuwait? (i.e. stabilization forces in Iraq, forces to protect and maintain prepositioned equipment sites in Iraq and Kuwait, and forces to protect the U.S. Embassy in Iraq).

How much equipment and supplies will be redeployed from Iraq and Kuwait, and over what period of time? (i.e. types of equipment and supplies, numbers and sizes of the pieces of equipment and supplies, tonnage, and amounts and types of shipping vessels that will be needed).

To what extent does DOD have the capacity in Iraq, Kuwait, and CONUS to support the draw down? (i.e. personnel, facilities, storage, and transportation).

What equipment will stay in Iraq and Kuwait, and how will this equipment be protected and maintained after the draw down? (i.e. equipment transfers to the ISF and Iraqi forces, prepositioned equipment sites in Iraq and Kuwait, and numbers of maintenance contractors or service members needed to maintain equipment in Iraq and Kuwait).

LOGISTICS ISSUES

What are the logistics elements that DOD will need to consider in the redeployment of troops and other personnel from Iraq and Kuwait? (i.e. personnel security, housing and food, medical support, and airlift requirements).

What are the logistics elements that DOD will need in the United States to accept and process troops and personnel re-entering the United States? (i.e. determining where the troops and personnel will be sent, demobilization requirements, housing and food, medical and dental support, and veteran affairs issues).

What are the logistics elements that DOD will need to consider in the redeployment of equipment and supplies from Iraq and Kuwait? (i.e. transportation requirements, security and protection of in-transit assets, storage and handling requirements, port operations and facilities, and requirements for shipping containers and vessels).

How will DOD maintain accountability and visibility over in-transit assets? (i.e. establishing accountability over assets in theater before redeployment, and maintaining accountability and visibility throughout the redeployment process).

What are the logistics elements that DOD will need in the United States to accept and process equipment and supplies re-entering the United States? (i.e. port operations and facilities, transportation requirements, storage and handling requirements, maintenance requirements, equipment reset requirements, and depot capability and capacity issues).

REBUILDING UNIT CAPACITY AND MAINTAINING STABILITY IN THE REGION DURING AND AFTER THE DRAWN DOWN

How will DOD plan for rebuilding unit capacity and resetting the forces, including establishing goals for readiness levels and investment priorities? (i.e. personnel re-training and re-manning).

What will be DOD's and other federal agencies' roles and responsibilities regarding Iraqi refugees? (i.e. security, shelter and food, and medical support).

How will DOD coordinate with coalition forces on the draw down and redeployment processes, and what will be the roles and responsibilities of the coalition forces during and after the draw down? (i.e. coalition forces that will remain in Iraq after the draw down, and force protection issues during the draw down).

What agreements will DOD need to make with other neighboring countries in the Middle East to facilitate the draw down and redeployment? (i.e. airspace rights, logistics support during redeployment, and roles of other countries in the region in maintaining regional stability).

What issues will the Department of Defense consider in the planning and executing of the draw-down and redeployment of forces from Iraq? It includes the draw-down, scope, the costs, the timetable, the capacity issues, logistics issues. These are the serious and sober subjects of what will be presented to us by these redeployment plans.

You cannot have a redeployment by wish fulfillment alone. You have to have the practical realities in front of you in order to accomplish it. That's what we are seeking to do. That's what the Armed Services Committee on a bipartisan basis sought to accomplish with this bill. This is serious and sober business.

Section 2 of the measure states the strategy required "shall include planning to achieve the following." That's what we mean by the status of the planning. Status of the planning will include the transition of combat forces from policing civil strife or sectarian violence in Iraq.

It has to include a projection in the number of members the Armed Forces required for the missions described in the redeployment. The details of what these redeployment plans will encompass are included in the bill, and so the preamble that is there that says the original resolution has now been accomplished takes us to this final conclusion that we reach today, the redeployment of our troops in a responsible way and a bipartisan manner.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING

Mr. SKELTON. Madam Speaker, I ask unanimous consent that, during further proceedings today in the House, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8, rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TURNER. Madam Speaker, I want to commend the committee chairman, NEIL ABERCROMBIE, for his leadership in bringing this bill to the floor.

Madam Speaker, I yield 3 minutes to Mr. CASTLE from Delaware.

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Mr. CASTLE. I thank the distinguished gentleman from Ohio for yielding and for his work on this legislation.

Madam Speaker, I rise in strong support of H.R. 3087, legislation requiring the administration to work closely with Congress and our military leaders in communicating a comprehensive post-surge strategy for Iraq.

Since 2003, over 3,800 American military personnel have been killed in Operation Iraqi Freedom, and more than 27,000 have been injured. These are very difficult times, and it is our duty to do everything possible to support those who have risked so much in service to their Nation.

To this point, however, the U.S. Congress has been consumed by partisan infighting, which has resulted in gridlock and has prevented debate on substantive proposals like the Iraq Study Group Recommendations Implementation Act.

The American people deserve a straightforward understanding of our involvement and long-term objectives in the Middle East. The legislation before us today, of which I am a proud cosponsor, takes an important step forward by requiring the Secretary of Defense to submit regular reports to Congress regarding the status of post-surge planning.

Clearly, the U.S. Congress should not be acting without considering the advice of our military commanders in Iraq, and this legislation will ensure that Secretary Gates, General Petraeus and other senior officials are capable of communicating developments with Members of Congress and the administration.

This information will also provide a greater understanding of progress made on General Petraeus' proposal for the redeployment of U.S. troops, and it will assist Congress in budgeting for the possible missions that may continue in Iraq, such as efforts to disrupt terrorist organizations and train Iraqi security forces.

H.R. 3087 is the first of what I hope will be a substantive, bipartisan effort in Congress to work with our military and foreign policy leaders to achieve stability in Iraq and bring our soldiers home to their families.

Last week, 14 Democrats and 14 Republicans endorsed such an approach by signing the Bipartisan Compact on Iraq Debate. Like Mr. TANNER's proposal, the importance of developing a clearly defined and measurable mission in Iraq is one of eight central principles agreed to in the Bipartisan Compact.

Mr. Speaker, I am hopeful that by finally agreeing to consider H.R. 3087, Members from both parties will signal a willingness to set aside the partisan tactics that have crippled our efforts over the last several months.

The Iraq war provokes intense and genuine feelings from individuals at all points of the political spectrum. However, politics as usual in Washington, DC should not be allowed to consume our efforts in lieu of progress.

Bridging this critical political divide in Washington is our only hope for transitioning responsibility to the Iraqi Government and bringing about real substantive change in Iraq.

Let us all join together to support H.R. 3087.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my colleague and my friend from Tennessee (Mr. TANNER) who is an original sponsor of the bill together with Mr. ABERCROMBIE.

Mr. TANNER. Mr. Speaker, I'd like to also add my thanks to Mr. ABERCROMBIE and Mr. ENGLISH and Mr. CASTLE, Ms. SCHWARTZ, and particularly to you, Mr. Chairman. The point of this is that our soldiers, sailors, airmen, guardsmen, marines, are not dying in the name of the Republican Conference or the Democratic Caucus. They're dying in the name of the United States of America. We owe them a unified Congress to help them. This bill is a unifying factor here that starts us on the road to behaving as Americans first and political partisans second. Their sacrifice demands nothing less than that.

I have a sense of urgency about this that I'm afraid did not come through in the hearing, particularly from Ambassador Crocker. Not that I'm criticizing him. I think he's doing a fine job. And I have no higher regard for anybody in uniform, past, present or future, than General Petraeus. But the sense of urgency I have is to bring us together so that we can move in a meaningful, constructive way, as Congress, to play a role in the civilian leadership aspects and management of this conflict.

As has been noted previously, it requires the Pentagon to, in some way, bring Congress in in a meaningful way really on the strategy of the war for the first time.

As I said earlier today, the strategy of waiting for the Shia and Sunni in Iraq to try to work, sit down and work something out in a central government in Baghdad is a less than viable option when our men and young men and women are patrolling the streets of Baghdad dying every day and we're asking the taxpayers of this country to spend $3 billion a week for people who half the time boycott their sessions. And to say that we're going to do this until maybe they can get together is not, in my judgment, something that we can endorse.

And so, Mr. Speaker, the original authorization, which provided basically two things, one is to remove the threat posed by the then-Government of Iraq, Saddam Hussein, who has been captured, tried, convicted and executed, and to enforce the U.S. resolutions with respect to the weapons of mass destruction having been accomplished, it's not the war that we haven't won; it's the peace that we're having trouble with. And I want us to get together as a Congress to move forward to win the peace. That's what our mission is now.

And the strategic mission that the administration had been following, the civilian leadership is not working out too well; 4½ years later, one can't leave the Green Zone without getting one's head shot off. I think we need the Congress to engage in a constructive, meaningful way. I think this vehicle will allow that to happen. And therefore, Mr. Chairman, I want to thank you and all of those people who had anything whatsoever to do with it. A big bipartisan vote today, I think, will begin this unification process we so desperately need in this country.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Representative ENGLISH of Pennsylvania, who worked with the original bipartisan legislation with Representative TANNER.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in strong support of H.R. 3087, the Tanner-Abercrombie-English Iraq planning bill. And I want to thank my 2 colleagues at the front end of that title, particularly, for their extraordinary efforts to move this bill forward.

Mr. Speaker, it is important that Congress speak with a clear voice on Iraq. The American people need to know that their representatives are trying to seek out the best policy to protect American interests overseas and reduce our footprint in that troubled country.

The Iraqi Government needs to know that the U.S. Congress is not prepared for our Nation to carry the burden of defending Iraq's security indefinitely and that that must become an Iraqi undertaking.

Our allies need to know that we remain committed to the war on terror, and that although Congress may be deeply divided on the means to pursuing our goal, that ultimately, politics ends at the water's edge.

This bill sends important signals. It sends a signal to our troops that their deployment is purposeful and that we're prepared to respond to changing conditions.

It sends a strong bipartisan message that Congress is ready to respond to changing circumstances on the ground and recognizing the coming and necessary transition of our role in Iraq from combat operations to strategic support.

Secretary Gates has already acknowledged that DOD would have little difficulty complying with the terms of this bill, so this legislation simply calls on the administration to make transparent the planning processes that prudent military leaders would undertake normally as a matter of course.

Our legislation is a very simple bill, but it is still significant. H.R. 3087 has gained support from a broad spectrum of Members of this body, Republicans and Democrats, liberals and conservatives. It cleared the Armed Services Committee with overwhelming bipartisan support.

I encourage my colleagues to use this important bill as a launching pad for a new debate in the House on how we may find a new way forward in Iraq, while keeping faith with our troops, with our constituents, with our allies, with the Iraq nation and with all who stand for order and democracy in the face of the creeping menace of terrorism.

The message we send today will be heard in our hometowns, on the battlefields of Iraq, and all around the world. That message is that we in this Chamber are prepared to stand together to do what it takes to forge a strong, sustainable and bipartisan U.S. policy in Iraq.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my colleague, the gentlelady from California (Ms. LORETTA SANCHEZ) who, by the way, is a member of the House Armed Services Committee.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 3087, and I thank my colleagues, all of you, for getting it here to the floor. I voted for this bill in the Armed Services Committee with bipartisan support. It passed 55–2, and I think this is the beginning of the way. I'm happy that we're trying to find a way to move in Iraq.

We are here today because after more than 4 years of the President's war, it has become painfully clear that the administration didn't adequately plan for this war. Plan. Planning. And this is what this bill is about. And that the administration really didn't understand the substantial investment that it was going to take for American troops beyond the initial invasion. In fact, when the President declared "Mission Accomplished" on May 1, 2003, we had only lost 139 of our troops in Iraq; however, since then, 3,660 of our troops have been lost. So the American people have called for a redeploying of our troops from Iraq, and we need to start doing it, and we need a plan to do that redeployment.

So today, with this legislation, Congress is mandating that proper planning be done, so that whenever the redeployment begins, our troops will be brought home safely to their families.

Mr. TURNER. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ) who is a cosponsor of this legislation.

Ms. SCHWARTZ. Mr. Speaker, after all the loss of life, personal sacrifice and billions of taxpayer dollars, the President still does not have a plan for securing the peace in Iraq and bringing our troops home.

After the continued failure of the Iraqi Government to make progress on political, social and economic benchmarks, the President chooses to stay the course in Iraq. After nearly 4½ years, Iraq remains politically unstable and tragically violent.

Instead of changing course and offering a viable plan to conclude America's military involvement, the President calls for an open-ended commitment to keeping our troops in Iraq for years to come. It is time to demand a new direction for Iraq, to focus our military on combating and defeating terrorism, to insist on a comprehensive diplomatic strategy to move the Iraqi Government toward national reconciliation, and to bring our troops home.

This Congress stands by our troops. They've performed with great honor and they've accomplished all that we have asked them to do. It is time to bring them home.

Vote "yes" to demand a redeployment plan. Vote "yes" to demand accountability from this President to bring our troops home from Iraq safely and responsibly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, Mr. TANNER is right. It is not the war we haven't won; it is the peace. And I want to encourage my friends on the other side of the aisle, join me in a bipartisan stand to bring our troops home now.

I didn't support this bill originally, but I support it now because I understand that we make steps one by one. But I don't want to be chastised about bipartisanship because I want us all to work in a bipartisan way to, one, bring our troops home, and to recognize that it is not only the military power but it is the diplomatic power.

This legislation is the right direction. It commands an intervention by the Congress, a 60-day report, how are we going to redeploy, and a 90-day update.

But, Mr. Speaker, I am looking forward to our troops coming home as heroes, and I'm working every day for them to come home with their families, a proclamation of their military success, a welcome home party in every single hamlet and village, and all the flowers that they can tolerate. That's what I call a declaration of the end of this tragedy.

But this is a good step today because we are in the mix. We're fighting to get them home. We are demanding that they come home. We are getting a report. We are forcing the Pentagon to think, and that is what we need to do.

But I look forward to my colleagues joining us and having a bipartisan vote on a time certain for these troops to come home.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

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Mr. DOGGETT. Mr. Speaker, this resolution has rightly earned a place on this uncontested Suspension Calendar. So long as it is not misinterpreted as suggesting that Congress supports a long-term troop presence in Iraq, it merely generates another report that does no harm and not any significant good.

We know that, in addition to the blood of the brave, President Bush is hemorrhaging money as fast as he can get it, $3 billion every single month, building toward a price tag of $1 to $2 trillion on this tragedy.

The Senate version of Senators KERRY and CLINTON has a better approach in demanding cost estimates on each alternative redeployment and in asking that one of these redeployments occur by the end of next year.

Our problem in Iraq is not a lack of reports, but a lack of the collective will in this Congress to initiate the change in course that President Bush will never undertake on his own. And I hope we have the courage of our troops, the courage to take that action as soon as possible.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Mr. SHAYS from Connecticut.

Mr. SHAYS of Connecticut. Mr. Speaker, I thank the gentleman for yielding.

I consider this an extraordinarily important moment. And, Chairman SKELTON, I just want to share my tremendous respect for you in marshalling out a bipartisan beginning to something that can lead to more. That is what I think we all think that this is the beginning. So the Tanner-English-Abercrombie bill, congratulations to all three of you, becoming the Abercrombie-Turner bill in committee. It is a bipartisan, effort that says we can agree on something and build on the little and then have it be more significant.

It makes sense to ask the Secretary of Defense to submit a plan to Congress that tells us specifically how they intend to fight this war and the factors involved in their anticipation of what can happen in the future. It makes sense to let them have 60 days to do this, because they already know right now what they intend to do, and it should not be all that difficult to describe it and then explain it to Congress.

It makes sense for every 3 months, every 90 days, for this plan to be updated and for individuals in Congress to understand whether we are ahead of schedule or behind schedule.

We went into Iraq on a bipartisan basis, two-thirds of the House, including Mr. SKELTON and Mr. LANTOS, who lead the 2 most important committees dealing with this issue; and the Senate, three-quarters of the Senate voted to go into Iraq. We need to leave Iraq on a bipartisan basis. It's called "compromise." It's what our Founding Fathers practiced when they created the Constitution of the United States. Compromise is not a bad thing. Bipartisanship is not a bad thing. Our troops are hungry for their leaders in Washington to work together.

It is my hope that we will have a time line, a time line that is sensible, a time line that tells the Iraqis we are not going to stay forever and a time line that tells Iraqis we are not going to pull the rug out from under them and leave tomorrow. We need a sensible time line, it seems to me; and I hope this becomes part of that ultimate report.

So I will just conclude by saying something I have already said. Congratulations to Members on both sides of the aisle. Congratulations again to Mr. SKELTON for beginning on that side of the aisle to preach and work for a bipartisan approach. And I thank Mr. TURNER for his work and Mr. CASTLE and Mr. GILCHREST and Mr. ISRAEL for what they have done.

This is the beginning, I think, and our troops should be very hopeful it will lead to a lot of good for them and for the Iraqi people.

Mr. SKELTON. Mr. Speaker, I yield at this time 2 minutes to my friend and colleague, the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to have no more than 4 minutes to address the House.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HINCHEY. Thank you very much, Mr. Speaker.

I think all of us know by now that the military occupation in Iraq, which is referred to as a war but is really a military occupation, is an increasing disaster. We all know that now more than 4,000 military personnel have lost their lives, tens of thousands have been injured. We ought to be taking decisive action to put an end to that illegal, disastrous military occupation.

This bill is presented as a means of attempting to do so. But it is a false presentation. It does nothing to that effect. This bill, if it is passed and signed into law, would simply require a plan to be developed within 60 days after that signing and then another 90 days an additional plan, another 90 days an additional plan. So what we are likely to see, unless this Congress is able to take more decisive, more progressive, more positive action, is four, five, maybe even 6 plans coming out of this administration and no responsible action taken with regard to the disastrous circumstances that occur on the basis of this illegal military occupation.

This legislation does nothing productive to deal with this very difficult, dangerous, and disastrous situation. The circumstances for the security of this country have worsened as a result of this illegal invasion and the subsequent military occupation, and that worsening continues.

One of the other things in this legislation is also, frankly, very interesting. Congress finds, it says, the following: That the President has the ability to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time, at the time that that resolution was passed back in October of 2002, which a number of us voted against.

What this suggests is that that was the proper thing to do at that time. It was not the proper thing to do in October of 2002. It would have been much more proper if this Congress realized at that time what I believe most of us realize now: That the alleged justification for the illicit, illegal invasion of Iraq, the idea that there was a connection between Iraq and the attack of September 11, that Iraq had so-called weapons of mass destruction, that there was an alleged nuclear weapons development program in Iraq, and that there was some connection between Iraq and al Qaeda, all of which was false. Now, many did not realize that at that time and subsequently they voted for it. Many of us did realize it and voted against it.

We should not have anything asserting in any legislation that comes before this House anything that suggests that what was presented at that time to justify that resolution authorizing this administration to engage in this illegal invasion and the subsequent disastrous occupation of that sovereign country was true when it was all falsified, intentionally and purposefully falsified.

So I could appreciate what some people may think they are doing here, and I certainly have a great deal of respect and affection for the Members who are the sponsors of this legislation. But I tell you, you look at this and you will say to yourself if this legislation passes, what it will authorize is a continuing falsified plan, much of which can be classified, coming from this administration, plan after plan, and the remaining military forces will be in that country until sometime after January of 2009.

This doesn't do what we are supposed to do. We shouldn't be passing it.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, our leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I thank the committee for bringing this bill to the floor. I appreciate what my very close and dear friend and one of the best Members of this Congress, in my opinion, MAURICE HINCHEY, has just said. Like many Americans, he thinks and many Americans think this doesn't go far enough. From the perspectives of perhaps everybody in the Chamber, it doesn't go far enough towards the position they would like to take. It is not a perfect resolution, but then again none are.

What it does do, however, is try to say that if we are going to make decisions in the House of Representatives on an issue so critically important to our country and to the welfare of our troops that are in harm's way that we have the advice or at least the opinion of the administration as to how actions ought to be taken. Therefore, if there are those of us who believe, as I know my friend from New York does and some others, that we ought to redeploy, change course, redirect our efforts, the best advice and counsel that we could get on how to do that ought to be from our military leaders.

And what this resolution simply says is, and I agree with my friend from Connecticut that we can say, hopefully, with a somewhat unified voice, perhaps not unanimous but somewhat unified voice, if we were to take the position that the gentleman and I shared when we voted for redeployment within a timeframe, tell us how that would be done. Tell us how it would be done consistent with the safety of our troops. Tell us how it would be done consistent with trying to leave behind as stable a government or community as possible in Iraq. Tell us how it could be done to enhance the possibility of political reconciliation in Iraq.

The surge has not accomplished that. If the surge was intended to bring political reconciliation, General Petraeus said it had not. Ambassador Crocker said it had not.

So I congratulate and thank the gentleman from Tennessee (Mr. TANNER), the gentleman from Hawaii (Mr. ABERCROMBIE), and others who have joined in this effort to try to come to a step that will be a positive step. I think this is one of those steps.

And I would urge my colleagues on both sides of the aisle, whatever your particular position is, that we ought to have in front of us a considered, considerate plan of how we would accomplish an objective if this House, hopefully, could summon the votes to seek that objective and mandate that objective.

So I thank Mr. SKELTON for bringing this to the floor. I thank him for his leadership on this issue, and I would urge all of my colleagues, understanding full well the concerns that have been expressed so ably by the gentleman from New York, my friend (Mr. HINCHEY), that this legislation will send a strong message to many, including the administration, that we want to have the information that we need to make the best decisions that we can make. We may differ on what those decisions ought to be.

But, hopefully, what we will not differ on is that if we can have the best information and advice as to how to obtain an objective, then the legislation we pass will be better, will provide for the safety of our troops and provide, hopefully, for the success of a redeployment within a timeframe that many of us believe is absolutely essential.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I too want to thank Mr. TANNER, Mr. ABERCROMBIE, and Mr. SKELTON and our Republican colleagues for coming together.

Mr. Speaker, this is what I refer to as a soaring golden moment in this Congress because this is the beginning. This is a beginning of effective planning for bringing conclusion in a very responsible way to what the American people truly want.

And why is this a golden moment? This is a golden moment in this House because the only way that we are going to bring this Iraqi situation to a positive conclusion is with Democrats working with Republicans.

□ 1630

Democrats cannot do it by ourselves, Republicans cannot do it by themselves.

The other point why this is a golden moment, Mr. Speaker, is because this shows, and the process of this legislation and the reporting and the involvement of the Congress shows, that we are not going to make the same mistake ending our involvement in Iraq that we made in going in; and that was poor planning, bad information, and ineffective intelligence. That's why I commend this.

It's very important for the American people to see us finally, as Democrats and Republicans, working together in this start to take this great step. And let us dare not lose this golden moment of bipartisan cooperation.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you, Mr. SKELTON, Mr. ABERCROMBIE and Mr. TANNER, for bringing this forward. It's important not just for what you're doing, but for what this represents, to be able to get the debate going here on the floor and to expand it.

This resolution represents the lowest common denominator, I think, but it's important for us to expand it, to deal with budget accountability. I personally don't want to have one more dime for waging war but, rather, move it forward in terms of securing the peace.

I want to stop the open-ended commitment, hopefully revisiting the terms of the authority, move legislation to deal with the poor souls who are trapped in Iraq, refugees who relied on the United States and we've turned our back on them. Let's have some added accountability for the outsourcing of the war through private contractors, and certainly stop the drumbeat of war for Iran. I hope this will be the first of many debates on specifics every week, hopefully every day.

I appreciate, Mr. SKELTON, what you have done. There is no one who cares more deeply about our troops. There is nobody who has tried to sound the alarm about these disastrous policies. I hope we can work with you to expand this debate, to increase the accountability so that ultimately we achieve peace in Iraq.

Mr. SKELTON. May I inquire of the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from Missouri has 3 minutes; the gentleman from Ohio has 6½ minutes.

Mr. SKELTON. I yield myself such time as I may consume.

Some will knock, Mr. Speaker, the importance of this legislation. It is a bill to require the Secretary of Defense to submit to us here in Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq. Further, it requires the Secretary to meet with Congress to brief us on the matters contained in those reports.

Under the Constitution, Mr. Speaker, we are charged here in Congress with raising and maintaining the military. It's important for us to be able to look around the corner to unseen challenges that are out there. The last 30 years we've had 12 military engagements, most of which were a surprise to us. So consequently, it's important for us in Congress to understand the progress and the status of planning for the redeployment of our Armed Forces from Iraq, because there may be those contingencies out there. We hope it doesn't come to pass, but if the future is anything like the past, our forces will be necessary.

So let us understand what this bill does. I think it's a step in the right direction. I am absolutely pleased with the bipartisanship we have had, both in the Armed Services Committee and here on the floor. And special thanks to my friend, my colleague from Ohio (Mr. TURNER) for his work and his amendment on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I want to thank the Chair again for his leadership for this bipartisan legislation, where this body will be able to come together for the important statement on the war in Iraq and for the important planning that needs to ensue.

Mr. BOYD of Florida. Mr. Speaker, I rise today in support of H.R. 3087.

This bill requires the administration to develop a new, redefined mission regarding our involvement and long term interests in Iraq.

This body has taken many votes this year on the issue of Iraq, but this is the first bill to address this issue that has come to the Floor with overwhelming bipartisan support.

A bipartisan approach is critical to put an end to the political infighting that has thus far stymied congressional debate on Iraq.

As a member of the Appropriations Subcommittee on Defense and a Vietnam veteran myself, it is my utmost concern to see that our troops are receiving the resources that they need, but I will continue to assert that our military has done all that we have asked it to do and now it is time for the Iraqi Government to take responsibility for the country's future.

Given that, our Commander in Chief owes this Congress and the American people a plan for a redefined mission that reflects this reality.

I have always believed that bipartisanship equals progress and in no other situation is the need more immediate. In fact, I hope that my colleagues know me as a person who puts these words into action. In the near future, I will be leading a bipartisan congressional delegation to visit our men and women stationed in Iraq.

It is my sincere hope that our upcoming bipartisan trip and this vote today begin a new era where Members continue to join together on areas in which we find agreement in order to make progress for the good of the American people and our great country.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 3087, legislation that will require the administration to develop and share with Congress a comprehensive strategy for the redeployment of U.S. forces from Iraq.

Our Nation recognizes that we cannot remain in Iraq indefinitely. Just last week, General George Casey, the Army Chief of Staff, testified before the House Armed Services Committee that ongoing operations in Iraq were having a detrimental impact on our military readiness, endangering our ability to deal with other contingencies or problems. Our troops have done a superb job in a difficult mission, but they were not sent to Iraq to referee a civil war, and we need to bring them home. The violence in Iraq does not have a U.S. military solution; the answer lies in the Iraqi political reconciliation, which we must support with different methods.

The legislation before us today demonstrates Congress's commitment to ending our military presence in Iraq by mandating that the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, report on the status of planning for redeployment of U.S. forces from Iraq and to provide periodic updates about their implementation. This information is vital for congressional oversight so that we ensure our policies are informed by sound judgment and reflect the complex logistical considerations involved with an undertaking of such magnitude. The administration's poor planning for the post-invasion period led to widespread problems in reconstruction and created the environment of instability that reigns to this day. We must avoid making that mistake again so that our withdrawal from Iraq does not exacerbate existing problems or create new ones.

I will continue to work with my colleagues to demand a swift and safe withdrawal of our U.S. forces from Iraq, and I encourage all of my colleagues to support this measure.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks.

I'd like to thank my colleagues, Congressman TANNER and Congressman ABERCROMBIE, for their hard work on this issue and their dedication to a new direction forward in Iraq.

I rise today in strong support of H.R. 3087.

Mr. Speaker, a change of course in Iraq is long overdue.

The cost of this war is already too high. America has spent over $455 billion and lost more than 3,700 lives in Iraq.

This responsible legislation would require the President and senior administration officials to develop and submit a comprehensive redeployment strategy to Congress within 60 days, and every 90 days thereafter.

Additionally, this bill recognizes that the U.S. Armed Forces and U.S. civilians have worked valiantly, and that it is time for Iraq to manage its future.

The bill also notes that when Congress authorized military force in 2002, it was concerned about an Iraqi government that has since been removed from power.

The brave men and women of America's armed forces have served their country valiantly and will continue to do so.

But it is time to bring them home from Iraq.

We must refocus our mission on the global threat of terrorism.

As a veteran, I voted against this war in 2002 because no one could convince me why we needed to be there.

Now, after five years of the President's failed policies, Congress must take action.

I urge my colleagues to cast a vote for a new direction in Iraq and for the future security of America, and support H.R. 3087.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 3087, a bill that I voted for—along with 54 of my colleagues—when the Armed Services Committee considered it in July.

As amended in committee, H.R. 3087 requires the Secretary of Defense to submit a comprehensive redeployment strategy for U.S. troops in Iraq and requires that the Secretary and the Chairman of the Joint Chiefs of Staff brief the House and Senate Defense Committees on its contents within 60 days, and every 90 days thereafter.

This legislation underscores the importance of contingency planning—something I called for earlier this year when I introduced H.R. 1183, the Iraq Contingency Planning Act. It also underscores the importance of requiring the Defense Department to share its planning with Congress. The sharing can be done in a classified way, but Congress needs to be informed about these plans if we are to be prepared to respond to what these plans may call for.

We remember that in 2003, President Bush launched a war in Iraq without a plan for what would come after initial military sucess. We all know where that has led us, and so as a member of the Armed Services Committee, I want assurances that this administration is thinking about and planning for the withdrawal of U.S. troops from Iraq—whether it happens tomorrow or next month or next year.

Madam Speaker, this legislation isn't intended to solve the larger problem of Iraq. To do that, we need a policy aimed at escalating diplomatic and political efforts and lightening the U.S. footprint in Iraq. But although there is widespread support for redeploying our troops, there is not yet sufficient support in Congress to override a Presidential veto on any major change in our Iraq policy.

That's another reason this bill is important. So long as we lack a sufficient majority to override his veto, we Democrats can't force the President to change course without Republican support. Only Democrats and Republicans working together can find the path out of Iraq. This bill is a small step forward in building that bipartisan support, so I will vote for it again today, while I continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

Mr. STARK. Mr. Speaker, I rise in opposition to a resolution that does nothing to end the war in Iraq.

Does H.R. 3087 call for our troops to immediately be brought home? No, it does not.

Does it at least call for redeployment over several months, or even years?

No, it does not.

Or at the very minimum, does it demand that the Pentagon actually develop and outline to a Congress a strategy on how redeployment might occur? No, it does not. As introduced, the bill would have done so. But in committee, this weak bill became even weaker.

There's no there there, if there ever was.

All the bill does is require the Department of Defense to report to Congress on the status of planning for redeployment.

Let's not kid ourselves about what the result of today's resolution will be. Every 3 months, President Bush's Secretary of Defense would tell Congress that the administration has not and will not develop a plan for the withdrawal of all our brave men and women in uniform.

That much I already know. I don't need a Bush lackey to repeat the bad news on a quarterly basis.

The only plan President Bush has is to keep our troops in harm's way for years if not decades. He wants to continue wasting tens of billions of dollars abroad while domestic needs go unmet at home.

I urge all my colleagues to vote against H.R. 3087 and instead support an immediate end to the war in Iraq.

Mr. MARKEY. Mr. Speaker, I rise today to speak in favor of H.R. 3087.

H.R. 3087 requires the Secretary of Defense to report to the Congress within 60 days, and every 90 days thereafter, "on the status of planning for the redeployment of the Armed Forces from Iraq." This bill specifies that the Pentagon is to describe a range of different possible scenarios for withdrawal, and create multiple timelines for completion of withdrawal. These reports will be valuable to the Congress as it carries out its oversight responsibilities and considers future legislation regarding Iraq. While it is necessary to require the Department of Defense to draft plans for withdrawal for Iraq, it is not sufficient. President Bush must finally implement these withdrawal plans so that our brave men and women can return home to their families having served honorably under extremely difficult conditions.

It is clear that President Bush is content to allow the next President to clean up his mess in Iraq, and that is a travesty. The bill that we are considering today will at least make that job slightly easier for the next President, as the Pentagon will have already drawn up detailed plans for our withdrawal from Iraq. As we know only too well today, responsible planning and foresight was one of the earliest casualties of President Bush's war in Iraq. If the Congress must force such planning to be done, so be it.

Mr. Speaker, while I support H.R. 3087 and encourage all members to vote for its passage today, it is tragic that due to opposition from Republican leaders in the Congress and veto threats by the President, we have not yet been able to make further progress on withdrawing our troops from Iraq. There was no connection between the 9/11 attacks and Saddam Hussein and no nuclear weapons in the sands of Iraq, yet the President seems to have no intention of bringing this mistaken and ill-conceived war to an end. It is a war that has made the United States less secure, yet the President refuses to even begin thinking about a new strategy. It is long past time for the United States to hand over security in Iraq to the Iraqis, and I hope that this bill will move us closer to that goal.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H.R. 3087, which requires the President, in coordination with the Departments of State and Defense, to transmit to the Congress a strategy for the redeployment of U.S. forces from Iraq. The bill also requires the Secretary of Defense, not later than 60 days after the enactment of this act, and every 90 days thereafter, to submit to congressional defense committees a report on the status of this planning. In addition, the bill requires the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to brief these same congressional committees on the matters contained in the report. Furthermore, the legislation contains "sense of Congress" language that the contingency planning should: address the protection of Iraqi forces, Iraqi nationals, third party nationals and U.S. civilians who have assisted the U.S. mission, enhance the ability of the United States to fight Al-Qaeda and affiliated terrorist organizations, and preserve military equipment necessary to defend the national security interests of the United States. Additional provisions in the bill include supporting and equipping Iraqi armed forces to take full responsibility for their own security.

This resolution is an important component of Congress's oversight of the Iraq war, and compels the administration to engage with Congress on the planning for responsible redeployment of our combat troops. The President's Iraq policy of putting our brave men and women in the Armed Forces in the position of policing the streets of Baghdad and other Iraqi cities in the midst of a sectarian war is the wrong strategy and one that continually puts them in harms way. I will continue to advocate for an immediate start to the responsible redeployment of our combat troops from Iraq, but in the meantime, it is important to garner as many votes as possible within the Congress to send a strong message to the administration that it must begin to plan for a comprehensive redeployment of our forces to provide for the best possible protection of our brave men and women in uniform.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3087, which requires the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of the armed forces in Iraq. I am in favor of requiring the President to develop a comprehensive strategy for the redeployment of American forces out of Iraq. A good plan is a good thing. A bad plan is a bad thing. But worst of all, is having no plan at all, which has been the sad state of affairs in Iraq for the past four years. So H.R. 3087 represents a small step in the right direction. However, there is more to be done, much more.

While I am not opposed to this legislation requiring the administration to develop and transmit to the Congress a comprehensive strategy for redeploying our troops out of Iraq, I believe I speak for most Americans when I say that what we really want is to have the 160,000 brave men and women wearing the uniform in the service of their country reunited with their families and friends and contributing to their communities back here in America.

I am working toward the day when our soldiers, marines, sailors, and airmen can leave Iraq and return to the United States where they can receive the heroes welcome they deserve. I am working toward the day when the President of the United States issues a proclamation calling upon the people of the United States to observe a national day of celebration commemorating military success in Iraq. I can foresee the day when our troops who have known heat and hardship and horror in Iraq are again returned to their own land where they can be with family and friends and enjoy freedom and faith and fun. If H.R. 3087 hastens that day by just 24 hours, I can support it. But I will never be satisfied until our troops have been delivered out of Iraq and back to their loved ones.

Mr. Speaker, the administration has consistently placed far too great an emphasis on military objectives and solutions, and has consequently not allowed diplomacy the role it was intended to play in our global system. The administration stated, "In the coming months, the United States will continue to operate along four lines of operation—security, political, economic, and diplomatic—to advance our objectives." In our war on terror, diplomacy cannot be used as a last resort. A war on terrorism is, as the Bush Administration has stated, a war for the "hearts and minds," which simply cannot be won through military action.

Mr. Speaker, our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and political upheaval. I have, for some time now, argued the importance of the Congress going on record acknowledging for all the world to know the success of the America's armed forces in Iraq. Our brave troops have completed the task we set for them; it is time now to bring them home. Our next steps should not be a continuing escalation of military involvement, but instead a diplomatic surge.

As the former chairman and vice chairman of the 9/11 Commission, Thomas H. Kean and Lee H. Hamilton, recently stated, "Military power is essential to our security, but if the only tool is a hammer, pretty soon every problem looks like a nail. We must use all the tools of U.S. power—including foreign aid, educational assistance and vigorous public diplomacy that emphasizes scholarship, libraries and exchange programs—to shape a Middle East and a Muslim world that are less hostile to our interests and values. America's long-term security relies on being viewed not as a threat but as a source of opportunity and hope."

Despite the multitude of mistakes committed by President Bush and former Defense Secretary Rumsfeld, our troops have achieved a military success in ousting Saddam Hussein and assisting the Iraqis in administering a democratic election and electing a democratic government. However, only the Iraqi Government can secure a lasting peace. Time and time again, the Iraqi Government has demonstrated an inability to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts, even by members of the Bush administration, is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

Last month, the House Foreign Affairs Committee, of which I am a member, heard testimony on the Government Accountability Office report on Iraqi progress toward the 18 legislative, economic, and security benchmarks. The Comptroller General of the GAO informed members that only three of these benchmarks have been met by the Maliki government. Despite the surge, despite increasing U.S. military involvement, the Iraqi government has not made substantial progress toward stabilizing their country. The more than 3,750 U.S. casualties and the $3,816 per second we are spending in Iraq have not bought peace or security.

We are not here today to debate whether there has been some decrease in violence in Baghdad. The United States military is a skilled and highly proficient organization, and where there are large numbers of U.S. troops, it is unsurprising that we see fewer incidents of violence. However, it is our responsibility to take a longer-term view. The United States will not and should not permanently prop up the Iraqi government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. And so far, we have not seen a demonstrated commitment by the Iraqi government.

Mr. Speaker, President Bush stated in June 2005, "Our strategy can be summed up this way: As the Iraqis stand up, we will stand down." Instead of concentrating on building local capacity and applying pressure to the Maliki government to force them to take responsibility for the destiny of their nation, the Administration has chosen to pursue policies, namely the Baghdad security plan, that focus on continued combat by U.S. forces, rather than transferring responsibilities to Iraqis. As a result, Iraqi security forces, ISF remain entirely dependent upon U.S. troops; the August 2007 National Intelligence Estimate reports that the ISF "have not improved enough to conduct major combat operations independent of the Coalition" and "remain reliant on the Coalition for important aspects of logistics and combat support." With the New Way Forward strategy, American troops continue to shoulder the majority of the war effort.

How will we know when the American forces are no longer needed? In testimony before a Joint Foreign Affairs-Armed Services Committees hearing last week, both General Petraeus and Ambassador Crocker painted an optimistic picture of the situation in Iraq, making frequent reference to the progress and success in the Anbar province. However, Iraqi Parliament member and leading Shi'a cleric, Jamal Al-Din, said in a Congressional Briefing the following day that he did not recognize the country they described as the Iraq he represents, an Iraq that continues to be riddles with factionalism, extremism, and domestic strife. Even the administration's report projects a daunting list of challenges that face American troops on Iraq as well as Iraqis. These include: communal struggle for power between Shi'a majority and Sunni Kurd and other minorities; Al-Qaeda extremists in Iraq acting as accelerants for ethno-sectarian violence; Iranian lethal support to Shi'a militants; and foreign support to extremists in Iraq. And while General Petraeus and the Bush administration have been stressing the progress made in the region and the need for more time, they failed to note that sizeable increase in ethno-sectarian deaths in July and August and the fact that ethno-sectarian violence presents a substantial challenge to stability in the region, particularly in rural areas where security presence is light.

And while the situation in Iraq presents an open-ended military challenge to our forces abroad, our presence in the region may be hindering the security of our Nation. Evidence suggests that not only is increased U.S. military presence in Iraq not making that nation more secure, it may also be threatening our national security by damaging our ability to respond to real threats to our own homeland. The recently released video by Osama bin Laden serves to illustrate that President Bush has not caught this international outlaw, nor brought him to justice. Instead, he has diverted us from the real war on terror to the war of his choice in Iraq.

Recently, the former chairman and vice chairman of the 9/11 commission, Thomas H. Kean and Lee H. Hamilton, published an op-ed in the Washington Post examining the question of whether our nation is safer today, six years after 9/11. Kean and Hamilton concluded, "We still lack a sense of urgency in the face of grave danger." The persistence of this threat is attributed to "a mixed record of reform, a lack of focus, and a resilient foe," and the authors note that our own actions have contributed to a rise of radicalization and rage in the Muslim world. Kean and Hamilton write that "no conflict drains more time, attention, blood, treasure, and support from our worldwide counterterrorism efforts than the war in Iraq. It has become a powerful recruiting and training tool for al-Qaeda."

Mr. Speaker, Iraq faces a severe crisis. With a factionalist government in which parties are based on religion, a qualification that is strictly forbidden within the Iraqi constitution, religious, tribal, and ethnic tensions remain high and mere subsistence has become a challenge to the average citizen. The UNHCR has recently said that more than two million Iraqi's have claimed refugee status abroad since the invasion, while an additional 60,000 people flee their homes each month. In a recent statement, Ambassador Crocker the admission of refugees was "bogged down by major bottlenecks."

The Administration has spent so much time and money on its military strategy that it is ill-equipped to handle the human rights atrocities that are occurring. And while the United States delays admission of refugees based on a myriad of bureaucratic security checks, Ambassador Crocker states, "refugees who have fled Iraq continue to be a vulnerable population while living in Jordan and Syria."

Finally, Mr. Speaker, I would like to draw attention to the lack of adequate oversight of the American war effort. Given the enormous amount of resources involved, coupled with the catastrophic costs in human lives, we would certainly expect adequate management of U.S. funds and military supplies. We would expect clear records of exactly where those $10 billion a month is going, and to whom it is being given. And yet, the GAO reports that the Pentagon has lost track of over 190,000 weapons, given to Iraqis, particularly in 2004 and 2005. The report states that the U.S. military does not know what happened to 30 percent of the weapons the United States distributed to Iraqi forces from 2004 through early this year as part of an effort to train and equip the troops. These weapons could be used to kill our American troops.

In addition, only yesterday, the Iraqi government stated that it would review the status of all private security firms operating in the country. This announcement came after a controversial gunfight on Sunday, involving the U.S.-based firm Blackwater USA, left eight civilians dead. Mr. Speaker, reports indicate that there are currently at least 28 private security companies operating in Iraq, employing thousands of security guards. This incident suggests the need for superior oversight and accountability for contractors in Iraq.

Mr. Speaker, the real tragedy of this war has been the deaths of so many of our American sons and daughters. At current count, the Department of Defense had confirmed a total of 3,808 U.S. casualties. In addition, more than 28,009 have been wounded in the Iraq war since it began in March 2003. June, July, and August have marked the bloodiest months yet in the conflict, and U.S. casualties in Iraq are 62 percent higher this year than at this time in 2006. This misguided, mismanaged, and misrepresented war has claimed too many lives of our brave servicemen; its depth, breadth, and scope are without precedent in American history.

Before I close, Mr. Speaker, I would like to discuss briefly an important legislative proposal that I will soon introduce. This legislation, the "Military Success in Iraq Commemoration Act of 2007," recognizes the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, encourages the President to issue a proclamation calling upon the people of the United States to observe a national day of celebration commemorating the military success of American troops in Iraq, and provides other affirmative and tangible expressions of appreciation from a grateful nation to all veterans of the war in Iraq.

There are many interesting and important legislative proposals relating to the war in Iraq. Most of them, however, are contentious and divisive making it difficult for them to attract broad support across the aisle. In this respect my legislation is different. That is because it involves an issue over which there should be widespread and broad-based consensus. We should all be able to agree that one good and sufficient reason to redeploy U.S. troops out of

Iraq is because they have achieved their mission objectives. They have been victorious in every battle and have won the military victory they were sent to win in March 2003. They are victors and heroes who have never been defeated on the battlefield.

Blaming the current chaos in Iraq on our military is like blaming the Continental Army for the outbreak of the Civil War. In each case, the armed forces did their jobs—they won the war they were sent to fight; in each case, it was the civilian leadership that failed to win or maintain the peace.

The Armed Forces of the United States are not to be used to respond to 911 calls from governments like Iraq's that have done all they can to take responsibility for the security of their country and safety of their own people. The United States cannot do for Iraq what Iraqis are not willing to do for themselves.

When our heroic young men and women willingly sacrifice life or limb on the battlefield, the nation has a moral obligation to ensure that they are treated with respect and dignity. One reason we are the greatest nation in the world is because of the brave young men and women fighting for us in Iraq and Afghanistan. They deserve honor, they deserve dignity, and they deserve to know that a grateful nation cares about them.

Outside of my office there is a poster-board with the names and faces of those heroes from Houston, Texas who have lost their lives wearing the uniform of our country. I think to myself how lucky I am to live in a nation where so many brave young men and women volunteer to the ultimate sacrifice so that their countrymen can enjoy the blessings of liberty. Now is the time to remind our heroes they have not been forgotten. More importantly, America has not forgotten them.

My legislation, the Military Success in Iraq Commemoration Act of 2007, pays fitting tribute to the valor, devotion, and heroism of those who fought in Iraq in the following ways. First, my bill provides an express finding by the Congress that the objectives for which the AUMF resolution of 2002 authorized the use of force in Iraq were achieved by the Armed Forces of the United States.

Second, my bill authorizes the President to issue a proclamation calling upon the American people to observe a national day of celebration commemorating the Armed Forces' military success in Iraq. This will help ensure that the Iraq War does not suffer the fate of other open-ended engagements like the Korean War, which is often called the "Forgotten War."

Third, my bill authorizes funds to be appropriated and awarded by the Secretary of Defense to state and local governments to assist in defraying the costs of conducting suitable "Success in Iraq" homecoming and commemoration activities and in creating appropriate memorials honoring those who lost their lives in the war. Many of the casualties in the Iraq War come from small towns and villages in rural or economically depressed areas. The local governments are already facing substantial fiscal pressures and need help coming up with the necessary funds.

Finally, my bill creates a program and authorizes funds to be appropriated pursuant to which the Secretary of Veterans Affairs shall award to each veteran of the Operations Iraqi Freedom and Enduring Freedom a grant of $5,000 to facilitate the transition to civilian life. We don't want veterans to end up homeless or unemployed or unable to take their kids on a vacation or start a business. This $5,000 bonus is but a small token of the affection the people of the United States have for those who risked their lives so that we may continue to live in freedom.

Mr. Speaker, perhaps no issue will more define this Congress than how we conclude this misguided conflict. I am proud to be a part of a Congress that is listening to the clearly expressed will of the American people, and I remain, as ever, committed to ending this truly tragic conflict.

Mr. TURNER. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 3087.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and passing H.R. 3087 will be followed by 2-minute votes on motions to suspend the rules with regard to:

House Resolution 635,

House Concurrent Resolution 203,

H.R. 2828, and

House Concurrent Resolution 200.

The vote was taken by electronic device, and there were—yeas 377, nays 46, not voting 10, as follows:

[Roll No. 927]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pascrell
Pastor
Paul
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—46

Baird
Baldwin
Barrett (SC)
Barton (TX)
Brady (TX)
Burton (IN)
Buyer
Cannon
Capuano
Carter
Cleaver
Conyers
Davis (IL)
DeGette
Flake
Frank (MA)
Franks (AZ)
Grijalva
Hall (NY)
Hinchey
Holt
Inslee
Jackson (IL)
Johnson, Sam
King (IA)
Kucinich
Lamborn
Lewis (GA)
McCotter
McDermott
McNerney
Moore (WI)
Moran (VA)
Olver
Pallone
Payne
Pence
Rothman
Serrano
Shimkus
Stark
Tancredo
Velázquez
Waters
Watson
Woolsey

NOT VOTING—10

Carson
Cubin
Davis, Jo Ann
Hastert
Higgins
Jindal
Kilpatrick
Lee
Maloney (NY)
Perlmutter

☐ 1701

Ms. DEGETTE, Ms. WATSON, Ms. VELÁZQUEZ and Messrs. ROTHMAN, FRANK of Massachusetts, CANNON, BURTON of Indiana, DAVIS of Illinois, CONYERS and LAMBORN changed their vote from "yea" to "nay."

Messrs. BROUN of Georgia, RADANOVICH and WESTMORELAND changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports.".

A motion to reconsider was laid on the table.

RECOGNIZING COMMENCEMENT OF RAMADAN AND COMMENDING MUSLIMS FOR THEIR FAITH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 635, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 635, as amended.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 0, answered "present" 42, not voting 14, as follows:

[Roll No. 928]

YEAS—376

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth

ANSWERED "PRESENT"—42

Aderholt
Akin
Barrett (SC)
Bonner
Bono
Broun (GA)
Brown-Waite, Ginny
Burgess
Buyer
Carter
Conaway
Deal (GA)
Everett
Fallin
Forbes
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Granger
Hayes
Johnson, Sam
Jordan
King (IA)
Lamborn
Marchant
McIntyre
Miller (FL)
Neugebauer
Pence
Price (GA)
Rogers (AL)
Souder
Tancredo
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Carson
Cubin
Davis, David
Davis, Jo Ann
Gingrey
Hastert
Higgins
Hunter
Jindal
Kilpatrick
Lee
Maloney (NY)
Perlmutter

☐ 1706

Mr. BARRETT of South Carolina and Mr. MARCHANT changed their vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and expressing respect to Muslims in the United States and throughout the world on this occasion, and for other purposes.".

A motion to reconsider was laid on the table.

CONDEMNING THE PERSECUTION OF LABOR RIGHTS ADVOCATES IN IRAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res.

203, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 203, as amended.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, answered "present" 1, not voting 12, as follows:

[Roll No. 929]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—12

Carson
Cubin
Davis, Jo Ann
Hastert
Higgins
Jindal
Kilpatrick
Lee
Maloney (NY)
Perlmutter
Rangel
Rush

☐ 1711

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FOREIGN SERVICE VICTIMS OF TERRORISM ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2828, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 2828, as amended.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 11, as follows:

[Roll No. 930]

YEAS—409

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich

Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler

Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak

Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—12

Broun (GA)
Cantor
Deal (GA)
Flake

Goode
LaTourette
Paul
Shuster

Simpson
Tancredo
Terry
Young (FL)

NOT VOTING—11

Abercrombie
Carson
Cubin
Davis, Jo Ann

Hastert
Higgins
Jindal
Kilpatrick

Lee
Maloney (NY)
Perlmutter

□ 1716

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPUTNIK ON DISPLAY

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Members of the House, 50 years ago on Thursday, the Russians launched a tiny moon into space called Sputnik. They built seven satellites, one they launched which burned up as it came back to Earth. One of them is right outside the main entrance on the way to Statuary Hall.

I would invite Members to take a look at what shook the world 50 years ago and got us to wake up. Sputnik is right on the way to Statuary Hall.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 2-minute voting will continue.

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DAW AUNG SAN SUU KYI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 200, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 200, as amended.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 17, as follows:

[Roll No. 931]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)

Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer

Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello

Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)

Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak

Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Paul
Terry

NOT VOTING—17

Carson
Cubin
Davis, Jo Ann
Gohmert
Green, Gene
Hastert
Higgins
Hobson
Honda
Jindal
Kilpatrick
Lee
Maloney (NY)
Miller, George
Perlmutter
Tancredo
Wolf

☐ 1722

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, due to a family emergency I missed the following votes on Tuesday, October 2, 2007. I would have voted as follows:

H.R. 3087—To require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq—"yea;" H. Res. 635—Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith—"yea;" H. Con. Res. 203—Condemning the persecution of labor rights advocates in Iran—"yea;" H.R. 2828—To provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998—"yea;" and H. Con. Res. 200—Condemning the violent suppression of Buddhist Monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi—"yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to attend to several votes. Had I been present, I would have voted "yea" on final passage of H.R. 3087, to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq; "yea" on final passage of H. Res. 635, recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; "yea" on final passage of H. Con. Res. 203, condemning the persecution of labor rights advocates in Iran; "yea" on final passage of H.R. 2828, to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998; and "yea" on final passage of H. Con. Res. 200, condemning the violent suppression of Buddhist Monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.

COMMUNICATION FROM THE HONORABLE MAXINE WATERS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MAXINE WATERS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a trial subpoena for testimony in a criminal case issued by the Superior Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and rights of the House.

Sincerely,

MAXINE WATERS,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1506

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1506.

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONGRATULATIONS, CHIEF BRISCOE

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, we are often told safety doesn't happen by accident. And it is no accident that Caldwell County has been kept safe under the careful watch of Lenoir Fire Chief Ken Briscoe, who has been fighting fires for more than 30 years.

Chief Briscoe wrote the book on firefighting, literally. He developed extensive training curricula while working with the State fire marshal's office, sharing his wisdom and experience with more than 1,400 North Carolina fire departments.

Chief Briscoe then returned to the front lines of firefighting, taking the helm of the Lenoir Fire Department, and we have been fortunate to have him. The Lenoir Fire Department is a top-notch organization. And because of his leadership there, Chief Briscoe has recently been named North Carolina's top firefighter by the North Carolina State Firemen's Association.

In the words of one of his lieutenants, "Chief Briscoe is a firefighter's fireman." I am honored to know such a public servant and call him a friend.

Congratulations, Chief Briscoe. We are very proud of you. You have earned this award, and you have kept the people of western North Carolina safe. Thank you for your service.

FLORIDA STANDS AGAINST TERRORIST REGIMES

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on September 19, the State of Florida took a very principled stand against terrorist regimes by divesting roughly $1.3 billion of public employee retirement funds from companies that invest in Iran and Sudan. Iran is actively developing nuclear weapons despite protests from the international community and has repeatedly threatened to wipe the State of Israel off the map.

Sudan continues to engage in genocide against its citizens, resulting in more than 400,000 deaths and more than 2 million people forced to seek refuge in neighboring countries. The American people's hard-earned money should not go towards helping state sponsors of terror or enhancing illegal nuclear programs.

Madam Speaker, I am extremely proud of Florida and its leadership for taking this remarkable step on this issue, and I hope other States will join in this effort.

Obviously, more can always be done to stop funding and to take funding away from state sponsors of terrorism, but this is an important step that the State of Florida has taken. For that, I commend the State of Florida and the State elected officials.

WELCOMING NATIONAL FRANCHISEE ASSOCIATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, throughout the course of our Nation's history, the prosperity of America and its citizens has invariably been linked with the success of our economy. Our country should be proud of its entrepreneurs who are the key components of that success.

I would like to recognize and thank the National Franchisee Association for providing the support and resources necessary to maintain its membership which consists of Burger King franchisees.

The NFA was founded with a mission: "To improve, preserve and ensure the economic well-being for all of its members." For nearly 20 years, the National Franchisee Association has delivered this promise by expanding its services and adapting to the ever-changing economic and technological landscape.

Today, the NFA's membership is comprised of approximately 1,200 franchisees from across the country, representing every district in every State.

NFA members employ thousands of citizens and provide individuals, especially our Nation's youth, with an opportunity to learn traditional American values, including hard work, cooperation and responsibility.

Madam Speaker, I encourage my colleagues to welcome the NFA's membership to our Nation's Capital, and I thank them for their continuous positive contribution to the fabric of our society.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

YOUTH PRESIDENTIAL FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Madam Speaker, what are the most important issues facing today's high school and college students? Being able to afford college? Access to health care? The Iraq war? Who are their favorite Democratic candidates? Obama? Clinton? Edwards? Who are their favorite Republican candidates? Giuliani? McCain? Romney?

Well, thanks to the first ever National Youth Presidential Forum on November 14, 2007, up to 10 million young people will have the opportunity to hear from the Presidential candidates from both parties and then cast their votes.

As the Congressman from central Florida, I'm very proud that the Lou Frey Institute of Politics and Government at the University of Central Florida is playing a key role in putting together this unprecedented event.

They've joined together with the EWN Foundation, The Presidential Classroom, and the United States Association of Former Members of Congress to sponsor a 3-hour forum online, which brings together Presidential candidates and America's young people for the first time in a unique Webcast.

This is how it will work. Presidential classroom scholars will create questions which will then be sent to the Presidential candidates who can respond via videotape prior to the event or live the day of the event. Then, thanks to the event sponsors, the Webcast will be provided free to each of the participating high schools and colleges across the United States.

All of the students will then be able to vote for up to 36 hours after hearing from each of the candidates on the issues most important to them.

I urge my colleagues to go to www.rocktheweb.org for more information on this great project. It provides a valuable civics lesson for our students and important feedback to our Presidential candidates on the key issues facing America's young people.

I would encourage all of the Presidential candidates, high schools and colleges to participate in this worthwhile educational opportunity.

CAMEL NO. 9 CIGARETTES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, I rise to discuss an important public health issue, particularly for young women and girls.

As a mother, grandmother and a former school nurse, I know all about the annual back-to-school shopping ritual. Each fall, kids and parents hit the stores to stock up on school supplies and new clothes. Unfortunately, this fall there's a new must-have item being advertised, and believe it or not, it's Camel No. 9 cigarettes.

It's being brought to our daughters, granddaughters and nieces by the folks at R.J. Reynolds, the same company that thought cartoon character Joe Camel was a responsible product spokesman.

Camel No. 9 cigarettes are just the pink version of Joe Camel, or as one Oregon newspaper put it, "Barbie Camel." And R.J. Reynolds' tobacco marketing strategy is complete with fashionable giveaways to young women that include berry lip balm and mini hot pink purses.

The tag line for Camel No. 9 is "light and luscious," which sounds more like a tasty treat than a cancer-causing cigarette. Now there's even a Camel No. 9 stiletto line which evokes images of the sexy shoes.

Well, I'd like to remind R.J. Reynolds that there's nothing sexy about emphysema or dying prematurely from cancer. No amount of pretty pink packaging can obscure the fact that lung cancer is the number 1 cancer killer among American women, a truth that underscores big tobacco's desperate search for new smokers.

While we expect this kind of sleazy marketing from tobacco companies, I've been terribly disappointed that they've found a new and unexpected ally in women's fashion magazines. These magazines set the styles and trends for the country. They have historically served as legitimate sources for information on women's health and fitness, and they've sold out the well-being of their readers to help big tobacco in their search for new victims.

So back in June, 40 of my colleagues joined me in writing to the publishers of 11 leading women's magazines. We asked them to voluntarily stop accepting misleading advertising for deadly cigarettes, particularly for Camel No. 9. When not 1 of these magazines bothered to formally respond to our first letter, we wrote again.

This time 7 of them did respond, but none have committed to drop the ads. Several defended themselves by pointing to their editorials on the dangers of smoking, but how can a young impressionable reader possibly take that seriously when they can flip the page and find an advertisement for cigarettes that make them look as sexy and sophisticated as perfume?

Just look at this ad printed in the October edition of "Glamour." This "Dressed to the 9s" piece encourages the "fashion forward" woman to embrace a vintage look and more closely resembles the magazine's regular editorial content on the latest fashions. The ad also helpfully recommends starting a vintage makeover with a little black dress.

Quite frankly, it would be more appropriate to exhibit how it would look with black lungs and yellowed teeth readers would have after a life of smoking.

This sort of deceptive advertising is brilliant in the eyes of marketers but shameful in the eyes of anyone who cares about public health. These ads are obviously targeted to appeal to young women and girls.

And although this magazine may claim that girls and teens are only a small fraction of their readership, I think that everyone can relate to the familiar scene of a young girl in line at the grocery store with her mom, flipping through the magazines that the cool older girls are reading. This is exactly what they would see in this issue of "Glamour." There's two more pages I don't have time to flip through myself.

Newsweek columnist Anna Quindlen recently wrote on Camel No. 9 cigarettes and this deliberate effort to appeal to young women and girls. In her piece she noted that her own 18-year-old daughter had tried Camel No. 9, describing its taste and smell with words like perfume, caramel, and chai tea.

So R.J. Reynolds and leading women's fashion magazines are pushing pink stiletto cigarettes that smell like perfume, taste like chai on ad pages that are virtually indistinguishable from the regular fashion content of the magazine. Yet, they continue to insist that this ad blitz, timed perfectly to coincide with the start of school, is in no way targeting our children? It would be laughable if it wasn't so serious.

Tomorrow, we're going to be having a hearing on H.R. 1108, introduced by my colleague HENRY WAXMAN, which would give FDA the authority to regulate tobacco, including advertising, and I hope that the magazines that are printing these ads don't wait until Congress passes a law in order to do the right thing.

If the Camel No. 9 advertising blitz that greeted our students at the start of the school year is any indication of their intentions, I shudder to think of the tricks and treats R.J. Reynolds and its new friends in the magazine business have in store for our young women and girls this Halloween.

LET'S GET SERIOUS ABOUT OUR FISCAL OUTLOOK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, last Tuesday Congressman JIM COOPER and I reintroduced the SAFE Commission Act, and I'm hopeful that by joining efforts our colleagues in the House and the Senate will embrace this bipartisan commission that could put our country on sound financial footing.

U.S. Comptroller General David Walker, the Heritage Foundation, the Brookings Institution, the Concord Coalition and the Committee for a Responsible Federal Budget all support the Cooper-Wolf SAFE Commission Act.

These groups also have joined on what they call "The Fiscal Wake-Up Tour," which has been traveling across America from San Francisco to Cincinnati laying out the facts about the future financial condition of our country, discussing possible options and preparing the way for tough choices that those of us in Congress are going to have to make.

When you look at this tour, you see groups who usually disagree more than they agree on policy issues. That makes it even more extraordinary that they all agree that we need to sit down and work together to make sure our country doesn't fall into a financial canyon that we can never climb out of.

That's the message that is resonating with folks who hear them: the need to come together and work to find bipartisan answers to ensure a secure financial future for America.

What the tour has told us, too, is that we shouldn't underestimate the willingness and ability of the American people to hear the truth and support the decisions necessary to change our financial course, and that's encouraging.

Many of you may recall the Simon and Garfunkel song, "The Boxer," with the refrain, "Man hears what he wants to hear and disregards the rest." The Fiscal Wake-Up Tour offers hope that with education Americans may be more ready than we think to accept the fact that Federal spending cannot continue to balloon without consequences. It is time that we tell the American people what they need to hear and not just what they want to hear. "The Boxer" song, "Man hears what he wants to hear and disregards the rest."

Thirty years from now we won't be arguing in Congress over discretionary spending anymore because there will be no funding left in that category.

I'm not an expert in economics, but simple math tells us that little money will be left to ensure that our highways and bridges are safe, that there will be no money for cancer research and to solve the riddles of Parkinson's and Alzheimer's, that there won't be money to care for veterans.

Resources will be scarce to ensure our schools are the best in the world so that our children and grandchildren can get the necessary tools, particularly in math and science, to compete in the world marketplace.

We owe it to our young people to start the process today. Reining in spending is both an economic and it is a moral issue.

We cannot continue to avoid our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security and Medicare obligations and unsustainable spending.

We cannot continue to borrow and mortgage our future to countries like China, which has a terrible human rights record and has plundered Tibet, and has Catholic bishops in jail and Protestant pastors in jail and others in jail, or the Saudi Arabia that is funding Wahabism around the world, that they carry obscene amounts of our debt.

But I'm going to be candid. Congress, on its own, unfortunately can't get it done in this politically charged atmosphere of Washington today. The Congress today is dysfunctional. The latest public opinion polls perhaps validate my assessment.

The American people expect us to put our partisan differences aside and to work together to get things done. We must move beyond the politics and come to grips with the fact that the financial future of our country is an American issue. It's not a red issue or blue issue. It's a red, white and blue issue. It's an issue that, as Americans, we should be working together to deal with.

Under the SAFE Commission process, Congress is the ultimate decision-maker obviously, but it will be the SAFE Commission, after holding hearings across the country, listening to the American people and putting everything on the table for discussion, entitlements and tax policies, which will send its recommendations to Congress for a mandatory up-or-down vote, similar to what we do on the base closing commission.

Congress will be the major part in the SAFE process. It will be at the table. We even hold out hope that Congress could find its way and act on its own.

First, at least four of the 14 congressionally appointed commission members must be sitting Members of Congress.

Second, if Congress enacts significant legislation aimed at addressing this looming crisis, the SAFE commission would terminate and cease to exist.

We hope this happens, but, quite frankly, I don't think it will. Abraham Lincoln once said: "You cannot escape the responsibility of tomorrow by evading it today."

I believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean have we lost a national will to make the tough decisions.

The SAFE Commission offers us the opportunity to find a way forward to protect our future. Is it right for one generation to live very well knowing that its debts will be left to be paid for by their children and their grandchildren? No, it is not right, but it is immoral.

I'm challenging our colleagues today to come together—to know that while you served in Congress you did everything in your power to provide the kind of security and way of life for your children and grandchildren that your parents and grandparents worked so hard to provide for you.

The challenge, too, goes out to the leadership in Congress and the Administration to make this a truly bipartisan effort and put the SAFE Commission on the fast track to enactment.

How can we lack leadership on such a fundamental issue?

Leadership by definition requires taking initiative—to act before others, to develop fresh approaches.

This issue is timely and critical.

I urge you to review the bipartisan Cooper-Wolf legislation.

☐ 1745

IMPROPER OVERSIGHT OF BLACKWATER AND THE PASSAGE OF H.R. 3087 IS A STEP IN THE RIGHT DIRECTION TO RESPONSIBLY REDEPLOY OUR TROOPS FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, today in the House Oversight and Government Reform Committee, my colleagues and I questioned the CEO of Blackwater and lead figures in the Department of State regarding private security contracting in Iraq and Afghanistan.

During the course of this hearing, I was absolutely alarmed and shocked by the stark reality that private contractors such as Blackwater have possibly created a shadow military of mercenary troops that are not accountable to the United States Government or to anyone else.

With 180,000 Americans, Iraqis and nationals from other countries who operate under an array of Federal contracts provide everything from security and intelligence gathering to infrastructure building and transporting supplies to a country nearly the size of California.

Even more alarming is the fact that Blackwater and similar private contractors make up the largest security force in Iraq. There are currently over 20,000 more contractors than the total U.S. military forces.

With these numbers, one may suspect the contractors are being utilized, in part, to mask the true extent of our involvement in Iraq. I am also concerned with the fact that many contractors such as those working for Blackwater are simply held to a different standard, where circumventing criminal law, rules of engagement and even the Geneva Conventions have become far too commonplace.

There have been 195 escalation of force incidents from Blackwater alone since 2005, including several previously unreported killings of Iraqi civilians. In 80 percent of these instances, Blackwater fired first. This "shoot now and ask questions later" attitude has resulted in further distrust amongst Iraqis for American military forces and the Iraqi Interior Ministry demanding that Blackwater cease its operations in Iraq, all during a time when winning the cooperation of Iraqi civilians and government is critical for our success for our mission.

Due to these and other incidents, Blackwater has undermined our strategic mission in Iraq and possibly stifled our already sensitive relationship with Iraq's neighboring states, those same countries where garnering multilateral and bilateral support is critical to solidifying political reconciliation in Iraq.

The President has consistently stated that he wants to win the hearts and the minds of Iraqis. However, the ongoing use of Blackwater contractors that are consistently beyond legal reach is not the way to achieve that goal. Blackwater is clearly the realization of former Secretary of Defense Donald Rumsfeld's vision of a "hollow military," where everything that can be privatized and outsourced will be.

Blackwater appears to be held above the law, as the State Department continues to make little effort to hold it accountable, while continuing to award contracts amounting to over $1 billion since 2000, $300 million of which were awarded as no-bid contracts. Clearly it is time for a new direction beyond the failed policy in Iraq, which has been further deteriorated by the administration's use of inept privatized security contractors.

That new direction begins with outlining a clear statement on appropriate and detailed contingency plans for a reasonable redeployment of troops from Iraq, including consideration of force protection for military and civilian personnel and a need to continue to protect our vital national security interests as mandated in Representatives ABERCROMBIE, TANNER and TURNER's bill, H.R. 3087.

As such, the passage of H.R. 3087 is a clear step in the right direction, that our men and women in uniform not sacrifice another 3,800 lives without a clear strategy for redeploying our troops. We recognize that, since the planning of the redeployment of our troops from Iraq is a complex status, we must plan accordingly as to not repeat the mistakes made in the original planning for the Iraq invasion and post-war occupation.

HONORING OWSLEY BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Madam Speaker, it is my distinct honor to rise today in recognition of my good friend and a great citizen of my hometown of Louisville, Kentucky, Owsley Brown II, as we mark the end of his 46-year career at Brown-Forman.

In Louisville, Owsley is well known for his success in business. He worked his way up to the top of his family business, and his leadership turned it into a giant in the wine and spirits industry. That fact is all the more astounding, considering that among the top companies in the industry 50 years ago, only his Brown-Forman remains a leader in the field.

The global expansion has taken the company to heights only dreamed of back then, and the branding under his watch was absolutely unprecedented. Jack Daniel's, a tiny acquisition of a half century ago, has practically superseded the term whisky itself. But in Kentucky, of course, we take the most pride in Brown-Forman's home-grown bourbons: Early Times, Old Forester and Woodford Reserve.

Owsley Brown's reputation in business comes not only from making money, but from creating an environment in which people want to work. Owsley himself takes great pride in the fact that the average tenure at Brown-Forman, 14 years, is three times the average for a Fortune 500 Company. The reason for this is simple. For many of these employees, Owsley Brown gave them more than a job; he gave them a home.

But Owsley's place in our community only begins with what happens in the walls and barrels at Brown-Forman Corporation. Through the philanthropy of Brown-Forman, Owsley set the standard for what it means to be a good corporate citizen. His commitment to social responsibility can be seen throughout his work for the Century Council, of which Brown-Forman is a founding member, and in every facet of Louisville life.

His dedication to the arts has been critical to Louisville's developing a scene in which music, theater, independent film and visual arts of every stripe have thrived, helping to forge our community's unique and exciting character. His philanthropic devotion to health care has helped make Louisville home to some of the best facilities, doctors, and medical innovation in the world.

What's more, as Owsley helped to make Louisville a vibrant 21st-century city, he never lost sight of the need to preserve Kentucky's natural beauty. In fact, he has served as a powerful force in protecting land from overdevelopment, particularly along Louisville's scenic riverfront. Long before conservation hit the mainstream, Brown-Forman began implementing policies to reduce the company's environmental footprint and enhance the environment around us.

So as Owsley took Brown-Forman to new heights worldwide, our community reaped the rewards. We are fortunate in Louisville, for even as a corporation sees its leader pass the torch into other capable hands, Mr. BROWN remains one of our most generous and responsible citizens. His triumph and business exceeds the success of the bottom line. The true achievement he oversaw and engineered was creating a company of fine character and impeccable integrity, just like the man himself.

I urge my colleagues to join me in honoring my good friend, Owsley Brown, thanking him for all he has done and wishing him luck as he enters this next chapter of life.

Owsley, you and Christy now have time to see the world, and I have no doubt that you will use that time to change it.

COSTA RICA CAFTA REFERENDUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Madam Speaker, I rise tonight in strong opposition to the lies being told to the good people of Costa Rica about the importance of the CAFTA referendum they are about to vote on.

I went to Costa Rica last night to share some basic truths. The pro-CAFTA government is now telling the people of Costa Rica how wonderful passage of CAFTA will be for them.

Remember when the Mexican Government said exactly the same thing to the people of Mexico during a debate on NAFTA in 1993? What happened with the passage of NAFTA, 1.3 million Mexican farmers have been displaced.

The country's growth rate has stagnated. Wages have actually declined, and the country's environmental policies have been successfully challenged and chilled throughout NAFTA's outrageous corporate regime.

NAFTA and CAFTA have actually increased protectionism by restricting free commerce in lifesaving medicine. One hundred priests in Costa Rica have come out against the flawed trade model; and just this past weekend, hundreds of thousands of good Costa Rican citizens protested this referendum. Out of a country of 4 million people, that shows how strong opposition is, and it should be.

Voters are being told by the United States Government that we will retaliate if they do not vote in favor of this referendum. The people of Costa Rica can rest assured that the U.S. Government will not retaliate. In fact, let me quote a letter last week sent from our Senate majority leader, HARRY REID, and the Speaker of the House to the Ambassador of Costa Rica: "The decision as to whether or not Costa Rica joins CAFTA and votes yes or no on their referendum on October 7 is the decision of the people of Costa Rica."

The letter goes on to say: "We understand that it has been asserted by some that there is a link between the referendum vote and Costa Rica's continued participation in the Caribbean Basin Initiative. We are not aware of any connection between the two. Participation in CBI is not conditioned on a country's decision to approve or reject a free trade agreement with the United States."

As someone who has supported trade preference for Latin American countries like I have, the most recent the Andean countries, I can confirm that there will be absolutely no retaliation against the country or voters no matter what the outcome of the referendum. The people must look beyond the scare tactics being waged in this campaign.

How will CAFTA affect Costa Rica? Voters, all they have to do is look to Mexico to see what CAFTA has done to them. Since the passage of NAFTA, poverty in Mexico has increased. The middle class has declined. Many Mexicans are fleeing to America in hopes of finding a better wage and a life for their families.

Who benefits under NAFTA and CAFTA agreements? The multinational corporations, not the people. We have seen that corporations and their friends in the government will employ dirty tricks, election fraud, and tell outright lies to ensure that they continue to be able to exploit workers and ruin the environment.

This is a historic and important vote for the people of Costa Rica. I believe it is time for the United States and Costa Rica to go back to the drawing board and develop a new trade agreement that all sides can be proud of. The United States renegotiated Peru, Colombia, Panama and South Korea. We should do the same thing with the agreement with Costa Rica. It is time to develop an agreement that benefits our workers and communities.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 928, IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–358) on the resolution (H. Res. 701) providing for consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2740, MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–359) on the resolution (H. Res. 702) providing for consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3648, MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–360) on the resolution (H. Res. 703) providing for consideration of the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–361) on the resolution (H. Res. 704) providing for consideration of the bill (H.R. 3246) to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation, which was referred to the House Calendar and ordered to be printed.

☐ 1800

DRUMBEATS OF WAR ARE COMING AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, out of a sense of duty and a growing fear, I rise to say that I hear the drumbeats of war coming again from this administration. This time, Iran is in the crosshairs.

It's ironic that the alarm has sounded today, the birth date of Mahatma Gandhi, and the United Nation's first World Nonviolence Day in honor of Gandhi's commitment to peace.

Perhaps the contrast between the man of peace and an administration of war will underscore the need and the urgency for Congress to act before the President orders a military strike.

I listened and sounded the alarm in 2002 regarding Iraq. But the President and the Vice President had already set in motion their invasion plan, and those who got in the way were called unpatriotic and uncaring or worse. Back then, too many in the media, the Congress and across the Nation were willing to accept a war without justification or justice. Now, at least the American people overwhelmingly recognize the tragic consequences of the Iraq war and the occupation.

At least one development in 2008 may make this time different than 2002. The Internet has grown exponentially. Today, credible and factual information is readily available. The blogosphere is on fire sounding alarm, and we will have no one to blame except ourselves if we let this administration take us to war in Iran. Go to your computer and Google "Iran war." The search yields 74 million hits. Let me read a few of the top search results:

Day One: "The War with Iran."

"Iran: The next war," in the Rolling Stone.

"America's hidden war with Iran," Newsweek.

"Is U.S.-Iran war inevitable?" Time magazine.

"The Iran plans," the New Yorker.

And "The U.S. trains gulf Air Forces for war against Iran."

Some see the same signs as I do, and they are writing across a broad spectrum of the media, trying to be heard above the beats of war. However, the President and Vice President are using friendly fire from the right-wing media to lull the Americans to sleep, while they lay the groundwork and shop for a Gulf of Tonkin-like provocation to launch a military strike.

Journalist Tim Shipman of the Telegraph in London writes "American diplomats have been ordered to compile a dossier detailing Iran's violations of international law. Some U.S. diplomats believe the exercise will boost calls for military action by neoconservatives inside and outside the administration."

In the New Yorker, renowned journalist Seymour Hirsh says, "The revised bombing plan for a possible attack, with its tightened focus on counterterrorism, is gathering support among generals and admirals in the Pentagon.

Hirsch adds, "A Pentagon consultant on counterterrorism told me that, if the bombing campaign took place, it would be accompanied by a series of what are called short, sharp incursions by American special forces into suspected Iranian training camps. Cheney is devoted to this, no question."

Now, does that sound like a diplomatic solution to you?

For at least a year we've been lulled into believing that the administration cannot fool the American people again. But I say this is just the kind of wishful thinking this administration is hoping for. It gives them time to spin the rhetoric and plot the missile tracks into Iran.

We stand on the brink of a conflagration in the Middle East, spreading from Iraq to Iran, to Pakistan and Afghanistan and the entire region. The legacy of this administration could be wars without ends and wars without borders.

Waiting for the next election may be too late; 475 days is a long time.

As a medical doctor, I was trained to listen to the patient. I've been listening to this President, and he's telling us that Iran is his next military target. Congress is all that stands in the way of this President carrying out a bombing strike of how many sources, how many sites we don't know. And I urge the House to act before it is too late.

We need a resolution that requires the President to come back to the Congress before any act of war is taken against Iran.

THE MEASURE OF SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the military announced yesterday that the number of monthly U.S. combat deaths fell to the lowest point in a year. Military and administration officials touted this as a success.

Is this the way we're measuring success in Iraq these days? Sixty-four brave members of our military forces were killed in September. And that is a success? That is something to brag about?

Tell that to the 64 families who will have to celebrate the holidays without their loved ones this year. Tell that to the children who lost a parent. Tell that to the mother who prayed every single day for the safe return of her child.

That is not a success, Mr. Speaker. That is a tragic loss of life. We have lost over 3,800 brave men and women in uniform in the occupation of Iraq. At least 28,000 have been wounded. How many is too many before the administration sees the errors of its ways? I can't begin to guess.

And what about the Iraqi families? Press reports indicate that nearly 1,000 Iraqis were killed during the month of September. Tens of thousands were displaced from their homes in September.

Is this another success of the administration? Tell that to the children who can't go to school, to the hospitals trying to treat patients without a consistent supply of electricity, to the families who just want to live a normal life.

The international community, the so-called coalition of the willing, sees the writing on the wall. In fact, British Prime Minister Gordon Brown just announced that 1,000 British troops will leave by the end of the year.

And speaking of milestones, Mr. Speaker, the number of coalition partner deaths recently reached 4,000. Enough is enough.

This Congress must, we must take bold steps to bring our troops home and to help the Iraqi people return to their lives. Only when the United States military presence, troops and contractors leave Iraq will the real healing and national rebuilding begin.

We don't need any more reports. What we need is action. We need the Commander in Chief to support the troops. We need him to bring our troops home, not in a year, not in 10, now. And we have seen that this administration will not redeploy the troops unless Congress forces its hand.

Eighty-four Members of the House have sent a letter to the President saying that we will only support spending bills that fully fund the safe, orderly and responsible redeployment of our troops and our military contractors. No more, no less.

Join us in our resolve. Support our troops. Bring them home.

NAFTA EXPANSION TO PERU

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the proposed Bush NAFTA expansion to Peru provides no path to job growth in the United States or to correcting the growing U.S. trade deficit with Peru. The Bush proposal will yield the same result: more outsourced U.S. jobs, growing trade deficits, more landless Peruvian farmers, rising coca production, more illegal immigration, continued decline in the quality of life on both continents, and enrichment for a narrow band of political and multinational elites.

The proposed Peru agreement keeps intact some of the most offensive NAFTA–CAFTA provisions, such as prohibiting Congress from passing legislation to promote "buy American" or to prevent the offshoring of more of our jobs. We keep asking ourselves: If you keep getting the same bad result, why keep enacting more of the same kinds of laws?

The agreement even amplifies the CAFTA provisions regarding foreign investors being able to procure government contracts and settle disputes outside of U.S. courts. I find it unacceptable that the agreement handcuffs this Congress as it attempts to protect the interests of the people who send us to represent them. That's supposed to be our job.

On a number of fronts, the Peru Free Trade Agreement stands to cause more harm than good. Take worker rights. The agreement merely commits Peru to hortatory, nonbinding language in the preamble to the ILO convention, and it does nothing to assure enforcement through the actual body of the conventions that provide the real protection for workers. There are no worker protections in this draft.

In addition, the environmental provisions are equally inferior. All of the major environmental groups oppose the agreement, but for a couple who receive heavy corporate contributions. Would this have anything to do with the fact that the Andalusian pipeline that will bring more oil and gas out of Latin America might have something to do with this agreement?

Importantly, in agriculture, as Oxfam points out, "the agreement will harm many thousands of Peru's farmers," just as in Mexico millions of farmers have been harmed who then flock to the United States to find any kind of sustenance. Though some American farmers think they will stand to benefit from the zeroed-out tariffs, many don't understand that the MERCOSUR customs agreement between Peru and its neighbors will allow pork to flow in there from Argentinean and Brazilian imports. So I would think that our pork producers should be very skeptical that they're going to claim the largest share of that market.

Now, where are these displaced Peruvian farmers supposed to turn? Perhaps, in their desperation for a profitable crop, they will help Peru reclaim its title as the world's number one coca producer. Or perhaps they will follow the same path as Mexico's abandoned corn and bean farmers and migrate to the overcrowded cities of the United States, legally or not.

President Bush's Peru deal continues the bad trade policies that leave our consumers vulnerable to food safety catastrophes. Peru places second to China in its fisheries, and plenty of Peruvian seafood imports to our country are rejected due to filth, salmonella and equally disturbing criteria. Indeed, 27 percent, a third of all Peruvian antibiotic lines imported to this country already are found to be tainted and rejected. Why would we want more?

Until now, Democrats have stood united against President Bush's plan to privatize Social Security in the United States; yet the proposed Peruvian agreement effectively endorses and solidifies Peru's privileged and privatized and severely flawed system. Giant multinational banks such as Citibank that invest in these private investor accounts would, under the Peru agreement, be entitled to compensation if privatization were reversed.

Despite all of these concerns, instead of holding a formal hearing on such far-reaching legislation for a country of 28.7 million people, half of whom live below the severe poverty line, the Ways and Means Committee instead held what's called a mock markup session last week. There were no recorded votes. It was a mock session. No recorded votes. No Member outside of the committee was invited to testify or comment, and they kept the old fast track procedure where they're going to bring it up here and not allow any amendments. It's another inside deal, because if you really had a full deal, a square deal, a fair deal, the majority of Members of this Congress would not vote for it, so they have to put handcuffs on everybody in order to try to maneuver it through here.

Had I been allowed to submit testimony on the record at the hearing, I would have voiced my strong opposition to this NAFTA-style agreement that is destined to further exploit the struggling working classes in Peru and the United States. Unless it results in new jobs for our country and growing trade balances, rather than more deficits, no Member should support it. Any trade agreement that passes here should have mutually beneficial approaches which yield trade balances and jobs in our country.

I'd ask my colleagues to defeat this exploitative NAFTA expansion model for Peru.

□ 1815

ANITA HILL AND SEXUAL HARASSMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes you come to the floor in a moment of personal privilege and you come because you feel compelled to speak to those and for those whose voices cannot be heard in this forum. And today I do such a task, and the task involves more than a decade-old allegation that now has been reignited, given new life through the memoirs of Supreme Court Justice Clarence Thomas.

Everyone has a right to defend themselves and to express the concerns that they may have regarding their reputation. All of us do. But I think it is important to take issue with the broad media coverage that Justice Thomas has secured over these days with an intent, it seems, to malign, if you will, the words, the testimony, and the truth told by Anita Hill.

Though over 4 decades have passed since title VII of the Civil Rights Act of 1964 prohibited employment discrimination based on race, sex, color, national origin, or religion, a glance at today's New York Times reminds us that workforce harassment is, unfortunately, still raising its ugly head.

I am, frankly, offended by the attempt by Justice Thomas to suggest that Ms. Hill was not telling the truth. I do so because, of course, in the forum that he utilizes, Ms. Hill is not able to answer her accuser.

In listening to an interview that Ms. Hill did, she emphasizes that she was telling the truth, that there was, in her opinion and others who were witnesses, the same. But I really wonder why we would have to condemn the idea that sexual harassment does not occur and why, in trying to suggest that it doesn't occur, we would have to malign a person's actions or personality with such phrase as: Well, what was she like? Well, she could defend herself. The sentence was not finished. Defend herself against what? Suggesting that she was not the demure, religious, conservative person, I guess, that maybe she was alleged to have portrayed during those hearings before the Senate.

I didn't see any of that. I saw a young, energetic, but yet quiet, frightened, and intending-to-tell-the-truth young woman. I saw a young woman with courage who refused to back down in spite of the lights of all the world.

Mr. Speaker, sexual harassment is alive and well. You can ask some of my constituents at Ellington Air Force Base in Houston, TX. You can ask individuals who have called my office who have indicated that that is what is occurring to them in the workplace.

Ms. Hill's actions during that time were brave. To bring them up and drag her through the mud again in 2007 with little opportunity for her, a professor in Oklahoma, to have the same kind of hearing is unfair and does a great disservice to the work that women have done, that the National Organization of Women has done, and that so many Members of Congress have done, who have tried to bring equality to women.

The controversy raised national awareness about sexual harassment in the workplace, with the number of sexual harassment complaints received by the Equal Employment Opportunity Commission spiking from 6,127 in 1991 to 15,342 in 1996. Why? Because women felt that at last someone had broken the glass ceiling and they could speak up.

The American Association of University Women reported that, according to a 2002 study of 8th to 11th grade students, 83 percent of girls and 78 percent of boys have been sexually harassed. So it crosses gender.

I believe a Supreme Court Justice should not have taken the opportunity in a public forum to give disdain to that which we are now trying to overcome. So I want to put into the RECORD, Mr. Speaker, the New York Times op-ed by Anita Hill, "The Smear This Time," and I would simply ask, Mr. Speaker, that we would recognize that sexual harassment is alive and well and that Anita Hill should not be the scapegoat for someone else trying to repair their reputation.

Mr. Speaker, I rise tonight to discuss an issue that continues to plague our society: sexual harassment. Though over four decades have passed since Title VII of the Civil Rights Act of 1964 prohibited employment discrimination based on race, sex, color, national origin, or religion, a glance at today's New York Times reminds us that workplace harassment is, unfortunately, still rearing its ugly head in our society. I am extremely concerned about sexual harassment, which statistics indicate remains pervasive in the United States, as well as the rest of the world.

Mr. Speaker, though the phrase "sexual harassment" was coined in the 1970s, it came to the forefront of our national conscience in 1991, with the confirmation hearings for Clarence Thomas's nomination to the Supreme Court. Anita Hill, then a law professor at the University of Oklahoma, alleged that Thomas sexually harassed her during her tenure as his assistant at the U.S. Department of Education and then on his legal staff at the U.S. Equal Employment Opportunity Commission. Despite her testimony before the Senate, Thomas was eventually confirmed by a narrow 52–48 margin.

As Ms. Hill writes in today's New York Times, "The question of whether Clarence Thomas belongs on the Supreme Court is no longer on the table—it was settled by the Senate back in 1991." And yet, Mr. Thomas has chosen to use his prestige and his position to once again launch an attack against Ms. Hill, again blaming the victim of his alleged harassment. In his recently published book "My Grandfather's Son", for which Thomas has received a reported $1.5 million, Thomas smears Ms. Hill's name, not only calling her testimony lies, but also personally attacking her, describing her as "touchy and apt to overact," and her job performance as "mediocre." In recent interviews surrounding the publication of his book, Thomas has gone even farther, questioning her political views as well as her religious convictions, stating on the TV show "60 Minutes", "She was not the demure, religious, conservative person that they portrayed."

Mr. Speaker, I am appalled that Justice Thomas has once again victimized Ms. Hill, now a professor of social policy, law and women's studies at Brandeis University and a visiting scholar at the Newhouse Center for the Humanities at Wellesley College. Not only is this yet another case of blaming the victim of abuse, it sets a dangerous precedent of reversing the substantial progress toward combating sexual harassment that we have made since 1991. As Ms. Hill eloquently writes, "Our legal system will suffer if a sitting justice's vitriolic pursuit of personal vindication discourages others from standing up for their rights." Mr. Speaker, sexual harassment is already grossly underreported, and this underreporting will only worsen if the women and men who are victimized are made afraid of decades of retribution, such as Ms. Hill continues to face, should they speak up about the abuse.

Ms. Hill's bravery in standing up before the Senate and the country in 1991 and sharing her experiences has led to a number of positive repercussions. The controversy raised national awareness about sexual harassment in the workplace, with the number of sexual harassment complaints received by the Equal Employment Opportunity Commission (EEOC) spiking from 6,127 in 1991 to 15,342 in 1996. Recent years have seen the number of sexual harassment cases hovering around 15,000, and in FY 2006 the EEOC reported 12,025 charges of sexual harassment.

However, these numbers cannot even begin to illustrate the reality of sexual harassment. According to a 2004 study, 35 percent of women and 17 percent of men surveyed reported being sexually harassed. Sexual harassment is pervasive in our educational system, with the American Association of University Women reporting that, according to a 2002 study of 8th–11th grade students, 83 percent of girls and 78 percent of boys have been sexually harassed. The same organization also conducted a study of university students in 2006, finding that 62 percent of college women and 61 percent of college men report harassment, while 31 percent of university students admit to sexually harassing someone else. Despite progress toward addressing this serious issue, our children remain extremely vulnerable to harassment.

Sexual harassment also remains distressingly prevalent in our military. Women have become an integral part of our Nation's armed services, and they now fill 15 percent of military ranks worldwide. After a series of sex scandals in the 1990s, the United States military has made a conscientious effort to address this ongoing problem. The military now holds regular workshops on preventing sexual harassment, and each battalion has a designated Equal Opportunity representative trained to respond to any complaints.

However, with unprecedented numbers of women deployed to Iraq and Afghanistan, recent complaints by female veterans of these conflicts have indicated that a great deal more must be done. To date, over 160,000 female soldiers have been deployed to Iraq and Afghanistan, as compared with the 7,500 who served in Vietnam and the 41,000 who were dispatched to the gulf war in the early '90s One of every 10 U.S. soldiers in Iraq is female. According to Army studies, female solders in Iraq suffer from post traumatic stress disorder at twice the rate of their male counterparts, with 16 percent of female soldiers meeting the criteria for PTSD, as opposed to 8 percent of male soldiers. Women returning from conflict must not only deal with the psychological remnants of the conflict, many also have experienced harassment by their male counterparts.

Mr. Speaker, the courageous recent testimony of several female Iraq veterans indicates that the military's new measures have not been successful in eliminating sexual harassment. A study funded by the Veterans' Administration after the first gulf war suggested that the rates of both sexual harassment and assault rise during wartime. Unfortunately, a number of female Iraq veterans interviewed earlier this year by the New York Times spoke of a pervasive sense that reporting sexual crimes was not worthwhile. This is confirmed by Department of Defense statistics, which indicate that while 3,038 investigations of military sexual assault were completed in 2004 and 2005, only 329, or about one-tenth, of these cases resulted in a court-martial.

Sexual harassment is not confined to our Armed Forces. Though Ms. Hill's courageous testimony served as a flash point to illuminate the serious problem of sexual harassment in the workplace, the over 12,000 complaints that the Equal Employment Opportunity Commission heard last year clearly indicate that this problem has not been adequately addressed. Though the provision in title VII of the Civil Rights Act of 1964 that prohibits employment discrimination based on gender was originally written to protect women, I believe it is extremely important to highlight the fact that men too are victims of sexual harassment. In fact, recent years have shown a rapid increase in the number of men reporting sexual harassment, from 9 percent of the cases received by the equal Employment Opportunity Commission in 1992 to 15.4 percent in 2006. This is not just the case in the United States; a 2006 study by the government of the United Kingdom indicated that two-fifths of all sexual harassment victims are male. If we are to adequately address this ongoing problem in our society, I believe it is extremely important that we recognize that sexual harassment is perpetrated by both men and women, and victimizes individuals of both genders.

Mr. Speaker, much has changed since 1991. After the controversy surrounding Justice Thomas's confirmation was decided by a Senate that was 98 percent male, 1992 saw the election of a record number of female candidates to public office, including a number of women to the Senate. Subsequently dubbed the "Year of the Woman," the 1992 elections were, according to many commentators, a direct reaction to Justice Thomas's nomination and confirmation. Women have since continued to become increasingly involved in politics.

Mr. Speaker, I do believe that we are on the right track. The Equal Employment Opportunity Commission reports that the number of sexual harassment cases has doubled in recent years, and of the 12,025 cases the commission received in fiscal year 2006, 11,936 were resolved, and victims were awarded $48.8 million in monetary benefits. This is an enormous increase from total awards of $7.7 million in 1991 and $27.8 million in 1996.

If this progress is to continue, the women, and men as well, who are victims of sexual harassment must be encouraged to come forward. What Anita Hill did in 1991 was incredibly brave; she stood in the face of the powerful to tell the truth about abuses she faced. I am appalled to see Justice Thomas use his prestige and his recent book to lash out, once again, at Ms. Hill. Though over 15 years have passed, and Justice Thomas's position in the Supreme Court is not under threat, he continues to use his pulpit to the detriment of efforts to end sexual harassment.

Mr. Speaker, sexual harassment is real, it remains an unfortunate part of our society, and we must do far more to combat it. Anita Hill concludes her article by stating, "questions remain about how we will resolve the kinds of issues my testimony exposed. My belief is that in the past 16 years we have come closer to making the resolution of these issues an honest search for the truth, which, after all, is at the core of all legal inquiry. My hope is that Justice Thomas's latest fusillade will not divert us from that path." I sincerely share Ms. Hill's hope.

THE SMEAR THIS TIME

(By Anita Hill)

WALTHAM, MASS. On Oct. 11, 1991, I testified about my experience as an employee of Clarence Thomas's at the Equal Employment Opportunity Commission.

I stand by my testimony.

Justice Thomas has every right to present himself as he wishes in his new memoir, "My Grandfather's Son." He may even be entitled to feel abused by the confirmation process that led to his appointment to the Supreme Court.

But I will not stand by silently and allow him, in his anger, to reinvent me.

In the portion of his book that addresses my role in the Senate hearings into his nomination, Justice Thomas offers a litany of unsubstantiated representations and outright smears that Republican senators made about me when I testified before the Judiciary Committee—that I was a "combative left-winger" who was "touchy" and prone to overreacting to "slights." A number of independent authors have shown those attacks to be baseless. What's more, their reports draw on the experiences of others who were familiar with Mr. Thomas's behavior, and who came forward after the hearings. It's no longer my word against his.

Justice Thomas's characterization of me is also hobbled by blatant inconsistencies. He claims, for instance, that I was a mediocre employee who had a job in the federal government only because he had "given it" to me. He ignores the reality: I was fully qualified to work in the government, having graduated from Yale Law School (his alma mater, which he calls one of the finest in the country), and passed the District of Columbia Bar exam, one of the toughest in the nation.

In 1981, when Mr. Thomas approached me about working for him, I was an associate in good standing at a Washington law firm. In 1991, the partner in charge of associate development informed Mr. Thomas's mentor, Senator John Danforth of Missouri, that any assertions to the contrary were untrue. Yet, Mr. Thomas insists that I was "asked to leave" the firm.

It's worth noting, too, that Mr. Thomas hired me not once, but twice while he was in the Reagan administration—first at the Department of Education and then at the Equal Employment Opportunity Commission. After two years of working directly for him, I left Washington and returned home to Oklahoma to begin my teaching career.

In a particularly nasty blow, Justice Thomas attacked my religious conviction, telling "60 Minutes" this weekend, "She was not the demure, religious, conservative person that they portrayed." Perhaps he conveniently forgot that he wrote a letter of recommendation for me to work at the law school at Oral Roberts University, in Tulsa. I remained at that evangelical Christian university for three years, until the law school was sold to Liberty University, in Lynchburg, Va., another Christian college. Along with other faculty members, I was asked to consider a position there, but I decided to remain near my family in Oklahoma.

Regrettably, since 1991, I have repeatedly seen this kind of character attack on women and men who complain of harassment and discrimination in the workplace. In efforts to assail their accusers' credibility, detractors routinely diminish people's professional contributions. Often the accused is a supervisor, in a position to describe the complaining employee's work as "mediocre" or the employee as incompetent. Those accused of inappropriate behavior also often portray the individuals who complain as bizarre caricatures of themselves—oversensitive, even fanatical, and often immoral—even though they enjoy good and productive working relationships with their colleagues.

Finally, when attacks on the accusers' credibility fail, those accused of workplace improprieties downgrade the level of harm that may have occurred. When sensing that others will believe their accusers' versions of events, individuals confronted with their own bad behavior try to reduce legitimate concerns to the level of mere words or "slights" that should be dismissed without discussion.

Fortunately, we have made progress since 1991. Today, when employees complain of abuse in the workplace, investigators and judges are more likely to examine all the evidence and less likely to simply accept as true the word of those in power. But that could change. Our legal system will suffer if a sitting justice's vitriolic pursuit of personal vindication discourages others from standing up for their rights.

The question of whether Clarence Thomas belongs on the Supreme Court is no longer on the table—it was settled by the Senate back in 1991. But questions remain about how we will resolve the kinds of issues my testimony exposed. My belief is that in the past 16 years we have come closer to making the resolution of these issues an honest search for the truth, which, after all, is at the core of all legal inquiry. My hope is that Justice Thomas's latest fusillade will not divert us from that path.

THE HOUSE COMMITTEE ON RULES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, I think this is the first time in the 110th Congress that I have stood here taking out a 1-hour Special Order, and I don't do this very lightly and obviously I don't do it terribly often. But, Mr. Speaker, I am here to address an issue that, frankly, doesn't get a great deal of attention either in this House or among the American people.

Last week my very distinguished colleagues, with whom I am pleased to serve on the House Rules Committee on the minority side, the gentleman from Miami, FL, LINCOLN DIAZ-BALART; the gentleman from Pasco, WA, DOC HASTINGS; and the gentleman from Dallas, TX, PETE SESSIONS; and I came together. And we, after a great deal of research, have compiled a report and unveiled this.

This report, Mr. Speaker, is entitled "Out of Order," and I would commend it to all of my colleagues. It is relatively short, about 10 or 11 pages, has got a number of graphs, and it is available for any one of our colleagues who would like to see this report. You can get it on the Web right now if you'd like, Mr. Speaker, at rules-republicans.house.gov. And I will repeat that again. It's rules-republicans.house.gov.

And what we are going to do, Mr. Speaker, over the next hour is we are going to hear about this report, and a number of our very distinguished colleagues who have, for lack of a better term, been victimized by the actions of this Rules Committee are going to share with our colleagues some of the experiences that they have had.

Now, one might say that we are here whining or complaining about our mistreatment. Mr. Speaker, nothing could be further from the truth. Nothing could be further from the truth. We are here because the American people, Democrats, Republicans, and independents alike, were promised something much different than what they have gotten. We are not here to whine. We are not here to complain. We are here to fight on behalf of the American people's right to be heard, the right to ensure that our deliberative democracy is, in fact, that; that our process of representative democracy is able to flourish. And, tragically, if one looks at this report, over the last 9 months we have found that that has not, in fact, been the case.

Now, many might argue these guys want to just talk about process. Mr. Speaker, I say to my colleagues process is substance. It has been through this horrendous process that we have seen, in the farm bill, a massive tax increase that was written into place by the Rules Committee. We have found, through this Rules Committee, that they have prevented us from having the opportunity to bring gasoline prices down, and we all know that gasoline prices are incredibly high. How did they do that? By denying an opportunity for us to have an amendment that would have done what virtually everyone says is essential in our quest to reduce gasoline prices, and that is to increase refinery capacity. Unfortunately, the permitting process is so onerous that it has been literally decades since we have seen a new oil refinery put online.

What happened? Right upstairs, just one floor above where we are now, Mr. Speaker, we saw that process utilized to prevent us from having the ability to even have a vote on whether or not we would create the potential to increase refinery capacity.

And then in the dead of night, in the very dead of night on the so-called SCHIP bill, which virtually every single one of us want to make sure that poor kids are able to have access to health care, we want to do that, but we don't want us to proceed with something that was done in the dead of night at 1 o'clock in the morning by the Rules Committee, and that is take the Medicare Advantage program and basically throw that out the window, undermining the ability for senior citizens to have access to quality health care.

And so this notion of our, as some have liked to say, whining about process is not the case. We are here fighting on behalf of the American people so that we can have some success with the process of representing them as effectively as possible.

Now, we know that throughout the last couple of years and, in fact, at the beginning of this year, we, as Members of the United States House of Representatives, were promised an awful lot. And, Mr. Speaker, I know that often the other side will simply raise criticism about how we as Republicans managed this institution. And I have admitted that we have made mistakes. I admitted that we didn't do it perfectly. And I know we have three present members of the Rules Committee and one former member of the Rules Committee here, and I have acknowledged to them that we didn't do everything perfectly.

But I will say this, Mr. Speaker: our discussion here is not about what we did. It is about what Members of the new majority promised they were going to do.

I would like to share a couple of quotes, and we have got some charts here. I don't often use charts, Mr. Speaker, but I think it is important to point to some of the things that were said.

Here is a quote from STENY HOYER, the majority leader. Let's look at this, Mr. Speaker. In testimony that he gave before the Rules Committee on June 23 of 2003, he said: "Mr. Chairman," I guess he was addressing me at that point. He said: "The lack of a free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve here. It demeans this House. It cheats the American people, and it offends our democratic traditions."

So we were promised that there would be a new day, a new day when they became the majority. Let me just take a moment to look at the track record, and then I want to begin yielding to some of my colleagues.

In the last 9 months, this Rules Committee has issued more than double, in fact, many more than double the number of closed rules than our Republican majority Rules Committee did. Now, Mr. Speaker, for those of our colleagues who may not have been following this all that closely, it means no amendments and very limited debate. So we were promised this new open process that was denied in the past, and yet they have come forward with more than twice as many completely closed rules, shutting out any opportunity for amendment.

This Rules Committee has rejected more minority-sponsored amendments than the Rules Committee of the past did.

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And Mr. Speaker, this Rules Committee has, unfortunately, reduced by a full day the amount of time that Members and their staff have to review the bills and to submit their amendments. So they promised that all this great deliberation was going to take place, and they've actually cut nearly in half the amount of time the Members have to review and look at and offer amendments to measures.

One of the most outrageous things of all, Mr. Speaker, one of the most outrageous policies to come forward is one which is a slap in the face at any American who has their Representative here trying to offer an amendment for them. For management purposes, if the Rules Committee obviously establishes that they are going to have some kind of structured rule, we have a deadline for filing, and that deadline is stated, for example, at 5 p.m. on a certain date. And we have instance after instance where Members have literally arrived at the door 1 or 2 or 3 or 4 or 5 minutes after 5 p.m. and they've been told that their amendment can't even be considered, can't even be submitted for the Rules Committee to consider. Now, I will say that this is something that has never been done in the 220-year history of this institution.

The Rules Committee was established, Mr. Speaker, on the 2nd of April, 1789, which was the second day of the first Congress. Since that period of time, we have never had this kind of treatment of Members. And that's a new policy that has been put into place under this so-called enhancement of deliberativeness, openness, transparency, disclosure and accountability, and all of those words that we've continued to hear from so many in the past who have touted all the changes that need to be made.

So let's see what we've got. Okay. We've got a quote from the very distinguished chairwoman, the gentlewoman from Rochester, New York (Ms. SLAUGHTER). Now, this was on the 20th of April in 2005. And in this quote, she was describing the job of ranking minority member of the Rules Committee in a press release that was put out. It is the job that I now hold as ranking minority member. And in this press release she stated, "My job on the Rules Committee is to serve as the guardian of the democratic process in the House. That process and the democratic values of everyday Americans are under attack by an out-of-control majority. Someone has to step up to the plate and ensure that the business of this House is conducted in an ethical manner, without corruption and without arrogance. I didn't ask for that job, but I humbly accept the responsibility." Now, that's a statement that was made by the very distinguished present chairman of the Committee on Rules.

Mr. Speaker, I have to say that when we look at this record over the past 9 months, it is, to me, a very, very sad commentary that every single American has had their rights undermined on dealing with substantive public policy issues.

Just upstairs about 2 hours ago in the Rules Committee, we, unfortunately, reported out a rule dealing with a very important issue that we're going to be considering this week, and there were some questions that were raised. The minority was promised last August 2, 2 months ago today, that that issue would be resolved. And unfortunately, the gentleman from Virginia (Mr. FORBES), who serves as the ranking member of a subcommittee of the Judiciary Committee on the issue in question, which is one that we want to address, it's one that's getting a great deal of attention now, but what happened? The issue and the concerns that were raised in a bipartisan way were completely ignored; so, no opportunity whatsoever to address that.

We offered two amendments upstairs to try and address those and, unfortunately, by a partisan vote we saw the American people, through their Representatives on the Rules Committee, denied that chance to have this issue dealt with in a bipartisan way, as had been promised in the past.

There are a number of issues that I would like to get into to discuss. We know probably the one that has gotten the most attention within the last week had to do with the aftermath of the unveiling of our very important out-of-order report, which again I would say to my colleagues, I encourage them to look at this report. It's available at rules-republicans.house.gov. And any of our colleagues can go online right now and get a copy of this. And Mr. Speaker, I would encourage them to do that.

After we unveiled this plan last week, Mr. Speaker, in which we talked about this problem, the Rules Committee took action which I find to be absolutely reprehensible, and there was bipartisan concern voiced over the action that was taken. We were considering a critical issue. In the aftermath of Hurricane Katrina and the other natural disasters that we faced in this country, the issue of flood insurance is one which clearly is not partisan at all. I mean, Republicans, Democrats, independents have tragically been victimized by these natural disasters. They've hit primarily the Gulf Coast, and my friend from Florida certainly has been often victimized by hurricanes in south Florida, and others have dealt with this very serious challenge. Well, there were a number of amendments that had been proposed. Our friend from Georgia (Mr. PRICE) is here, and he is going to talk about one.

When the Committee on Financial Services went through its markup process, there was an indication provided, and I will let him expand on this, that the process of dealing with flood insurance would be addressed going through the process and that there would be opportunity for amendments to be considered. In fact, the chairman of the Committee on Financial Services came before the committee on Rules and asked that a number of Republican amendments be made in order.

Mr. Speaker, we couldn't believe what happened. There were 13 amendments made in order on that bill; not one single Republican amendment was made in order on that bill. And what happened? We saw bipartisan outrage. There were people, including the chairman of the Committee on Financial Services, who could not support that rule. And that was unprecedented. I've been here 27 years and I've never seen a circumstance like that. And so what this shows, Mr. Speaker, is the Rules Committee is being used very arrogantly to undermine the rights of the American people to deal with an issue as critical as flood insurance reform.

And so it saddens me that we've had to take this time out, it truly does, because I know that I would very much like to be able to work in a bipartisan way on all of these issues. I've continued to try and do that in the past, and I will continue, as all of my colleagues will, to strive for bipartisanship on behalf of the American people in the future.

Let me say that I am very privileged again to be joined by my distinguished colleagues on the Rules Committee, and we now have two former members of the Rules Committee who have come to the floor as well. And I begin by recognizing my very good friend, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART). I'm happy to yield to my friend.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend for yielding.

Mr. Speaker, it's sad to have to take the floor to discuss the issue that we are discussing this evening. We recognize we are in the minority, and in this great representative democracy, as in all representative democracies, the majority gets to rule. We recognize that. But as indispensable and a key ingredient of representative democracy as the rule of the majority is respect for the minority.

So what we are speaking about this evening, Mr. Speaker, first, I would say it's the great contrast, the extraordinary contrast between the promises made by the new majority they would institute fairness and transparency as they ran and when they ran the House of Representatives. The contrast between those promises and the performance of almost now the entire first year of this Congress, first session of this 110th Congress, the contrast between the promise and the performance is really extraordinary.

I would like to read a quote by the now distinguished chairman of the Rules Committee last December. She stated, "We are going to give people an honest and contemplative body that they can be proud of once more. We are going to have a much more open process."

Mr. DREIER, our ranking member, stated how the number of closed rules in this first year of the rule of the new majority, closed rules being rules that bring bills to the floor to this great body that do not permit amendments by any and all Members of this body. Rules that permit amendment by any Member of this great body are called open rules. Closed rules, obviously, are the opposite. The number of closed rules, of exclusivist rules, rules that close out debate by this body on bills, have more than doubled, more than doubled in this first year by—they have more than doubled during this first year of rule by the new majority that promised to go in the other direction, in other words, to increase the amount of transparency and openness. So it's sad, it's sad, Mr. Speaker, to have to point out that extraordinary contrast between their promise and their performance.

Mr. DREIER. If I could reclaim my time, I would just like to ask my friend to repeat that again. We've got this chart here that shows this, that if you juxtapose the 109th and the 110th Congress, you can see that if you look at the number of closed rules, we have had a dramatic increase in the number of closed rules. I think it's even more than this chart has shown, more than double. And again, today, we just, in the last couple of hours, had more closed rules.

And I'm happy to further yield.

Mr. LINCOLN DIAZ-BALART of Florida. I think the ranking member is pointing to a very important point, and that is that as the time approached and when we issued our report, and I think it's important to point out that that report was put online last week. I think other distinguished members of the Rules Committee are going to point out the problems that we had with regard to even getting authority to have a Web page.

Mr. DREIER. Now, is this the report that our colleagues can actually get by going to rules-republicans.house.gov? Is that the same report?

Mr. LINCOLN DIAZ-BALART of Florida. Yes. And I would, Mr. Speaker, highly recommend to our colleagues that they read this report. Because as I'm sure will be explained, it was difficult for the minority even to get the report posted because we couldn't have a Web page until last week.

What the ranking member has been pointing to is that that posting of the report, making public of our report with regard to the great contrast between the promise and the performance, the promise of open transparency and the promise, the reality of further closing the process and making it even more unfair, as the date approached when we were going to make public that report, the number of closed rules increased. And we've seen, the ranking member pointed out, that the day, that same day, Mr. Speaker, that we made public that report explaining the reality of closed rules and the excessively exclusivist process during this entire year, the first year of the new majority's rule, that day, when we made the report public, as the ranking member pointed out, not one amendment by the minority, not one Republican amendment was allowed in legislation that was nonpartisan. Even the chairman, the ranking member said that in his 27 years he has never seen something like that. In my 15 years I've never seen something like that. The chairman of the committee stated that it was unfair, that it was unjustified. He is a very eloquent Member of this Congress. So I'm not going to quote him. I don't aspire to remember word for word what he said, but I do remember that the chairman said that it was unfair for the rule to have closed out every single Republican amendment. And he didn't vote for the rule. That's something I've never experienced in my 15 years here. I've never seen that. That was so dramatic.

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So I just want to point out, Mr. Speaker, two examples. We have distinguished colleagues waiting to speak. One I have never seen in my 15 years here. I was appointed to the Rules Committee in December of 1994. During the entire time that I served in majority in the Rules Committee, I never saw anything like this. A Member came to introduce an amendment. Now, obviously, Mr. Speaker, as you can see, there are many chairs here. This is a House of 435. The reason that on that second day of the first Congress the Rules Committee was established, even though the House was not as large in membership, it still was a large body even then, on the second day of the Congress of the United States, the first Congress, the Rules Committee was created so that this body could function. It is understood by every Member of this House that if every Member on every bill, on every piece of legislation could debate an amendment or two, that would, in effect, constitute a filibuster, because 435 Members, obviously, even though they had only one amendment per bill, would take up days and days of this body. So the Rules Committee was devised. It was created on that second day of the first Congress to manage this House.

Now, most of the time, at least much of the time, it is understood by the membership that you are not going to be able to have your amendment debated here on the floor of this great test, Congress, in the world. But you have somewhere where you can go when you've worked hard and you have an idea to improve legislation.

When you have an amendment, there's somewhere you can go. It is right above here. We are on the second floor. It is on the third floor right over there. You can go to the Rules Committee with your idea, with the product of your work and study, your idea to improve a bill in the form of an amendment. Your colleagues there, the majority and the minority, they have to listen to you, hopefully with respect, listen to your idea, listen to your amendment, and really pass judgment on it in the sense, in the process of managing this House, either making in order or not making in order your amendment. But there is that place where you can go, and that is the Rules Committee.

When I saw that one of our colleagues this year, a distinguished colleague, TODD AKIN, was, because he was a few minutes late and he got to the Rules Committee with the product of his hard work and dedication to improve legislation, it was somewhat technical, Mr. Speaker, it was called a second-degree amendment, in other words an amendment to an amendment. Obviously, he could not draft that amendment to an amendment until he had seen the amendments. So he didn't have time to get there before the deadline. Well, as the ranking member said, and we don't espouse to have been perfect, but one thing I never saw, and never thought I would see, is that Mr. AKIN, when he arrived with the product of his hard work and dedication, because he was literally a few minutes late, he wasn't even allowed to enter the committee room to file the amendment. That is something that is very sad.

So I will say, Mr. Speaker, this may seem technical and overly procedural to some of our colleagues perhaps who may be listening to the debate, or others, the American people, perhaps, it may seem like a technical debate. But it is important for the following reason: When Mr. AKIN is not allowed to enter the committee room to present, to introduce his amendment because he is a few minutes late, that affects policy. That is profoundly unfair. As I said before, it is just as important to democracy, to representative democracy, for there to be rule of the majority, as it is for there to be respect of the minority.

One final example, just last week, before us came legislation that the distinguished ranking member referred to as "consensus" legislation. We all support, or almost all, certainly in this body, support the health insurance program for children of economically disadvantaged families. It is called SCHIP, the State Children's Health Insurance Program. There is a consensus here of support, bipartisan support for that program.

Unfortunately, the Democrats have come with a massive increase in the program, and we were debating that, the ranking member pointed out, the first time we debated it was late at night or early in the morning, and we sought to have input for debate. I was most disappointed in the last version that, in my view, excessively and unreasonably increases taxes, and while massively expanding that program, did not include something that I thought was elementally responsible to include, and appropriate to include in a massive increase of the program, and that is legal immigrant children.

I pointed that out, how disappointed I was. I had an amendment so that the House could debate that issue. Well, the amendment was not made in order. But in addition to that, in something that I think was very unfair, the ranking member, the lead Republican in the Energy and Commerce Committee, he had been shut out from the discussions, it is called conference committee, the final discussions on formulation of the bill, of the legislation. And he pointed out, because, when I said how sad and unfortunate it is that in this massive expansion of this program, you are not including legal, I repeat, legal immigrant children and pregnant women, and friends on the other side of the aisle pointed out, well, the Senate in conference didn't want that, so it is not in the bill.

Well, the lead Republican minority member from the House Energy and Commerce Committee, Mr. BARTON, said, you know, if I would have been called into the room to the conference meeting, I would have pushed the Senate. Did you say the Senate Republicans didn't want that? Well, the House Republican leadership, I, Mr. BARTON, said this, in the Rules Committee, when we met, would have been pushing that issue because we separate the issue of illegal and legal immigration. While there is opposition to illegal immigrants receiving benefits, Mr. BARTON said, with regard to legal immigrant children and pregnant mothers, pregnant women, I would have been there, Mr. BARTON said.

Mr. DREIER. If I can reclaim my time, I would say parenthetically it is very interesting to note that this program that has passed, which has now been sent down to the President's desk, which he will veto tomorrow, is a program that actually does include an opportunity for benefits for people that are in this country illegally, which is incredible.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. BARTON pointed out with regard to the issue of legal immigrant children and pregnant women, he would have been there in the conference room had he been allowed to be in the conference advocating for the position.

In summary, as I yield back to the distinguished ranking member, Mr. Speaker, I would say that an excessively restrictive process is not only technical; it leads to bad policy in addition to being most unfair. What is truly sad is that this majority promised time and again to be the most fair, the most open, and the most transparent majority as it ran, in the way in which it ran this House in history, and in effect, it has been exactly the opposite.

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful remarks.

We have 25 minutes left, and we have a lot of our colleagues who need to be heard on this issue. I think the gentleman from Miami makes the point very, very clearly, the fact that this is not simply a technical issue. This is about the American people's rights being undermined by this new leadership here in the House of Representatives. It is very unfortunate.

I thank the gentleman for his fine service on the Rules Committee and again for his thoughtful remarks.

I am happy to yield to my very good friend from Pasco, WA, who labors long and hard on the Rules Committee, as well.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. I appreciate your getting this time. I appreciate my colleagues that are going to speak later.

Mr. Speaker, this issue is about promises, because we live in the greatest country in the world where people make their decisions on who will govern them by the promises that they made. I would really like to emphasize the point that has been made several times by the distinguished ranking member and the gentleman from Florida, that process has consequences, because ultimately process turns into substance, it turns into laws, and, of course, that is what governs us.

Mr. DREIER. If I could point out, let me just point to the statement that was made by the new Speaker of the House of Representatives, since my friend mentioned the word "promise." I will point to this one first. It says: "We promise the American people that we would have the most honest and open government and we will." I am happy to further yield to my friend.

Mr. HASTINGS of Washington. I appreciate the gentleman saying that. I note that that statement was made after the election. Presumably, there was a decision made that the campaign was about change, and so this statement was made after the election.

The statement that I have up here by the distinguished chairman now of the Rules Committee, LOUISE SLAUGHTER, was also made after the election. It says: "It is our goal to use rules responsibly, opening up the workings of the House and using it to usher in the most honest and ethical Congress in history. An open process will mean that more commonsense legislation written in the national interest will get to the House floor and be voted on."

Mr. DREIER. If I could just interject, I would like to make this point one more time. "An open process will mean that more commonsense legislation written in the national interest will get to the House floor and be voted on," and here we are with twice the number of closed rules, shutting out any opportunity for amendment, limiting debate, preventing Members from having an opportunity to even submit their amendments to the Rules Committee, and that is what we were promised?

Mr. HASTINGS of Washington. We were promised this after the election, I remind my friend from California, this was after the election.

The reason for this is very obvious. The role of the Rules Committee is to funnel legislation so that every Member could have a possibility to be heard. We have 19 standing committees. Because we have two vacancies, there are 433 Members of the House today. We simply couldn't control this unless we had the standing committees doing their work.

Yet, Mr. Speaker, the Rules Committee this year is on track to rewrite more bills in the Rules Committee than we ever did during the 12 years that we were in control of Congress. They have done it with troops in Iraq. They did it with lobby reform. They did it with the farm bill legislation.

Mr. Speaker, I want to talk a bit about the farm bill. I come from rural America. I was very much involved in that process as we are going forward. I recall very, very specifically that when the farm bill came out of committee, it came out of committee with strong bipartisan support. Yet, when we went to the Rules Committee the next day to report out a rule, there was a massive tax increase that was put on that farm bill.

I remember the distinguished ranking member, last year's chairman, of the Agriculture Committee, BOB GOODLATTE from Virginia, came to the Rules Committee and testified. He said, I felt betrayed by what went on, because he was not a part of that process. I know, I can speak to the bipartisan nature of how this farm bill was put together as it relates to the farm because there was a hearing in my district. There were four Republicans and four Democrats that showed up to this hearing last June, so this was a process in the making. Yet, at the last minute, all that process was thrown aside, and it was a broken deal.

It is bad because of what is happening. The policies that we have in place have potential detrimental effects to the farmers. The farm bill, I might add, expired at the end of September.

□ 1900

We put a 2-week extension on that. I suspect we will probably have to have another 2-week extension on that. It is not right, in a body of this size, to rewrite bills in the Rules Committee.

I want to follow up on my friend from Florida who talked about the SCHIP bill. That bill was enacted on a bipartisan basis in 1997. I supported that. It was part of a larger bill. That was probably the most egregious rewrite. We met at 1:00 in the morning, only had about an hour to look at what was in the bill, and there was a lot of rumors going around, but we met at 1:00 in the morning, a 500-page bill.

I got a heads-up from a clinic in my district that is physician owned that they would be out of business if this bill were signed into law.

Mr. DREIER. If the gentleman would yield, they said they would be out of business if this were to pass?

Mr. HASTINGS of Washington. They said they would be out of a business because of a provision that related to the Medicare part that they added to the SCHIP bill as related to physician-owned facilities. This facility was put in place in 1940, 67 years ago, and yet the provision within this bill said that you could not have physician-owned hospitals.

I might add, Mr. Speaker, that this clinic in Wenatchee, Washington, covers an area the size of the State of Maryland. Now, if the idea is to expand health care, why would you potentially shut down a facility that covers the geographic size of the State of Maryland?

We went around and around with those that were testifying in favor of this particular bill, and they first started out and said no, you're mistaken, that is not in the bill. But after discussions going on with my friend from Texas (Mr. SESSIONS) and me going back and forth, they admitted at nearly 3:00 in the morning that yes, that provision was in there, and it was intended to be in there.

Mr. DREIER. If I can reclaim my time, they said, and I do remember this very well, but I think it's important for my colleague to repeat this, they said that they intended it to be here because they didn't want any physicians to have even the slightest interest in hospitals, so for that reason they were going to deny the opportunity for a health facility for a quarter of a million people in an area that is geographically the size of the entire State of Maryland in eastern Washington?

Mr. HASTINGS of Washington. That is exactly right. It was done purposely. They first said we must be mistaken. But after probing and asking questions, they were essentially saying that you could not get any Medicare reimbursement if you were a physician-owned facility.

Now, I just don't understand what the motivation is behind that. But the point is, and we are obviously working on this because we don't want this to happen, but this is what happens when the process gets all messed up and you start rewriting bills in the middle of the night.

Mr. Speaker, I wanted to point out those two examples. I think it's contrary to the promises that were made by the new majority and what they have carried out. I think that is something that needs to be talked about.

I want to thank the ranking member for putting this Special Order together so we can discuss these issues in an open manner.

Mr. DREIER. I thank my friend for his dedication, his hard work, and thank God President Bush is going to veto that SCHIP bill tomorrow, because if we end up with that legislation potentially jeopardizing a quarter of a million Washingtonians' access to health care at that health facility, it is something that we all would find frightening, and clearly no one wants to see that happen. And yet they said, I mean none of us want to see it happen, but they said they intended to close down this facility.

Mr. HASTINGS of Washington. They said they intended to. And let's look at this from a little different perspective. This facility has been in business for 67 years. Clearly, clearly they have a following in that community, or they wouldn't have survived in that competitive atmosphere unless there were people that wanted to go to that facility.

Mr. DREIER. Is that in Pasco?

Mr. HASTINGS of Washington. It's in Wenatchee, Washington, the Wenatchee Valley Health Clinic. So it's an egregious abuse of the rules, in my view. I don't want to take all the time. I yield back to my friend.

Mr. DREIER. I thank my friend for his very thoughtful statement and his hard work and dedication to his constituents in the American people.

Mr. Speaker, we have a load of Members here who have been victimized, for lack of a better term, by the Rules Committee. I would first like to yield to my very good friend, the gentleman from Marietta, Georgia (Mr. GINGREY), who served long and hard on the Rules Committee in the majority, and he now sees what has happened, and it's very unfortunate. We miss him in the Rules Committee, I will say, Mr. Speaker. But we are very happy he is taking time from his busy schedule to join us here this evening. I am happy to yield to my friend.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California, the distinguished ranking member and former chairman of the Rules Committee, my colleague, for yielding a little time. I know we have got other Members, Mr. Speaker, who want to address this issue.

I do thank the ranking member and all my former colleagues on the Rules Committee for the work they have done in regard to this issue. I look forward and I encourage all my colleagues and anybody who's got a computer that is interested not just in process, Mr.

Speaker, because bad process leads to bad policy, but I would encourage anybody to go to this address.

Mr. DREIER. I have got the address right here.

Mr. GINGREY. I was just going to say: rules-republicans.house.gov. That is exactly right. The ranking member is correct.

Mr. Speaker, my colleague from Miami on the Rules Committee, my former colleague on the Rules Committee, he is still there, LINCOLN DIAZ-BALART, brought up that point about the second-degree amendments in reference to the gentleman from Missouri, Mr. AKIN.

Mr. Speaker, I had the same situation. As a former immediate past member of the Rules Committee who enjoyed, I thought, pretty good collegiality with both sides during the two years that I was privileged to serve on the Rules Committee, I had the same situation, a second-degree amendment, and I couldn't really get it filed until a first-degree amendment was actually brought in under the deadline.

There was no way. Mr. DIAZ-BALART pointed that out. A second-degree amendment, by its very nature, is going to be a late amendment. They absolutely shut the door; they, the new majority. I was just absolutely astounded that that happened to a former member and colleague on the Rules Committee.

The whole point is, as the gentleman from California points out, this whole process where they promised to bring reform and openness has absolutely been a farce, a fiasco. They have closed down the process. They have done nothing of which they promised. I am glad to be here tonight to weigh in just a little bit.

Mr. Speaker, I want to yield back because other Members want to speak. I thank the gentleman from California.

Mr. DREIER. Mr. Speaker, I will say again we very much miss the gentleman from Georgia's active participation on the Committee on Rules. He was very, very helpful to us time and time again. It saddens me greatly that his constituents, the American people, are denied an opportunity to have thoughtful proposals even considered whatsoever by the Rules Committee, not even a chance to be denied for consideration here on the House floor.

I know that I want to recognize my friend Mr. SESSIONS, who's here, but we also want to recognize another very distinguished former member of the Rules Committee. I again am saddened that he is not able to serve with us on the Rules Committee any longer. That's what happens when you go under the minority. We look forward to one day, I hope in the very, very, very near future, to his return for that.

Mr. Speaker, I am happy to yield to my friend from Utah.

Mr. BISHOP of Utah. Mr. Speaker, I thank the ranking member. I realize when we talk about procedure, it is boring. People's eyes start to glaze over.

Mr. DREIER. Mr. Speaker, I am fascinated by it, I will tell you. It absolutely intrigues me when my friends talk about process here.

Mr. BISHOP of Utah. You are 1 out of 435. But one of the current senior Democrat chairmen 20 years ago wrote that if I let you write substance and you let me write procedure, I will win every time. Actually, he didn't use quite those words, but I don't think the actual verbiage can be used with the rules of our House. But it is the same sentiment that has to be there.

Poor procedure has been said creates poor policy. And the ranking member has already said there have been more closed rules, fewer minority Members' rules allowed this year than ever before.

I was in the Education Committee when Representative EHLERS made his amendment, accepted by the chairman on a voice vote; and yet, when the bill came out of the Rules Committee, the amendment had magically disappeared, a bill that affected my State in redistricting.

Mr. GOHMERT from Texas had made an excellent amendment in the Judiciary Committee, but when that bill came out of the Rules Committee, once again that amendment had basically simply disappeared.

I realize the Rules Committee is a political type of committee, but it is coming to the point right now when someone says, "Well, you better go make your case before the Rules Committee," you simply abandoned all hope. It is like being on the *Titanic* and being told that the ship coming to rescue you is the *Lusitania*.

I have been on the Rules Committee, as has been said. I have been chairman of a rules committee in Utah. And I realize that more than just simply moving legislation, the committee should try and find bipartisan solutions; should make sure that we spend time in debate on the floor vetting issues that were not covered in committee, especially when so many bills are being written by the Rules Committee.

Mr. DREIER. To reclaim my time, I will tell you we had a perfect example of that, as I alluded to earlier, and my Rules Committee colleagues know this very well.

We were trying to deal with this military justice issue. The ranking member of the subcommittee said he was promised an opportunity to address these concerns that were there, and neither the committee nor the Rules Committee allowed that kind of free-flowing discussion to which my friend refers.

I am happy to further yield.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman. The amendments I have actually brought to the Rules Committee were, in my estimation, trying to produce a bipartisan approach, or in dealing especially with one that impacted my State of Utah, an amendment that we were trying to talk about a bill that had been changed significantly in the Rules Committee from what had been discussed in the committee, but trying to do amendments that would have saved my State millions of dollars and allowed us to have the flexibility of creating the process that we wanted to have. Both Mr. CANNON and I presented those in Rules. All of them were totally shut down.

The Rules, there is a little bit more to that. Allow me to quote once again from an issue that happened about 20 years ago when a Speaker of the House was forced to resign in a very partisan atmosphere. He said, all year, partisanship had fed on itself, frustrating each side, driven each side apart. The majority at that time, the Democrats, were looking at the majority. The majority group contemptuous of it, the minority, more determined to govern in spite of it, more arbitrary and faced with increasing arbitrariness of the majority, the minority grew more irresponsible and more destructive of the institution.

The Rules Committee has a function more than just establishing the parameters of what amendments will be discussed and the debate. They have a responsibility to establish an atmosphere, indeed, a tone, on the floor. And they can either fan the flames of partisanship or they can build a process that encourages bipartisanship and encourages discussion of issues, issues that have not been vetted before on the floor. That is what the Rules Committee should be doing, and I am sad to say it has not been in evidence so far this year on the floor.

Mr. DREIER. Absolutely. Mr. Speaker, let me just say how much I appreciate, and, again, after having heard him, miss my friend from my Utah's very, very thoughtful and incisive insight on the Rules Committee.

I mentioned earlier the fact, Mr. Speaker, that we have dealt with this flood insurance bill. It should have been very bipartisan. We have two Members who were victimized by that right here, the gentleman from Georgia and the gentleman from New Jersey, and I am happy to yield to them. We just have a few minutes left. Obviously we could go on and on and on because there are so many Members.

I am happy to yield first to my friend from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend and the ranking member, my good friend from California for yielding and for your leadership on this issue and on so many others that come to our House.

You mentioned, and folks have mentioned, that we have been victimized.

Well, Mr. Speaker, we haven't been victimized; the American people have been victimized. Because we were promised, we in the House of Representatives were promised, but the American people were promised, an open process. They were promised a fair process. And, as you mentioned, the stories are too numerous to stipulate each individually.

But the story that I bring is one of the flood insurance bill, the Flood Insurance Reform and Modernization Act that came just last week. We had an amendment that we were essentially assured would be made in order through the assurances of the Chair of that committee, that we would have an open and deliberative process.

Mr. DREIER. In fact, as I recall, the chairman testified and said he supported the notion of making the gentleman's motion in order.

Mr. PRICE of Georgia. You are absolutely correct. The amendment to file with the Rules Committee was 5 p.m., an arbitrary deadline, but that is all right. It is a deadline, 5 p.m.

My office submitted our amendment electronically to the Rules Committee, as we do all the time, 8 minutes before 5 o'clock, 4:52 p.m. In the process of bringing that hard piece of paper over to the Rules Committee, we got that there at 5:03 p.m., 3 minutes after 5:00.

Mr. DREIER. So they had already the amendment electronic submitted before the 5 o'clock deadline; am I correct in saying that?

Mr. PRICE of GEORGIA. You are absolutely right. The amendment was within the purview at that point of the Rules Committee. They had notice.

Now, again, it is not that we were denied the amendment. It is that the American people were denied the opportunity to have a substantive amendment debated on the floor of the House. In fact, Mr. Speaker, I believe that the President is going to veto that piece of legislation, and I believe he is going to do so because our amendment was not allowed to be acted upon by the House, because he supported the amendment that we would have offered, which was a very substantive amendment, a significant change in the flood insurance reform bill.

☐ 1915

As my friend from California mentioned, there were 13 amendments made in order to that bill, 13 Democrat amendments, no Republican amendments. I suggest, Mr. Speaker, that is all politics, that is all politics. Again, it doesn't harm us personally. What it does is disenfranchise nearly half of the American people, and that is why this matters. What it means is that nearly half of this body is not given the opportunity and the right that they were given in winning their election.

We all represent essentially the same number of people. When the majority does not allow a certain Member or Members to offer amendments or to offer their best ideas, what they do is disenfranchise nearly half of the American people.

I can only think of three reasons why that would be done. One, it is a broken promise. We have seen the promises. Two, it is for political expediency. Or, three, it is what de Tocqueville called the tyranny of the majority. That is what I believe we have, a tyranny of the majority that is running this House right now. It doesn't hurt me personally, but it hurts the institution, it hurts our democracy, and it disenfranchises nearly half of the American people.

Mr. DREIER. I thank my friend very much, and I yield to the gentleman from New Jersey (Mr. GARRETT) who was also victimized by this process.

Mr. GARRETT of New Jersey. You spoke about the flood bill and the problem we had here. Anytime we stifle debate, and that is what occurred when the Democrats did this, they alter substance.

What we were trying to do with an amendment that went through committee and we worked on with the chairman's staff, an amendment that the chairman said withdraw the amendment from committee and he will make sure that it gets through Rules and to the floor, our amendment simply said we should no longer have the rich and the wealthy who live in these great mansions on the coast and what have you, have them be subsidized by the poor widow in the house right across the street. We thought that was absurd. This amendment would have fixed that situation. The chairman was on board with us. He went to the committee and testified in favor of it as well.

Mr. DREIER. And what happened?

Mr. GARRETT of New Jersey. What happened was the Rules Committee decided to not allow the amendment to come to the floor. So at the end of the day, we have a bill where the rich are still being subsidized by the poor. Substance was altered by the stifling of debate.

I will commend the chairman of the committee for all he did and by not voting "yes" on the rule because even he, a Democrat chairman, saw the error of their ways in what they did.

Mr. DREIER. He was quoted as saying he believed it wrong that they were denied. Tragically, this was done in the aftermath of the unveiling of this report that we put forward simply stating the facts of what has taken place in the last 9 months.

Mr. GARRETT of New Jersey. I would just conclude by concurring with the gentleman from Georgia on this. Although we are in the minority here, this is not an issue for the minority; this is for half of America. And it doesn't matter whether the Americans watching tonight are Democrat or Republicans. Their voices are being silenced because they cannot have their voices heard through us in the Rules Committee and have their important issues made part of the process.

Mr. DREIER. Mr. Speaker, I thank the gentleman and now yield to the gentleman from Texas (Mr. SESSIONS), a hardworking member of the Rules Committee.

Mr. SESSIONS. I thank the ranking member from California for not only putting together this Special Order tonight, but also talking about the Rules Committee which I think is so important. I have had an opportunity to serve on the Rules Committee for 9 years. For 9 years previous to this, I have seen the Rules Committee as being part of the process to make sure that the agenda of policy is done properly by the Speaker of the House through this committee. I would like to note to the gentleman from California, as he remembers that, Republicans utilized this committee to make sure that we balanced the budget, to make sure that we had responsibility and the opportunity to make sure that the American people benefited from that which we did here in Washington, D.C. by cutting taxes.

Republicans balanced the budget when they said it was not possible in 1997, 1998, 1999, 2000, and 2001. We went in and we balanced the budget. We utilized the Rules Committee to make sure that we had responsible government.

I have now seen during the last 10 months that we have been in the minority that it is also true that the new Democrat majority utilizes the Rules Committee to do things that I don't think that the American people can completely understand, and that is that they want to raise taxes, they want to raise spending, and they want to make sure that what happens is that loopholes are there in place for them to do earmarks despite the debate that has taken place on this floor.

So I am pleased to join the gentleman from California tonight in summarizing that the Rules Committee is a very difficult place for all Members. It is a difficult place whether you are in the majority or the minority, but it is still the place where the political work gets done, and nothing has changed. The Democrat Party is still here to raise taxes and raise spending and to take away from the American people that which they earn, and that is called their hard-earned money.

Mr. DREIER. Mr. Speaker, I thank my colleague from Dallas for his very thoughtful remarks and hard work.

I recommend to my colleagues going to rules-republicans.house.gov to see a copy of this very, very important report that we have just unveiled, because it is on behalf of the American people, not any bipartisanship, the

American people, that we are fighting on behalf of their rights.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that Members be able to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, what we have just witnessed on the House floor is an example of why the American people are sick and tired of all of the partisan bickering that goes on up in Washington.

Mr. Speaker, there are 47 of us who are fiscally conservative Democrats who want to put an end to the partisan bickering. We are a group of conservative Democrats who quite frankly don't care if it is a Democratic idea or a Republican idea. We want to know if it is a commonsense idea and does it make sense for the people that send us here to be their voice.

Mr. Speaker, there are 47 Members of the fiscally conservative Democratic Blue Dog Coalition. As you walk the Halls of Congress, it is easy to identify which Members are members of the fiscally conservative Blue Dog Coalition because you will see this poster as you walk the hallways of the Cannon House Office Building, the Longworth House Office Building and the Rayburn House Office Building.

This poster not only serves as a doormat to Blue Dog Coalition Members of Congress, but also as a daily reminder to Members of Congress on both sides of the aisle and to the American people that our Nation is in debt.

Today, the U.S. national debt is $9,010,742,245,690. If you divide that enormous number and put it in perspective by every man, woman and child in America, every one of us, our share of the national debt is $29,735. It is what we have coined the phrase "debt tax," and that is one tax that cannot be cut and that is one amount that is not going to fund America's priorities but rather is going to simply pay interest on the national debt and to pay down the national debt.

I had a constituent from back home in Arkansas in my office today. She said she was in my office a couple of years ago, and everybody's share of the national debt was some $27,000. Again, today it is $29,735. Under this Republican administration, we have seen the largest debt ever in our Nation's history. We have seen the largest deficit ever in our Nation's history.

Contrast that with the past administration, the Clinton administration. President Clinton was the first Democrat or Republican in 40 years to give us a balanced budget; and yet here we are 7 years later with the largest debt ever in our Nation's history, and as members of the Blue Dog Coalition, we want to restore fiscal discipline and commonsense to our Nation's government.

That is why there was a lot of talk about the first 100 hours on the House floor in this new Democratic majority, and we accomplished more in the first 100 hours I would dare say than the previous Congress did all together. In fact, I believe we have done more on the floor of the U.S. House of Representatives in the past 9 months than the previous Republican Congresses have done in 9 years.

Unfortunately, these bills are then sent to the Senate where too many of them remain. But I am proud of the work that we are doing in the House under this new majority. And, Mr. Speaker, we are doing it with fiscal discipline. We are passing these bills, a new vision for America, putting America's priorities where they ought to be, and that is putting our families and children first again. But we are doing it in a sensible and responsible way, a way in which we pay for it.

One of the first things to happen on the floor in this new Congress was to reinstitute the PAYGO rules. PAYGO is an acronym for "pay as you go." It is what we do at the Ross home in Prescott, Arkansas. It is what most American families do.

Mr. Speaker, for the past 6 years, a Republican-led Congress and a Republican President gave us the largest debt ever in our Nation's history, the largest deficit year after year. To put it in perspective, to put it in perspective, this President has borrowed more money from foreigners in the past 6 years than the previous 42 Presidents combined.

We are going to put an end to that, and we did so when we reinstituted the PAYGO rules on the floor of the House of Representatives. Every bill that comes to the floor of the House in this new Democratic Congress must be paid for. Now, some of the Republicans say, oh, that's a disguise to raise taxes. The Republicans now believe that the only way to create new revenue, the only way to pay for a program is to raise taxes. Not so. As conservative Democrats, we know the way you pay for programs is to cut wasteful spending. There are a lot of examples of wasteful spending.

I have got 8,000 brand-new, fully furnished mobile homes sitting in a cow pasture in Hope, Arkansas, mobile homes purchased by FEMA destined for Hurricane Katrina victims that never quite found their way to the gulf coast. Now FEMA, our government, is spending a quarter of a million dollars a month to warehouse these mobile homes which have created another bureaucracy in and of itself back home in Hope, Arkansas. And they are not doing anyone any good.

You want to talk about accountability, I had a tornado a few months ago hit Dumas, Arkansas. They needed 30, that's right, 30 of these mobile homes, while 8,000 of them sat in a cow pasture 2½ hours away in Hope, Arkansas. I called the director of FEMA. He came up with every excuse in the book why he couldn't help these 30 homeless people. He said it wasn't worthy of a declaration for a Federal disaster.

This tornado devastated this small delta town of 5,000 people. There were 150 homes destroyed or heavily damaged. Over 25 businesses were destroyed. The electrical grid system for the town was destroyed. They went 5 days without electricity. Lots of people were injured. Thank God no one died. And we needed 30 of those mobile homes sent 2½ hours down the road to help these folks. And, instead, the response I got was they weren't worthy of a Federal disaster declaration.

It took me going on CNN, and, finally, 30 minutes after I was on "NBC Evening News" talking about this tragedy, FEMA had a change of heart and decided to let the people of Dumas have these 30 mobile homes to house the homeless who were victims of this tornado.

This is an example of wasteful spending and this is a symbol of why people are fed up with our government, and it is an example of why we need to restore accountability, accountability to our Nation's government.

So when I say we are going to pay for our programs in the future, it doesn't mean raise taxes. It means cut wasteful spending, eliminate the programs that do not work so we can fund the programs that do.

☐ 1930

From 1789 to 2000, our national debt rose to $5.67 trillion, but by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling of the 211-year debt in just a decade, in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget, and again, the debt tax, D-E-B-T, is one that cannot be repealed, and every man, woman and child in America, your share, our share, my share, your share, Mr. Speaker, of the national debt is $29,735.

Current national debt, again $9,010,742,245,690 and some change. Some say why do deficits matter; can't y'all just print more money? It doesn't work that way, and besides deficits reduce economic growth.

Think of the economic good times we had in the 1990s when President Clinton gave us the first balanced budget in 40 years, and look at the economy today. We propped up the economy through much of the last few years through low interest rates and allowing folks to purchase homes that maybe couldn't quite afford it, and now that's coming back to haunt this administration.

Deficits reduce economic growth. It's time to restore fiscal discipline to our national government. It is time to reduce our debt and deficit so that we can create new jobs and economic opportunities for working families.

Why do deficits matter? I would argue they burden our children and grandchildren with these last liabilities. For the last 6 years, this Republican Congress and Republican administration has spent money like you wouldn't believe. They have spent money and haven't paid for their spending. They have left it for our children and for our grandchildren. That is simply wrong.

Growing up at Midway United Methodist Church outside of Prescott, Arkansas, I heard a lot of sermons about being a good steward, and the American people have elected us as Members of Congress to make the weekly trip to our Nation's Capital and be good stewards of their tax money. And that's why I'm proud to help lead and cochair the Blue Dog Coalition, because we're doing our best to demand accountability, to demand fiscal responsibility and to give this Congress a good dose of common sense.

Why do deficits matter? Because they increase our reliance on foreign lenders. Foreign lenders now own 40 percent of this debt. Much of the rest of it's been borrowed from the Social Security Trust Fund, with absolutely no provision made on how or when it's going to be paid back. That's why, Mr. Speaker, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund.

The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2.199 trillion of our public debt, and I believe this is every bit as much critical to our national security as anything else. Compare this to only $623.3 billion in foreign holdings back in 1993. So who are these countries? Who are these foreign investors that are funding our government, that for the past 6 years funded tax cuts for folks in this country earning over $400,000 a year, while the rest of us were pretty much left to fend for ourselves?

Topping off the list, Japan. The United States of America has borrowed $637.4 billion from Japan.

Number two, China. The United States of America has borrowed $346.5 billion from Communist China.

The United Kingdom. The United States of America has borrowed $223.5 billion from the UK.

OPEC, and we wonder why gasoline is so high. The United States of America has borrowed $97.1 billion from OPEC.

Korea. $67.7 billion is the amount of debt that the United States of America has accumulated with Korea.

Taiwan, $63.2 billion. The United States of America has borrowed $63.2 billion from Taiwan.

One of the founders of the Blue Dogs, JOHN TANNER from Tennessee, put it best when he said, if China decides to invade Taiwan, we'll have to borrow more money from China to defend Taiwan. That's crazy.

It is crazy that we borrowed and continue to borrow all this money from foreigners. And as members of the Democratic Blue Dog Coalition and this new Democratic Congress, we're saying enough is enough, and we're trying to restore fiscal discipline, common sense through the passage of the PAYGO rules, pay-as-you-go.

If a Member of Congress has an idea and it's worthy of being funded, that's fine and dandy, but don't borrow the money from Taiwan or China or OPEC. Show us how you're going to pay for it. That's the new rules of the House of Representatives, and those are the rules that were in place back in the late 1990s when we saw the first balanced budget in this Nation in 40 years, a balanced budget that continued from 1998 through 2000.

The Caribbean Banking Centers. The United States of America has borrowed $63.6 billion from the Caribbean Banking Centers.

Hong Kong. The United States of America has borrowed $51 billion from Hong Kong.

Germany, $52.1 billion. The United States of America has borrowed $52.1 billion from Germany.

And rounding out the top 10 list of foreigners that the United States of America under this Republican administration has borrowed money from to fund our government and tax cuts for those earning over $400,000 a year, and this one will surprise a lot of people, Mexico. Yes, the United States of America has borrowed $38.2 billion from Mexico to help fund this debt which, as of today, is $9,010,742,245,690 and some change.

That's what the Blue Dog Coalition is all about. We're about trying to restore fiscal discipline and common sense to our national government, and I'm proud of our Blue Dog members. We're 47 members strong. There's 47 of us that are not afraid to come to Washington and take a stand for common sense, for fiscal discipline and to restore accountability to our government.

Well, we talk about the debt and the deficit. Another thing that's important to point out, Mr. Speaker, is our Nation's been borrowing about a billion dollars a day, but before we borrow a billion dollars today, we're going to spend a half a billion, with a B, a half a billion dollars of your tax money paying interest on the debt we've already got, and until we get our fiscal house in order, we will not be able to meet America's priorities.

What do I mean by that? Interest payments on debt dwarf other priority. 2008 budget authority in billions. The red indicates the amount of money we're spending of your tax money paying interest on the national debt. And until we get our fiscal house in order, we can't stop those interest payments, which means many of America's priorities are going unmet because so much of our tax money, Mr. Speaker, is going to pay interest on the national debt.

The red indicates the amount of money in the fiscal year 2008 budget as presented by the President that's going to pay interest on the national debt. Now, we say we love our children. We say that we want them to have a world-class education. We say that we want our children to be competitive in this 21st century global economy. We say one thing; we do another. Look at the light blue. That's how much we spend educating our children compared to the red, which is the amount of money we spend paying interest on the national debt.

Veterans, and we're creating a new generation of veterans in Iraq and Afghanistan tonight, and it's time that our country did right by our veterans. It's time that our Nation, the United States of America, honored our veterans and kept our promises to them, and yet in the President's budget for 2008, the green, that's how much we're investing in veterans health care and veterans programs. And again, contrast that to the red. Look at the amount of money we're spending paying interest on the national debt. Contrast that to the green box, the amount of money we're spending taking care of our veterans.

And homeland security, "homeland security," a new word, a new buzzword since 9/11. Oh, we feel safe. We go through the airports and we take off our shoes and we do all that stuff to then board a plane where half the belly of the plane is filled oftentimes with freight that remains totally unchecked. All the containers entering our ports, very few are checked. "Homeland security" is a nice buzzword, but look at the amount of money we're investing in homeland security and protecting the citizens of this country and keeping America safe. Look at the amount of money in the President's budget for homeland security contrasted with the red box. Purple box, homeland security; red box, the amount of money the President proposed that we spend simply paying interest on the national debt.

This does not reflect my priorities, Mr. Speaker, and I can assure you that the President's budget does not reflect the priorities of this new Democratic Congress. It is time that we put families and children first again. We do that by investing in our children, ensuring they receive a world-class education. We do that by honoring our veterans, including a new generation of veterans coming home from Iraq and Afghanistan, and we do that by protecting our homeland. We do that by protecting our homeland.

Mr. Speaker, there's a lot of talk about Iraq and what we should or should not do. I voted to go to Iraq. Most Members of this Chamber, both Democrat and Republican, did, and we went there, we were told, because of weapons of mass destruction. They no longer have weapons of mass destruction. We'll save that debate for another evening, Mr. Speaker, about whether they ever did or not, but we were told that they had weapons of mass destruction and they were never found, which, at best, our intelligence in this country failed us.

And I can assure you, Mr. Speaker, there's not a more difficult decision that Members of Congress are forced to make than whether or not to send our men and women in uniform into harm's way, and when we're asked to make these decisions, we've got to know our intelligence is right. Our intelligence failed us in the decisions we had to make leading up to this war in Iraq.

I've got a brother-in-law. He's been in the Iraq region several times. He's in his, I don't know, 19th year in the United States Air Force. My first cousin is an officer in Iraq. He was in Iraq when his wife gave birth to their first child. He's back in Iraq. He's there for a year and a half, and he will be there when his wife gives birth to their third child. He's not complaining. He's proud to serve his country. He does whatever's asked of him. That's what our men and women in uniform do.

But this war has not only affected my family. It's affected everybody's family. Just in the last month, I've had to make three telephone calls to wives and mothers in my district who have lost a loved one in Iraq, including one just an hour or so ago before coming to the House floor. We can never do enough for those families. We can never do enough to honor and remember those who have served our Nation in Iraq and Afghanistan and all over this world.

But at some point we've got to ask ourselves, I mean, we went there because of weapons of mass destruction. We said that we would stay until Saddam was overthrown; we did. Then we were told we would stay until he was captured; he was. Then we were told that we would stay until he was tried and executed; we did. And then we were told we needed to stay until the new Iraqi Government was in place and they had open and free elections; and they did.

Mr. Speaker, we continue to move the goal post on our troops. We continue to redefine what our ultimate victory is. And I'm here to tell you, Mr. Speaker, if our ultimate victory is convincing the folks of Iraq to live like we do, we will be there for the rest of my life.

It's time for a new direction in Iraq, and I bring this up because we're spending some $16 million an hour of your tax money, Mr. Speaker, $16 million an hour in Iraq.

□ 1945

I think we should demand accountability for how that money is being spent, and I think we should demand a new direction. I think we owe that to our men and women in uniform.

Well, I am very delighted to be joined this evening by some of my Blue Dog colleagues as we discuss the Blue Dogs. I have kind of set the stage, by explaining the debt, why it matters, how we have gotten into the mess we are in and what we are trying to do as conservative Democrats to fix it. We are not just talking about it; we have legislation to accomplish it. In the Iraq war, we have H.R. 97, the demand accountability on how your tax money is being spent in Iraq. We talked about that on the floor of the House many times.

Tonight, some of the things I want to talk about is the Blue Dog fiscal accountability package, taking the next steps to restore fiscal accountability to our Nation's government. We have the Fiscal Honesty and Accountability Act, we have the balanced budget amendment, and we have a resolution strengthening the budget process; and we will talk about these in more detail as the evening goes on.

But at this moment, I would like to yield to my friend from Tennessee, fellow Blue Dog member, LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. To the gentleman from Arkansas, thanks very much for your leadership on many of the issues that our Blue Dog Coalition championed here in the House. We championed them for many years, about 1994, 1995, when the Blue Dogs were established.

Basically, this group of individuals initially offered both sides, both caucuses, the opportunity to participate in the Blue Dogs, Republican and Democrats alike.

I have always continued to feel very confident that in America today we need American Democrats and American Republicans more than ever. What I mean by that is that we need Americans first and political parties next. Certainly those 2 political parties have done a tremendous job in driving many of the debates on many of the important issues important in America.

It has also given America a history as being the country in the world that championed civil rights, individual rights, and civil liberties; and we continue to do that. In many cases, as we have engaged in battlefields throughout history, it has been to bring about democracy and freedom.

But as we talk about this, I want to digress just a moment and talk about a particular situation that is being considered today, which will be what's called combat training for our airmen. In many cases we put our soldiers who are in the Air Force in the battlefield, the battle zones, in places like Afghanistan and Iraq, in my opinion, without proper training for EMS, in the event there is something that happens that they are in the battlefield, they may be injured. I don't think they are properly trained, and, in many cases, we need to do that. So we are actually talking now about locating CBAT, which will be combat training for airmen in different areas.

I want to read a comment that I have prepared for the potential location of this particular facility.

From the Manhattan Project to TVA to the Apollo project to the Spallation Neutron Source and so much more, the Tennessee Valley Corridor and its key institutions, communities, businesses, and congressional leaders have always exemplified the phrase, "National Leadership through Regional Cooperation."

Key leaders in our region continue to support our Nation by working to enhance and advance the corridor's key science technology and national security assets.

With that, one of the big challenges in warfare is adequate training for our combat troops. Afghanistan and Iraq have placed a new demand on the airmen of our Air Force for needed combat air support. These increased demands include prison guard duty, combat convoy support, and significant expanded security force duty.

With these additional responsibilities, the Air Force has acknowledged its airmen are lacking the ground combat skills necessary to meet today's demands. To address these needs, the Air Force has proposed, as former Air Force Secretary Roche has described it, a new program to "bring together our battlefield airmen under a common training and organization structure to strengthen the combat power they bring to the fight."

Weapons training, tactical field cooperation operations and land navigation training, basic combat skills, physical fitness training and basic medical training will be a part of the core curriculum provided by new Common Battlefield Airman Training (CBAT) program.

The proposed location for this new Common Battlefield Airman Training program has now been narrowed down to three potential sites, one of which is in my district, Arnold Engineering Development Center in Arnold Air Force Base near Tullahoma, Tennessee.

Key leaders in the Tennessee Valley Corridor and I are convinced that establishing CBAT at Arnold Air Force Base would be the best course of action, an exceptional investment for the Air Force and the Nation. Arnold Air Force Base and the Arnold Engineering Development Center are already home to the world's premier flight simulations testing facility and continue to be vital national resources in the development of many of the Nation's top priority aerospace and national defense programs.

Arnold, with its history of extensive combat training during World War II, had abundant land available for CBAT training, with a dedicated 200-acre campus, small arms firing range and 9,000 acres for additional required training. In short, middle Tennessee and the Tennessee Valley Corridor have a world-class facility ready and willing to house this important new training operation.

The Coffee County community, the middle Tennessee/north Alabama region and, indeed, the entire Tennessee Valley Corridor strongly support our Nation's Armed Forces and their training needs as they continue to serve and defend our Nation. A better trained corps of airmen will not only give them the ability to operate more effectively in a combat zone and a better chance of survival, but will also help them better defend the United States in our post-9/11 world.

I strongly support and encourage all others to support Arnold Air Force Base's pursuit of this new CBAT program.

As we continue to train our soldiers who are on the battlefields throughout the world, certainly in the two hot spots today, perhaps we should say three, which would also include the area around the Balkans, we need to adequately train them. It's not right; it's not American to send someone into the battlefield without being properly trained.

I know we have others who want to speak here tonight; but I would like, if I could, before I yield to the gentleman from Arkansas, I would like to read an editorial that I sent to one of our local papers, and it deals with PAYGO, as we will address our deficits here in Congress:

"At a time when the White House is attempting to position the Republican Party as fiscally responsible, former Federal Reserve Chairman Alan Greenspan bluntly said in his new book 'The Age of Turbulence: Adventures in a New World' that his party over the past several years put politics over fiscal discipline and lower government spending." At least one honest Republican.

"During the past several years while we were witnessing the largest growth of government since the 1960s and a ballooning deficit, Mr. Greenspan was correct in advocating for a return to pay-as-you-go rules. These rules, re-enacted earlier this year after they helped restore fiscal discipline in Washington during the 1990s, require Congress to offset the cost of new spending or tax cuts with savings elsewhere.

"The Blue Dog Coalition, a growing band of deficit hawk Democrats with a deep commitment to the financial stability and national security of the United States, has been pushing to re-implement PAYGO for several years. Their bark was finally heard earlier this year when they pushed the new congressional leadership to enforce the policy.

"When PAYGO was in place in the 1990s, spending as a percentage of gross domestic product (GDP) declined from 22.1 percent to 18.5 percent by 2001. As a result, huge budget deficits became a budget surplus. Shortly after President Bush took office, the Congress unwisely let PAYGO expire, causing an explosion in government spending and yearly budget deficits. Our national debt grew by $3 trillion over this period, and by 2005, spending had clawed its way back to 20.1 percent of GDP."

Let's think about that a moment: $3 trillion increase since this President has been in office. What does that mean?

We roughly spend $450 billion a year today on interest alone. That's $1.2 billion a day. But let's just take the last 5 years since 2001, or 6 years since 2001, and look at how that $3 trillion is impacting our budget.

For instance, today, if we had continued down the path and just had a balanced budget, not necessarily a surplus but just a balanced budget, we wouldn't be spending $150 billion-plus extra in interest. Think of what that would do. We are spending today over 125, $130 billion in Iraq, supposedly, in Iraq, probably more than that. But, in essence, what we have done in the last 6½ years, or last 6 years and 9 months of this administration, under control of the Republican White House and under the control of the Republican leadership on the other side of the aisle, we have increased just our portion of the interest, not retiring the debt, by over $150 billion a year. That in itself, that figure itself, alone, is over six times what the entire budget of the State of Tennessee is in one year.

So I think it's time that we again reclaim for this Nation fiscal responsibility and continue to be the strong defense hawks that our caucus, our Blue Dogs, has been.

Mr. ROSS. I thank the gentleman from Tennessee for his commitment to our men and women in uniform. I especially appreciate it as the Arkansas 39th Brigade, our Arkansas National Guard, they have only been home for about 33 months from a year on the ground in Iraq. They have been called up and are now training at National Guard armories all across Arkansas. They will be doing that through the end of the year. They will be going to Mississippi in January and February and then sometime in March headed back to Iraq for another year of duty.

We owe it to them and their families to ensure that they are properly trained and to ensure that we are investing in them the very best equipment and technology to give them a fighting chance, coming back, returning to their families safely.

If you have got any comments or concerns, you can e-mail us at BlueDog@mail.house.gov. If you have any comments, questions or concerns, you can e-mail us at BlueDog@mail.house.gov.

Again, the Blue Dog Coalition is a group of 47 fiscally conservative Democrats that, quite frankly, feel like we have been choked blue by the extremes of both parties, and we are just simply trying to restore common sense and fiscal discipline to our Nation's government. We are in the middle, and that's what we believe America is.

I want to thank the gentleman from Tennessee for his commitment to our troops, for his commitment to fiscal discipline and for sharing with us the piece that he recently submitted to a newspaper in his district. Thank you, LINCOLN DAVIS.

I mentioned the Blue Dogs have three bills that we believe can go a long way toward fixing this mess, cleaning up the mess here in Washington. One of the bills to do that is the Fiscal Honesty and Accountability Act. It strengthens our commitment to fiscal responsibility and accountability, and reinstitutes statutory PAYGO rules.

It implements multiyear discretionary spending caps. It closes a loophole in the law that has been used to add billions of dollars in routine spending, and it requires the Congressional Budget Office, commonly referred to as the CBO, to estimate interest costs produced by spending in any bill. We will go over this and explain what all this means.

I am pleased to introduce and to yield to a fellow Blue Dog from the State of Indiana, who is the author of this commonsense piece of legislation that has been embraced by my fellow colleagues, conservative Democrats in the Blue Dog Coalition, and that's BARON HILL.

Mr. HILL. I thank the gentleman from Arkansas for yielding his time. I also thank him for his great leadership with the Blue Dog Coalition and making sure that our message of fiscal discipline does get out.

I would like at this time to take a little history lesson about how we have gotten to the point where we are right now with a $9 trillion deficit. That figure is hard to believe, $9 trillion, our Nation's government is in debt.

Back during the 1980s, there was a Republican President who came up with an idea called supply-side economics. During the campaign of the 1980s, that candidate was criticized for this economic policy. It was claimed to be very risky.

As a matter of fact, one of the candidates that was running on the Republican side called it voodoo economics. Basically, what it was in the 1980s was a policy that would dramatically cut taxes with the idea that if we cut taxes dramatically, there would be more money that would come to the coffers of the United States Government and deficits would no longer be around.

The trouble with that is that it did not work in the 1980s. I have to say that the Democrats who were in the majority in the House and the Senate that time endorsed this concept and passed this piece of legislation into law.

So taxes were dramatically decreased, military spending went dramatically up, and deficits went dramatically up during the 1980s.

□ 2000

During the 1990s, this policy was rejected under a Democratic President who was elected. He was of the opinion that we needed to get our fiscal house in order. And so during the 1990s, the supply side economics theory was rejected and PAYGO rules were put into effect in the 1990s.

What happened? Those PAYGO rules worked, and around 2000 and 2001 our government, for the first time in a very long period of time, actually produced surpluses. And it was projected that these surpluses would amount to trillions of dollars, projected out in the 21st century.

Then we had another election, and the old policies of the 1980s were reinstated again, those policies in the 1980s called supply side economics that caused huge deficits. PAYGO rules were thrown out the window again, not reinstated.

And here we are again, as Mr. DAVIS from Tennessee has already indicated, during that time period where PAYGOs were thrown out the window and supply side economics were reinstated, we've increased our deficit by $3 trillion, and now we're facing a $9 trillion deficit. The second largest expenditure in our Nation's budget is the interest that we pay on that deficit. This has got to stop. The gentleman from Arkansas earlier said, this is crazy, and it is crazy. When the Chinese Government is buying our debt, buying our paper, loaning us their money, affecting our foreign policy, we have to get our fiscal house in order.

And I'm so proud that I'm a member of Blue Dog Democrats. I joined the Blue Dog Democrats back in 1998 when I first got elected. I served three terms, and then the good people from southern Indiana decided I needed a little bit of a rest, and I took that rest for 2 years, got reelected 2 years later, and immediately joined the fiscally responsible group called the Blue Dog Democrats, and I'm glad that I am.

Now, Blue Dogs just don't bark. They also put into place policy. And one of the things that we have done is introduce the Fiscal Honesty and Accountability Act. What does the Fiscal Accountability Act do? It reinstates statutorily the PAYGO rules that have led us out of this debt in the past and into surpluses. They were instrumental in producing the surpluses that we enjoyed in the late 1990s and the early 2000s.

This bill also closes a loophole in current law that allows almost any spending to be designated as emergency spending.

Now, for those who are listening on C–SPAN, what does that mean? You know, we can pay PAYGO rules in the House, and all PAYGO rules means is if we're going to spend extra money or we're going to reduce taxes, you've got to figure out a way to pay for it. It's pretty pure and simple, but it requires discipline.

One of the ways that Congress gets around the PAYGO rules is by enacting spending measures. For example, we may have an emergency spending measure on the war in Iraq.

Well, Members of Congress from both parties use that spending measure to insert other nonrelated emergency spending measures into the emergency spending in order to get around the PAYGO rules. The Fiscal Honesty and Accountability Act will stop that practice; and it's the Blue Dogs who are leading the charge and making sure that we stop playing games with our Nation's budget, because we really do have to get serious here now about doing something about our Nation's budget. It's swirling out of control. I think most people are shocked when they learn that the Chinese Government is buying a lot of our debt in this country, affecting our foreign policy. This kind of practice needs to stop. And the Blue Dogs are leading the charge in making sure that it does get stopped by passing the Fiscal Accountability and Honesty Act.

Now, other things that we are doing, we're offering a balanced budget amendment and we're trying to pass a resolution strengthening the budget process. When I talk about the Blue Dogs are not just about bark but about policy as well, I mean it. We're putting our actions where our words are, and we're here tonight to talk about that and to ask the Congress to pass the Fiscal Honesty and Accountability Act, which implements PAYGO rules and stops the clowning around with emergency spending measures.

So, Mr. Speaker, I am delighted to have this opportunity to join my fellow Blue Dogs to talk about fiscal responsibility. I applaud the leadership of the Blue Dogs on this particular issue. We're going to keep on barking. We're going to keep on implementing policy. I thank the gentleman from Arkansas for yielding me this time, and I yield back my time to him.

Mr. ROSS. I thank the gentleman from Indiana's Ninth Congressional District, Mr. HILL, for his sponsorship and for authoring this very important legislation, the Fiscal Honesty and Accountability Act of 2007, 1 of 3 key pieces of legislation that we believe can go a long way toward restoring common sense, fiscal discipline and accountability to our national government.

Another one of those is a resolution strengthening the budget process. We're going to talk more about that. I yield to the gentleman at this time, though, from Tennessee, LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. My friend from Arkansas, in the presentation earlier I had intended to discuss the 12 individuals that lived in counties that I represent before they lost their lives in Iraq. Four of those actually were not in my district, but there are 12 individuals that either live in the county I represent or in the district I represent.

I made a commitment some time ago that each day that when I said my prayers for those in special prayer need, that these families would always be a part of my prayer list. And I keep a list of those in my wallet, of those individuals. I hope I don't have to add a new name. Occasionally I'll have to take this out and redo it and add a name to it. I hope I don't have to add another name until we're able to settle and resolve and bring our soldiers home from Iraq and from Afghanistan.

These individuals have honored us and our Nation, and I think that we, as Americans, need to be sure that we honor their name and their families, and that we keep them in our hearts and constantly in our minds so that we don't ever forget the commitment that they gave, and they gave all for this Nation.

Mr. ROSS. I thank the gentleman from Tennessee for those thoughts, and he is absolutely correct. We must keep all the soldiers who have died in service to our country, those who have been injured in service to our country in our hearts and in our prayers. And on this evening I hope we'll especially remember Sergeant James Doster from Jefferson County, Arkansas, the latest casualty from Arkansas' Fourth Congressional District.

The gentleman from Tennessee mentioned those who've died in service to our country, and we've talked a little bit about the Iraq war. And I want to deviate for a moment and let you know, Mr. Speaker, that Mr. DAVIS and I are part of a group outside of the Blue Dog Coalition, but a group of Democrats and Republicans that have come together, 14 Democrats, 14 Republicans that have created this bipartisan compact on Iraq debate because the fact is, Mr. Speaker, I voted three times to bring our troops home in a responsible and in a manner that would be responsible. But the reality is this: That the reason I voted three times is because we don't have a veto-proof majority in the House of Representatives. And we can continue to have those votes, but the reality is the President will veto those actions and so we really, at the end of the day, haven't been successful in a new direction in Iraq.

Finally, you know, if there's one issue that shouldn't be a Democrat or Republican issue but should put us all in the context of being Americans first, it should be how we move forward on this Iraq debate. And there are 28 of us, 14 Democrats, 14 Republicans that have come together to create this bipartisan compact on Iraq debate. And I welcome, as I go through these points, I would welcome the gentleman from Tennessee (Mr. DAVIS), any comments or thoughts he might want to interject. But basically, here's the compact.

We agree, 14 Democrats, 14 Republicans, we agree that the U.S. Congress must end the political infighting over the conflict in Iraq and commit immediately to a truly bipartisan dialogue on the issues we are facing.

I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. How can anyone in this Chamber or any American let politics, partisan politics, have a play in the decisionmaking as we talk about our young men and women who are willing to give their life and those who've given their lives on the battlefields in Iraq and Afghanistan?

I think that it's time. I travel my district and I tell folks that bipartisanship seems to have escaped us here in Washington. I talked to some of the folks who were here years ago and people who visited Washington saying that Democrats and Republicans would get together after a debate, whether they disagreed on certain issues, but that they would get together after that debate and spend time in the evening as friends or families would spend time together. That needs, we need to recapture that here in the U.S. House.

I read a book recently, or a quote in a book recently that was made by that great fellow from Britain, Mr. Churchill. He'd been speaking at Fulton, Missouri in 1951, where he gave his Iron Curtain Speech. And he and two or three other individuals were still on the train and still awake. Mr. Truman, the President, and a bunch of his cabinet and staff had retired for the evening. And they were talking about how the circumstances of our life and circumstances of our birth influenced our success or failures in the world that we lived in. And what Churchill said is that: If I were to be born again, I'd want to be born in America. We need to change America to where people like Churchill and others will be saying again: I'd like to be an American if I was born someplace today.

I don't think that's happening today in the world. We've got to change that, and I think the partisan rancor that we have here on the floor is prohibiting us from projecting to the rest of the world and to the American citizens the best of America. And I hope that this compact will help lead us all into being less partisan and more bipartisan on this floor and in America.

Mr. ROSS. There are eight points that we make in this bipartisan compact on Iraq debate on how we move forward. The second one, we agree that efforts to eliminate funding for U.S. forces engaged in combat and in harm's way in Iraq would put at risk the safety and security of our servicemembers. In other words, as long as we've got troops in harm's way, we're going to support them.

We agree that there must be a clearly defined and measurable mission for our continued military involvement in Iraq. Again, stop redefining victory. Stop moving the goal post. This mission must be further and continually defined so that the military and the country are aware of the end goal of our mission in Iraq and what progress toward that goal is being achieved.

We agree that the Government of Iraq must now be responsible for Iraq's future course. The government must continue to make progress on the legislative benchmarks outlined in section 1314 of the recent Supplemental Appropriations Act, public law 110–28. Demand accountability from the Iraqis.

Mr. LINCOLN DAVIS of Tennessee. If the gentleman would yield, what that means is we're asking the Iraqis to occupy their own nation instead of our American soldiers. That, in fact, is what we're asking. We're asking the Iraqis to be their own policemen instead of the policemen on the beat being the American soldier. I think that should be expected by everyone, regardless of politics.

Mr. ROSS. We agree that it is critical for members of the U.S. Armed Forces, including members of the reserve components, to have adequate rest and recuperation periods between deployments.

We agree that a safe and responsible redeployment of U.S. Armed Forces from Iraq, based on recommendations from our military and foreign policy leaders, is necessary to transition the combat mission over to the Iraqi forces.

We agree that the continued military mission of U.S. combat forces must lead to a timely transition to conducting counterterrorism operations, protecting the U.S. Armed Forces, supporting and equipping Iraqi forces to take full responsibility for their own security, assisting refugees, and preventing genocide.

□ 2015

We agree that U.S. diplomatic efforts should continue to be improved and that the U.S. State Department must engage in robust diplomacy with Iraq's neighbors in the Middle East to address the Iraq conflict.

We had a military surge, and we now know that didn't work. That is what President Bush wanted, and that's what he got. What we are saying here, among these eight components, and don't get me wrong, it is only one of the eight components, one of the eight components is it's time for a diplomatic surge in the Middle East. Fourteen Democrats and fourteen Republicans have signed on to this, and I believe it is time for a new direction in Iraq. It is time for a bipartisan direction. It is time for us to all come together as Americans first.

I yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. In essence what that component says is that in a bipartisan way we want to be sure that the Iraqis have a surge in leadership for their own country, take over the control of their own country; that the Iraqis develop the military that they need to occupy their own country themselves. And, secondly, that they become the policemen in the field, on the roads, riding the Humvees, and not our soldiers. I thank my friend from Arkansas for each week that you bring to the American public the views, the ideas of the fiscal conservative Blue Dog Democrats, deficit hawks and defense hawks here on the House floor.

Mr. ROSS. Again, these views on Iraq are not necessarily those of the Blue Dog Coalition. We require a two-thirds vote for an endorsed position. These are our views, those of us that believe we need a new direction and how we think we can get there in a bipartisan way.

Another one of the bills being put forth by the Blue Dogs, and this one was written by Heath Shuler from North Carolina, Charlie Melancon from Louisiana, and Charlie Wilson from Ohio, and it's called a Resolution Strengthening the Budget Process. It strengthens and increases transparency of the budget process. It ensures that Members have a sufficient amount of time to properly examine legislation and determine its actual cost. No more of being forced to vote on these 300- and 400-page bills after seeing them for 15 minutes and knowing the cost of what we are voting on. PAYGO rules now require that.

It requires that a full Congressional Budget Office, CBO, cost estimate accompany any bill or conference report that comes to the House floor and ensures that lawmakers have at least 3 days to review the final text of any bill before casting their votes.

We can't make Members of Congress read the bills they are voting on; but if you give them 3 days from the final text to the day of the vote, it gives them the opportunity to read them. Right now, and many times under the Republican-led Congress in the past 6 years, there wasn't an opportunity to read the bills because they would let us see the bills 15 minutes or an hour before we were voting on them, sometimes 300- and 400-page bills.

Commonsense ideas that we are putting into legislation.

Another integral part of the Blue Dog fiscal accountability package is this, and I have done my best to go through it and explain to you what it is that we are trying to do there. It's a resolution aimed at strengthening and increasing the transparency of the budget process. All too often Members of Congress are forced to vote on legislation without knowing its true cost implications. This measure will ensure that Members have a sufficient amount of time to properly examine legislation and determine its actual cost.

And then, finally, the balanced budget amendment. And I want to thank the Blue Dog leader Kirsten Gillibrand from New York for authoring the balanced budget amendment, which would provide for a constitutional amendment requiring Congress to balance the Federal budget every year. Forty-nine States do it. Most American families do it. And it is time that the United States Congress did it. It allows for flexibility during times of war, natural disaster, or an economic downturn, and it prohibits cuts in Social Security benefits from ever being used in order to balance the budget.

Mr. Speaker, these are just three pieces of legislation that have been endorsed by the Blue Dog Coalition, authored by the members of the Blue Dog Coalition, that we believe can put us on a path toward restoring common sense, fiscal discipline, and accountability to our Nation's government.

THE STATE OF HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I am coming to the floor tonight to talk, as I often do, about health care, the state of health care in America, some of the things that we face as a country, as a Congress. And, Mr. Speaker, we have reached a point where it is kind of a unique time, and it occurs from time to time in our Nation's history in political cycles that we have the political reality of unfettered election-year politics meeting head on with the perennial challenge of redefining or reforming America's health care system.

Mr. Speaker, the history of health care in America over, say, the past 60-plus years going back to the 1940s is that of a very highly structured, highly ordered scientific process coupled with a variety of governmental policies, policies each aimed at achieving a specific objective; but rarely do we get the opportunity to reexamine the policies and what follows on from those policies and how they continue to affect things years and decades into the future.

Mr. Speaker, if we go back to that time in the middle 1940s, the time of the Second World War, some significant scientific advances occurred. In 1928, for example, Sir Alexander Fleming rediscovered penicillin. It actually had been discovered in the late 1800s, but Sir Alexander Fleming in England discovered that the growth of a bacteria called staphylococcus could be inhibited by the growth of a certain type of mold on the auger plate. Well, it took some additional research. It took some additional input from other scientists who actually came to this country and developed the process of fermentation that allowed for the large-scale production of that compound that we now know as penicillin, a compound that when it was first discovered was priceless. You couldn't get it at any cost and by 1946 had come down to about 55 cents a dose, all because of American ingenuity coming into play in the mid-1940s. In fact, soldiers injured during the invasion of Normandy on D-Day were oftentimes treated for their wartime-acquired wounds that became infected with penicillin.

Another individual, an individual we have honored on the floor of this House during the last Congress, Dr. Percy Julian, an African American scientist or, actually, an organic chemist, who didn't discover cortisone. Cortisone had been discovered earlier. But the extraction of cortisone from the adrenal glands of oxen was a laborious time-intensive process, and as a consequence, cortisone was only available as a curiosity, as an oddity. But Dr. Julian perfected a methodology for building cortisone out of precursor molecules that were present in soybeans and, as a consequence, ushered in the age of the commercial production of cortisone.

So there in the 1940s, we had the development of two processes that allowed for the commercial application of an antibiotic, an anti-infective agent, that previously was unavailable on the scale that it was made available after the Second World War, and an anti-inflammatory, cortisone, for treating things like rheumatoid arthritis, Addison's disease. Cortisone now on a commercially available basis. These changes profoundly affected the practice of American medicine starting at about the time of the Second World War.

But what about on the policy arena? Did anything significant happen during the Second World War? Well, you bet it did. What happened during the Second World War is President Roosevelt said in order to keep down trouble from inflation, he was going to enact some very strict wage and price controls on American workers. And he felt it was necessary to do that because, after all, the country was at war.

Well, employers were looking for ways to keep their workers involved and keep them on the job, and they came up with the idea, well, maybe we could offer benefits. Maybe we could offer health insurance, retirement plans. It was somewhat controversial as to whether or not these could, in fact, be offered at a time of such strict wage and price controls, controversial as to whether or not these added-on benefits would be taxed at regular earnings rates. Well, the Supreme Court ruled that they could, indeed, be offered; that they did not violate the spirit of the wage and price controls, and, in fact, they could be awarded as a pretax expense.

Fast forward another 20 years to the mid-1960s, and now the administration and the Congress are locked in the discussion and the debates that ultimately led to the passage of the amendment to the Social Security Act that we now know as the Medicare program. Suddenly we have a situation where the body of scientific evidence, the body of scientific knowledge is expanding at an ever-increasing rate. We have got some fundamentally different ways of paying for health care, some in the private sector and now some in the public sector, all leading to what is happening currently at the present time.

Now, again, going back to the Second World War, most health care was paid for at the time of service, and that was a cash exchange between the patient and the physician or the patient and the hospital. Now, with the advent of employer-derived health insurance and with the interposition of now this large government program, most health care is now administered through some type of third-party arrangement.

Now, this is useful. It protects the individual who is covered from large cash outlays. But there is a trade-off, and this covered individual is generally unaware of the cost of the care that is rendered, as well as the provider who is quite happy to remain insensitive as to the cost of the care that is ordered. This arrangement has created an environment that permits rapid growth in all health care sector costs.

We have a hybrid system. America's challenge then becomes evident. How do we improve upon the model of the current hybrid system, which involves both public and private payment for health care and which anesthetizes most parties involved as to the true cost of this care? It's also wise to consider that any truly useful attempt to modernize the system, any attempt to modernize the system, the primary goal has to be, first off, protect the people instead of protecting the status quo.

Now, we must also ask ourselves if the goal is to protect a system of third-party payment or provide Americans with a reasonable way to obtain health care and allow physicians a reasonable way to provide care for their patients. Remember that the fundamental unit of production is the interaction that takes place between the medical professional, the physician, and the patient in the treatment room. That fundamental interaction is the widget that is produced by this large health care machine, and sometimes that concept gets absolutely lost in translation.

Now, the current situation subsidizes and makes payment to those indirectly involved in the delivery of that widget, and ultimately that drives up the cost. Now, currently in the United States, we spend, depending upon what you read, 15, 16, and 17 percent of the gross domestic product on health care, amounting to about $1.6 trillion a year. Within that total amount of spending, the government accounts for approximately half. When you add together the expenditure of the Medicare, the Medicaid system, the Federal prison system, VA system, Indian health service, all of those things together equal about 50 cents out of every health care dollar that is spent in this country.

The other half is made up by commercial insurance, self-pay, and I would include health savings accounts in that grouping of self-pay. Certainly some percentage is made up by services that are just simply donated or never reimbursed. We might call it charity care.

A lot of money is spent in health care, but only a fraction on direct patient care and oftentimes too much on an inefficient system.

□ 2030

Now, the test before us, the test before this Congress, the test before this country is to protect the people instead of providing protection to special interests. Define that which ought to be determined by market forces, market principles, and that which of necessity must being left in the realm of a government or public provider; that balance between the public and private sectors, and how in all of this process we preserve the individual self-direction instead of establishing supremacy of the State.

Additionally, we must challenge those things that result in the extortion of market forces in health care and acknowledge that some of that extortion is endemic, some of it's built into the system, some of it's hidden and not readily changed, and some of it is, in fact, easily amenable to change. And we need to know the difference, and we need to know what is worthwhile to try to effect change.

Now, the key here is how to maximize value at the production level; again, where that widget is produced, the doctor-patient interaction in the treatment room. How do we place a patient who exists on a continuum between health and disease, how do we shift that balance more in the favor of a state of continued health, which is obviously less expensive than paying for disease? Do we allow physicians a return on the investment, which opens up a host of questions relating to future physician workforce issues, and I am going to touch on those in more detail in just a minute.

How do we keep the employer, if the employer is involved, how do we get them to see value in a system, things like a quicker return of an ill employee to work, increased productivity, better maintenance of a healthy and more satisfied workforce? In regards to health insurance, how to provide a predictable and manage risk environment, remembering that insurance companies are, of necessity, they tend to seek a state of a natural monopoly; and if left unchecked, they will, indeed, seek that condition.

And finally, how do we balance the needs of hospitals, ambulatory surgery centers, long-term care facilities and the needs of the community, as well as the needs of doctors, nurses and administrators?

Now, Mr. Speaker, some legislation has already been introduced to try to effect some of these changes. I want to make reference at this point to a publication that's produced by my home State organization, the Texas Medical Association. Last March, this was the cover of their publication, Texas Medicine. It referenced that the United States may, in fact, be running out of doctors.

So I've introduced three pieces of legislation geared toward the physician workforce and how do we keep the workforce involved and engaged. Alan Greenspan, talking to a group of us right before he retired as chairman of the Federal Reserve, came in and talked to a group of us one morning and was asked the question: How in the world are we ever going to pay for Medicare going into the future? And he thought about it for a moment and he said, if I recall correctly he said, "Well, I'm not sure. But I think when the time comes, you will do what is necessary to preserve the system." And I believe he is right. But he went on to say, "What concerns me more is will there be anyone there to provide the services that you require."

Well, Mr. Speaker, in an effort to be certain that there are the people there to provide the services that we require, I introduced legislation such as 2583. This establishes low-interest loans for hospitals seeking to establish residencies in high-need specialties, primary care, general surgery, OB/GYN, gerontology in medically underserved areas. It turns out one of the thrusts of this article is that doctors tend to have a lot of inertia, they tend to go into practice close to where they had trained. So if we can establish residency programs where none currently exist in communities of moderate to small size and allow those physicians to undergo their training in those community hospitals, they're very likely to settle in or very close to those communities, thereby driving the equation in favor of supplying physicians in high-need specialties in medically underserved areas.

Another piece of legislation, H.R. 2584, is more geared at the medical student or perhaps even the student in college, the student who's considering a career in health professions. And this expands the old health professions scholarships, provides the availability of scholarships, provides the availability of low-interest loans, provides the availability of favorable tax treatment if an individual is willing to go into practice in a medically underserved area in a high-need specialty.

And then finally, the third piece of legislation, 2585, deals with more of what I would describe as the mature physician, that physician who has been in practice. But one of the problems of our publicly financed side of health care, one of the problems in the Medicare side is that reimbursement rates for doctors are decreased year over year as an effort to control costs in the overall program, but the result is it tends to drive doctors away from practice. So this bill would have at its heart the repeal of a payment formula that is referred to as the "sustainable growth rate," or SGR formula, which I believe is critical. I believe we have to repeal that formula if indeed we're going to keep physicians involved in the process.

Mr. Speaker, another component of this bill, 2585, does allow for some voluntary compensation if a physician or group wishes to participate in a system to upgrade health information technology. And I put this slide up here, Mr. Speaker, because this is the records room at Charity Hospital in New Orleans taken in October of 2005. You can see that, although the records themselves were not disturbed by the wind of that particular storm, that records room is in the basement and it was completely under water for several days. And you can see there, this is 2 months after the storm, probably a month after the water was removed from the downtown area of New Orleans and removed from the basement, you can see the destruction evident on those paper records. And clearly, that's a situation that has to be addressed. If we are going to move America forward into the 21st century, that's a condition that has to be addressed. And I have attempted to do that in H.R. 2585, as it deals with the medical workforce; it also deals with some bonus payments to allow physicians who wish to voluntarily participate in an upgrade of health information technology, allows them the freedom to do that.

Other legislation that is out there, H.R. 3509. H.R. 3509 is a medical liability bill. And this bill was crafted after legislation that was passed in my home State of Texas in September of 2003. This was legislation that was crafted, it was styled after the Medical Injury Compensation Reform Act of 1975 passed by the State of California and then modernized for the 21st century. And what this bill does is provide a cap on noneconomic damages. It is a cap that is shared between physicians, hospitals, a second hospital or a nursing home, if one is involved. Each entity is capped at a $250,000 payment for noneconomic damages, or an aggregate cap of $750,000.

Now, the reason I bring this up, the reason I introduced this legislation that is similar to the Texas-passed legislation in the House of Representatives, is, after all, our Founding Fathers said that the States should function as laboratories for the country. So here we have the State of Texas functioning as a laboratory for meaningful liability reform in the health care sector. And the results are in and the results are clear; 4 years after this legislation was passed we have held rates down for premiums for medical liability insurance for physicians. More importantly, a State that was losing insurers at a rapid rate, we had gone from 17 insurers down to two by the end of 2002, which was my last year of active practice, and now we're back up to numbers in the twenties or thirties. And these liability insurance carriers have come back to the State without an increase in premiums. In fact, the Texas Medical Liability Trust, my old insurer of record, has lowered rates by about 22 percent at the time of my last calculation.

This is critical for getting the young individual who is in high school or college interested in a career in the health profession. The crisis in medical liability that exists in many areas of the country serves as a deterrent, a repellant that keeps young people from even thinking about a career in health care. And that is, in fact, one that we do desperately need to change.

Let me, just for a moment, go back to the Texas Medical Association hypothesis, "are we running out of doctors," and the comments of Chairman Greenspan as he spoke to our group early that morning, now probably some 18 months ago. Will we run out of doctors? No. The answer is we probably won't. I guess we should ask ourselves: If we make the climate too inhospitable, if we make the climate too difficult, what will the doctors of the 21st century look like? Well, I don't know. But from time to time I allow myself some internal speculation as to what the medical workforce of the future might resemble, and sometimes I come across this young individual, kind of a health care entrepreneur from a famous American sitcom that is seen on the Fox Network. I don't know. But it's not worth running the risk of running out of physicians and not attracting the best and brightest into the practice of medicine.

Now, that brings me to what I would describe as a set of principles that for any health care legislation that I endorse, that I embrace, that I put out there myself or that I cosponsor, what are the principles that I need to see? Well, certainly, first and foremost, you have to have freedom of choice. American patients, they want to see who they want to see, they want to see them when they want to see them, and if hospitalization is required, no one objects to an incentive. But freedom of choice must remain central to any system, whether it is private or public, in this country.

Ownership. We hear a lot about the ownership society, things both good and bad. But I will tell you something, from having myself had a medical savings account starting back in 1997, when they first became available, until the time I left private practice in 2002. The whole concept of having a health savings account or, if you will, a medical individual retirement account, a medical IRA, and being allowed to accumulate savings in that account to offset future medical expenses, that's a fundamental desire of many people in this country. And many Americans in this country feel the same way, and, in fact, I'm of the opinion that that should be encouraged. The dollars accumulated in those accounts, and this is the great thing about them, even if you no longer have the account, which I no longer am insured through an HSA because when I came to Congress they weren't generally available. Now they are and I haven't switched back, but that money is still there. It still grows month by month at the regular savings rates. Right now I think it's about 4.5 percent, so a reasonable rate of return on that investment. But that money is there for me and my family to use in the future should any medical expenses arise that maybe aren't covered by other insurance.

Well, what happens if I get to the end of a long and happy life and I've never had to tap into those savings, what happens to them then? They stay in my family. They're available to my heirs and assigns for the coverage of their care going into the future, and all the while continuing to grow in value, tax deferred because that's the way the law was written back in 1997 when I first opened that account.

These dollars are dedicated to health care, they're owned by the individual, and they don't, by default, go to some governmental entity upon the death of the individual who's covered.

Now, another principle that I think is just critical to any discussion of health care is independence. There has to be preservation of autonomy. The patient or the patient's designee should ultimately be responsible for their care and the ability to accept or decline medical intervention.

High standards, one of the things that we pride ourselves on in this country, one of the underpinnings of the American medical system has always been high standards of excellence, and nothing in any future change should undermine that. And, in fact, pathways to facilitate future growth in excellence really ought to be encouraged.

Mr. Speaker, we have to preserve innovative approaches. American medicine has always been characterized as embracing innovation, developing new technologies and treatments. Clearly innovation must be preserved in any process going forward.

Another key is timeliness. Access to a waiting list does not equate to access to care; so spoke the Canadian Supreme Court to its medical system in 2005. We must diligently seek not to duplicate the most sinister type of rationing, which is a waiting list. And that can be, unfortunately, involved with any large health care system, whether it be a nationalized single payer system or, indeed, a very, very large private system.

□ 2045

We have to keep it market based and not administrative. Pricing should always be based on what is actually indicated by market conditions and not what is assumed by administrators. Remember, in general, mandates lead to a restriction of services. State mandates cause more harm than good, impede competition and choice, drive up the cost of care and can actually limit the availability of health insurance. Another type of mandate, we heard a lot about it in 1993 when health care reform was discussed last decade, employer mandates and individual mandates are likewise restrictive. A discussion of mandates should include an accounting of cost and whether the mandates limit the availability of insurance for those who may operate a small business, for example, for those who may be self-employed or self-insured.

Mr. Speaker, it is worth remembering that Medicare part D in its first year of existence, the year 2006, achieved a 90 percent enrollment rate. They didn't do that with mandates. How did they do it? With education, incentives, competition, but certainly not mandates. Well, what about premium support? That is something you hear about from time to time. In fact, premium support was a big part of when President Bill Clinton talked about how to modernize the Medicare system. Bill Thomas who recently was chairman of the Ways and Means Committee, Bill Frist who was Senate majority leader, BOBBY JINDAL who serves as a Member of this House currently, these individuals were on a task force appointed by President Clinton to try to improve the Medicare system. One of the concepts they came up with was premium support to help someone who doesn't make quite enough money to pay a health insurance premium, help them, support them in purchasing that premium or buy down the cost of that premium. A subsidy, yes, but I prefer to think of it in terms of support.

Now, people also talk about tax credits. It is a similar rationale for helping an individual who can't quite afford the premiums on their health insurance. Mr. Speaker, I just submit that our Tax Code is currently complicated enough. We don't need to do anything that further complicates the Tax Code. That is why I move in the direction of premium support as opposed to tax credits or other incentives. One of the things we ought to do, though, when we do talk about mandates, and certainly that has been one of the stories coming out of Massachusetts, the plan that Governor Romney talked about when he came and addressed our House Policy Committee a couple of years ago when that program was first established, one of the mechanisms they had at their disposal was the ability to, because they have a State income tax, the ability to help someone understand the validity of buying insurance. I don't know. Maybe we ought to look at that when we provide money to individuals through the earned income tax credit. Perhaps a portion of that money ought to be earmarked for at least a catastrophic policy or a high deductible policy, those that can be had generally at lower expense. Maybe it is time to think outside the box in that regard and provide those individuals an earmark, if you will, of that tax credit so that they, in fact, do purchase health insurance if they are going to be covered under the earned income tax credit.

Then finally, and this is a terribly difficult concept and a lot of people just tune me out when I talk about it, but we have to balance the way we handle our anti-trust laws. We have to balance anti-trust enforcement, and we have to prohibit overly aggressive anti-trust treatment under the law. Exemption or enhanced enforcement is only likely to further distort the market. It means the desired results are never obtained because we are always providing this market distorting influence by either protecting one side or one group and potentially punishing another side. Creating winners and losers via our anti-trust law erodes the viability of our American health care system. Again, I think we would do well to pay some attention to that and prevent that from being part of our lexicon in the future.

Now, as far as the specific policies for health care within the public sector model, the transformation after the experience with Medicare part D has, in fact, been instructive. Six protected classes of medication were required of all companies who wish to compete within the system. That allowed for greater acceptance by the covered population and certainly greater medical flexibility as far as the physicians were concerned when treating patients. At the same time, the competitive influences brought to bear in that part of the program, in fact, managed to bring down cost.

In fact, the projection of $130 billion over the 10-year budget window less than was originally outlined was a success story. That is solely the result of competition. I feel certain that, in the future, we are going to get benefits for more efficient treatment, timely treatment of disease. I think there are additional successes out there to be had, but certainly competition within the first year or two of the existence of part D program certainly showed where competition can pay off.

Now, one of the most important points of lessons learned in the Medicare part D program is that coverage can be significant without the use of mandates. Ninety percent of seniors now have some type of prescription drug coverage. That was achieved by creating plans that people actually wanted. It was achieved by providing the means and incentives to sign up in a timely fashion. This emphasized that personal involvement and responsibility was there, was important to maintain, and it was important to maintain credible coverage. There was, in fact, a premium to pay if someone signed up after the initial enrollment cycle.

Mr. Speaker, employer-derived insurance will continue to be a significant player in the American health care scene. It adds value. It adds value to the contract between the employer and the employee. It rewards loyal employees and builds commitments within the organization. Businesses can spread risk and help drive down cost. A feature of the proposed association health plans have been, in fact, proposed in this House in every Congress that I have been a Member of since the beginning of 2003. In fact, the first time I heard about the concept of association health plans, Mr. Speaker, was when it was actually delivered from the rostrum here in this House of Representatives. The concept was delivered by President William Jefferson Clinton in September of 1993. It is a concept that I believe we ought to explore. We ought to be able to discuss it rationally without impugning each other's character, because after all, it was brought to this Chamber by a Democratic President. It has been endorsed and supported by Republican Congresses in the past.

Again, the concept of association health plans is one that I think going forward could provide a great deal of utility as far as preventing the inexorable increase in health insurance premiums that are faced by small businesses and individual employees. These are people who don't get the benefits of spreading out the risk through a large insurance market.

Now, Mr. Speaker, regardless of whether the system is public or private, vast changes in information technology are going to occur. They are going to need to be facilitated. We are coming up to a time of rapid learning. Because of improvements in health care technology, the ability to manage databases and retrieving data in a timely fashion are going to be critical for the delivery of health care and for the protection of patients.

Mr. Speaker, let me share this picture with the House of Representatives. This is Master Sergeant Blades. I met the master sergeant at building 18 at Walter Reed Hospital last January. Of course, everyone remembers The Washington Post story about building 18 and how there was great concern that some of our soldiers were not being properly cared for, individuals who were on medical hold at Walter Reed and awaiting a ruling on their request for going back in with their unit or their request to have a disability claim evaluated.

Those individuals on medical hold became the subject of a good deal of discussion in the press here in Washington, DC. Well, like many Members of Congress, I decided to go see for myself. I went out to Walter Reed. I went through building 18. The paper was right: it was crummy. But Master Sergeant Blades drew to my attention something that he said was, in fact, more significant and more important and, in fact, more of a frustration for him and his men who were there on medical hold. And that is the fact that there was no interoperability between medical records contained within the Department of Defense and that of the Veterans Administration.

You see here the master sergeant is preparing his medical record. It may not show up that well, but here is a medical record that he is going through with a yellow highlighter. He is making his case for, again, either going back and joining his unit or making his case for perhaps a future disability claim. What he told me that day is that he can go through a medical record that may be the size of several stacked phonebooks on top of each other, go through and painstakingly pull out the bits of data that he thinks will be important to his case. This paper record will then go to someone's desk. It might sit there for a week, two or three, before it is opened. And then at some point it gets lost, and he has to start all over again, or his men have to start all over again.

So his admonition to his men who are under his command there at the medical hold unit at Walter Reed was to prepare several copies of your medical record. Don't leave your future, whatever it might hold, don't leave your future in the hands of a single medical record and at the discretion of someone who might be cleaning off a desk one night, think they are doing everyone a great favor by moving some charts or papers off to the side or some other location, where, in fact, they become lost and not retrievable. Again, I bring this up to just point to some of the problems that are out there.

We are in the 21st century. Rapid learning and rapid turnaround of data is something that is just expected. We go into an ATM in a foreign country. We swipe our card. We punch the number in. If it takes more than 12 seconds for the money to come out at the other end, we wonder what the problem is. We need to be moving to that same type of system within our medical information system because it is truly to the point where it is untenable. We saw that as, again, Master Sergeant Blade so eloquently pointed out to me that day at the Walter Reed Hospital. But we see it over and over again replicated in tests that have to be duplicated. Someone goes into a hospital emergency room late at night. They have had a CT scan earlier in the week in the physician's office, but it is not available to the emergency room doctor who then orders another test and, oh, by the way, there is another $1,000 spent by some insurance company, government or perhaps even the hospital itself if that patient is uninsured.

Another thing that I think really is something that we are going to have to really concentrate on in the future is introduced legislation, H.R. 1046, to modernize some of the quality reporting systems that are present in this country. I think quality reporting is going to be part and parcel of medical care going forward. I think it should be voluntary at this point. I think while we are in the mode of gathering data, a physician or group who wishes to voluntarily associate themselves with some type of quality reporting scheme, I think that should be rewarded at this point. I don't know that we have developed enough of the systems to require that. Now, State Quality Improvement Organizations, QIOs, were actually developed back in the '80s and early '90s across the country. They were developed to primarily deal with quality issues within the Medicare program itself.

But there is no need to reinvent the wheel here. These organizations are already out there. They exist. They do a credible job. If they need to be modernized for the 21st century, then so be it. But H.R. 1046 is an effort to bring those Quality Improvement Organizations into the 21st century and allow concepts like a medical home and allow concepts like the accumulation and utilization of data so it can be for the benefit of all of the physicians who attend the patient and of course the patient themselves.

Now, this approach was a component of the Medicare physician payment update proposal by then-chairman JOE BARTON on my Energy and Commerce Committee when he offered it right at the end of 2006. I thought it was a good proposal then. I think it is one that certainly bears further exploration.

Mr. Speaker, within the individual market, and that is going to include for the purpose of my discussion both individuals who are paying their freight themselves out of pocket and those individuals who own a health savings account, introduced legislation, H.R. 1666, to provide for increased price transparency within the medical pricing system.

□ 2100

Information is going to evolve rapidly. It's going to evolve rapidly for individuals who are paying cash for their procedures, as was certainly the majority of cases back before the 1940s. But, again, we may see a growing, increasing segment of the population who hold medical savings accounts and will be the primary dispensers of their health care dollars, so those dollars will be spent much the same as a self-pay individual would handle their medical affairs. But it's going to require that the adequacy of reports and the detail of information that is available to patients on things like cost, price and quality, and, yes, there is a difference between what a procedure costs and what its price is, and quality information is going to be increasingly important for health care consumers to make best decisions about the health care of their families and how they wisely spend their health care dollars. This information needs to also be linked to data detailing perhaps complications and other issues, like perhaps infection rates, so that families and individuals are able to make the best decisions.

Now there are some Web-based programs that are out there right now. Again, in my home State of Texas on the Internet there's something called texaspricepoint.org, except it is abbreviated to txpricepoint.org. The individual who lives in the State of Texas can go to that Web site and, after the obligatory legal disclaimers that you have got to scroll through to ensure that you understand the data that you're about to call up, you can get some significant data on the difference in cost and price between hospitals in a given county, different hospitals that perhaps are offering the same procedures, something as simple as a fractured leg without complications. You can click on the appropriate button, scroll through the appropriate number of screens and get a cost comparison between all of the hospitals that exist within a given county and what the difference in cost is at each of those facilities.

Now someone who is truly on a third-party payment such as Medicare, Medicaid, SCHIP, they are not going to be perhaps so interested in that, but they might be from just a quality perspective. If one hospital is a lot more expensive than the others, that may be a quality issue that is driving that increased expense.

So I can see that that information would be useful to individuals who aren't in fact even the target population who's paying out-of-pocket for their own care. But certainly the individual in a family who's paying out-of-pocket, they're financing their health care out of cash flow, or the owner of a medical savings account, that individual is likely to be very interested in what that information on cost, price and quality is as it becomes available. I think we are going to see increasing utility of programs such as these going forward.

As we have talked about crafting a readily affordable basic package of insurance benefits, it's something that this Congress really ought to set itself seriously to do. Now we have had discussions in the 109th Congress. Sometimes those discussions got kind of rough. Let's remember, we, Congress at one time has agreed upon what exactly is a basic package of benefits that ought to be available to an individual who subscribes to a program, and that program is the program under the Federally Qualified Health Center statute. The statute is probably about 35 years old and it details at a significant level of detail what benefits ought to be available to the individual who goes in for their care at what is known as an FQHC, or Federally Qualified Health Center.

What if we were to get together and decide that same basic package of benefits ought to be available to an individual, but they wouldn't necessarily have to go into the Federally Qualified Health Center? Maybe it's embedded in a card that they take into a clinic or provider's office within their community who agrees to participate in the program. Clearly, there is some out-of-the-box thinking that can go on here in trying to provide a meaningful, affordable product for individuals who are currently lacking health insurance.

One of the things, again, that drives the cost up is all of the mandates that we put on insurance companies. But maybe if we agreed on what should be the basic package of benefits, Republican and Democrat alike, sit down and agree on what should be that basic package of benefits and allow individuals to access that type of care within their own communities.

One of the problems with Federally Qualified Health Centers, and I am a believer in the concept, in fact, I am trying mightily to get a second such facility in my part of Tarrant County. I'd like to see one in Denton County, another county that I represent that doesn't have such a facility available. What has happened is we have picked winners and losers across my State, across the country. Some areas are replete with Federally Qualified Health Centers; other areas are seriously lacking in that type of care.

Maybe we need to take that thinking to the next level. Maybe we ought to, instead of building the bricks and mortar of a Federally Qualified Health Center, simply provide the patient with, "Here's the card, here's the list of individuals that participate in the program in your community, and they will accept the card at any one of these facilities that you see."

That would also have the advantage of perhaps separating out, once again, some of that special interest stuff that tends to keep things as they are, to keep things from moving forward, to keep any meaningful progress from coming into any of the arenas and delivery of health care to low-income individuals, but particularly in this particular arena.

The other thing is I will tell you, as a practitioner of medicine, you look at some of the rules under which these facilities have to be set up, and it becomes very, very difficult to construct a business model that will actually be able to stay afloat, given some of the restrictions and regulations that are placed on these facilities. Again, if we would allow perhaps a little bit more of that hybrid-type system that you could have coexistence between a private facility and a government-paid program, providing each side was willing to behave by some mutually agreeable guidelines.

Well, providing truly affordable basic coverage to individuals in this country I think is a concept that insurance companies, I think is something they would want. I can't believe that an insurance company doesn't look at a figure like 47 million people who are uninsured and not say, "that is a lot of market share I could have," if we would only allow them the ability to construct a policy that is affordable to the individuals who fall into that group.

Another concept, Mr. Speaker, and this is one that I have held for a long time, a lot of clinics, a lot of doctors, a lot of medical practices, a lot of hospitals simply donate their time and their efforts. Their actions are truly charitable. Well, maybe we could organize and provide a tax credit for those services that are truly charitable and donated. We could provide perhaps additional protection under the Federal Tort Claims Act, maybe a safe harbor from lawsuits, wherein good faith, charitable care is provided, and allow other providers to participate and fill the vacuum for indigent care.

Another area where this might be extremely useful is in times of national emergency, national crisis. Maybe if we had some type of emergency credentialing facility, and I know the CDC is looking into that, but if there were a way for a practitioner to precredential if there were a national emergency in their area, or they traveled to an area where the next Katrina hits so that they could be immediately credentialed within that area and begin to help provide that care. Again, also allow them some relief from liability under the Federal Tort Claims Act.

This could help fill the vacuum that exists sometimes in care. We don't want people to stay away from where actual help is needed in time of a national emergency. We don't want doctors and nurses to stay away from those areas for fear that, number one, they will be sent away because they are not credentialed, or, number two, out of fear that they might bring on some condition of liability that they would then have to defend for months, years, decades after.

The admonition of Ronald Reagan, "trust but verify." Trust the market to make the correct decisions, but to the extent that some distortions are there, acknowledge that they are there. Sometimes there are going to have to be some protections that can only be provided by the Federal level. Some guidance for market principles will always be required, whether the system is public, private, or is a hybrid system.

Finally, as part of this discussion, there needs to be a rational breakdown. We always talk about the number of uninsured. As near as I can tell, this is a formulaic number that simply goes up by the addition of 2 million people every year.

I don't know that any of us really knows what is the makeup of this number. It is pretty hard to craft public policy to deal with the number of 45, 46 or 47 million uninsured when you don't know what makes up that population. Are some of these young individuals who are simply between college and their first job and haven't yet found it a wise investment or necessary to get insurance? Are part of these individuals who have serious long-term medical conditions who find medical coverage unavailable to them at any level, at any place?

Obviously, those are two very different populations. You can't craft a policy to help one that is not terribly distorted by the time it is applied to the other. We need to know what the makeup of that number is. So agencies like the Census Bureau need to do a better job for us as far as detailing and delineating what exists within the parameters of that large number that simply gets added to every year, and a lot of times you wonder if it is not just added to for political reasons. But, nevertheless, we need accurate data on who is encompassed within that population.

Finally, I will just leave this segment with a point of contrast. There are some people in this House who think it is a good idea to expand the culture of dependence, dependence on the State. There are other individuals in this Chamber who want to expand the number of individuals who can actually participate, direct and own their own health care.

Mr. Speaker, I don't have to tell you what side of that question I come down on.

Finally, Mr. Speaker, I want to talk just a little bit about, again, I said I was going to talk about health care in America. I have talked a lot about health care. Let's talk a little bit about America. Let's talk about American exceptionalism.

Mr. Speaker, the American health care system has no shortage of critics, here in this House, across the country, and certainly in foreign countries. But, Mr. Speaker, I would emphasize, it is the American system that stands at the forefront of innovation and new technology, precisely the types of systemwide changes that are going to be necessary to efficiently and effectively provide care for Americans for today and into the future.

Now, Mr. Speaker, I don't normally read the New York Times, so please don't tell anyone in my district that I did. But last year, in fact just about a year ago, October 5, 2006, Tyler Cowen wrote, "When it comes to medical innovation, the United States is the world's leader. In the past 10 years, for instance, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working within the United States, and seven have gone to researchers outside of this country."

Remember, Mr. Speaker, when I first started this discussion I talked about the contributions of Sir Alexander Fleming, albeit an Englishman, but it was a lab in Peoria, Illinois, that developed the ability to mass-produce penicillin, and it was that ability that allowed the clinical trials to go forward. It was that ability that allowed penicillin to become part of our modern lexicon.

Percy Julian, again, an African American biochemist honored in this House during the last Congress. Remember, it was Percy Julian, he didn't invent cortisol, he wasn't the first to identify the compound, but he was the first to delineate a formula by which this compound could be mass-produced and available to much, much greater numbers of patients than would have ever been possible with the old animal extraction method that had preceded it. All developed within and because of the United States.

Tyler Cowen goes on to point out that five of the six most important medical innovations of the past 25 years have been developed within and because of the American system.

Mr. Speaker, comparisons with other countries may, from time to time, be useful. It is important to remember that the American system is always reinventing itself and seeking improvement. But it is precisely because of the tension inherent in a hybrid system that creates this impetus for change. It drives the change.

A system that is fully funded by a payroll tax or some other policy has no reason to seek improvement, and, as a consequence, faces stagnation. Indeed, in such a system, if there becomes a need to control costs, that frequently is going to come at the expense of who? The provider. Precisely the person you need to stay involved in the system.

Mr. Speaker, I have got one final slide, and I ask your indulgence to let me put this up here.

This just shows the Medicare comparative payment updates for physicians, Medicare HMOs, hospitals and nursing homes. The years are delineated there in separate colors.

The year 2007, when the slide was developed, was in fact an estimate for physicians. The reality is this number actually came back to zero because of some changes we made right at the end of last year.

□ 2115

Under physicians, you don't see a number for 2006 again because that number in fact was zero for 2006. You stop and think about that, this reduction was planned but never happened, but physicians were held to a zero percent update for the past 2 years.

Mr. Speaker, what do you suppose the cost of delivering that care in a doctor's office, what do you suppose has happened to that over the last 2 years? Well, their electricity prices probably went down because they went down all over the country. Cost for gasoline to go to the office every morning probably went down because the cost of gasoline went down everywhere across the country. I don't think so.

The Medicare system is designated to reimburse at about 65 percent of cost under ideal conditions, but the reality is there has been significant erosion of that. This is important because hospitals, nursing homes, and to some degree the Medicare HMOs, their prices are adjusted every year based on essentially what is called the Medicare economic index. That is a cost-of-living formula. Only this group, the physicians, is under a separate formula that is somehow tied to changes in the gross domestic product.

The sustainable growth rate formula penalizes physicians and has the perverse incentive of driving doctors out of the practice of medicine. As was detailed to us by Alan Greenspan many months ago, there is only so long that can go on before ultimately you reach a place where it is going to be very, very difficult for the people who need the care to get the care.

Mr. Speaker, the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, physicians and pharmaceuticals. It is precisely because our experience is unique and different from other countries, and this difference should be acknowledged and embraced, particularly when reform is contemplated in either the public or private health insurance programs in this country.

Mr. Speaker, one final point illustrated in a recent news story covered by a Canadian television broadcaster. It was about a Canadian member of Parliament who sought treatment for cancer in the United States. The story itself is not particularly unique, but the online comments that followed the story, I thought, were instructive. To be sure, a number of respondents felt it was unfair to draw any conclusion because, after all, this was an individual who was ill and seeking treatment and therefore deserving of our compassion, and I wouldn't argue that.

But one writer summed it up: "She joins a lengthy list of Canadians who go to the United States to get treated. Unfortunately, the mythology that the state-run medicine is superior to that of the private sector takes precedent over the health of individual Canadians."

The comments of another individual: "The story here isn't about who gets treatment in the United States. It is about a liberal politician that is part of a political party that espouses the Canadian public system and vowed to ensure that no private health care was ever going to usurp the current system. She is a member of Parliament for the party that has relentlessly attacked the conservatives for their 'hidden agenda' to privatize health care. The irony and hypocrisy is that position supports the notion that the rich get health care and the rest of us wait in line, all because of liberal fearmongering that does not allow for any real debate on the state of health care within the country of Canada."

One final note from the online postings: "It has been sort of alluded to, but I hope everyone reading this story realizes we do have a two-tiered health care system. We have public care in Canada and for those with lots of cash, we have private care in the United States which is quicker and better."

Mr. Speaker, this is a discussion that will likely consume the better part of the next two years of public dialogue, certainly through the next Presidential election. The United States is at a crossroads. It is incumbent upon every one of us who believes that the involvement of both the public and the private sector is best for the delivery of health care in the United States of America. And it is incumbent upon us to stay educated and involved and committed.

Mr. Speaker, we have all got to be at the top of our game every single day. This is one of those rare instances where it is necessary to be prepared to win the debate, even though those of us on my side may lose when it is taken to a vote here in the House of Representatives. But if we adhere to principles, we may ultimately post a win for the health of the American people, and not just the American people today, but for generations to come.

FOCUSING ON MOVING FORWARD

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. ISRAEL) is recognized for 60 minutes.

Mr. ISRAEL. Mr. Speaker, tonight we do something different, something out of the ordinary. The American people are accustomed to tuning into C-SPAN and watching Democrats yelling at Republicans and Republicans yelling at Democrats. There is a Democratic Special Order and there is a Republican Special Order. C-SPAN has become a channel that requires a parental advisory before kids are able to watch. It has become unsafe because of all the screaming and yelling.

Tonight we do something different. Tonight we have a bipartisan Special Order. Tonight Democrats and Republicans will spend some time not focusing on our disagreements, not fighting with one another, not talking about the left and the right, although this is a place where there should be discussion about left and right, but focusing on moving forward, focusing on specific solutions and ideas with respect to Iraq that will move us forward.

The plain fact is that Democrats and Republicans are are going to disagree on some fundamental issues. Maybe we are going to disagree on 60 or 70 percent of the issues, but we do agree on the 30 to 40 percent that is left. The problem is that we have allowed ourselves to be paralyzed on our agreements because we are so busy disagreeing with one another.

Well, 2 years ago we found the Center Aisle Caucus, a bipartisan group of 50 Democrats and Republicans who meet routinely not to talk about our disagreements, we know where we are going to disagree, but to see if we can carve out areas of agreement. To talk not about the left or the right, but to talk about the way forward.

We have convened a series of meetings specifically pertaining to Iraq. Tonight I am joined by the gentleman from Maryland (Mr. GILCHREST), a Marine veteran who has been involved in those meetings and talked about bipartisanship and finding common ground and important solutions.

I am joined by the gentleman from Texas (Mr. LAMPSON) who has become very active, a leader in the Center Aisle Caucus, who also understands the importance of engaging one another and talking about moving forward rather than left and right.

We will be joined by other colleagues. The gentleman from Pennsylvania (Mr. DENT) who has been proposing with the gentleman from Connecticut (Mr. SHAYS) that we integrate the recommendations of the Iraq Study Group into policy as we move forward.

I will be talking about two bipartisan solutions that I have been submitting. One, directing that the President submit a status of forces agreement to the Government of Iraq as a signal that we are not in Iraq to stay, to occupy, but that Iraq is a sovereign government responsible for its security. I believe that status of forces agreement, which we have in almost every country where we have a military presence, would be a very important signal to the Iraqi people and to our own forces.

Secondly, I will be talking about bipartisan legislation that I have introduced with the gentleman from Virginia (Mr. WOLF) to expedite the process of bringing a variety of Iraqi refugees to the United States, those refugees who have served coalition forces as interpreters, as translators, who have risked their lives and now have to go through a bureaucratic nightmare to leave Iraq and come here. We will talk about that as well.

The final point I want to make before I yield to the gentleman from Texas (Mr. LAMPSON) is this: yesterday I visited the Walter Reed Army Hospital. I visited with about seven soldiers who have sustained some very serious wounds in Iraq. I visited with one of my constituents who had his foot amputated. I visited with another Long Islander who found it very difficult to talk, very difficult to breathe. I visited with a soldier who was being discharged yesterday afternoon and will now begin outpatient treatment.

Ultimately, I believe and the Members who will join me this evening believe that our obligation is to them. It is not to the left or to the right. It is to them. They do not want the United States Congress to be engaged in partisan paralysis and bickering. That will not end the war. They want us to try and find common ground. I am under no illusions that whatever we discuss tonight, and the gentleman from Maryland and the gentleman from Texas and the other Members and myself, will end the war tomorrow. I wish we could end the war tomorrow.

The fact of the matter is that for as long as we are here together on the floor of the House, we have an obligation to try and work with one another on areas where we can agree. We can fight honorably, we can disagree respectfully on all matters of policy; but we have an obligation to move forward on areas where there is agreement. That is what the Center Aisle Caucus was formed to do.

One of our members from Texas served for many years in this distinguished Chamber and has returned to the Congress after a 2-year hiatus. He is somebody who personifies bipartisanship, who has been a leader in this body, whose constituents also expect him to be working hard to move forward rather than left or right, and I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, it is a pleasure to join Mr. ISRAEL and all of my colleagues tonight for something that is special. I want to first start out by telling our colleagues and the Speaker and others that even though there is a tradition that typically a Democrat will speak from one side of the well, and the Republicans the other, tonight is not about where we will sit or stand in this room. It is more about where we will sit or stand in relation to the needs of the people of the United States of America.

The Center Aisle Caucus is an organization of Members of Congress who are indeed going to look for ways to move issues forward that can make a difference for our families, our communities, and our States and Nation.

My involvement with this began actually on a trip, I guess, with Mr. GILCHREST some years back; and then when I returned to Congress after what I found to be some very difficult times where camaraderie broke down and it was very difficult for us to feel comfortable working with each other and discussing difficult issues, where oftentimes it did break down into the partisan bickering and the screaming and shouting and little getting resolved, to the point where we gathered some of our colleagues to sit down and have coffee and ask: What can we do and do differently? What can we do to begin to get our friends to come and sit down with each other and talk about these issues respectfully, talk about them in the depth that I believe our constituents all expect us to be talking about, and find the acceptable solutions to the very difficult, difficult issues that face us in this Nation, and they are.

You said it, Mr. ISRAEL. Politics are suffocating the debate on Iraq in nearly every issue that we have faced in this Congress. If we can't come together and work honestly to find compromise on a critical issue like Iraq, what can we expect for other issues that are facing us?

We can't allow for progress to be stymied by partisan politics and vitriol. We must not let any political organization or campaign detract for the purpose we are all here for, which is to work on behalf of our constituents for the good of our country. What is needed now is thoughtful debate that considers Republican and Democratic ideas. We are getting there. That is what tonight is going to be the beginning of, I believe, and I look forward to a wonderful relationship with all of the friends that we are going to make in carrying all of this forward.

We owe it to our troops abroad, to our children in need of health care, to our students, the hardworking taxpayers and the people that we represent to work together to provide a new direction for America. I believe that the Center Aisle Caucus is an organization within our Congress that is going to be able to help pull that together.

It is wrong for any party to think that they are solely right or wrong, and I am proud to be able to join those of our colleagues who have been willing to step forward, come to the middle and begin this debate.

I will yield back, but I would like very much to speak again in another few minutes as we go through this process this evening.

☐ 2130

Mr. ISRAEL. Mr. Speaker, I thank the gentleman and I can assure him that he will have ample time this evening to elaborate on his views.

We have been joined by the gentleman from Pennsylvania (Mr. DENT) who I know is going to speak on some of his priorities and his efforts to bridge the gap between both parties.

I would like to yield to one of the most distinguished Members of this House, as I said before, a veteran, someone who I've come to know only recently. I've served in this House for nearly 8 years, and the gentleman from Maryland and I got to know each other only recently with respect to trying to reduce the polarization of this debate. We've had dinner. We met in my office some 2 weeks ago, and I want to commend him for his leadership and his bipartisanship and his desire also to find a way forward rather than right or left, and with that, I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank Mr. ISRAEL for yielding, and this evening we are here as Members of Congress. Mr. ISRAEL from New York, Mr. LAMPSON from Texas, Mr. DENT from Pennsylvania, myself from Maryland and other Members will be here shortly from the various corners of this country, and we're here because we know that tonight a young American soldier may be on patrol somewhere in Iraq and there may be a landmine that he will run over. There will be Iraqi children that may get caught in the terrible crossfire. There may be Iraqi students on their way to a school or university that may be caught in a horrific explosion from a suicide bomber. Those kinds of things are unfolding in Afghanistan and, to some extent, those kinds of things are unfolding throughout the very difficult places in the world.

This institution, the House of Representatives, has a history of integrity. This Nation is based on the philosophy of integrity, and American citizens, the broad breadth of humans across the globe have, for centuries, had an assumption that this institution was competent, informed and rested on that philosophy of integrity that buttressed the concept of freedom and justice and dignity.

This cannot happen with a partisan divide. This cannot happen with people talking about the Democrats or the Republicans. We are not Democrats. We're not Republicans. We are Members of Congress representing constituencies that assume or, at least up until recently, they assumed that we were here for that philosophy of integrity. We were here to work hard, to work together, to integrate that integrity amongst the vast areas of this country, not just to be a Republican and find some mythical icon Republican that you are supposed to obey or some mythical icon Democrat that you were supposed to obey.

But Americans need more than that. Americans deserve more than that. That young soldier in that armored vehicle riding down the road in Iraq right now deserves more than that, and each of us, not only should, we must have a sense of urgency to fulfill our obligation and responsibility.

Mr. ISRAEL and Mr. LAMPSON and Mr. DENT will talk about that we have come together here fairly recently in the Halls of Congress to represent the sense that this institution is going to have an impact in a very positive way on this world that's laying out before us, and as we progress this evening as each of us discusses these issues, we will talk specifically about Iraq. But I want to make sure, Mr. Speaker, that as we speak about Iraq and this war, this is not our grandfather's war of World War I. This is not our grandfather's war of World War II, where you had a million Russian soldiers moving toward Berlin, you had a million American and Canadian and British soldiers moving toward Berlin, where the public could follow it on little wiggly lines in the newspaper every day to see how they were advancing. This is a war of insurgents where there are no cities to firebomb. There are no million troops to deal with this particular issue.

This is a war of insurgency. And how have these wars gone on in the past? They are wars that are complex and need the initiative, the ingenuity, the utmost intellect and courage of this institution to bring it to a successful conclusion.

I would agree with many Members who have talked about this, that we can't have 535 Secretaries of Defense. That's true. We should not have 535 Secretaries of State, and that's true. But this is not our grandfather's war. This is a war where Members of Congress need to know their counterparts in Iraq, in Afghanistan, in Israel, in Jordan and Syria and Saudi Arabia, in Iran. This is a war where the integration of integrity of people from across the world need to understand each other in an ongoing deep and abiding dialogue.

This is so important for Members of Congress to be involved in this kind of conflict because it's not a million-man army against a million-man army. This is a war that involves culture, ancient cultures. This is a war that involves politics. It's a war that involves economics. It's a war that involves geography. It's essentially a war where there's very little understanding. There's almost complete misunderstanding.

So an institution like the House of Representatives, working together can resolve this conflict. This conflict cannot be resolved, there is no reconciliation, without a dialogue of integrity across these great divides.

I want to thank Mr. ISRAEL and the other gentlemen that are here tonight to bring this dialogue, raise this discussion, this debate about this war to a new and higher and much-needed level.

Mr. ISRAEL. Mr. Speaker, I thank my friend from Maryland and I want to underscore the point that he's making.

The center aisle is right here, right here in front of me. Those on my side of the center aisle can scream at those on the other side and those on the other side can scream at my side. That's not going to end the war. Again, this is a place, this is a House where we encourage debate and even dissent and disagreement, but the screaming and the vitriol and the partisan attacks will not bring this war to an end.

Those of us who are here this evening would prefer to spend our time engaging with one another, disagreeing respectfully on some issues but trying to find that common ground, trying to build that consensus that will bring the war to an end.

One of our colleagues who's here, the gentleman from Pennsylvania (Mr. DENT), has been working very, very hard on a proposal to integrate the recommendations of the bipartisan Iraq Study Group into current policy. That was a perfect example of an advanced and high plane of bipartisan dialogue. Members from both parties, experts from around the country, convened in that Iraq Study Group, made recommendations to the administration and to Congress. Many of those recommendations received widespread praise and support but have not been implemented, and the gentleman from Pennsylvania has been working to attempt to take those recommendations and move them forward, take them off the shelf and move them forward in our policy.

I yield to my good friend from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I thank Mr. ISRAEL for helping organize this Special Order this evening, and I do want to commend you for what you've been doing to help try to change the tone of this institution. You're absolutely right when you talk about the level of noise, the partisan vitriol.

I think we all realize that many of our constituents come to us from time to time, and they see partisanship for the sake of partisanship. They don't always see the philosophical differences that may underlie those partisan debates. They get annoyed with it, and they see carping and whining. They hear Republicans criticizing Democrats over their policies, Democrats criticizing Republicans. And I think at times they would just like us to turn the temperature down, improve the tone and try to find solutions to the problems that face us, especially on issues of war and peace.

It was after the Second World War in the late 1940s and right up until the demise of the former Soviet Union, this Nation seemed to have a bipartisan policy to carry us through the cold war. It was called the policy of containment, and that doesn't mean that everybody in Congress felt universally that containment was a great policy, and they might have disagreed with certain aspects of that policy. But nevertheless, containment was the policy and it was able to survive from one administration to the next. Whether that be a Democrat or Republican administration, the policy survived, and each administration may have had a different spin on it and tweaked that policy, but it was the policy of this country.

And I think that our enemies understood that. We all understood that there was a Soviet threat, and we as Americans came together during that Cold War and eventually were successful. We outlasted the Soviet Union, and here we are in Iraq.

I think the American people have reached a point where they'd like us to develop that same kind of bipartisan consensus as we deal with the threats that face us today, the threats from violent extremists, people who are represented by al Qaeda we know who want to do great damage to us, who have made statements to the effect that they want to kill 4 million Americans, 2 million children.

So the American people expect us to work together, and Iraq certainly is part of this whole debate because, of course, al Qaeda has a significant presence in that country. And I do want to thank you once again for helping to facilitate this dialogue. Because of your efforts and many others, we were able to talk about the Iraq Study Group and the recommendations presented there.

Also, we may hear from some of our other colleagues later tonight, people like Congressmen TANNER and CASTLE, TANNER a Democrat from Tennessee and CASTLE a Republican from Delaware, who have talked at great length about the need for a bipartisan compact on Iraq. And they really set forth several principles that they thought that we could all agree to as we move forward.

And one of those first principles they talked about was that we could agree in Congress that we need to end the political infighting over the conflict in Iraq and commit immediately to a truly bipartisan dialogue on these issues that we're facing, and that was I think really their first main point. And many of us have signed on to that compact, an even number of Republicans and Democrats, and I think that's very important.

And we came to an agreement on many of those issues, and I won't elaborate them all right now because I think some others may want to talk about them, but I think it is absolutely critical. Those points of interest of policy in this bipartisan compact on Iraq are entirely consistent, in my view, with the recommendations of the Iraq Study Group, another very significant initiative headed by former Secretary of State James Baker and former distinguished Congressman Lee Hamilton that talked about a lot of things I think many of us agree on.

For example, we all agree that there shouldn't be permanent bases in Iraq, and you came up with the idea of a status of forces agreement in lieu of permanent bases, just a status of forces agreement just like our Nation has with other countries where we have a military presence, whether that be in Germany or Korea, like we had in the Philippines at one time, where our country enters into agreements with those governments to really state the nature of our presence and what the presence would be. And it's also certainly important to the government that we'll be dealing with, whether it be in Iraq or elsewhere, to help give them legitimacy.

So that was an idea that you came up with, and again, I think it's an issue that we can all agree to on a very broad bipartisan basis.

There are other issues, too, but I won't belabor them all tonight, but I think something you said to me a few weeks ago I think is worth repeating, and it's this: That as our constituents from time to time watch C–SPAN and they hear the noise, they hear the rancor and they sometimes get a little frustrated and throw up their hands about what's happening in Congress, and I think you said it was one of your constituents who pointed out after the last time we did one of these bipartisan Special Orders, they said that we were making C–SPAN safe for children once again, and for that, I want to give you a lot of credit, but there's a lot of truth to that.

Hopefully, because of these types of activities that we are conducting here tonight, more people will be likely to turn on C–SPAN and listen to I hope what will be a very thoughtful and constructive dialogue on one of the preeminent issues that's facing this country.

☐ 2145

Mr. ISRAEL. I yield time to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. I certainly agree with everything that Mr. DENT has said and that Mr. GILCHREST has said and that you, Mr. ISRAEL, have said. I think it's worth repeating some of it. I think it's worth emphasizing the importance of this being a first step and really trying to change the attitude of our body to achieve what the Founding Fathers of this Nation attempted when they designed this body, which is supposed to be deliberative. It's supposed to be able to come together with tolerance.

I was looking at the words that are embedded in this desk here before us that we should listen with respect to each other, and words that Mr. DENT just gave us as far as where we can go, what we can be doing to begin to craft a direction for us.

Just this past weekend, I was at a ceremony with many Gold Star Mothers, parents who had lost their sons or daughters in either Afghanistan or in Iraq. I guess all of us have friends or parents or grandparents or someone that has lost someone there, pastors in our districts, perhaps, who are mourning the loss of some of our best and bravest that America has to offer.

The best way that we can honor these soldiers, I guess, as Mr. GILCHREST was referring to a few moments ago, the best way that we can do things to honor them and family is to work together as our Founders and Framers envisioned to answer the difficult questions that are facing us.

I think that it's tremendous that the Center Aisle Caucus has taken the step. I wanted to congratulate you and the other members who have started to ask Members of our Congress to join us. I hope that other colleagues will grow this into a large body.

I would like to hear some of the things that you are proposing at this time to move us forward on the issue of Iraq.

Mr. ISRAEL. I thank the gentleman.

Let me focus on just one very specific bipartisan solution that the Center Aisle Caucus has proposed. The gentleman from Pennsylvania alluded to it. It's a status of forces agreement.

At the end of the cold war, the United States had permanent status of forces agreements with about 40 countries. Today the number has grown to more than 90, which means that the United States Government has status of forces agreements with nearly half of the countries comprising the world community. Now, what is a status of forces agreement?

A status of forces agreement is essentially a negotiated document between the United States Government and a host government where we have a military presence that governs the relationship between the military and that government. It governs our criminal justice issues. It governs a variety of diplomatic and protocol issues.

Now, I have been told on my visits to Iraq and in my conversations with Iraqi officials here at home and with American officials that one of the concerns that the population of Iraq has is that we are going to be there forever, that we want to occupy Iraq forever.

We don't want to occupy Iraq forever. We don't want to be there one day longer than we need to be. If I had my way, we would be out tomorrow. The fact of the matter is that if the Iraqi people believe that we are there running the place and that they are not a sovereign government, they will never have the capability to stand up their own ministries, to take care of their own security.

I have proposed on a bipartisan basis a resolution that asks the President to begin negotiating a status of forces agreement with the sovereign Iraqi Government. You can't expect a government to have a capability if we can't even negotiate an agreement between that government and our government with respect to the presence of military forces.

Iraq is a sovereign entity. One of the very important signals that we can send to the Iraqi people and to our population at home is the negotiation of the status of forces agreement.

Now, one of the great levels of frustration that I have is that whenever I raise this issue, I am told that we are pushing up against an open door. I am told that mostly everybody agrees that we should have a status of forces agreement in Iraq.

In fact, the Jones Commission, which was constituted as a group of highly expert military people assessing the condition of Iraqi security, when they made their recommendations, the number two recommendation in the Jones Commission report was, in fact, the submission of, and I will read directly from the report: "The second recommendation the Commission wishes to offer is that consideration be given to pursuing an agreement akin to a status of forces agreement with the Government of Iraq. Appropriately drawn, it would have the effect of codifying our relationship with the host nation, reinforcing its sovereignty and independence, and would be consistent with other such agreements we enjoy with many nations where we have a military presence.''

So here you have yet another bipartisan commission recommending yet another idea that everybody can agree on, the Iraqis can agree to it, we can agree to it, Republicans and Democrats can agree to it, except that nobody is making it happen.

So I have proposed, as I said before, a resolution, a bipartisan resolution, that simply tells the President to submit a status of forces agreement to negotiation with the Iraqi Government. It begins this process. It signals the Iraqi people that we have no intention of owning Iraq. We are guests there, and they are the host government.

This is just one simple move in the right direction, a bipartisan move in the right direction; and I am hoping that the administration will listen to it and vigorously negotiate a status of forces agreement with Iraq.

I want to thank my friend from Pennsylvania, who has been active with me on that resolution, for his assistance, and would yield to him if he wants to comment further on it.

Mr. DENT. Again, I applaud you for your leadership on this issue. You are absolutely right, the Jones Commission really did give your legislation, without saying it, a very strong endorsement.

I think you pointed out another issue that I think we can all agree on about this issue of permanent bases. We have voted before against permanent bases, and your status of forces agreement, I think, really does provide the right answer to the question of permanent bases.

I would also point out too that should not be an open-ended commit in Iraq as has been reported and stated in the Iraq Study Group report.

Finally, I think there is another area where most of us degree in this Chamber, that what we want in this country is we want to make sure that we pursue our national interest as it relates to Iraq.

I think most of us realize that we cannot allow al Qaeda to have a base from which to operate in Iraq. I think that's something on which Republicans and Democrats can agree. I think we also agree that we cannot allow Iraq to become a failed state, that is, it becomes a threat to itself and to the region.

The third point I want to make on this, I think it's a very significant point, and perhaps we don't state it enough, and I think you will get a sense of this issue, if you have ever attended the funeral of someone who was killed in Iraq, as I know we all have, and I have families in my district, and Paris and Rush that have lost family members in recent months, and the issue really deals with honoring the service and sacrifice of our people who have invested so much or in some cases, as Abraham Lincoln said, gave that last full measure of devotion.

I have had numerous conversations, for example, with Secretary of Defense Bob Gates, and I know some of you have as well. We talk about these types of issues that, regardless of how one feels about the run up to this war, or how it has been executed, and the mistakes have been made along the way, critics of this administration, for example, have said they do not listen to many of the generals going into Iraq.

But I think it's very important that we do listen to generals as we transition down and go out of Iraq. I think that's critically important that we do this, and as we transition, that we remember the service and the sacrifice, remember our national interest, which is making sure al Qaeda has no base from which to operate and that we do not leave a failed state in our wake.

I just wanted to share those thoughts with you and, again, applaud you. I hope that your bill is one of those bipartisan bills that we will be able to bring to this floor for consideration, just as we did with the Tanner-Abercrombie-English bill today, which was a good start. I think we saw a broad consensus in this House that supported that legislation, and I think that's good for all of us.

Again, I would just applaud you for your work on the status of forces agreement.

Mr. ISRAEL. I would like to raise another very specific solution, bipartisan solution that the Center Aisle Caucus has with respect to Iraq.

Last week, and I know my colleagues may be shocked to hear this, or perhaps they won't be shocked, perhaps they have had the same experience I have, but last week I met with an Iraqi refugee and his family. This individual was a translator for coalition forces, risked his life as a translator.

The work that he was doing was saving the lives of our forces, of our military people. He has a wife, a son and a disabled daughter. He decided that Iraq was no longer a safe place for his family. Why? Not just because of the war, but because of the service that he performed for the American military. So he applied for a special immigrant visa, and this is what he was told:

First you have to find a general to sign the form. He said, well, I don't know many generals who can sign this form.

Can I find someone else? He was told, no, the regulation is that you have to find a general. Well, he found a general who signed, who vouched for his credibility.

Then he was told, well, you can't apply for a special immigrant visa here in Iraq. You actually have to leave Iraq, go to another country and apply.

Well, that's just mind-boggling. Again, this is somebody who risked his life translating for American forces, and they have saved their lives, when they have translated what the bad guys were saying and what they were planning, and he was told, you have to leave Iraq to submit your visa application. So he found his way with his family to Amman, Jordan.

Then he was told, by the way, when you apply for this special immigrant visa, you have got to pay fees, hundreds and hundreds of dollars. This young man didn't have that kind of money. Can you imagine, he was, again, interpreting for our military and then told to leave the country and perhaps save his life; he had to pay a fee for himself, his wife, his son, his disabled daughter. Guess what, he came up with the money. Then he sat for a year in Jordan and waited for them to process the application.

I want to make sure that you understand the point that I am making. We are not saying we should open the doors for every single refugee, let them in without being properly vetted, without the proper security checks, without the background checks; but certainly someone who is providing services to the United States military, who had already been vetted by the military, who was saving lives, deserves better than, you have got to leave the country, you have got to find a general to sign the form, you have to pay hundreds of dollars for the form, you have to wait for a year, and then we will see if we can let you in.

To top it off, when he finally arrived here, this individual, who has critical military skills, the ability to read and understand what our enemies may be saying about us, was told, well, you have got to find a job somewhere, maybe you can drive a taxi. I think the State Department and Department of Defense ought to be rolling out the red carpet for this individual.

One of the most glaring deficiencies we have in our military right now is an inability to translate documents, to hear what our enemies are saying about us. We ought to be hiring these people at whatever salary we can afford to pay them.

Then to add insult to injury, when he came here, he asked, well, how do I get various documents? There was no one area to give him some information, nothing.

So FRANK WOLF, who was the ranking Republican of the State and Foreign Operations Subcommittee on which I now serve, and I have introduced legislation that would make this system a little easier for people who have already established that they can help the United States.

Number one, we would allow our Ambassador in Iraq to have more authority so that he can vouch for the credibility of those who assisted U.S. efforts.

Number two, we allow those people to apply for visas at the U.S. Embassy or U.S. Consulate in Iraq. We don't force them to go to another country, Jordan or elsewhere.

Number three, we waive fees for those who have demonstrated their support for U.S. forces, their assistance, who have been properly vetted. We help find translators find work in the United States in the military and State Department, and we broaden relocation benefits.

Now, who can be against somebody who helped our Armed Forces by translating for them? I can't think of a single person who would say, no, they risked their lives, but we have to make them stay there. We have to make it harder for them and suggest this is another area of bipartisan agreement that we can agree on.

I am hopeful that the Israel-Wolf resolution will be passed by the House, passed by the Senate, and signed by the President.

I don't know whether any of my colleagues would like to comment on that particular legislation or share some of their thoughts, but I would be happy to yield to the gentleman from Maryland.

☐ 2200

Mr. GILCHREST. I'd like to thank the gentleman from New York. And what you're describing, Mr. ISRAEL, is exactly the right thing that Members of Congress can do, certainly in a bipartisan fashion, to help facilitate the conflict in Iraq.

The military is doing a stunningly competent job at what they do. But this is war that is multidimensional. It's myriad complexities does not lend itself to, for example, that million-man Russian Army, that million-man Allied Army heading toward Berlin. This is a multidimensional complex insurgency, a difficult cultural conflict, a geopolitical conflict, an economic conflict. And it takes a united institution like the House and the Senate, to deal with the many different levels, for example, besides the Status of Force Agreement that we've been talking about here tonight that will give the Iraqi community, the Iraqi country, some dignity, about dealing with the issues of the day on a level playing field. The issue of an Iraqi interpreter trying to get to the United States can be effectively dealt with by the legislation that Mr. ISRAEL described. The Sunnis, the Shiites and the Kurds in Iraq have very different views, perspectives on how to govern their country. Each of them comes to this conflict, this political reconciliation debate from very different perspectives.

This past August, August 26, there was a Unity Accord Agreement signed between these three factions in Iraq. But that Unity Accord Agreement has not been carried through yet. What is the status of that?

Now, it's very difficult for that political process to be understood and then pursued by our military. It is something that Members of Congress can do.

What about the oil law, the hydrocarbon law, how to share the oil in Iraq? That is a political question. It's a question that we, in this House, can deal with much more effectively than the military can because it's a political process. We cannot deal with that in a political way if we're divided in a partisan way.

But the integration of our understanding that we represent America, as Members of Congress, not as political parties which, by the way, are not mentioned in the Constitution, that can effectively deal with this issue.

The British are leaving Basra. They are basically going to turn Basra over in a short period of time to the Iraqi Army. This is a predominantly Shiite region of Iraq. What is the relationship of the various Shiite groups in and around Basra with Iran?

Now, General Petraeus is responsible for the military activities inside Iraq. Who is responsible for the intergovernmental relations of various countries around the world, especially in the Middle East, and especially between Iran and southern Iraq where the Shiites are dominant?

It's a political process. We, as Members of Congress, must understand how we can individually continue to probe to have a dialogue with Iran.

The issue of the surge bringing greater security, has it brought greater security? What does greater security mean when you have security forces on the ground if you're going to go beyond that? It's a political process, a greater political process than I think we have understood.

General Petraeus cannot call for Dayton negotiations where you bring the warring factions, like we did in the former Yugoslavia, to the United States to Dayton, Ohio. The political process of reconciling those vast differences is a political process of this institution.

This institution doesn't represent 535 Secretaries of Defense or Secretaries of State. We represent the philosophy of integrity where dialogue is way more important, under these circumstances, than continued violence.

What about the refugees in Jordan and Syria, 2 million refugees, not to count the displaced persons in Iraq? Do we just ignore that? Do we say, well, that's the administration's problem, that's a military problem? No. We get together with dialogue with Assad and Syria, with the King of Jordan. We talk to people in the Middle East that have resources that can effectively deal with those people who may be starving to death.

Another thing, just to add to the complexity of it, one of the military strategies in the war in Vietnam by this country, a military strategy to achieve victory in Southeast Asia, was attrition. Is attrition a part of the military strategy in Iraq with the vast array of complex insurgencies? Some al Qaeda, some Sunni, some Shia, some from various other sects coming from Saudi Arabia or Iran or Jordan or Hezbollah? Attrition cannot be a strategy now. Attrition doesn't work. It didn't work in Vietnam.

How do we reconcile American military strategy? We do it in a debate on this House floor. The difficulties of an insurgency, the difficulties of culture, primitive, ancient cultures sometimes that we're dealing with, the economics, the resources, the religious differences, this is a political solution that General Petraeus has said many, many times. And where does that political reconciliation, the resolution of those vast myriad of problems begin? It begins here on the House floor. It begins with Members of Congress that we see here tonight, Mr. ISRAEL, Mr. LAMPSON, Mr. DENT, myself and many other Members, there's quite a few. I think Mr. ISRAEL and I talked about the potential for 70 Members in a bipartisan working group that can bring, through dialogue, through ingenuity, through information, through intellect. Somebody once said that history is a vast early warning system. We should not complain about having hindsight. We have hindsight. If we have a dialogue, we understand history and we're going to make this work. This group here tonight can certainly lead the way.

I yield back to Mr. ISRAEL. Thank you very much.

Mr. ISRAEL. I thank the gentleman.

Madam Speaker, I want to follow up on one point that the gentleman made, and then I'm going to yield to the gentleman from Texas and the gentleman from Pennsylvania.

Madam Speaker, the gentleman talked about the importance of having a dialogue here on the floor of the House, and I agree. I don't know how we can expect Sunni and Shia and Kurd to reconcile their differences when we seem to be incapable of reconciling our differences. I think we should lead by example.

But in addition to engaging one another on the floor of the House, I believe that leadership also involves bringing communities together. And one of the unique things that the Center Aisle Caucus will be doing under the leadership of the gentleman from Alabama (Mr. CRAMER) and the gentlewoman from Missouri (Mrs. EMERSON) is to have town hall meetings in each others' districts on Iraq so that we can listen together to the broad range of opinions that are in our districts and bring that back in a bipartisan fashion.

And I'm very pleased, Madam Speaker, to have learned that our first bipartisan town hall meeting will be in the district of the gentleman from Maryland. Mr. CRAMER from Alabama, Mrs. EMERSON from Missouri and I will be traveling to the gentleman's district in Maryland to have a bipartisan town hall that he is convening, and I'm very much looking forward to engaging in that dialogue, and hoping that the gentleman will be educated by what my constituents believe, and that I will be educated by what his constituents believe.

With that, I will yield to the gentleman from Texas.

Mr. LAMPSON. Let me just raise another point. I thank the gentleman for yielding.

Mr. GILCHREST spoke of the amount of time that many of our forces served without break. We saw just recently a proposal made in the Senate that I would like for us to add to the list of things that you have already delineated and that we will be discussing, a way that we can assure that our troops get at least the amount of time off that their last deployment involved before being sent back into the war activity. That is a proposal that, in the Senate, drew significant bipartisan support. It came very, very close to passage, and it's one that, again, finds something that hardly anyone will disagree with. It is a change in the policy that we have to make, obviously, to the way that our military operates, and again, is to be debated on this floor. But if I may put that issue on the table for us to discuss some during the evening, I would appreciate that as well.

And I yield back.

Mr. ISRAEL. I thank the gentleman. I yield to the gentleman from Pennsylvania.

Mr. GILCHREST. Could I just very quickly, one second on the point that Mr. LAMPSON made. That's one thing that's critical for this debate.

In World War II, 25 percent of the soldiers had what was called shell shock. That's 25 percent. In the Vietnam War era it was the same. In this war, it is the same. Of the hundreds of thousands of young men and women that travel through Iraq, not on one tour or two tours, sometimes three and four tours, the kind of traumatic stress that they experience is horrendous. It's not only the psychological stress; it's the number of young men and women coming back with concussions. And that debate needs to take place. That resolution to that problem cannot happen with the military alone. It has to happen with a dialogue here about how we send our forces into harm's way and how much time they need for that break back home.

And the other issue with the problem of traumatic stress, when you're in combat and you experience that, it can expose itself in the individual with serious depression. And are our soldiers in Iraq being treated when they have those symptoms of depression? Are they given medication? These are a lot of questions that need to be answered that haven't been, I think, addressed clearly enough from, I use the term, because of the partisan cacophony of chaos that has happened here for such a long period of time.

Mr. LAMPSON. If the gentleman would yield. It's precisely the point of supporting our troops. This is the way to support our troops, to make sure that there is order in the manner in which they are deployed into combat and order in which they are called up and allowed to serve in certain different capacities, to make sure that we are debating the issues providing the resources, making sure that they have the equipment that's necessary as well as the moral support to make sure that their mission and their efforts are successful.

I yield back.

Mr. ISRAEL. And before I yield to the gentleman, I do want to point out that one of the proudest achievements that I believe this Congress has had is that we passed the largest single increase in veterans health care in the 77-year history of the VA. We did that several months ago. I think that's another shining example of bipartisan cooperation that puts the interests of our troops first and subjugates any partisan interests that sometimes occur here.

And with that, I yield to the gentleman from Pennsylvania.

Mr. DENT. I'd like to thank the gentleman from New York for yielding.

And Madam Speaker, there's one issue that I always recall very much, having visited Iraq in the summer of 2005 with at least one gentleman in this room tonight. And it dealt with the issue of reconciliation, although we really didn't talk as much as about it back then, but that's what the exercise was in.

You've mentioned this, as we talked about reconciliation in Iraq, you were very good enough to organize a meeting among the Center Aisle Caucus not so long ago where a prominent Iraqi in the diplomatic corps addressed us, and he talked about the need for reconciliation in our country. And we referred to the tribalism in Iraq that we saw that was frustrating to us and difficult for us to comprehend, and he sort of noticed the tribalism in our country, as he referred to it, I believe, as in Republicans and Democrats and very hard for him to understand the type of chatter that was going on here. So the point is there's reconciliation needed here in America as well as in Iraq.

But one issue of reconciliation that I learned about in Iraq, Madam Speaker, was in August of 2005 when I met a fellow named Albert Chowanski, Jr., who was from a town about 45 miles from my hometown of Allentown, Pennsylvania. He lives in Frackville, Pennsylvania; been in the Middle East for about 30 years. He was working for a contractor, the Siemens Corporation, and was building a power plant, helping to construct a power plant in the Taza area near Kirkuk. And he told me the challenges of building a power plant while people are shooting mortars at you, and how difficult that was. And I asked him, "Well, how did you deal with the situation?" He said, "Well, the mortar attacks weren't very effective, to be perfectly candid, but nevertheless it was troublesome and made life difficult for us." And so he said the way he dealt with it, he went out and he met with each of the tribal leaders, and that's a multiethnic area near Kirkuk. You have ethnic Turks or Turkmen, and you have Kurds and Sunni Arabs and Shia Arabs. And so he went out and he met with all the tribal leaders, and he gave jobs to members of each tribe. And he said, "You know, they all work together just fine, and everything went pretty quiet."

And my point is that here's a fellow who seemed to be an engineer of some sort. I think he was an electrical engineer, and he was out there trying to solve a problem from a very practical level. And we've seen a bit of that in Iraq, I think, in recent months. You've seen it in the Sunni areas that have been much talked about, the tribal leaders turning on al Qaeda, which is all very encouraging. But sometimes we talk about benchmarks and we talk about things that we expect the Iraqis to do, and we are frustrated with the pace of or lack of progress in that country from the higher levels.

☐ 2215

But then we see some of these more local efforts at reconciliation that do bring a certain amount of encouragement and hope.

But I just wanted to share that with you tonight as something that we ought to think more about as we talk about this policy of how we deal with Iraq and as we try to deal with the issue from 60,000 feet in the air here. And as many of us have visited that country and we talk to a lot of folks who are in charge, sometimes life brings us unexpected events, and sometimes those events are positive, and I think we can learn from people who are on the ground.

Mr. ISRAEL. I thank my friend.

Madam Speaker, our time is drawing to a close; so I would like to summarize some of the points that we have made and some of the very specific solutions that the Center Aisle Caucus is pursuing.

Number one, we have a bipartisan resolution that would direct the President to submit and negotiate a status of forces agreement with the sovereign government of Iraq.

Number two, we believe that if you are a refugee who was providing a critical lifesaving service for U.S. forces as a translator, as an interpreter, or some related position and that you have received death threats and that you want to get your family out of harm's way that we shouldn't make it almost impossible for you to do so, that a compassionate nation would reward you rather than building roadblocks. So we have proposed legislation cosponsored by Mr. WOLF from Virginia and me that would make it a little bit easier for those who have provided a service to the United States military to seek special immigrant status here.

Number three, we believe that the recommendations of the Iraq Study Group report ought to be incorporated into policy and not just sit on a shelf, the recommendations for a diplomatic surge and all the other recommendations. Now, we may not agree on every single one of these elements, and we may not agree on every single one of the bills that the Center Aisle Caucus has put forward, but we are trying to build that critical mass and develop consensus on some clear directions.

Next, the Center Aisle Caucus will be visiting one another's districts to hold bipartisan town hall meetings because we may not have all of the ideas here. Our jobs are Members of Congress, but we are representatives. We are supposed to represent the views that we hear. So we will be going out on a bipartisan basis to one another's districts to hear those views.

One other thing that I didn't have an opportunity to mention and we will mention it in the future is that our colleagues from Tennessee (Mr. COOPER) and from Pennsylvania (Mr. ENGLISH) are working on a bipartisan Center Aisle assessment of the War Powers Act. As our colleague from Tennessee (Mr. COOPER) said at one of our dinners, "I fear that one day we as Members of Congress will wake up and find out that we have just launched World War Three and we are reading about it in the newspaper." He is very concerned, as is Mr. ENGLISH, that the War Powers Act needs to be assessed. We want to make sure that we are exercising our constitutional oversight responsibility and that we don't find ourselves in a war without that proper congressional authority and oversight. So they will be convening an assessment of the War Powers Act and making some legislative recommendations.

I want to conclude by reiterating something that I said when we opened up, Madam Speaker. We are not going to end the war tomorrow through the Center Aisle Caucus. None of these resolutions will end the war tomorrow as much as many of us would like to end the war tomorrow and may vote to end the war tomorrow. But we have had enough screaming at one another from both sides of the aisle, and that has not ended the war up to now. We have an obligation to the people that I saw yesterday, that my colleagues Mr. DENT and Mr. LAMPSON and Mr. GILCHREST have been visiting at our military hospitals and at funerals. They don't want us to harp on left and right. They want us to figure out a way forward. They want us to put aside disagreements that have paralyzed us and move forward on what we can agree to. That is exactly what we intend to continue focusing on.

I thank my colleagues for spending time on this very late evening, and I hope, Madam Speaker, that the American people understand the importance of this engagement, this reconciliation, this dialogue to move not left or right but forward.

Did the gentleman want to close?

Mr. DENT. If I may, Madam Speaker, I just hope that our exercise tonight has done just what you want us to do to make C–SPAN safe for children again, and I hope this exercise has accomplished that goal.

Mr. ISRAEL. Madam Speaker, we will never be the Disney Channel, but it is a good start.

THE DEMOCRATIC AGENDA, WRONG FOR THE NATION

The SPEAKER pro tempore (Ms. WASSERMAN SCHULTZ). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, as always, I very much appreciate the privilege to address you here on the floor of the House of Representatives.

There are a number of issues that are before us this evening that have accumulated over the last week or two that I believe are worthy of our consideration and our discussion here, and among them are a couple of debates that we had today. And perhaps the first of which was a fairly intense debate that we had on a bill that addressed the Iraq war, and that would be H.R. 3087, and this is a piece of legislation that came out what seems like a weekly effort to weaken the resolve of our troops, make their job harder in Iraq, seeking to answer to MoveOn.org and energizing the anti-war liberal left in America and energizing our enemies across the world, including and I mean specifically al Qaeda.

And, Madam Speaker, many times I have come to the floor and spoken to this issue and reminded Americans that we are at war. And when a Nation is successful in a difficult war, they pull together and bind together in the same will. There was an address made here on the floor talking about World War I, World War II, and other conflicts we have been in as well as the Iraq war that we are in right now. I would take us back to World War II as the central example of the time when the Nation pulled together. And there were rations here in the United States. Most everybody found a way to contribute to the war effort. My father went to the South Pacific for 2½ years. My mother tied parachutes in a parachute factory. The unemployment rate was down to 1.2 percent, and as far as I know, that is the lowest unemployment rate that this country has had. And that was at the same time that many of the women went to work that traditionally had not.

This Nation pulled together, put 16 million Americans in uniform to defend ourselves on two major fronts, the war in Europe and the war in the Pacific, and mobilized an entire Nation, an entire people.

The movies were about patriotism and defending the American way of life. We had pride in our culture and who we were. And the legacy that flows from that is that the United States, ultimately after we walked our way through the Cold War, we emerged as the unchallenged only superpower and the greatest Nation on Earth. That is the legacy of the selfless sacrifice and the single will of a people when they came together when they saw that they were attacked from without, threatened from without, and they saw that the world was in danger of being consumed by totalitarian powers.

And after that Second World War, we went through the Cold War. Again the world was in danger of being consumed by totalitarian powers. But the will of the American people during the Second World War was unquestioned. They understood that our job was to defeat the will of our enemies, and that meant that we had to apply military might in both directions, to the east and to the west, break down their ability to conduct war; but in the end destroying their ability to tactically attack our military was just a means to an end. The end was to defeat the will of the German people and defeat the will of the Japanese people, which the bombs in Hiroshima and Nagasaki did finally defeat the will of the Japanese people.

Now here we are engaged in this war against al Qaeda, against radical extremist jihadists, people who have committed themselves and say they have a religious belief that their path to salvation is in killing us. It is our way of life that threatens them. And they have come across the oceans and attacked us here on our soil. And they have global plots that weekly there's some kind of information that emerges about sometimes second and third generation immigrants who come into the Western European countries and determine that they might be sent back to Pakistan or one of the other countries over in the Middle East to be trained to be a terrorist and they come back into the Western society and plot and sometimes successfully attack people from Great Britain and in other countries in

Europe. And we have been fortunate in this country not to have an effective attack against us since September 11, 2001.

But the enemy that we are against, the enemy we are fighting across the world, this global terrorist army out there that are rooted in al Qaeda in that philosophy and their affiliates, and it is a loose affiliation even within al Qaeda itself, the principle enemy in our battlefield that is Iraq is al Qaeda in Iraq. That has been clearly brought to this Congress, and it has been a message that has been delivered to us by General Petraeus, Ambassador Crocker, and others. Who is our enemy? Al Qaeda in Iraq. The number one enemy. There are a number of other enemies there, and there is a struggle going on for power.

But we are in the business of defeating the will of our enemy. Our brave troops have put their lives on the line, and many of them have given their lives in that effort to project freedom to that part of the world, protect our freedom here, and defeat the will of the enemy. They lost their lives, sanctified the soil in Iraq with their blood to defeat the will of our enemy in Iraq.

And yet here on the floor of the House of Representatives, since the gavel in and the passing of the gavel in this new 110th Congress, there has been almost weekly, with only two or three exceptions that I can think of, at least one resolution or a bill or a piece of legislation here on the floor of the House of Representatives that serves to do what? It serves to encourage our enemies, to encourage the will of our enemies, and weaken the will of the American people.

So if this war is not to be won, and I believe it will be won and I believe that the indications that are coming from Iraq since the beginning of the surge, information such as the lowest monthly loss of American lives was in this past month of September, the lowest month in the last 14 months, this at a time when we have upped the troop numbers over there by at least 30,000 and engaged them in an aggressive posture of searching and destroying our enemy and hunting them out in the neighborhoods and our troops that are actually living in the neighborhoods rather than in their compounds, that kind of information is coming to us.

And I have been to Iraq five times. The last time was towards the end of July. The things that I saw there gave me a preliminary view of the report that General Petraeus would give us here in this Congress in just this past month, a couple of weeks ago. The news has been encouraging. And, of course, no one can declare victory there, but one can certainly see that we have made significant progress. It's moving in the right direction. All of this, Madam Speaker, in spite of, not because of but in spite of, these demoralizing resolutions that have come to the floor of this Congress.

And this one that was out here today is another demoralizing resolution, this H.R. 3087 that has been delivered here and supported by a larger number of my colleagues than I have seen in the past. And I wonder what the motive is, what they hope to gain, what the upside would be to bring a resolution such as this.

This resolution has in its findings the statement that the authorization for use of military force against Iraq resolution of 2002, where this Congress voted to authorize the President to have the authority to engage in military action in Iraq that was enacted into law in October 2002, and it says here "authorize the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States." I agree with that statement. I think it's consistent with the use of the military force resolution.

However, the findings of this resolution that passed off the floor of this House tonight have a false statement in them. It states: "the continuing threat posed by the Government of Iraq at that time" was the reason that we passed the use of military force resolution here that went into law in 2002. I will state again, and this is right off the resolution: "the national security of the United States against the continuing threat posed by the Government of Iraq at that time."

As I have read through this entire resolution that did pass, current law that did pass, and I looked for the reference to the reason being our opposition to the Government of Iraq, and it's capitalized, Government of Iraq at the time, and going through these references in here in this resolution over and over again, there is a multiple number of references to Iraq, and I have read every one of those references to Iraq. I have them here highlighted, and there is not a single reference to the Government of Iraq or the Government of Iraq at that time.

□ 2230

They're all references about Iraq itself. And I could go through this, the Government of Iraq, destroy Iraq's weapons, declared Iraq to be, on and on and on; no reference to the Government of Iraq.

And yet, this resolution that passed the floor identifies the use of military force resolution as the reason that they brought this one forward and makes a statement that because the resolution from 2002 identified a threat posed by the Government of Iraq, and then it goes on further to say that, the Government of Iraq, which was in power at the time of the authorization for use of military force, was enacted into law, but that because the leader has been removed from power, he has been indicted, he's been tried, he's been executed by the new and freely elected Government of Iraq; therefore, the current Government of Iraq does not pose a threat.

Now, this rationale of, we went to war in Iraq, we gave the President the authority to use military force in Iraq, this resolution today that says it was because it was against the Government of Iraq, and because the government has changed and no longer poses a threat, we have no reason to be in Iraq is that it is an irrational rationale that is founded upon a falsehood. And this entire resolution then is based upon a falsehood that is supported by a flawed premise.

So, to get here with a resolution, then, that requires the President to present to this Congress a contingency plan for a redeployment of the Armed Forces from Iraq that would include a range of possible scenarios, multiple possible timetables to require the President to, and I understand this resolution actually says the director of the department, the Secretary of Defense and the Secretary of State and a list of the cabinet members, it really means the President, Madam Speaker, it will require the Commander in Chief to have his cabinet then present to this Congress, describe the possible missions they might have of redeployment, project the number of members of the Armed Forces which would remain in Iraq in order to do a number of things; protect vital U.S. interests and national security, conduct counterterrorism operations to protect the Armed Forces, the United States Diplomatic Corps, and support, equip and train Iraqi forces, these things that we would need military forces for. And it says "provide a range of possible scenarios."

And so this resolution, if signed into law, and I would hope that the President would veto such a thing, would require the Commander in Chief then to present a series of different alternatives and means to deploy our troops out of Iraq, put those in public before this Congress, who we know can't keep a secret, show our enemies a whole list of contingency plans.

Now, part of successful warfare is to have a few things in your pocket that you don't tell the enemy about. It's essential that we be able to have some surprise tactics, and so far I think the enemy is slightly surprised that the President has resisted the push of the Speaker and the majority leader in the United States Senate and taken a clear constitutional and principled and patriot stand that we are going to follow through on our commitment in Iraq. And as we see them make progress over there, we're watching resolutions come to this floor, Madam Speaker, that undermine our troops and their mission, as resolute as they are, as stoic as they are, as committed as they are. It doesn't recognize either the fact that everyone serving in Iraq from this United States military is a volunteer, a volunteer for the branch of the military that they're in. They weren't drafted; they signed up voluntarily. They knew that they had very good odds of being deployed to Iraq, and many of them are on their second tour, some on their third tour and even some on their forth tour of duty in Iraq, selflessly carrying out their duty and asking us, let us finish our mission, we're making progress here.

This, Madam Speaker, is a disgraceful thing to bring to the floor of the House of Representatives. It serves no useful purpose unless one wanted to serve a purpose to encourage our enemies and demoralize the will of the American people, which seems to be one of the goals that I have seen come out of this Congress on a weekly basis. And I and a good number of others voted "no." I know some voted "no" because they didn't think it went far enough. They don't seem to recognize that in their constitutional oath, they swore to uphold the Constitution. And from the perspective of the Constitution, we don't have any authority to micromanage a war.

One of the previous speakers in the previous hour said that we don't need 535 generals, or words to that effect, and we don't. It's not that we don't need them; our founders understood, when they drafted the Constitution, we couldn't have 535 generals, that we couldn't have wars micromanaged by Congress. They knew what it was like to have a Continental Congress and a Continental Army and try to get the confederation of States that we had at the time of the Revolutionary War to go together and voluntarily provide funds to fund the military. And what was going to be the command and control structure? They knew you had to have a strong central government to have a strong military. And they knew you couldn't fight wars by committee; you had to hand that over to a Commander in Chief. That's why, when they drafted the Constitution, they clearly established in the Constitution that the President of the United States would be the Commander in Chief of our Armed Forces. That's one of the things that's constitutional that we all need to recognize when we take our oath to the Constitution.

And another is the constitutional authority that this Congress does have. We have the authority to raise an Army and a Navy, and by implication an Air Force. And we have the authority, and I say a duty and obligation, to fund it. But we do not have the authority to micromanage it. We don't have the authority to be calling shots in a war. That's got to be one person, not a committee, not a mercurial switchback from one side to the other or a never-ending chain of resolutions that has no strategic purpose, no logical purpose in law, only a purpose to try to encourage the people in this country that are in the business of trying to encourage our enemy, and the ultimate effect is to demoralize the people in the middle who are really the ones that are subject to this debate.

The people on the left that show up here to demonstrate in this city against this military effort are never going to change their mind, Madam Speaker. That's not going to happen. There is no amount of logic or rationale, no human experience that can flip them over the other way. They are dug in. And there are some folks on the other side that are going to stand with our President and with our Army, Navy, Air Force and Marines, and they are going to stand with our dear departed who have sacrificed, and they're going to stand with our wounded, they're going to stand with our military families and they're going to stand with the mission and the people that have been asked to carry it out. They're going to support the troops and the mission.

There are some people on the other side, on the left side of the aisle, that will say "I support the troops but not their mission." They don't seem to recognize the dichotomy of that position. You can't ask someone, "You can put your life on the line for me, I support you, but it's not a good thing you're doing. I don't agree with your mission." You cannot do that to people. If you support the troops, you have to support the mission.

And so, Madam Speaker, we are where we are today, as irrational as it is, as demoralizing as it is, as debilitating as it is, another debate on this floor that has no purpose in law, just tries to make an argument to those people in the middle that might be swayed to go over to the side of the pacifists on the left. That's been our debate here on the floor.

And I believe I will tack on to that another resolution today that I think was an unnecessary resolution, and that's a resolution that drew a good size number of votes that were votes for "present," and that's the resolution that took up the issue of Ramadan. And I think the language in that was excessive, so did a good number of Members of this Congress; all didn't have the will to put up a "present" vote, and no one had the will to put up a "no" vote. But I would point out that Ramadan has been the bloodiest month throughout this global war on terror, and so if that is the holy month, I would like to see Ramadan lifted up to be the bloodless month if it's going to be a peaceful religion.

And now, Madam Speaker, I would like to take the subject matter off of these depressing things and on to another subject matter that is not particularly thrilling either, and that, Madam Speaker, is the subject of SCHIP, the Children's Health Insurance Plan.

This legislation that passed out of this Congress in the 1990s that I will say emerged from the Clinton administration and was intensely debated in the State legislature where I was at the time, where we adopted a bill off of that that we called "Hawkeye." And that's just the Iowa version, and it wouldn't apply unless there happens to be a Buckeye in Ohio. But the SCHIP program was an intense debate here and it continues to be debated across the country. The President is poised to veto the SCHIP bill, and I think he has very sound reasons to do so, Madam Speaker.

First of all, the idea that we would increase the health insurance coverage for families that are making 3 or 4 times the rate of poverty defeats the very concept of the idea of SCHIP. And that is that we wanted to provide, and it was Congress' intent to provide, health insurance for those children in families that were not so well to do, that didn't quite qualify for Medicaid coverage. And so from the Medicaid side of this, it wasn't quite enough to reach up into those lower-income families, and so SCHIP was created. And as it was created and it came to the States, we adopted in my State an SCHIP program that covered 200 percent of poverty, trying to reach those kids that weren't insured.

So, here are the levels that were produced by the Congressional Budget Office just this year. If you cover between 100 and 200 percent of poverty, half of the children will have private health care anyway, about half of them within that range. The legislation that first passed off of the floor of this Congress, this Pelosi-led Congress that was then modified by the Senate is way over on the right. That's 400 percent of poverty. That shows that when you offer subsidized health insurance to that level at 400 percent of poverty, you're going to get 95 percent of the kids that were insured that will roll off of that health insurance and onto the government program. The various stops in between, 300–400 percent of poverty, 89 percent, well, that's nine out of 10 kids that are already covered, you're going to get them off and onto the government program; 200–300 percent at 77 percent.

So what was our mission here? What were we seeking to do? One is the SCHIP program needed to be reauthorized, it was expiring and needed to be reauthorized. And so it needed to be brought before this Congress, and we needed to make a decision on how it was going to be shaped and what the parameters of SCHIP would be. And I would have liked to have seen it extended to 200 percent of poverty. And I would like to have seen some of those 25-year-olds that were collecting

SCHIP insurance be taken off of those rolls and roll this thing down to where it be kids, not young adults that should be taking care of their own health insurance. But instead, the leadership in this Congress saw fit to bring legislation to this floor and roll over the top of an intensely opposed minority at 400 percent of the poverty level.

Now, to give you an example of what that is, the poverty level is fairly consistent across the country, but in Iowa, if that SCHIP plan that was first offered by this Pelosi Congress that was passed off this floor over to the Senate were enacted into law in a State like Iowa, a family of four, a mom and dad and two kids, would qualify for SCHIP coverage even if they're making $103,249 a year. Now, I call that pretty well off. If you're making six figures, you've got two kids in the family, four mouths to feed, you should be able to find a way to take care of your own health insurance. Likely, that's going to be available in the workplace; at least 75 percent of those jobs do provide health insurance for the employees. But the Senate has modified this language and kicked it back over here at 300 percent of poverty. So in a State like Iowa, under this 300 percent of poverty, they would be offering SCHIP health insurance subsidy up to $77,437 a year for a family of four.

Now, I can take these numbers up to families of eight and on and they go way off into the stratosphere. But a family of four has been our standard across this country. Currently, if you're in Iowa and you're a family of four and you're making less than $51,625 a year, you qualify for subsidized health insurance premiums, $51,625. We call that middle class where I come from.

And so this policy that first passed off the floor, the 400 percent of poverty, went so far that 70,000 families in America that would qualify for SCHIP funding would also be compelled to pay the Alternative Minimum Tax, that tax that was designed to make sure that the rich didn't slip by without paying their fair share. That was a special tax for the rich, the Alternative Minimum Tax. 70,000 families in America are making so much money that they would have to pay the Alternative Minimum Tax and we would have to subsidize their health insurance premiums for their kids, presumably because in order to pay that extra tax on the rich, the Alternative Minimum Tax, presumably we have to subsidize their health insurance so they've got the money to pay the extra tax.

☐ 2245

That is bizarre, Madam Speaker. It is bizarre if you believe in a free market system, if you believe we are ever going to have a health care program in the United States that actually rewards those that take responsibility, one that allows people to have a choice and one that allows people to make decisions for their own health care.

But that is not where this is going. This debate has a couple of contradictions within it that the discerning ear will hear. One of them is on the part of the left, the Pelosis, Harry Reids and Hillary Clintons and all the Democratic candidates for President, Madam Speaker, very loosely interchange the term, and this is as near as my ears picked up, very loosely interchange the term "health insurance" with "health care."

For example, my Governor came to this Hill. And sitting in a congressional delegation meeting with the Senators and the Representatives, all Members of Congress, sitting in the room, said that there are 40,000 kids in Iowa that don't have health care. I am not aware of a single kid in Iowa that doesn't have health care, at least access to health care. If they are poor, they get Medicaid. If they are at low-income, they get SCHIP or hawk-i. If they go to the emergency room, they will all get care regardless of whether they are qualified, whether their parents take the trouble of getting them health insurance. So there are no kids that I am aware of in Iowa that don't have health care.

It may be true that 40,000 don't have health insurance. It might be that there are a number of those kids that are covered under Medicaid that don't make enough money to be in that threshold level for SCHIP. But it is not true that 40,000 don't have health care. That is the sloppiness of the exchange between those two terms. "Health care" and "health insurance" have become kind of an easy slip into the utilization of the terms. In the same fashion that some people say "immigrant" when they mean "illegal immigrant," some people say "health care" where when they say "no health care for kids" they really mean "kids that currently don't have health insurance for one reason or another." But they are not alleging, at least, that there are kids in this country that don't have access to health care. That is one of the problems that we have in our communications. It is not that they don't have access to health care.

Another one is the complete flat-out denial on many of them on the left that this SCHIP plan is the cornerstone for a socialized medicine program. Now, you can argue about what kind of shape it takes, but if you listen to Hillary Clinton or John Edwards or Barack Obama, they are all for some kind of a national health care plan. A national health care plan, once adopted, becomes a single-payer national plan where everything is merged together. They want to negotiate for the cost of Medicare as a group, and they will want to negotiate for the cost of all services with the leverage of the Federal Government. They will want to do that with the cost of pharmaceuticals. This takes away the competition that comes from within that drives the research and development, that provides for the highest quality medical care in the world. If you adopt the Hillary plan from 1993, eventually it merges into a single-payer Canadian plan.

Now, I took the trouble today to read through, Madam Speaker, William Clinton's speech before the floor of this Congress that he brought here in, this is September 22, 1993, when he came to give a speech before a joint session of Congress. This is about an hour speech, 13½ pages, single-spaced, where Bill Clinton laid out Hillary's health care plan. It is very adeptly done. It was quite interesting to read through this health care plan.

Some of the comments that he made were kind of astute. One was that he thought we needed Medicare prescription drug coverage. We did do that. That's a piece of that plan. We got that accomplished here in this Congress, Madam Speaker. Some of the other arguments, we are drowning in paperwork, we must produce savings. He goes into how you produce savings. Well, that is going to be some form of limiting. He said he doesn't want to limit prices, but he would limit the increase in prices, which by now we know would be price limitations. Mountains of unnecessary procedures. It is quite interesting that President Clinton is opposed to mountains of unnecessary procedures. But we know that because of the high cost of the litigation, the lawsuits against medical providers and the medical malpractice insurance premiums that are necessary because of the intensive litigation against the practitioners of health care, we know that that is a reason why a lot of these tests are done.

We can argue that they are not necessary one at a time. But every doctor has to make the decision on whether he is going to be defending that decision in court, because the Monday morning quarter backs, the after-the-fact ambulance-chasing lawyers will raise those issues up for litigation. If they see a deep pocket, they will go for it. The deep pocket has been the medical industry.

So the mountains of unnecessary procedures ties into the unnecessary litigation that is part of this. However, there is nothing in the Clinton plan that addresses the high cost of litigation. That is a big reason why we have the high cost of health care here in the United States. We have tried to limit that in this Congress. We have tried to limit it in the last Congress and tried to cap the malpractice to $250,000 in noneconomic damages while still letting everyone who has been a victim of malpractice get themselves whole. We couldn't get it past the trial lawyers, the trial lawyers in the Senate in particular. But the Clinton plan gives full deference to the trial lawyers' interests here and doesn't approach that expensive component of health care at all.

He addresses fraud and abuse. I agree there is some of that. He calls it, though, under our broken health care system that power is slipping away from Americans. Then, let me see, an interesting component here on about page 9 or 10, we will impose new taxes on tobacco, directly out of SCHIP is right off of this page, new taxes on tobacco, Federal taxes at a dollar a pack. Some of the States, including my own, have raised taxes. That turns into, and I am not a smoker, Madam Speaker, I think it would be a wonderful thing if no one smoked. But it is a legal activity. The marketing of tobacco is done as prescribed by the Federal Government. So this tax, a higher percentage of poorer people smoke than people that are better off. So this tax becomes a very regressive tax on the people that do smoke.

It does advocate here, though, that we should be able to deduct from our taxes 100 percent of our premiums if we are a small business. I do support that. There were some components in here that were good. It was an interesting read on what was delivered to the floor of this Congress in 1993, the things that have transpired since then and the effort that is coming out today.

I would note that nothing in this speech of these multiple pages here in this roughly an hour-long speech of Bill Clinton from September of 1993, all on health care, and really all packaged up on the Hillary plan, nothing in this addresses health savings accounts. Yet we passed health savings accounts here off the floor of this Congress. They are the opportunity that we have to continue to provide the private market health care here in the United States and to give people choices and let them have control over their own plans. I think that was the strongest reason to vote for the Medicare prescription drug component piece of the bill.

The health savings accounts were the most important component. It allowed, in the beginning, young couples to put $5,150 in a tax free, into a health savings account. I would like to see that expanded and accelerated so that young people would get to the age of retirement with 6 figures times X of money in their health savings account, enough money that they could purchase a paid-up, lifetime health insurance plan. If we could do that, then they could roll the money that is left over out of that and put that back into their savings account, their estate, whatever they choose to do with it. That is a good thing to build on, health savings account, and rewarding those providers that provide high-quality care for a low price, that is the best combination. That is something also we should do, Madam Speaker.

We have made some progress here. We have made some progress under this Republican Congress in past years. But this year, this SCHIP plan goes too far. The people that advocate this were the same people that advocated 400 percent of poverty. I haven't heard a peep of fiscal responsibility come out of the other side. So where would they draw the line? I have drawn it, Madam Speaker, at 200 percent of poverty. I put that vote up in the late '90s. That's a matter of record. I have been here on this floor, and I support the SCHIP program to a limit. That limit is 200 percent of poverty. I would ask those advocates that came to this floor and voted for 400 percent of poverty, what is their limit? Where do they draw the line? They wouldn't draw it at 400 percent of poverty when there is hardly anybody left on any private insurance, hardly any kids left. Ninety-five percent of the kids are gone and pushed into the government-funded program. Their choices are really substantially limited.

How many million kids would be talked off of private health insurance by this bill as it came off the floor of the House the other day and that essentially it does concur with the Senate? I can tell you that number. That number is produced by the Congressional Budget Office; 2.1 million kids in the United States would be leveraged off of or talked off of and given an incentive, their parents would be given an incentive to take them off of their own insurance plan so the government can pay the insurance that the families are already paying.

Is this that consistent with the motive here that we are trying to get health insurance to kids who don't have it when 2.5 million of them who do have it will be taken from their own self-sustaining, family-funded health insurance plan, often funded by the employer who will see the opportunity to cut down on their costs and push their employees' kids over on to an SCHIP plan? 2.1 million kids moved off. How many kids in the future, if this bill becomes law, how many will never see a private health insurance plan? For how many of them will it become automatic, employers will make the shift, they will write new policies, they will offer to their employees?

As they do that, the employees won't know there is another choice. I can easily see an employer sitting there in the HR office, the manager saying to a prospective employee, Here is our plan. We will pay for your health insurance and we will pay for your wife's health insurance. We have a good plan, but your kids will go on SCHIP. We have a way to facilitate that for you so we make that real easy.

While they are doing that, they will be saving some dollars in the premium. But it will end up being private insurance for mom and dad, government insurance for the kids to 95 percent or more. When it is 95 percent, who is left? Just a few people who stubbornly want to be self-reliant and stand on their own two feet. Just a few people, Madam Speaker, will be all that will be left if this thing goes all the way to 400 percent.

Even at 300 percent, you are looking at 89 percent of those kids are gone. Then, year after year as employers change their plans to taking advantage of now another government handout, and as they hire new employees, and as this thing shifts and evolves, there will be fewer and fewer kids on private health insurance, but millions and millions of them that never go on.

This isn't just the numbers of 2.1 million that go off within the next year if this bill becomes law. And that is at the 300 percent, 2.1 million. It is not just that. It is the tens of millions and ultimately the hundreds of millions that will never see a private health insurance plan until they become the age of adulthood, which by then the proponents of SCHIP would like to have a plan in place for those people, for those kids, as they become adults.

Bill Clinton promised us that when Hillarycare came crashing down, when it collapsed in the weight of the opposition of the American people that wanted to keep their freedom and didn't want a Canadian-style plan and understood there was no place for them to go to get their health care if the United States was going to be shut into a Canadian-style, rationed, long-lines health insurance premium, when the American people brought that crashing down, when Senator GRAHAM said, This passes over my cold, dead political body, when that happened, then Bill Clinton came before the American people and said, Well, this is more than the American people can absorb all at one time. So we will get this done a piece at a time. We are going to feed this to the American people a piece at a time. When we do that, we will get them the SCHIP. Then we will also go for the 55 to 65 year olds.

Now, Madam Speaker, do you get the picture, the 55 to 65 years olds? First, we will bring the kids in. Who can say "no" to the kids? Who can say "no" to 300 percent? In fact, a whole bunch couldn't say "no" to 400 percent of poverty. We know 400 percent of poverty is 95 percent of the kids. So if you get to 500 or 600 or 800 percent of poverty, you are going to get, statistically, we say today, virtually all of them. So at some point, we just say that all kids qualify because there are hardly any kids that are not on there.

Then, if we follow this path that is advocated by Bill Clinton back in the mid-1990s, lower the age of Medicare eligibility down to 55, now your window, we have got people that are 25 years old qualified for SCHIP today on SCHIP in the States, and we have people there at 400 percent of poverty. If you lower the Medicare age down to 55, 25 to 55 is only that 30-year window. Well, that is the most productive years. Those are the people that will be paying the taxes.

□ 2300

They will be the ones that feel the pain the most, and they will say, why do I pay for all this health insurance and health care for the seniors that are 55 years old that have a lot of years and vigor left in them, and the kids that are now kids up to age 25? Why don't you just give me mine, too, under the same version, because, after all, I am paying for it anyway. I am paying for my own at work because it's part of the wages I earn, and I am paying for all the kids up to age 25, well, at least a lot of the kids up to age 25, and the adults from age, as Clinton advocated, 55 on up.

Does anybody believe that HILLARY CLINTON disagrees with Bill on this one-hour long speech? I would submit that she wrote a lot of it; in fact, may have written all of it. This policy that she's advocating today reflects much of it. I can't quite find contradictions in it.

So we need to understand, Madam Speaker, that this debate is not about trying to provide health insurance to kids that don't have it. Many say it's providing health care to kids that don't have it. But we know this: Every kid in America has access to health care. Most kids have health insurance. At 200 percent of poverty, you're looking at 77 percent of those kids that have insurance. Maybe that number is a big number of kids that don't have health insurance, but they all have access to health care.

This debate isn't about the health of the kids. We didn't hear examples in any significant statistical number of kids that are suffering because they don't have access to health care. We heard a socialized medicine debate here on this floor, Madam Speaker. And that is what is going on in America.

This is where the landing zone is being prepared for the presidential candidates who are advocating for a single-payer Canadian-style or nationally-mandated socialized medicine program. They think it's their ticket to the White House. They think the American people want to become even more dependent yet on the nanny-state of government.

Well, Madam Speaker, I oppose that kind of a philosophy. Myself and many millions of Americans oppose that kind of philosophy. We are still out there, Harry and Louise; we are out there, Phil Graham. We are still going to stand here and we are going to oppose a Federally-mandated, single-payer, Canadian-style socialized medicine health care system in this country, and we are going to oppose the expansion of current SCHIP law that goes beyond the 200 percent of poverty, up to the 300 percent and more, and allowing, by the way, the States to discount the income so that that 200 percent, now 300 percent of poverty, goes higher than that yet.

We are going to oppose all of that, because what we are really talking about here is the Pelosi Congress laying the cornerstone to the next generation of socialized medicine. SCHIP is the cornerstone of the next generation of socialized medicine, Madam Speaker, and I oppose it primarily for that reason.

I want to point out that this country has the best health care system in the world. Yes, it's expensive. Yes, it consumes perhaps 17 percent of our GDP. That is a lot. We pay for it because health care is worth it to us. If it were not, we would say, I'm not going to do that. I'm not going to pay the premium. Give me my money in my wages. I don't want that to go off to my health insurance. I think I am going to take some risks with my health. I don't want that test. See if you can keep my premiums a little cheaper, because you're spending a little too much time. No.

Madam Speaker, we are for high quality health care, and when it comes to our health, as people in this Nation, and our lives, no cost is too high for us. Because of that, it has driven research and development and driven the educational institutions and the research hospitals. The system that we have out there that produces new doctors and nurses and inventors and the infrastructure of our hospitals and clinics and a delivery system and the medical equipment that has been developed over the last generation or two is an amazing thing to understand in its broader scope. All of those things are rooted in a belief that we need to provide ever better health care for our people. It has extended our lives and it has extended the quality of our lives. We have been willing to pay for that.

Now, I think there are many things we can do to keep the costs down and provide more efficiency. One of those would be a digital recordkeeping system that would allow for a Web page for all the prescriptions of a patient to go on there, and have a firewall for security, and allow a doctor to put in a patient's records and instantly be able to read the entire file from anywhere in the country, anywhere in the world. I think we will get there.

Those are some things we can work with as to having an integrated medical records system. It will save lives and it will save money. It will avoid duplicate prescriptions and avoid duplicate tests and duplicate x-rays, list after list of things that can be more efficient. That is not something you produce and drive here by saying we need to go to a single-payer plan or socialized medicine plan. That is something government can help facilitate, and I think we should.

I want to have my choices. And I think we also need to grow these HSAs and increase the amount of deductible that goes into the HSAs and allow the insurance company and encourage them to produce plans that adjust the premiums, so if people have healthy lifestyles, that is reflected in a cheaper premium. And if that can be reflected in a cheaper premium, they can roll more dollars into an HSA, and if they have control of management of that from the standpoint of if they live healthy lifestyles and they go in and get regular checkups, they will see cheaper premiums, which allows them to grow their HSA. And if that happens, when there is enough money in their HSA, they can raise the amount of their deductible and lower their premium, which will take less dollars out of their paycheck, and as that transition goes on, they might want to have a larger copayment as their HSA becomes larger and larger.

Meanwhile, insurance becomes more what it is about. It doesn't need to be about covering every medical treatment, the loose-change medical treatment. It needs to be for the catastrophic, those that would knock us down economically and cause us to have to rebuild ourselves again.

We can structure this system so there is more responsibility in it, less litigation it. We can limit the medical malpractice, and we need to do that. I don't expect this Pelosi Congress will do this, Madam Speaker, but I do expect the American people are going to understand where their costs are and want to elect a Congress that will follow through on the medical malpractice and will grow the HSAs and will give us back even more of our freedom when it comes to health care and health insurance, not less.

SCHIP is the cornerstone of socialized medicine, and it is wrong to advance ourselves down that path. It also results in a 156 percent increase in taxes, that is the tobacco tax that I mentioned, and it has no fiscal responsibility. It also has a cliff in the funding.

The funding of this system that is here, even under the 300 percent version that was the last version passed off of this House, the funding is set up so it will require there be an additional 22.4 million smokers recruited to go on the smoking rolls in order to fund this SCHIP. So if you increase the cost of a pack of cigarettes and you presume that there will be 22.4 million more smokers, when taxes in the Federal are a buck a pack and a lot the States have very high taxes as well, would one have to conclude there will be fewer smokers instead of more, and those that are fewer will also smoke less because of the cost?

This inverse ratio then result in the Heritage Foundation's estimate of 22.4

million new smokers to fund this over the next 10 years. Then this funding that is set up is a gimmick funding that produces a cliff, a cliff that happens in the funding, the acceleration of the funding, which will be the collection of increased tobacco taxes until the year 2011. At the year 2011, it hits the spot where there is the drop off in revenue. There is no provision to continue the revenue, and as things stop, you there will be a drop in revenue of 75 percent. No provisions for how to fund the increase in costs that are sailing off into the stratosphere. Instead, there is a 75 percent cut in the revenue. The revenue drops off of a cliff.

What we know then is they will come to this Congress and say, well, you can't say no to all these kids, these 89 or 95 percent of the kids in America that have been talked off of their private health insurance and talked on to a government-funded health insurance. You can't say no to them. So in order to fund them, you are going to have to raise taxes or increase the national debt.

That is what is in store for us with this SCHIP program that we are dealing with today, Madam Speaker.

Then, not the least of which, but among it, is the lowering of the standards on requirements for qualification. We have State agencies that have been requiring birth certificates, passports and other verifiable documents that demonstrate lawful presence in the United States, that demonstrate citizenship, so that we are not providing these kind of benefits to people who are otherwise, actually in fact at the time, deportable.

I mean, to give taxpayer dollars off to people who are deportable is a deplorable thing to do, and it is beneath the standards that have been set by the previous Congresses. And so this SCHIP legislation that is there allows the States to waive a passport requirement, waive a birth certificate, citizenship-proving requirement, and allows them to simply accept a Social Security number.

Now, some will argue that there is a line in the bill that says that these funds can't go to illegals. But, Madam Speaker, the legislation in the bill doesn't require the States to verify citizenship or lawful presence. It doesn't require them to ask for a passport or a birth certificate. In fact, it stipulates that they can accept a Social Security number. And it may actually be a valid Social Security number, but the Social Security Administration themselves have said there is no way to verify that that number actually represents the person that you have before you.

We know that from our immigration debates, and we also know that there are thousands, in fact millions of illegals in America who are working in this country under a false Social Security number. That is the same standard by which we would grant SCHIP benefits to illegals that are here, who otherwise are deportable in the United States.

This SCHIP legislation weakens the standards. It wasn't content to stay with the standards that we had. I didn't hear complaints about the standards that we had. We asked for verification of lawful presence in the United States. No, just produce a Social Security number. So if you can beg, borrow or steal someone's Social Security number and you present that, that can be accepted by the States as adequate proof of lawful presence in the United States.

So this law, this SCHIP legislation, opens the door up for more benefits to go to illegals. And when I say that, I mean people that are deportable, those who, if adjudicated, will be sent to their home country.

That shows one of the things that is wrong with this government, this permissiveness. The Federal Government has enforced our immigration laws less and less over the last 20 years, and this is another piece of it. This same party that brings this permissiveness, this subsidy for deportables, was the same party that advocates for border security. Now, that, Madam Speaker is another dichotomy that I find to be a bit ironic.

So I stand on the rule of law. I think that our laws should be enforced. I think if people violate those laws, you have to enforce it and you have to adjudicate them, and you have to sometimes make an example so the rest of the public recognizes that this is a nation of laws.

But this SCHIP law undermines our national security, it encourages the subsidy of illegals, and it will require another 22.4 million new smokers. It will cost my State of Iowa a net of $226 million. That is the figure that is produced by the Center for Disease Control, that shows that when you add the new taxes into my State and all the money that gets added up on the taxes that would be collected in Iowa, and then you subtract from it the extra grants that would go into Iowa to take care of raising the SCHIP from 200 of poverty to 300 percent of poverty, from $51,625 for a family of four, up to $77,430 for a family of four, you do that math, extra taxes taken out of the State, grants for SCHIP coming back in, the net, not a net gain for Iowa, Governor Culver, I hate to tell you this, it is a net loss of $226 million. So, it isn't even fiscally prudent for Iowans to engage in this.

There are other states that have a net loss as well, according to the Center for Disease Control. The title of this is SCHIP Expansions, Winners and Losers, Net Impact on States New Grants.

This is, Madam Speaker, the look of the map that is produced here, and this is the data that has been delivered by the Center For Disease Control. The map is produced by one of our Members of Congress, I believe.

But, at any rate, Iowa loses $226 million. Our neighbors in Wisconsin, $330 million. Missouri, our neighbors to the south, $496 million. Florida loses $703 million, Madam Speaker. That might be of particular interest to you. $703 million. South Carolina, $239 million. North Carolina, $536 million. This list goes on and on. Kentucky, $602 million. Indiana, minus $517 million. Ohio, minus $426 million.

□ 2315

So there are winners and losers. There is a transfer of tax dollars and a transfer of wealth that takes place with this SCHIP legislation. The transfer of wealth just shows what an economic boondoggle it is for some States. It shows also that some States, their leadership is clamoring for this SCHIP increase. I haven't noticed Republican Governors clamoring for SCHIP increase. I haven't noticed Republican candidates for the Presidency clamoring for an SCHIP increase. They recognize that this increase to 300 percent of poverty, that the attempt to take it to 400 percent of poverty, this attempt to talk kids off of private health insurance, is the cornerstone for Hillarycare, for socialized medicine and lays a foundation for the Presidential debates that will be unfolding from this point until November 2008.

It sets it as the central issue for the Presidency in the event that MoveOn.org and the get out of Iraq at any cost pacifists can't make that issue stick. If they lose that debate, as said by the Democrat whip, that is a big problem for Democrats if there is a good report from General Petraeus.

Well, the report he delivered to us was honest and objective. It was delivered by a patriot. It was delivered by a man who I believe knows more about Iraq and our military operations as well as the political and economic operations there than anybody in the world. It was objective. It was delivered prudently, carefully and factually. And yet, as John Adams said, facts are stubborn things.

Whatever we might choose to do, we can't escape the result of the facts. The facts support a continuing improvement in Iraq. The facts indicate that this debate that is going down this path on SCHIP is not a debate about getting health insurance to kids. This is a debate about laying the cornerstone for socialized health care in the United States.

I think it is utterly wrong and undermines our free market economy. I think it takes away the freedom of the American people. If you take away the freedom of any people, you undermine their productivity and you take away their spirit. If you are a Nation that provides, if you become the nanny state and you provide everything that people want, and FDR created those freedoms, some of these are constitutional, two of them were extra-constitutional, freedom from want and freedom from fear.

This SCHIP plan fits into that idea that people should be free of want and free of fear. They shouldn't fear not having health insurance for their children, and they shouldn't want for anything. This has gotten so bizarre in this Pelosi Congress that we have a farm bill that came to this floor and is passed over to the Senate now that has increased the food stamps, the nutrition component of the bill, by 46 percent. Even though the proponents of that bill could not find a statistical argument that there were components of Americans that were suffering from hunger or malnutrition, in fact they had to admit that people were getting their past meals and they knew where their next meals were coming from, but they stated that people had food insecurity, I'll call it food anxiety. And so because sometimes they weren't sure that some of those meals down the line might not be there, they ate more.

Madam Speaker, I think it is an appropriate thing to get me down to this closing here because it is ironic to quote from the testimony that came before the Agriculture Committee. This would be testimony by Janet Murguia, March 13, 2007, representing LaRaza testifying on food stamps about food insecurity. This is a quote: "There is also mounting evidence that the overweight and obesity trends in the United States are due in part to high levels of food insecurity."

In other words, food anxiety, food insecurity cause people to overeat. They become overweight and if we give them more food from the taxpayers' dollar, then they would eat less and be more healthy and slender and all would be wonderful.

Yes, I guess if you are committed that tax increases and more government responsibility and less personal responsibility are the solution to everything, you can even include the idea that if you give them more food stamps, they would eat less as part of your rationale. It is no more rational here to take SCHIP and take it up to 300 or even 400 percent of poverty. The only rationale I see here is socialized medicine. Lay the cornerstone for socialized medicine, lay the cornerstone for the Hillary campaign for the Presidency.

Pick up this speech from September of 2003, "Move Ahead Into Socialism."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. HOYER) for today after noon on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HALL of New York, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. KELLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 9.

Mr. MCCOTTER, for 5 minutes, October 3.

Mr. JONES of North Carolina, for 5 minutes, October 9.

Mr. WOLF, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, October 4.

Mr. BARRETT of South Carolina, for 5 minutes, October 3.

Mr. KELLER of Florida, for 5 minutes, today.

Mr. CASTLE, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 3, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3534. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3535. A letter from the Deputy Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act by the Federal Aviation Administration's Grants-In-Aid for Airports Account (69X8106), pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3536. A letter from the Secretary of the Air Force, Department of Defense, transmitting a report detailing a Average Procurement Unit Cost and a Program Acquisition Unit Cost breach in the C-5 Reliability Enhancement and Re-engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

3537. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Vehicle Operations and Maintenance function at Travis Air Force Base, CA, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3538. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of the Department's decision to conduct a streamlined competition of intermediate level ship maintenance support functions performed by military personnel; to the Committee on Armed Services.

3539. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a multi-function standard competition of the Transportation and Supply functions at Hanscom Air Force Base, MA; to the Committee on Armed Services.

3540. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a single function standard competition of the Environmental function at Robins Air Force Base, GA; to the Committee on Armed Services.

3541. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a single function standard competition of the Precision Measurement Equipment Laboratory (PMEL) functions at Kirkland Air Force Base, New Mexico; to the Committee on Armed Services.

3542. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a single function standard competition of the of the Test Tract Instrument functions at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

3543. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3544. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3545. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3546. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing possible misuses of defense articles; to the Committee on Foreign Affairs.

3547. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the

Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3548. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3549. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's annual report for fiscal year 2006, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

3550. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Actions Taken on Office of Inspector General Recommendations" for the period ending March 31, 2007; to the Committee on Oversight and Government Reform.

3551. A letter from the Acting Regulations Officer, Federal Highway Administration, DOT, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2006-22477] (RIN: 2125-AF12) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-28432; Directorate Identifier 2007-CE-056-AD; Amendment 39-15115; AD 2007-13-11] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes; and Airbus Model A300-600 Series Airplanes [Docket No. FAA-2007-27361; Directorate Identifier 2006-NM-237-AD; Amendment 39-15097; AD 2007-12-19] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX and Falcon 900EX Airplanes [Docket No. FAA-2007-27849; Directorate Identifier 2006-NM-249-AD; Amendment 39-15094; AD 2007-12-16] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2007-27358; Directorate Identifier 2006-NM-270-AD; Amendment 39-15098; AD 2007-12-20] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21434; Directorate Identifier 2004-NM-75-AD; Amendment 39-15092; AD 2007-12-14] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2007-27753; Directorate Identifier 2007-NM-022-AD; Amendment 39-15096; AD 2007-12-18] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2006-26692; Directorate Identifier 2006-CE-89-AD; Amendment 39-15043; AD 2007-10-02] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2007-27530 Directorate Identifier 2007-CE-019-AD; Amendment 39-15118; AD 2007-13-14] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe Aerospatiale Models TB9, TB10, and TB200 Airplanes [Docket No. FAA-2007-27432 Directorate Identifier 2007-CE-017-AD; Amendment 39-15122; AD 2007-13-18] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-602, AT-802, and AT-802A Airplanes [Docket No. FAA-2007-27212; Directorate Identifier 2007-CE-011-AD; Amendment 39-15121; AD 2007-13-17] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26494 Directorate Identifier 2006-CE-079-AD; Amendment 39-15119; AD 2007-13-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes [Docket No. FAA-2007-27610 Directorate Identifier 2007-CE-023-AD; Amendment 39-15120; AD 2007-13-16] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification to the Norton Sound Low, Woody Island Low, Control 1234L, and control 1487L Offshore Airspace Areas; AK [Docket No. FAA-2006-25852; Airspace Docket No. 06-AAL-29] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Vero Beach, FL [Docket No. FAA-2007-28101; Airspace Docket No. 07-ASO-9] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Modification and Revocation of VOR Federal Airways; East Central United States. [Docket No. FAA-2006-24926; Airspace Docket No. 06-ASW-1] (RIN: 2120-AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Red Dog, AK [Docket No. FAA-2007-27439; Airspace Docket No. 07-AAL-04] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Valdosta, Moody AFB, GA [Docket No. FAA-2007-28298; Airspace Docket No. 07-ASO-10] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Routes (T-Routes); Los Angeles, CA [Docket No. FAA-2007-27332; Airspace Docket No. 07-AWP-2] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas 3601A and 3601B; Brookville, KS [Docket No. FAA-2004-17774; Airspace Docket No. 04-ACE-32] (RIN: 2120-AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dean Memorial Airport, NH [Docket No. FAA 2007-28010, Airspace Docket No. 07-ANE-91] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Front Royal-Warren County, VA [Docket No. FAA 2007-27512, Airspace Docket No. 07-AEA-01] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Area Navigation Route Q-22; South Central United States [Docket No. FAA-2007-28477; Airspace Docket No. 07-ASW-4] (RIN: 2120-

AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification to the Norton Sound Low, Woody Island Low, Control 1234L and Control 1487L Offshore Airspace Areas; Alaska [Docket No. FAA-2006-25852; Airspace Docket No. 06-AAL-29] (RIN: 2120-AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1680. A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists; with amendments (Rept. 110–357). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 701. Resolution providing for consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes (Rept. 110–358). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 702. Resolution providing for consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes (Rept. 110–359). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 703. Resolution providing for consideration of the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes (Rept. 110–360). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 704. Resolution providing for consideration of the bill (H.R. 3246) to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation (Rept. 110–361). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2895. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; with an amendment (Rept. 110–362). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3002. A bill to establish a demonstration program to authorize the Secretary of Housing and Urban Development to guarantee obligations issued by Indian tribes to finance community and economic development activities; with an amendment (Rept. 110–363). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. UDALL of New Mexico (for himself and Mrs. BONO):

H.R. 3717. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ALTMIRE (for himself, Mr. GEORGE MILLER of California, Mr. YARMUTH, Mr. HOLT, and Mr. VAN HOLLEN):

H.R. 3718. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to address conflicts of interest associated with use of advisory committees and technical assistance providers in the administration of such Act; to the Committee on Education and Labor.

By Ms. CASTOR:

H.R. 3719. A bill to prohibit implementation of a guidance letter proposing rules relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. EDWARDS:

H.R. 3720. A bill to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS:

H.R. 3721. A bill to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ENGLISH of Pennsylvania:

H.R. 3722. A bill to amend the Internal Revenue Code of 1986 to allow for expenditures from the Harbor Maintenance Trust Fund for certain harbor construction activities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself and Mr. HINCHEY):

H.R. 3723. A bill to establish the Raritan Bay Stewardship Initiative; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself and Mr. HILL):

H.R. 3724. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself and Mr. MCHENRY):

H.R. 3725. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require the submission to each borrower under a federally related mortgage loan of a one-page description of the essential terms of the loan; to the Committee on Financial Services.

By Mr. HILL (for himself, Mr. FOSSELLA, Mr. BURTON of Indiana, Mr. DONNELLY, Mr. ELLSWORTH, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. PATRICK MURPHY of Pennsylvania, Mr. PENCE, Ms. BERKLEY, Mr. BUCHANAN, Mr. VISCLOSKY, and Mr. KAGEN):

H.R. 3726. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for real property taxes on the principal residences to all individuals whether or not they itemize other deductions; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. PASTOR, and Mr. FORTUÑO):

H.R. 3727. A bill to amend title 5, United States Code, to provide that premium pay be paid to Federal employees whose official duties require the use of one or more languages besides English; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. LANTOS, and Ms. JACKSON-LEE of Texas):

H.R. 3728. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 3729. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself and Mr. WILSON of South Carolina):

H.R. 3730. A bill to establish a United States-India interparliamentary exchange group; to the Committee on Foreign Affairs.

By Mr. PAUL:

H.R. 3731. A bill to suspend temporarily the duty on lutetium oxide; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3732. A bill to suspend temporarily the duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Ways and Means.

By Mr. SARBANES:

H.R. 3733. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Education and Labor.

By Mr. SIMPSON:

H.R. 3734. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. TANNER (for himself, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, and Mr. LARSON of Connecticut):

H.R. 3735. A bill to amend the Internal Revenue Code of 1986 to extend the look-through treatment of payments between related controlled foreign corporations; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Con. Res. 222. Concurrent resolution commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007; to the Committee on Science and Technology.

By Mr. VAN HOLLEN (for himself and Mr. DENT):

H. Con. Res. 223. Concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on Oversight and Government Reform.

By Mr. WOLF (for himself and Mr. SARBANES):

H. Con. Res. 224. Concurrent resolution expressing support for a National Telework Week to be established; to the Committee on Education and Labor.

By Mr. PUTNAM:

H. Res. 699. A resolution electing a Minority Member to a standing committee of the House of Representatives; considered and agreed to.

By Mrs. BONO (for herself and Ms. ROYBAL-ALLARD):

H. Res. 700. A resolution supporting the We Don't Serve Teens campaign; to the Committee on Oversight and Government Reform.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. RENZI, Mr. SOUDER, Mr. FEENEY, Mr. TIBERI, Mr. RYAN of Ohio, and Mr. ADERHOLT):

H. Res. 705. A resolution expressing the sense of the House of Representatives that the Chinese Communist Party should be condemned for engaging in coercive abortion practices, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALL of New York (for himself, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. ENGEL, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. PAYNE, Mr. MCDERMOTT, Mr. UDALL of Colorado, Mr. STARK, Mr. FARR, and Mrs. LOWEY):

H. Res. 706. A resolution honoring all members of the Armed Forces and civilian personnel serving in harm's way and pledging to debate policy decisions regarding the war in Iraq without attacking the integrity of any person, and for other purposes; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself and Mr. RANGEL):

H. Res. 707. A resolution honoring the 50th anniversary of Althea Gibson's championship at Wimbledon and Forest Hills, and honoring the life and legacy of a teacher, daughter, and internationally acclaimed athlete who defied the boundaries of race, class, and gender; to the Committee on Oversight and Government Reform.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. DELAURO, Mr. DICKS, Mr. SERRANO, Mr. RENZI, Mr. LEVIN, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. MURTHA, Ms. JACKSON-LEE of Texas, Mr. BOSWELL, Mr. KUCINICH, Ms. HIRONO, Mr. CUMMINGS, Ms. BORDALLO, Mr. LANTOS, Mr. HONDA, and Mr. HINOJOSA):

H. Res. 708. A resolution honoring the life and accomplishments of Luciano Pavarotti and recognizing the significant and positive impact of his astounding musical talent, his achievement in raising the profile of opera with audiences around the world, and his commitment to charitable causes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. HONDA.

H.R. 98: Mr. UDALL of Colorado.

H.R. 136: Mr. UDALL of Colorado.

H.R. 138: Mr. WILSON of South Carolina and Mr. UDALL of Colorado.

H.R. 139: Mr. MANZULLO.

H.R. 211: Mr. MCNERNEY.

H.R. 225: Mrs. DRAKE.

H.R. 579: Mr. NEAL of Massachusetts.

H.R. 642: Ms. SCHWARTZ.

H.R. 643: Mr. KNOLLENBERG, Mr. FEENEY, Mr. ALTMIRE, and Mr. LUCAS.

H.R. 661: Mr. ALLEN.

H.R. 715: Mrs. JO ANN DAVIS of Virginia, Mr. MCHUGH, and Mrs. EMERSON.

H.R. 741: Mr. FORBES.

H.R. 743: Mr. BOEHNER, Mr. BOSWELL, Mr. DONNELLY, Mr. SHADEGG, Mr. BRADY of Texas, Mr. KLEIN of Florida, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of California, and Mr. WALSH of New York.

H.R. 748: Mr. REICHERT, Mr. VAN HOLLEN, and Ms. WOOLSEY.

H.R. 849: Mr. UDALL of Colorado.

H.R. 850: Mr. UDALL of Colorado.

H.R. 864: Mr. UDALL of New Mexico.

H.R. 891: Mr. HAYES, Mr. ALLEN, Mr. ACKERMAN, and Mr. CASTLE.

H.R. 972: Ms. BORDALLO.

H.R. 1000: Mr. SNYDER, Mrs. MALONEY of New York, Ms. WOOLSEY, Ms. SUTTON, Mr. BARTLETT of Maryland, Mr. LEWIS of Georgia, Mr. CLAY, Mr. KUCINICH, and Mr. HODES.

H.R. 1004: Mr. RYAN of Ohio and Mr. MORAN of Virginia.

H.R. 1017: Mr. MOORE of Kansas.

H.R. 1032: Mr. OLVER.

H.R. 1092: Mr. VAN HOLLEN.

H.R. 1125: Mr. PUTNAM, Mr. TIM MURPHY of Pennsylvania, Mr. MAHONEY of Florida, Mr. SPACE, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1188: Mr. GEORGE MILLER of California.

H.R. 1201: Mr. BURTON of Indiana and Mr. WALBERG.

H.R. 1222: Mr. LOBIONDO.

H.R. 1223: Mr. LOBIONDO.

H.R. 1229: Mr. DENT.

H.R. 1236: Mr. GENE GREEN of Texas, Mr. MELANCON, Ms. BALDWIN, Mr. FOSSELLA, Mr. WEINER, Ms. SOLIS, Mr. BOUCHER, Mrs. CAPPS, and Mr. ENGEL.

H.R. 1237: Mr. MELANCON, Mrs. JO ANN DAVIS of Virginia, Mr. NADLER, Mr. HERGER, Mr. KAGEN, Mr. REYNOLDS, and Mr. ALTIMIRE.

H.R. 1275: Mr. WEINER.

H.R. 1283: Mr. DONNELLY, Mr. ROYCE, and Mr. DAVIS of Illinois.

H.R. 1328: Mr. BLUMENAUER.

H.R. 1333: Mr. KUHL of New York.

H.R. 1346: Ms. MATSUI.

H.R. 1350: Mr. ELLISON.

H.R. 1363: Mrs. LOWEY, Mr. NEAL of Massachusetts, Mr. DAVIS of Alabama, Mr. MCNERNEY, and Ms. DELAURO.

H.R. 1399: Mr. KAGEN.

H.R. 1422: Mr. CONYERS and Mr. HIGGINS.

H.R. 1424: Mr. MELANCON.

H.R. 1514: Ms. LORETTA SANCHEZ of California.

H.R. 1537: Mr. HALL of New York.

H.R. 1576: Mr. DENT, Mr. EMANUEL, Mr. POMEROY, Mr. MEEK of Florida, Mr. SAM JOHNSON of Texas, and Mr. PASCRELL.

H.R. 1584: Mr. WEXLER.

H.R. 1607: Mr. TOM DAVIS of Virginia.

H.R. 1619: Mr. HOEKSTRA, Mr. GORDON, Mr. ISSA, and Mr. CAMPBELL of California.

H.R. 1644: Ms. CORRINE BROWN of Florida and Ms. HOOLEY.

H.R. 1671: Mrs. CAPPS and Mr. ARCURI.

H.R. 1687: Mr. ABERCROMBIE.

H.R. 1721: Mr. GORDON and Mr. COOPER.

H.R. 1738: Mr. ANDREWS.

H.R. 1742: Mr. SPACE.

H.R. 1758: Mr. UDALL of Colorado.

H.R. 1845: Mr. KILDEE, Mr. SCOTT of Georgia, and Mr. REYNOLDS.

H.R. 1846: Mr. RYAN of Ohio.

H.R. 1876: Mr. LINCOLN DAVIS of Tennessee and Mr. WEXLER.

H.R. 1884: Mr. MITCHELL and Mr. LOEBSACK.

H.R. 1903: Mr. HALL of Texas and Mr. RAMSTAD.

H.R. 1971: Mr. ISRAEL.

H.R. 2016: Mr. FARR, Mr. MARKEY, Mr. HODES, and Ms. BALDWIN.

H.R. 2036: Mr. MCGOVERN.

H.R. 2053: Mr. LATHAM and Ms. FALLIN.

H.R. 2067: Mr. LINCOLN DAVIS of Tennessee.

H.R. 2166: Mr. GORDON and Mr. FERGUSON.

H.R. 2167: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2188: Mr. BLUMENAUER.

H.R. 2205: Mr. KNOLLENBERG.

H.R. 2262: Mr. MCGOVERN, Mr. SALAZAR, and Mr. WEXLER.

H.R. 2265: Mr. WAXMAN and Mr. HARE.

H.R. 2349: Mr. CONYERS.

H.R. 2353: Ms. SOLIS.

H.R. 2370: Mr. WALSH of New York and Mr. TURNER.

H.R. 2416: Mr. MCCOTTER.

H.R. 2453: Mr. ISSA.

H.R. 2477: Mr. BLUMENAUER and Mr. RUSH.

H.R. 2511: Mr. FORTUÑO.

H.R. 2514: Mr. MORAN of Virginia.

H.R. 2516: Mr. FATTAH.

H.R. 2539: Mr. BRADY of Pennsylvania.

H.R. 2578: Mr. WILSON of Ohio.

H.R. 2606: Mr. LINCOLN DAVIS of Tennessee, Mr. BISHOP of Georgia, Mr. BERRY, and Mr. CONYERS.

H.R. 2634: Mrs. JONES of Ohio and Ms. BALDWIN.

H.R. 2668: Mr. MATHESON.

H.R. 2677: Mr. MCNULTY.

H.R. 2687: Mr. FLAKE.

H.R. 2694: Mr. PRICE of North Carolina.

H.R. 2702: Mr. BLUMENAUER, Mr. TOWNS, Mr. CONYERS, and Ms. HIRONO.

H.R. 2742: Mr. HIGGINS.

H.R. 2744: Mr. OLVER, Mr. MCHUGH, Mr. BOUCHER, Mr. TERRY, and Mr. RAHALL.

H.R. 2758: Mr. NADLER.

H.R. 2790: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. KAGEN, Mr. KENNEDY, Mr. DEFAZIO, Ms. KILPATRICK, and Mr. CARNEY.

H.R. 2805: Mr. WEXLER.

H.R. 2820: Mr. BERRY and Mr. EDWARDS.

H.R. 2826; Mr. HONDA, Ms. SUTTON, Mr. FILNER, and Mr. HIGGINS.

H.R. 2832: Mr. ISRAEL.

H.R. 2840: Mrs. LOWEY.

H.R. 2851: Mr. GORDON, Mr. ENGEL, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. ROSS, Mr. HILL, Ms. BERKLEY, Mr. HINCHEY, Mr. CUELLAR, Mr. RUPPERSBERGER, Mr. FARR, Mr. DELAHUNT, Mr. HOLT, Mr. YARMUTH, and Ms. MATSUI.

H.R. 2857: Mr. ETHERIDGE.

H.R. 2864: Mr. GORDON, Mr. HOLDEN, Mr. COHEN, Mr. MCGOVERN, Mr. GENE GREEN of Texas, and Mr. GUTIERREZ.

H.R. 2870: Mr. BLUMENAUER.

H.R. 2894: Mr. GENE GREEN of Texas and Mr. VAN HOLLEN.

H.R. 2895: Mr. ROSS, Ms. SHEA-PORTER, Ms. DELAURO, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. ORTIZ, Mr. KAGEN, and Ms. DEGETTE.

H.R. 2993: Mr. MARSHALL.

H.R. 3026: Mr. GOODLATTE.

H.R. 3042: Mr. HALL of New York, Mr. FILNER, Mr. ANDREWS, Mr. EDWARDS, Mr. FERGUSON, and Mr. WU.

H.R. 3140: Mr. BRADY of Pennsylvania and Ms. WASSERMAN SCHULTZ.

H.R. 3148: Mr. FORBES.

H.R. 3164: Mr. BLUMENAUER.

H.R. 3168: Mr. COHEN.

H.R. 3173: Mr. CONYERS.

H.R. 3175. Ms. WATSON.

H.R. 3191: Ms. BORDALLO, Mr. ELLISON, Mr. BLUMENAUER, Ms. SUTTON, and Mr. ALTMIRE.

H.R. 3282: Mr. INSLEE.

H.R. 3298: Mr. HALL of New York and Mr. CONYERS.

H.R. 3327: Mr. KING of New York, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. GRIJALVA, Mr. WEXLER, and Mr. OLVER.

H.R. 3334: Mr. TIBERI and Mr. PETERSON of Minnesota.

H.R. 3380: Mr. RENZI, Mr. CANNON, Mr. MORAN of Virginia, Mr. REICHERT, and Mr. CARNEY.

H.R. 3426: Mr. GORDON of Tennessee.

H.R. 3432: Mr. NADLER and Mr. HARE.

H.R. 3446: Mr. LEVIN, Mr. CONYERS, and Mr. DINGELL.

H.R. 3457: Mr. BAKER, Mr. SULLIVAN, and Mr. GRIJALVA.

H.R. 3494: Mrs. BOYDA of Kansas and Mr. AKIN.

H.R. 3498: Mr. ARCURI.

H.R. 3512: Mr. COHEN.

H.R. 3529: Mr. COURTNEY.

H.R. 3533: Mr. BUTTERFIELD, Ms. DEGETTE, Mr. PAUL, Ms. WASSERMAN SCHULTZ, Mr. CLAY, and Ms. SLAUGHTER.

H.R. 3541: Ms. LINDA T. SÁNCHEZ of California, Mr. WALSH of New York, Mrs. BOYDA of Kansas, Mrs. MCMORRIS RODGERS, and Mr. STUPAK.

H.R. 3547: Ms. MATSUI, and Mr. GALLEGLY.

H.R. 3558: Mr. GONZALEZ and Mr. SPRATT.

H.R. 3585: Mr. HARE.

H.R. 3597: Mrs. CAPPS.

H.R. 3610: Ms. DEGETTE.

H.R. 3645: Mr. BRADY of Pennsylvania and Mr. COHEN.

H.R. 3646: Mr. TERRY.

H.R. 3660: Ms. SHEA-PORTER and Mr. BURTON of Indiana.

H.R. 3689: Ms. MATSUI.

H.R. 3691: Mr. WELCH of Vermont and Mr. GRIJALVA.

H. Con. Res. 163: Mr. GOODE.

H. Con. Res. 200: Mr. KUCINICH and Mr. HARE.

H. Con. Res. 205: Mr. COOPER.

H. Con. Res. 218: Mr. BURTON of Indiana, Mr. AKIN, Mr. WILSON of South Carolina, Mr. WAMP, and Mr. NEUGEBAUER.

H. Con. Res. 221: Mr. HODES, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, and Mr. JOHNSON of Georgia.

H. Res. 71: Mr. CONYERS.

H. Res. 237: Mr. COHEN and Ms. MCCOLLUM of Minnesota.

H. Res. 259: Mrs. DAVIS of California.

H. Res. 322: Mrs. JONES of Ohio and Mr. SIRES.

H. Res. 356: Mr. YARMUTH.

H. Res. 448: Mrs. EMERSON, Mr. WALBERG, and Mr. ETHERIDGE.

H. Res. 537: Mr. DOGGETT.

H. Res. 542: Mr. PETRI, Mr. DREIER, Mr. ELLISON, Mr. HOLDEN, Mr. KUHL of New York, Mr. PLATTS, Mr. FEENEY, and Mr. SIMPSON.

H. Res. 573: Mr. HARE, Mr. HIGGINS, and Mr. GONZALEZ.

H. Res. 576: Mr. WALSH of New York.

H. Res. 588: Mr. KUHL of New York and Mr. GEORGE MILLER of California.

H. Res. 607: Mr. LINDER, Mr. BLUMENAUER, and Mr. SHERMAN.

H. Res. 610: Mr. ABERCROMBIE.

H. Res. 616: Mr. POE.

H. Res. 617: Mr. WOLF.

H. Res. 618: Mr. GORDON and Mr. JACKSON of Illinois.

H. Res. 653: Mr. LANTOS.

H. Res. 669: Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, and Ms. WASSERMAN SCHULTZ.

H. Res. 674: Mr. PORTER.

H. Res. 676: Ms. FOXX and Ms. BORDALLO.

H. Res. 689: Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1506: Mr. BUTTERFIELD.

H. Res. 106: Mr. CARNAHAN.

EXTENSIONS OF REMARKS

NATHAN MICHAEL KELLY FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nathan Michael Kelly, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and by earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many Scout activities. Over the years Nathan has been involved in scouting, he has earned 47 merit badges and held numerous leadership positions, serving as Historian, Bugler, Scribe, Patrol Leader, Librarian, Assistant Patrol Leader and Chaplain.

For his Eagle Scout project, Nathan completed a landscaping project around a mausoleum at the Blue Springs Cemetery in Blue Springs, Missouri. Nathan has also earned several special awards including the 12 Month Camper Award, Internet Safety Award, Leave No Trace Award, Snorkeling Award, World Conservation Award, and the 50 Miler Award.

Madam Speaker, I proudly ask you to join me in commending Nathan Michael Kelly for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 50TH ANNIVERSARY OF ST. LEO THE GREAT CATHOLIC SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor St. Leo the Great Catholic School on the occasion of their 50th anniversary.

St. Leo the Great Catholic School focuses on the development of Catholic values and attitudes, as well as the attainment of knowledge and skills necessary for the student's spiritual, moral, intellectual, social and physical development. The basic curriculum of St. Leo's School consists of the following subjects: religion, reading, language arts, mathematics, science, social studies, fine arts, health and safety, physical education, computer education, library and foreign language.

The history of St. Leo's School dates back to 1952, when St. Mary's Parish in Fairfax Station, Virginia, laid the foundation by developing a program to transport students to established parochial schools in the Metropolitan Washington area. This program led to a classroom for St. Leo's parish first and second graders in the St. Charles School of Arlington.

In 1957, the Benedictine Community of Bristow, Virginia, opened St. Leo the Great Catholic School with four temporary classrooms. The next 10 years produced a series of ups and downs for the school, as they struggled to provide adequate space and staffing for their students. Nonetheless, they held steadfast to their vision of the future and instated a permanent kindergarten and primary education program through an abundance of support from nearby parish communities.

St. Leo the Great Catholic continues to thrive 50 years after its inception. Along with its strong curriculum, it is known for having a rock climbing wall, Spanish program, television studio and award winning band. In 2006, St. Leo's School received the National Blue Ribbon Award of Excellence, which is considered to be the highest honor an American school can receive.

Madam Speaker, in closing, I ask my colleagues to join me in commending and congratulating St. Leo the Great Catholic School on 50 years of distinction. I look forward to applauding its continued growth and success for many years to come.

IN HONOR OF HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Hispanic Heritage Month—a celebration of Americans of Hispanic heritage and their collective and individual contributions to our community and to our Nation.

Hispanic Heritage Month is a celebration of the five hundred year history of Hispanic culture in and its contribution to America. Hispanic Americans have contributed immeasurably to all areas of our culture—from medicine, law, and business to education, music, and the fine arts. Hispanic Americans in our community and in communities across the country are life-saving doctors and nurses, veterans, inspiring professors, dedicated teachers, committed elected officials, fair-minded judges, and hardworking factory employees. Americans of Hispanic heritage continue to bring energy, innovation and a real sense of social justice to America, while retaining the cultural traditions of their homeland for all citizens to enjoy.

I honor in a special way Hispanic American servicemen and women. Hispanic Americans have a long and honorable history of service to our country in the Armed Forces. They have served valiantly at all levels and in every capacity, and I salute them for their service to our country.

Madam Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage Month, and join me in expressing my gratitude for the outstanding contributions made by Hispanic Americans. Their journey to America, fraught with significant obstacles and strife, paved the way for a better life for their children and future generations, and signifies what it means to be an American. Within our diversity we find strength, and within our traditions we find unity. Because of their journey, and the journey of people from all points of the world, we are stronger as a community, more unified as a nation, and better as people.

WYATT HOFFMAN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Wyatt Hoffman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Venturing Crew 2633, and by earning the most prestigious award of Eagle Scout.

Wyatt has been very active with his troop, participating in many Scout activities. Over the years Wyatt has been involved in scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Assistant Senior Patrol Leader and Chaplain's Aide. Wyatt is also a Hardway Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Wyatt generated community support for soldiers in Operation Iraqi Freedom through providing care letters and boxes of morale support items currently in short supply with the US Armed Forces.

Madam Speaker, I proudly ask you to join me in commending Wyatt Hoffman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING THE 40TH ANNIVERSARY OF THE ANNANDALE CHRISTIAN COMMUNITY FOR ACTION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the Annandale Christian Community for Action, ACCA, on the occasion of their 40th anniversary.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ACCA is an alliance of 26 churches in the Annandale community which strives to unite all Christians in an effort to promote and sponsor Christian social action. Its motto, "doing what Jesus would do," is the principle that guides the ACCA in its mission to serve those in need. The volunteer organization provides day care, food, rental assistance, furniture and other services to low-income families in the Annandale/Bailey's Crossroads area.

ACCA began in October 1967, when Fred and Emily Ruffing witnessed and acted upon a tremendous need in their community. The couple worked for a government-subsidized daycare center in Mount Pleasant Baptist Church in Alexandria, which had just enough resources to provide for families on welfare, but not the working poor. Distressed at the idea of making families return to welfare to provide their children with daycare services, Mr. and Mrs. Ruffing set out to organize their own daycare center with the help of eight local churches. Through an abundance of support from the local community, they succeeded in meeting the need and led their organization, ACCA, to branch out into other activities such as transportation, housing and emergency cash assistance.

I have had the pleasure of working with ACCA on so many issues affecting people in need, from establishing its daycare center, to helping found the Bailey's Crossroads homeless shelters, to its food and furniture programs for the poor. Their dedication has made a difference for thousands of families.

While ACCA now provides an array of services to those in need, its original daycare facility continues to thrive as the Child Development Center in the old Annandale Elementary School on Columbia Pike. It cares for over 200 infants and children of the working poor.

In memory of its founder, Fred Ruffing, ACCA provides an annual memorial scholarship for aspiring college students with disabilities. Emily Ruffing continues to work in the Child Development Center as a social worker.

Madam Speaker, in closing, I would like to thank the Annandale Christian Community for Action for being the embodiment of Christian love in and around the Annandale community. Their continued success serves as a testament to the power of volunteerism and what can happen when individuals come together in faith to accomplish what others never dreamt possible. I call upon my colleagues to join me in commending and congratulating the ACCA on 40 years of excellence.

IN RECOGNITION OF THE 50TH ANNIVERSARY YEAR OF THE ORIGINAL HARVEST MISSIONARY BAPTIST CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 50th year of the Original Harvest Missionary Baptist Church of Cleveland, Ohio. For the past 5 decades, the leadership and membership of the Church has served to lift our Cleveland community through worship, faith and song.

The Church came to life in 1957, when the Reverend Marcellus Chatman, guided by his faith and a mission to serve, founded the Original Harvest Missionary Baptist Church. His wife, Mrs. Anna Lee Young Chatman, not only named the Church but also organized, directed and performed in the Church choir. Their daughters, Marcella and Ruby, have also been faithful members and leaders of the Church since its inception: Marcella as pianist and Ruby as administrator of Harvest Day Care, which was founded by their mother in 1969.

The loyalty, support and commitment that the Chatman family continues to infuse throughout our neighborhoods are also reflected within the Church congregation. Reverend Fred Caffie, Jr. began his service in 1979, and served for 25 years. The Church Patriarch and Musical Director, David Smith, has faithfully served the Church for over 30 years. The Reverend Michael W. Turner, who was installed as Pastor in early 2005, continues the Church legacy of hope, joy and inspiration.

Madam Speaker and colleagues, please join me in recognizing the Chatman family, and all the leaders and members of the Original Harvest Missionary Baptist Church, past and present, as they celebrate 50 years of faith, love and spirituality that continue to strengthen our community.

INTRODUCTION OF THE INTERNATIONAL WOMEN'S FREEDOM ACT .

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representatives TOM LANTOS and SHEILA JACKSON-LEE, I am reintroducing the "International Women's Freedom Act." This legislation establishes an Office of International Women's Rights within the State Department headed by the appointed Ambassador at Large, and additionally, would create a United States Commission on International Women's Rights. The positive links between the empowerment of women and effective and sustainable development are very clear and this legislation would seek to protect women's rights by channeling U.S. security and development assistance to countries that are not found in gross violations of women's rights. I believe that all people, regardless of gender, should have the power to shape their lives and participate in their communities without the fear of oppression. When given the tools they need, such as education, access to employment, land, and economic assets, and the opportunity to contribute to civic life, women and girls improve their situation in society and have a positive impact on society as a whole. By annually reviewing the status of women's rights in each country and designating countries of particular concern, more succinct policy recommendations can be made to the President, the Secretary of State, and the Congress.

We require the State Department to issue reports on battling international bribery, religious freedom, and narcotics control, among many others. Creating a report on the status of women's rights is vitally important to assuring the rights of women worldwide.

TRIBUTE TO JAMES HENLEY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Ms. MATSUI. Madam Speaker, I rise today in recognition of James Henley's 41 years of public service as Sacramento's city historian. Mr. Henley leaves a lasting legacy in Sacramento and he will be deeply missed.

In 1965, the then city historian and Sacramento State professor Aubrey Neasham asked Mr. Henley to read archived blueprints. As a graduate student in the pursuit of a masters degree in history, James was inspired to not only teach history but to also work with it. Mr. Henley's career began in a three-person city department that focused on the Old Sacramento Historic District, now known as Old Sacramento. Designated as a State Historic Park, Old Sacramento portrays the time of the Gold Rush with cobblestone streets and wooden sidewalks, shops, restaurants and museums that attract 5 million visitors annually. Upon the retirement of Ms. Neasham, only one person could truly continue her work, and Mr. Henley took over the department. Under his leadership, the Sacramento Archives and Museum Collection Center, also known as, SAMCC, was born.

The SAMCC acquires, preserves, and promotes the study of Sacramento's history through city and county historical records. These collections include personal manuscripts, business records, official records of the city and county, photographs and other artifacts relating to the region's history. The records are the heart of Sacramento's history as James has preserved them for future generations to enjoy.

The preservation achievements of Mr. Henley and his staff are evident in the 5½ miles of movable shelves that house objects, photographs and documents at SAMCC. This includes parts of a Gutenberg Bible, negatives from The Sacramento Bee, and archived news film shot by KCRA 3. All in all, the records that Mr. Henley has preserved make the SAMCC collection the largest city archives in California and second only to the state archive. This has been a truly wonderful achievement.

Mr. Henley has not only served as a strong leader in preserving the history of the great Sacramento region, but also is a champion for the conservation of the City of Sacramento. He oversaw the publishing of Vanishing Victorians; a book that led to preservation efforts of Sacramento's historic Victorians in the 1960s and 1970s, when many were destroyed for redevelopment projects. His preservation efforts also contributed to the restoration of the historic Memorial Auditorium, the B.F. Hastings Building, as well as establishing the California State Railroad Museum. That museum is now a crown jewel in Old Sacramento and attracts thousands of families each year.

Madam Speaker, I am honored to pay tribute to Mr. James Henley's distinguished commitment to the preservation of Sacramento's distinguished history. Mr. Henley always has stood as an instrumental force behind the protection of Sacramento's history for generations to come. We all are thankful for his efforts. As James Henley's colleagues and friends gather to honor his service for the city, I ask all my colleagues to join me in wishing him continued good fortune in his future endeavors.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. ALLEN. Madam Speaker, on October 1, 2007, I was absent from the House due to a death in the family. Had I been present, I would have voted "yea" on rollcall Vote No. 924, a motion by Ms. CASTOR to suspend the rules and pass H. Con. Res. 185, a resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom.

I would also have voted "yea" on rollcall Vote No. 925, a motion by Mr. CLAY to suspend the rules and pass H.R. 2276, a bill to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building."

Finally, I would have voted "yea" on rollcall Vote No. 926, a motion by Mr. CLAY to suspend the rules and pass H.R. 3325, a bill to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office."

IN HONOR OF BERNARD J. MILANO, 2007 COMMUNITY SERVICE AWARD RECIPIENT FOR THE IAOAPOGH MOUNTAINS BOY SCOUTS OF AMERICA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to Bernard J. Milano of Allendale, New Jersey for his dedicated support for the 35,000 Boy Scouts of North Jersey. Last week, Mr. Milano was honored by the Iaoapogh Mountains District of the Northern New Jersey Council for the Boy Scouts for his long record of service to these Scouts. This District directly serves more than 3,100 young people.

Bernie Milano is supportive of a number of worthy organizations beyond just the Boy Scouts. In addition, he serves as a member of President Bush's Board of Advisors on Historically Black Colleges and Universities and as chair for the business school advisory boards at North Carolina A&T State University, from which he has an Honorary Doctorate, and local Ramapo College. Furthermore, he is a member of the Ramapo College Foundation Board of Governors, of which he served as chair from 2002–06.

Mr. Milano is also a Senior Warden of the Church of the Epiphany in Allendale, a member of the Newark Episcopal Diocese Commission on Ministry and Audit Committee, and a member of the National Episcopal Church Foundation Board of Directors, of which he served as chair for 6 years.

Mr. Milano has served on the Allendale Board of Adjustment and board of education. He was a founding trustee of the Allendale Foundation for Education Excellence. And, he serves on several national boards, including for the Points of Light Foundation and Business Civic Leadership Center. Trained as a CPA with a B.S. in Accounting from Temple University, Mr. Milano is president of three not-for-profit organizations: KPMG Foundation, KPMG Disaster Relief Fund, and the PhD Project Association, which is a $6 million collaborative effort between corporate and academic America to promote greater diversity in the business world.

Mr. Milano has been active with the Scouts for over a decade. The father of 6 and grandfather of another 6, he and his wife, Sharon Pierson, understand the value of scouting in providing boys and young men with positive outlets for their energies and talents. Through scouting, they develop character and leadership skills and promote citizenship and fitness. This is only possible because people like Bernie Milano give of their time, their energy, and their resources. I commend him for his service to these boys.

NATIONAL TELEWORK WEEK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. WOLF. Madam Speaker, today my colleague Rep. JOHN SARBANES is joining with me in introducing a resolution to promote the establishment of National Telework Week and provide an opportunity to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of telework is that it improves the quality of life for all.

Nearly 20 million Americans telework today, and according to experts, at least 40 percent of American jobs are compatible with telework. Telework reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework is good for families—working parents have flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. Telework helps fill our Nation's labor market shortage. It is also a good way for retirees to pick up part-time work.

Companies save significantly when they have a strong telecommuting program. At one national telecommunications company, nearly 25 percent of its employees work from home at least one day per week. The company found positive results in the way of fewer days of sick leave, better worker retention, higher productivity, and increased morale.

According to a George Mason University (Fairfax, VA) study, for every 1 percent of the Washington metropolitan region workforce that telecommutes, there is a 3 percent reduction in traffic delays. George Mason University completed another study which suggests that on Friday mornings there is a 2 to 4 percent drop in traffic volume in the Washington metro region, a so-called "Friday effect."

This is promising news because it means that with just a 1 to 2 percent increase in the number of commuters who leave their cars parked and instead telework just one or two days per week, we could get to the so-called "Friday effect" all week long.

Just a few weeks ago the Texas Transportation Institute at Texas A&M University released its annual traffic congestion study which calculates that congestion creates a $78 billion annual drain on the U.S. economy due to 4.2 million lost hours of productivity and 2.9 billion gallons of wasted gas. That's not even considering the air pollutants caused by idling vehicles around the Nation.

I have stated before that work is something you do, not someplace you go. Hopefully we can make telework as commonplace as the morning traffic report. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer. We can access the same information from a computer in our living rooms. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

It is time that employers give telework a shot. National Telework Week is an ideal time for employers, for just 1 day during 1 week of the year to allow employees to work from home or an alternative work site. I know that telework may not work for every job. But, there are jobs today that lend themselves to telework for which employees make the trip into the office every day of the week. Resources abound to help employees and employers set up appropriate telework programs for their businesses. Calculations also can show savings to the environment, the employer and the employee.

I encourage everyone around the Nation to give telework a chance, find out what it's about and how it can help make your business, our environment and our communities better.

Madam Speaker, I hope our colleagues will consider signing on as a cosponsor of this resolution to promote telework and provide choices for employees and savings for employers.

RECOGNIZING THE RETIREMENT OF FAIRFIELD CITY MANAGER KEVIN O'ROURKE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Kevin O'Rourke, who has served the City of Fairfield, CA as city manager since 1997.

Mr. O'Rourke has dedicated over 30 years of his life to serving the public. After serving as the city manager for the cities of Stanton from 1981 to 1985 and Buena Park from 1985 to 1997, Mr. O'Rourke came to Fairfield, inspiring an unprecedented revitalization in the historic town.

During his tenure, Mr. O'Rourke spearheaded the effort to modernize the public services available in Fairfield as the city was undergoing a radical transformation. He helped to modernize both the police and fire departments, enabling them to serve a rapidly urbanizing and growing region. As a part of the project, he built new fire stations and increased personnel, guaranteeing 24/7 paramedic service and quality law enforcement to the entire population.

Always a friend to the business community, Mr. O'Rourke's creativity and vision helped to achieve the longest labor agreements in the State of California, guaranteeing a stable and positive environment for employee groups as they serve the residents of the community. In addition, his efforts brought a vibrant commercial center to the Cordelia area of Fairfield, something the residents had identified as a critical need.

As chairman of the Travis Community Consortium, his legislative efforts assured the continued livelihood and superiority of Travis Air Force Base, the largest air mobility organization in the Air Force. His hard work brought a squadron of C–17s to the base, enhancing its mission as the West Coast terminal for aeromedical evacuation aircraft returning sick or injured patients from the Pacific area.

Mr. O'Rourke also successfully coordinated city, county, and State resources to bring many projects to Fairfield such as a state of the art public library, a successful auto mall along Interstate 80—a project that had eluded the city for decades and brings needed sales tax revenues to the general fund—and numerous recreational facilities important for after school programs and neighborhood events.

Mr. O'Rourke's many accomplishments have immeasurably improved the city of Fairfield and enriched the lives of its residents. I would like to thank him for his years of public service and wish him success and happiness in his future endeavors.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall votes 924, 925, and 926 on October 1, 2007. Had I been present, I would have voted "yea" on rollcall votes 924, 925, and 926.

TO CONGRATULATE THE INDUCTION OF DR. LARRY HORNBECK OF TEXAS INSTRUMENTS INTO THE NATIONAL ACADEMY OF ENGINEERING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to recognize the induction of Dr. Larry Hornbeck of Texas Instruments into the National Academy of Engineering.

Election to the National Academy of Engineering is among the highest professional distinctions accorded to an engineer, recognizing important contributions to engineering theory and practice.

Dr. Hornbeck invented the Digital Micromirror Device, or DMD, an optical semiconductor that is at the core of Texas Instruments' Digital Light Processing technology. His career at TI spans 34 years.

Texas Instruments is in my District, and I am proud of the advances in computing that they have made and am also proud of their contributions and outreach to Dallas.

The Federal Government, through its support of basic research, played a pivotal role in the creation of the DMD.

The foundation of this technology was developed through the Defense Advanced Research Projects Agency and the National Security Agency research in the 1970s to assist with target detection and recognition. In 1989, DARPA provided funds to investigate the technology's application to high-definition TV.

Today, DLP is the only American display technology. Each chip contains millions of tiny mirrors that move independently to display trillions of colors.

TI's DLP business employs roughly 1,000 people in the Dallas area. The technology is now moving beyond projectors, television and cinema, into applications such as 3–D medical imaging—for example, allowing improved imaging of organs and better treatments for targeting tumors.

The current and potential success of DMD technology illustrates the importance of federal investment in basic research to innovation.

Congratulations to Dr. Hornbeck on his induction into the NAE. I am proud to highlight his work as an example of the importance of the engineering profession to the economy of Texas and the United States.

CONGRATULATING LACKAWANNA COUNTY COMMISSIONER ROBERT C. CORDARO, THE 2007 HONOREE OF THE LACKAWANNA COUNTY COLUMBUS DAY ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Robert C. Cordaro, Commissioner of Lackawanna County, Pennsylvania, who was named "Man of the Year" by the Lackawanna County Columbus Day Association.

Mr. Cordaro is a 1979 graduate of Dunmore High School where he was a member of the National Honor Society, senior class president and a first team all league football player where he held the position of linebacker.

He graduated magna cum laude from the University of Rochester in 1983 with a bachelor's degree in history. At the University of Rochester, he was elected to the Phi Beta Kappa Honor Society. He also was a member of the first team academic All-America Football Team where he held the position of linebacker.

In 1986, Mr. Cordaro graduated from the University of Pennsylvania School of Law.

Mr. Cordaro went on to work for United States Congressman Charles F. Dougherty, Republican, of Philadelphia, before becoming a practicing attorney.

He was a founder of Landmark Community Bank where he served as a member of its board of directors.

Mr. Cordaro is a partner in Cord Realty, the owner and manager of a diversified real estate portfolio.

Mr. Cordaro was elected to the Lackawanna County Board of Commissioners in 2000 and was re-elected in 2004 after which he was named to the chairmanship of that board.

In 2006, Lackawanna County was the recipient of the National Award for County Arts Leadership, a first for Pennsylvania counties due to a program established in part by Mr. Cordaro.

According to Americans for the Arts, an innovative Education and Culture fee was created to encourage and support artistic endeavors within Lackawanna County, revenues from which are used to fund regional arts assets as well as arts and education activities.

The Lackawanna County Commissioners dedicated funds from this revenue source to support the Scranton Cultural Center, the Everhart Museum and the Lackawanna County Library System. "We believe that fostering arts and cultural activities is critical to our area's revitalization and growth," said Mr. Cordaro.

Madam Speaker, please join me in congratulating Commissioner Cordaro. His commitment to his community is reflected in the fact that he has been chosen for this distinguished award.

INTRODUCTION OF THE HEALTHY WORKFORCE ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. UDALL of New Mexico. Madam Speaker, it is no secret that health care costs in the United States are sharply increasing. Nor is it any longer a surprise to hear that the rate of chronic illnesses and diseases has been on the rise. Left unabated, the continuing rise in both preventable illnesses and health care costs will put even more pressure on our already fragile health care system and threatens to bankrupt our Federal budget. These trends also have alarming implications for employers, both directly in terms of costs for employer-provided health care plans and indirectly through higher rates of absenteeism.

With all of these concerns in mind, I rise today to introduce the Healthy Workforce Act of 2007. In so doing, I am pleased to be joined by my colleague from California, Representative MARY BONO. I would also like to thank Senator HARKIN, who is truly a leader on preventive health care issues, and who is the original sponsor of this legislation in the Senate.

The Healthy Workforce Act of 2007 provides a tax credit to businesses that offer comprehensive wellness programs to their employees, thereby promoting prevention of high cost chronic diseases. This tax credit will encourage business to raise health awareness through health education and health risk assessments. It will promote a supportive environment to encourage employee participation in workplace wellness programs, through offering meaningful incentive to participating employees, such as a reduction in health insurance premiums. And it will encourage employees to lead a healthy lifestyle through counseling, seminars or on-line programs. Keeping workers healthy in the first place can go a long way to reducing the growing health care costs to employers.

And Madam Speaker, these increasing costs are significant to employers. Average employer medical costs increased 72 percent between 2000 and 2006. Some companies report spending more than 50 percent of their profits to cover these expenses. Employers are also increasingly bearing costs of diet-related chronic disease and obesity. For example, obesity-related health conditions cost employers approximately $33 billion in health care and other indirect costs. However, proactive treatment would significantly reduce costs. The proactive treatment of hypertension costs about $1,000 per year, whereas treatment for a heart attack costs a minimum of $50,000, not including the costs which result from the time off and loss of productivity.

Employer spending on health promotion and chronic disease prevention is a good investment in our future. And this legislation targets primarily smaller and mid-sized companies who would otherwise have difficulty making the initial investment needed to support such programs. Workplace wellness programs are economical, averaging $30 to $200 per employee and studies have reported a proven rate of return on investment within 12 to 18 months, ranging from $2 to $10 for each dollar invested.

Adaptable lifestyle factors such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity account for approximately half of premature deaths in the United States. Spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 75 percent of total healthcare spending and it is estimated that by 2014 our country's total health care expenditures will be $3.6 trillion.

Clearly we cannot continue down this path. We must shift the focus of our nation's health care system to prevention and wellness programs. In so doing, we can reduce health care costs, improve health, improve quality of life, and boost productivity. Unfortunately, a very small percentage of health care spending is devoted to health promotion. The national investment in prevention is currently estimated to be less than 5 percent of annual health care costs. Our Nation needs a new approach to healthcare—one that puts prevention front and center.

The Healthy Workforce Act is one piece of the larger reform needed to our Nation's health care system. But it is a critical piece. By providing incentives for America's businesses to provide wellness programs for employees, they and their employees can focus on chronic disease prevention and health promotion, reduce health care costs, boost productivity, and improve the health and quality of life of working Americans.

I urge my colleagues to join me in seeking a more effective approach to preventing chronic diseases and providing incentives for employers and employees facing rising health care costs by cosponsoring the Healthy Workforce Act.

IN MEMORY OF BILL WIRTZ

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. KIRK. Madam Speaker, I rise to honor the life and memory of a constituent and one of the most beloved people in the Chicagoland area—Bill Wirtz. Last week, Mr. Wirtz passed after a battle with cancer at the age of 77.

Most knew him as the president of the Chicago Blackhawks, where he worked for the last 41 years. However, his fame in sporting circles was only surpassed by his infinite kindness and generosity. Through his direction, the Chicago Blackhawks Charities donated more than $7.5 million since 1993 to various organizations such as the Boys and Girls Clubs. He also was renowned for his compassion toward his employees, treating them like members of his family.

The crowds at his visitation and funeral demonstrated the high-regard that thousands had for Mr. Wirtz and his accomplishments.

I know I speak for the entire district when I send my deepest sympathies to his wife Alice, sons Rocky and Peter, daughters Gail, Karey and Alyson and his seven grandchildren. His memory will live on through the institutions he helped create and those whose lives he touched. It is because of this that his passion and dedication will never be forgotten.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 1, 2007, I was unable to cast my votes on H. Con. Res. 185, H.R. 2276, and H.R. 3325.

Had I been present for rollcall No. 924 on suspending the rules and passing H. Con. Res. 185, Commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, I would have voted "aye."

Had I been present for rollcall No. 925 on suspending the rules and passing H.R. 2276, the Corporal Christopher E. Esckelson Post Office Building Designation, I would have voted "aye."

Had I been present for rollcall No. 926 on suspending the rules and passing H.R. 3325, the Corporal Stephen R. Bixler Post Office Designation, I would have voted "aye."

CELEBRATING PHILADELPHIA ENGINE COMPANY 52'S 100TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Philadelphia Fire Department's Engine Company 52 on celebrating its 100th anniversary. Since 1907, a dedicated unit of firefighters has served the Wissinoming community in the lower Northeast section of Philadelphia from this same location. I am honored to represent them in Congress.

In Philadelphia 271 years ago, Benjamin Franklin established the first Fire Department in America. He noted that once a fire was "cried out, active community members would with one mind apply themselves with all vigilance and resolution . . . to the hard work of conquering the increasing fire." From this beginning, he developed societies of firefighters to attend to all fires in their neighborhoods. These companies formed the basis of the firefighting and fire prevention efforts of our city's current Fire Department.

Engine Company 52, originally known as the Wissinoming Fire Company, was dedicated to serving the community along a tributary of the Delaware River. Originally housed in a large red brick two-story building at Jackson and Van Kirk Streets, the top floor of the fire company was the home of the neighborhood school. Behind the building was a stable for the horses that pulled the firefighting equipment and a tower where fire hoses were hung to drain and dry. As the community grew, so did the fire company still known as "The Fifty-Two's." In 1951, the city built a new firehouse on the site. Today, Engine 52 is known as "Pipeline 52" because of its large capacity equipment used to supply water to other companies when major fires occur; in more recent years "Medic 32", an Emergency Medical Service unit has been added.

Today, the "Fifty-Tooz"—as they call themselves—serve a residential and business community, protecting the lives of those who live and work in Pennsylvania's 13th Congressional District. As in the days of Benjamin Franklin, they "apply themselves with all vigilance and resolution," as well as dedication and courage, to protect their community.

Madam Speaker, once again I congratulate all of the members of Engine Company 52 for their service, dedication and sacrifice. I look forward to continuing our work together and ensuring another 100 years of success, safety and security.

STABILITY FOR SOUTHEASTERN EUROPE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. SOUDER. Madam Speaker, the issue of stability in southeastern Europe is once again high on the world's agenda. In December, issues concerning the status of Kosovo will again come to the fore. Regional stability is tied closely, but not inextricably, to these issues. As we approach the winter months, it is important that our southeastern European friends be strong internally so that they can be producers of stability and not consumers of it.

Our friend, the Republic of Macedonia, is one such producer of stability. Time and again, it has proved itself a great friend and ally of the United States of America. Time and again, it has proven itself a friend to neighboring states. Time and again, it has stepped up to the plate and provided support to the United States in the War on Terrorism by providing soldiers to serve alongside our own troops in Afghanistan and Iraq. Time and again, it has worked with and voted with the United States on important resolutions in the United Nations.

Unfortunately, our friend Greece has not been so supportive of the Republic of Macedonia. In 1993 and again in 1995, Greece imposed economic sanctions on Macedonia because Greece claims, entirely and exclusively, the word "Macedonia." Despite the fact that Macedonia changed its flag and constitution to allay Greece's fears, today the Hellenic Republic continues to object to countries and international institutions recognizing the Republic of Macedonia by its constitutional name.

Without going into great detail on this subject, it is important to note that the Macedonians do not claim exclusivity over the word "Macedonia" and do not in fact object to Greece using it in any way it sees fit.

There are now 118 countries around the world recognizing the Republic of Macedonia by its rightful and constitutional name, including Russia, China and, I am proud to say, the United States of America. Just last month, Canada became the latest country to recognize the Republic of Macedonia. We did the right thing when we recognized the Republic of Macedonia in November 2004, and I am grateful for the President's leadership in righting a historic wrong.

This past summer, the now former Greek Ambassador to Macedonia was sacked by her own government for admitting that Greece should agree to a double-name formula, something the Macedonians have been arguing for since Greece first raised objections.

The relationship between Macedonian and Greek citizens could not be stronger. Greek businessmen conduct a large amount of business in Macedonia and have no problem with the name. In September, the Republic of Macedonia waived the requirement for Greeks to bring their passports when they come to visit Macedonia. Today, Greeks simply need an identity card. Macedonians in turn spend much of their vacation time in Greece during the summer months. The 2 countries cooperate on many other issues and enjoy good relations.

It is time for our Greek friends to allow the citizens of the Republic of Macedonia to enjoy their sovereign right to determine the name of their own country. It is time for Greece to drop its objections in the political arena, and to leave to the historians debates about Alexander the Great and the ancient Macedonians.

We live in the here and the now, and it is time to move forward. Our Greek friends enjoy pointing out their contributions to modern-day democracy and for that we thank them. Let them now contribute in their longstanding tradition of supporting democratic values by allowing the people of the Republic of Macedonia to call themselves by what they have always called themselves and by dropping their objections to a country that only desires friendship and has proven itself as a great friend and ally.

INTRODUCING A RESOLUTION TO HONOR THE 50TH YEAR ANNIVERSARY OF ALTHEA GIBSON BECOMING THE FIRST PERSON OF AFRICAN AMERICAN ANCESTRY TO WIN THE U.S. CHAMPIONSHIP AND WIMBLEDON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce legislation to honor the 50th anniversary of Ms. Althea Gibson becoming the first African American to win the U.S. Championship and Wimbledon. Her accomplishments signified a change in our Nation's climate in which racial discrimination was challenged on the tennis court and in the Supreme Court. The 50th anniversary of Althea Gibson's victory at the U.S. Championship and Wimbledon is worthy of congressional recognition, and I urge my colleagues to join me in commemorating an extraordinary woman, and an extraordinary chapter in U.S. history.

The eldest daughter of sharecroppers who moved from South Carolina to Harlem during the Depression, Althea Gibson was born on August 25, 1927 in Silver, South Carolina. She had one primary desire: to be somebody. Thirty years later, Queen Elizabeth II presented her with the Championship trophy at Wimbledon, and Vice President Richard Nixon presented Althea Gibson with the United States Championship trophy at Forest Hills. By the end of her career, she won nearly 100 awards for tennis, and defeated men and women on nearly every continent in a sport that was historically restricted from people of her race and class. Althea Gibson was accurate when she declared that she had come "a long way from being forced to sit in the colored section of the bus." In an era of gender and racial discrimination, this African American woman was an international celebrity and a symbol of excellence and determination in the early years of the Civil Rights Movement.

Madam Speaker, Althea Gibson defied prejudiced conceptions of female and African American athletes from the time she played racket ball in the streets of Harlem until the time she competed in the world's most prestigious competitions. Her undeniable talent not only moved people across lines of race and class to support Gibson in her relentless desire to succeed, but also moved people to change the rules that maintained systems of inequality. In 1949, she attended my alma mater, Florida A&M University, on a full athletic scholarship due to the guidance and support of a New York doctor and his wife. Gibson received what the vast majority of African American women could not: An education. As white and black high profile athletes endorsed Gibson, people began to question if integration was an inevitable occurrence that would benefit tennis as it had benefited basketball, football, baseball. On August 28, 1950, the face and rules of tennis changed, and Althea Gibson became the first African American to compete at the National Open.

Madam Speaker, Althea Gibson's great triumphs did not come without great peril and adversity. Although she was hailed as the Queen of Tennis, racial prejudice excluded her from lodging in the hotels that surrounded the arenas where she competed and defended her crown. Refusing to let prejudice, poverty, or consistent threats against her life compromise her drive to succeed, Gibson fought prejudice when she won on tennis courts that were previously segregated. An actress, musician, teacher and athlete, Althea Gibson was the quintessential Renaissance woman who refused to compromise her dignity and the dignity of her people on or off the court.

Althea Gibson continued to be a woman of firsts in the years that followed her tennis career. During the same year as the enactment of the Civil Rights Act of 1964, Althea Gibson became the first African American member of the Ladies Professional Golf Association. In 1971 Althea Gibson was the first African American to be inducted into the International Tennis Hall of Fame—the only African American woman of the 200 athletes who have received this honor in its 52 year history. Twenty years later, Althea Gibson became the first woman to receive the Theodore Roosevelt Award in 1991, the highest honor awarded by the National Collegiate Athletic Association for "symbolizing the best qualities of competitive excellence and good sportsmanship, and for her significant contribution to expanding opportunities for women and minorities through sports."

Madam Speaker, 4 years after her death, and 50 years after her win at the U.S. Championship and Wimbledon, Althea Gibson continues to be a universal example of strength and excellence. The Althea Gibson Foundation was established to support underprivileged youth in their drive to succeed in golf, tennis, and the classroom, and to ensure that Althea Gibson's legacy of excellence, tenacity, and dedication lives on. Her life affirms what many of us already know: Great athletes have the ability to unify and inspire beyond the realm of sports.

Althea Gibson famously said "In the field of sports you are more or less accepted for what you do rather than what you are." In a world plagued by poverty, segregation and racial prejudice, Althea Gibson saw sports as the epitome of what our country should be—a true meritocracy. I urge my colleagues to cosponsor this resolution to preserve the memory of Althea Gibson and other athletes who were pioneers in their time and inspirations for future generations.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed recorded votes on the House floor on Monday, October 1, 2007.

I ask that the RECORD reflect that had I been present, I would have voted "yea" on rollcall vote No. 924 (Motion to suspend the rules and pass H. Con. Res. 185), "yea" on rollcall vote No. 925 (Motion to suspend the rules and pass H.R. 2276), and "yea" on rollcall vote No. 926 (Motion to suspend the rules and pass H.R. 3325).

PAYING TRIBUTE TO THE LAS VEGAS CHAMBER OF COMMERCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Las Vegas Chamber of Commerce. The Las Vegas Chamber of Commerce has been serving the Las Vegas community as the ultimate business resource in Clark County since its inception in 1911. Their mission to strengthen, enhance, and protect businesses, alongside their values of leadership, excellence, integrity, and innovation work together to convey their vision to be an advocate for the State of Nevada.

The Las Vegas Chamber of Commerce is the largest, most influential business organization in the state of Nevada and the third-largest local Chamber of Commerce in the United States. Its membership exceeds 6,700 members. 85 percent of these are small business owners with 25 or fewer employees.

The Las Vegas Chamber of Commerce is an organization of business leaders who work to improve their community and the area's business climate. They are governed by a volunteer board of trustees, and the chamber thrives off of the support and involvement of its members which is open to all businesses. The Las Vegas Chamber of Commerce provides for its members vast benefits such as networking opportunities, political advocacy, and heightened credibility to name a few. The Las Vegas Chamber of Commerce works diligently for its members by promoting a strong local community, providing opportunities for their businesses to grow, and enhancing commerce through community stewardship.

Madam Speaker, I am proud to honor the Las Vegas Chamber of Commerce. I would personally like to thank all of those participating for taking time out of their lives in order to come to Washington, DC and meet with Congressional Leadership. The dedication and service of the Las Vegas Chamber of Commerce should set an example for all businesses, and members of the community alike. I applaud all of their efforts and look forward to watching their future accomplishments.

IN HONOR OF BRANDON AND SPENCER WHALE

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor Brandon and Spencer Whale, brothers from Ross Township, Pennsylvania. I met these 2 young men when they visited my office on behalf of the American Heart Association and was impressed to discover that, before the age of 10, they had both created inventions to improve the lives of hospital patients.

At only the age of 8, Brandon developed a medical device that is used to this day. Brandon made improvements to an electrode bracelet used to transmit a patient's vital heart data to the hospital from the patient's home. The standard bracelet was too big for his mother's small wrists, so Brandon discovered a way to modify the bracelet for different wrist sizes and enhance its conductivity.

Brandon's younger brother, Spencer, created a device to secure IV drip strands to children's toy cars. Spencer, at the age of 6, got the idea after watching parents push IV poles behind their kids while they raced through the hospital's play rooms in toy cars. Spencer found a way for the toy cars to bear the weight of the medical equipment and, as a result, all toy cars at Children's Hospital of Pittsburgh are now equipped with Spencer's IV holders.

Spencer and Brandon have been inducted into the National Gallery for Young Inventors. At the time of their induction they were the 2 youngest inventors ever inducted into the National Gallery for Young Inventors. They serve as examples for children everywhere that anyone, no matter what age, can make a difference. I thank Brandon and Spencer for their contributions to the lives of hospital patients, and I wish them all the best in the years to come.

STATEMENT ON THE NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTERAGENCY WORKING GROUP FINAL REPORT TO CONGRESS ON THE UNITED STATES KNOWLEDGE OF NAZI WAR CRIMES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mrs. MALONEY of New York. Madam Speaker, on Friday, September 28th the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group presented to Congress its final report on the United States' knowledge of Nazi war crimes.

First, I want to thank the Archivist, Mr. Allen Weinstein, for serving as the chair of the Interagency Working Group. I would also like to thank his staff at the Archives for all of their hard work on this project throughout the years.

I am also grateful to the IWG's public members—Tom Baer, Richard Ben-Veniste and former Congresswoman Liz Holtzman. They have all performed a great service for our Nation. They undertook a 7-year, nearly $30 million, government-wide effort to locate, declassify, and make publicly available U.S. records of Nazi and Japanese war crimes. We now have their final report.

This project really was an example of government working well. So many different agencies and branches came together to work on it. I want to thank all of the government agencies—the FBI, CIA, Defense Department, Treasury Department, and others. Without their help, we wouldn't have a report in hand. This part of the process wasn't always easy going—this I realize—but so many staff members throughout all of these important agencies worked hard on this project. It would be impossible to name them all, but they all deserve our thanks.

I—and indeed the whole world—was shocked to discover that Kurt Waldheim, onetime U.N. Secretary General, was a Nazi. The critical question that followed was how much information did the U.S. Government have about Waldheim's actions during the war and before he became head of the U.N.? And why wouldn't they reveal it? I introduced the Nazi War Crimes Disclosure Act back in 1994 to get to the bottom of important questions like these. From the start, there was great opposition to the bill from the intelligence community. But in 1996 we were able to pass a Sense of Congress in support of the bill. And, with the help of former Senator DeWine and former Congressman Horn, the bill finally passed in 1998. Former counsel to Mr. DeWine, Louis DuPart also deserves credit and thanks for helping to write the bill that finally passed. Peter Levitas, another DeWine staffer, deserves thanks for helping to shepherd the bill through its different iterations.

In 2005, we expanded the War Crimes Disclosure Act to cover the Japanese crime documents, and extended it an additional 2 years to give the IWG more time to do its work. As a result of it, more than 8 million pages of government documents have been declassified and opened to the public.

The declassified records include the entirety of the operational files of the Office of Strategic Services—the predecessor agency of the CIA—and more than 163,000 pages of CIA materials of a type never before opened to the public.

One of the IWG's aims was to uncover documentation that would shed light on the extent to which the U.S. Government had knowingly used and protected Nazi and Japanese war criminals for intelligence purposes. In fact, the IWG found that there was a closer relationship between the U.S. Government and war criminals than previously known. This revelation, while difficult to accept, is crucial to the understanding of our Nation's history.

Researchers, private citizens, in fact anyone who is interested, are now able to comb through the documents that will bring us closer to the truth of the Holocaust. Moreover, as the Archivist of the United States, the Honorable Allen Weinstein explained when presenting to Congress IWG's final report, "Perhaps more important even than the declassified records, this effort stands as a lasting testimony to the fact that declassifying significant documents such as these will not impede the operations of government. Indeed, the work of the IWG should set a new standard for declassification."

In today's world, our government faces enormous pressure—not only from our own agencies but also from foreign intelligence agencies—to keep all records out of the public realm. In the end, disclosure of these files and records is better for our intelligence agencies and better for history.

Madam Speaker, the best chapters of our history provide a model for great democracy and leadership. Our worst chapters show us the dark consequences of apathy and intolerance.

A TRIBUTE TO DANIEL "PANADERO" OCHOA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor one of the most successful participants in a U.S. sponsored program for former gang members, who was brutally murdered in the prime of his life. On September 17 in Guatemala City, Daniel de Jesus Ochoa Vasquez was shopping with his wife when unknown assailants came from behind and shot him in the head, killing him instantly.

Five years ago, Daniel Ochoa sought refuge at a home for at-risk youth run by the Alliance for the Prevention of Crime, an initiative begun with support from the U.S. Agency for International Development, USAID. He left his gang, and soon graduated to teaching other at-risk youth the baking skills he had learned there, thus gaining the nickname "Panadero," or "Baker". Like many of the estimated 14,000 youths involved in gangs in Guatemala, Daniel Ochoa grew up in poverty, and lacked family support and educational or economic opportunities. He soon turned to gangs for social support, a source of livelihood, and protection. His father abandoned his family when his mother was pregnant with their third child; he grew up in a neighborhood without potable water or electricity; dropped out of school after the fourth grade to work full time as a bricklayer's assistant at age 11. By age 13 he joined the M18 gang. In the 5 years he spent in the gang, he landed in prison 12 times, turning 18 in a jail cell. He explained that his last time in jail scared him enough that he decided to leave the gang. Many gang members who decide to leave their past life behind take refuge in a church; Daniel left on his own accord, at considerable risk to himself.

Last year Daniel was selected as 1 of the 10 members of the "Desafio 10: Paz para los Ex" ("Challenge 10: Peace for Ex Gang Members") reality TV show, a program through which USAID and the Guatemalan private sector helped former gang members find new ways to make a living. With ongoing support from USAID's Youth Alliance program, "Panadero" established and ran a successful shoe repair and shine business in which he took great pride. He had gone back to school and planned to attend college with the money he earned from his shop. He impressed many people with his honesty, hard work, and courage. Daniel provided authentic testimony that it is possible for a young man to turn his life around if he has the will and is given an opportunity. He gladly shared his story with such visitors in the hope that other youths would continue to be given such opportunities for a new life, and that USAID and other donor agencies would continue to reach out to at-risk youth. As one of those who worked with him said, "Through his example 'Panadero' has confirmed the value of working with youths who have abandoned gangs and decided to take a new path in life."

Daniel's finest hour was his trip last May to Washington to address a group of business leaders and policymakers, including Guatemala's Vice President Eduardo Stein, at the Guatemalan Embassy. With the help of the U.S. Embassy in Guatemala, Daniel obtained a last minute Department of Homeland Security waiver to allow him a visa to travel. Daniel's talk motivated the Guatemalan Embassy to begin to raise funds for a tattoo removal project. Daniel may have been killed because he was mistaken for a gang member: A possibility, because of the tattoos on his hands and neck, which he had hoped to have removed.

Daniel once said that he did not want to be just "a former gang member," and he achieved that goal. A week before his death, Daniel volunteered as an election observer with Mirador Electoral, a Guatemalan civic coalition that monitors elections. Mirador Electoral has demanded an investigation into his death. He showed that an "ex" can be an active as well as law-abiding citizen. He sought a better life not just for himself and his family, but also for Guatemala. Daniel Ochoa was not only a rehabilitated ex-gang member; he was a rehabilitated human being.

HONORING THE CONTRIBUTION OF BLACK PIONEER ALTHEA GIBSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce a story from the New York CARIB News of September 18, 2007 entitled, "Black Pioneer Althea Gibson".

This article highlights the accomplishments of Althea Gibson, the admirable tennis player who in spite of adversity reached great success, leaving a great legacy to the sport. Ms. Gibson became the first African American male or female to win the US. National Championships, which until then was a segregated tournament and she made history by not only breaking the color barriers but by winning the Grand Slam.

Ms. Gibson continued to leave her mark in tennis by winning the 1956 French Open, again, becoming the first black woman to win the Grand Slam event. Following those enormous achievements she continued to excel in important international tennis tournaments such as Wimbledon and the US. Championships.

In recognition of her incredible contribution to the sport of tennis and to society, the U.S. Tennis Association hosted a tribute to her life at the US. Open in New York in late August. The champion died in 2003 but continues to be admired and to be an inspiration to women throughout the world.

I applaud Ms. Althea Gibson for her great contribution to the sport of tennis and for the undeniable strength she endured to excel in a time when she was denied opportunity because of the color of her skin.

BLACK PIONEER ALTHEA GIBSON

(By Roy S. Johnson)

Fifty years ago, in the late summer of 1957, Althea Gibson made history as she captured the U.S. National Championships title on the grass courts of Forest Hills. With that win, the 30-year-old Gibson became the first African American—male or female—to win that most prestigious Grand Slam tennis tournament crown.

Just three years after the great Jackie Robinson had broken the color barrier in baseball, Gibson broke tennis' color barrier when she played in the 1950 U.S. Championships. Until then, tennis had been a segregated sport, with Blacks playing on their own tour—similar to the Negro Baseball Leagues—under the auspices of the American Tennis Association. Her participation at Forest Hills that year was facilitated, in part, by Alice Marble, one of the top players of that era, who wrote an editorial in a national magazine calling for the sport to allow her to compete.

That she did. Tall and lean, Gibson's look and her game resembled that of the elder Williams sister.

"Very graceful, very smooth," says former tennis star, now U.S. Fed Cup captain Zina Garrison, who befriended Gibson in the legend's later years and became a confidante. "She glided around the court. When you look at Venus [Williams], Althea was very much like her."

Six years after her Grand Slam debut, well before the tide of civil rights began to rise throughout America, Gibson made history once again—this time in magnificent fashion—by winning the 1956 French Open to become the first Black to win a Grand Slam event. The next year, she won Wimbledon and the U.S. Championships, then successfully defended both titles the following year. Gibson teamed with Angela Buxton, a Jewish player from Briton, to win the 1956 doubles championships at the French and Wimbledon. Both women experienced discrimination by their fellow players, but after their triumph at the All-England tennis club, a British newspaper touted: "Minorities win."

All told, Gibson, the daughter of South Carolina sharecroppers, won five Grand Slam singles titles and six Grand Slam doubles crowns, but her impact on tennis—and society—cannot be measured in mere trophy counts. She was a trailblazer of remarkable heart and courage, marking a path for those who would follow her, carrying herself with that special grace and dignity known only to true champions.

"Althea made tennis a better place, by opening doors and opening minds," said USTA president and chairman Jane Brown Grimes. "For that, all of us owe Althea Gibson a debt of gratitude."

In recognition of Gibson's myriad contributions to the sport of tennis and to society at large, the U.S. Tennis Association this year hosted a very special tribute to the late champion, who passed away in 2003 following a long illness. On an extraordinary evening of history and emotion, African-American women who are pioneers in their own fields, and the elite from the world of tennis, gathered to honor and celebrate one of their own. Call her tennis's own Jackie Robinson.

The event, entitled "Breaking Barriers," was held on the opening night, Aug. 27 of the 2007 U.S. Open at the USTA Billie Jean King National Tennis Center in Queens, NY. It commemorated the 50th anniversary of Gibson's pioneering triumph at the 1957 U.S. National Championships (now known as the U.S. Open), and also provided a stage for Gibson's induction into the prestigious U.S. Open Court of Champions. But the evening proved to be so much more—an acknowledgement of the over- sight of having never before recognized Gibson as a barrier-breaking pioneer, and a unique first-time celebration of the historic firsts achieved by other prominent African-American women.

Nearly two dozen Black women pioneers attended the tribute, including Olympians Jackie Joyner-Kersee (first Black to win back-to-back Olympic gold medals in the Heptathlon) and Dr. Debi Thomas (first Black Winter Olympics medal winner), astronaut Dr. Mae Jemison (the first Black female astronaut), gospel singer Yolanda Adams (first Black female to win the Contemporary/Inspirational Artist award at American Music Awards) and Ambassador Carol Moseley-Braun (first Black female U.S. Senator).

Billie Jean King, whose own pioneering efforts on behalf of female athletes were celebrated at this venue last year, was part of the tribute, as was New York City Mayor Michael Bloomberg and Rachel Robinson. Jackie Robinson's widow. Aretha Franklin, the first Black woman inducted into the Rock & Roll Hall of Fame, performed at the tribute.

Other trailblazing Black women attending were former poet laureate Nikki Giovanni (the first Black woman to receive the Rosa Parks Woman of Courage award), former Washington, D.C., mayor Sharon Pratt (first to be elected mayor of a major U.S. city), actress Phylicia Rashad (first to win a Tony for best performance in a play), Essence chairwoman Susan L. Taylor (first recipient of the Henry Johnson Fisher award), and businesswoman Sheila Crump Johnson (first to have a stake in three professional sports franchises).

"Althea Gibson dreamed the impossible and made it possible," said Johnson, who was a BET founder. "She was one of the first African-American women in sports to say, 'Why not me?' She empowered generations [of Black women] to believe in themselves, emboldened us to achieve and attain the unattainable. Her drive, spirit and passion continue to set an example for us today."

"I will always be grateful to her for having the strength and the courage to triumph in extreme adversity," said Venus Williams, a six-time Grand Slam singles champion, who also participated in the tribute. "Her accomplishments set the stage for my success, and through players like me, Serena and many others to come, her legacy will live on."

REMEMBRANCE OF WALT CROWLEY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. McDERMOTT. Madam Speaker, Seattle recently lost a prominent and much loved citizen, Walt Crowley. I would like to insert in the RECORD a statement on his passing from HistoryLink, an impressive organization Walt helped to found.

REMEMBERING WALT

Walt Crowley, visionary cofounder of HistoryLink.org, passed away on September 21, 2007. Looking back at the rich tapestry of his life and work, one sees that it would take an encyclopedia to document how much of an effect he had upon the city of Seattle and on the state of Washington. Fortunately—and thanks to his efforts—we can do that here at HistoryLink.org, the Online Encyclopedia of Washington State History.

Walt moved to Seattle at the age of 14, when Boeing hired his father. Many of the friends and colleagues who knew him the longest probably met him during his days at the Helix, Seattle's first underground newspaper, for which Walt wrote, cartooned, edited, and even sold copies of out on the street. Whether it was at a social gathering, during a street march, on the campaign trail, or even in the midst of riots, Walt touched the lives of many people, and made numerous friendships that lasted for decades.

Walt's passion for civic activism led to a career in city politics. During a sit-in protest at Seattle City Hall, Mayor Wes Uhlman was so impressed with the young man's wit and political savvy that he hired him. Over the next few years, Walt worked in various city departments, most notably as deputy director of the Office of Policy and Planning, where he often advocated for historic preservation. His love for Seattle grew, based on his awareness of its past.

THE WRITE STUFF

His skills as a writer opened up new vistas in his career when he formed Crowley Associates Inc. along with Marie McCaffrey, whom he would later marry. The two collaborated on books about the Seattle Aquarium and Pioneer Square, and provided writing and advertising services to numerous political campaigns, voter initiatives, and labor unions. Walt also wrote articles for the Seattle Weekly and was brought further into the public eye when he was hired to conduct biweekly "Point-Counterpoint" debates with conservative activist John Carlson on KIRO-TV News.

But it was the history muse that inspired Walt's greatest creative output. His introduction to historical research came when he was hired to write a history of the Rainier Club. He followed this with books about Seattle University, Metro Transit, and Group Health Cooperative, as well as 2 of his proudest accomplishments, Rites of Passage: A Memoir of the Sixties in Seattle and The National Trust Guide: Seattle.

In 1997, he and local historian Paul Dorpat, a dear friend and colleague from their days together at the Helix, tossed around the idea of publishing an encyclopedia of King County history. A book of this size and scope had not been published since Clarence Bagley's tome, written more than 70 years before. Worried that such a venture might prove to be too unwieldy, Walt's wife, Marie, suggested that an online encyclopedia would be a more suitable way to keep and maintain the historical record. Work soon began, and the rest is history . . . or shall we say, HistoryLink.

MAKING HISTORY

When HistoryLink launched in 1998, it was the first encyclopedia of community history created expressly for the Internet—an accomplishment that made Walt exceedingly proud. But being the first meant blazing trails where no historians had gone before, not only in designing and organizing the online encyclopedia, but also in competing for funding in a dot-com world. Walt always referred to our efforts as "venture socialism."

Helped along by a hand-picked staff—many of whom still write, edit, and contribute to the site—as well as by a topnotch board of trustees, HistoryLink.org grew to become a success, and in 2003 expanded its coverage statewide. Today it receives more than four million hits a month. It is read by students, teachers, journalists, genealogists, history buffs, and anybody who wants to know more about the people and events that shaped Washington's growth and development.

Besides penning some of HistoryLink's books, Walt wrote a large number of essays and editorials on topics that appealed to his interests, including state politics, political shifts, mayoral transitions, municipal ownership, civil violence, Seattle's neighborhoods, streetcars, monorails, aviation, the Space Needle, and even flying saucers. With such a wealth of Walt's words and knowledge and insight contained in our site, we here at HistoryLink.org take comfort in the fact that as we continue to grow and expand our content, we will never lose his voice—even though we have lost a colleague, a mentor, and most of all, our friend.

TAIWAN PLANE SALES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. GARRETT of New Jersey. Madam Speaker, despite recent aggressive behavior from China, Taiwan's democracy has continued to grow and flourish. I am pleased that this House can come together today in support of Taiwan.

China's industrial buildup in the last decade has been unprecedented. While Chinese citizens have been taking advantage of their increased economic freedom, the Chinese government has been using this economic growth to build up their military and position new and dangerous weapons along the Taiwan Strait.

The Taiwanese request to purchase 66 F-16 fighter planes will assist them in countering the growing threat of Chinese militarism. These weapons will allow the Taiwanese to balance the threat of hundreds of Chinese fighters and bombers that are stationed just on the other side of the Strait.

We have always stood by our friends in Taiwan and today we call on the President to ensure that that relationship stays as strong as ever. This House supports protecting the freedom of the Taiwanese people. Today, Taiwan is proof that a nation can successfully move from one-party rule to democracy and maintain its dynamic economy. I am hopeful that Chinese citizens can one day experience the same liberty as their counterparts in Taiwan.

WHY INTEGRATION MATTERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce 2 stories written in the Washington Post on September 25, 2007 entitled, "A Little Rock Reminder" and "The Legacy of Little Rock", in recognition of the 50th anniversary of the integration of the school system of Little Rock, AR, by a brave group of Black children who came to be known as "The Little Rock Nine".

Integration has been a long and difficult process here in the United States. Only 50 years have passed since President Dwight Eisenhower decided to send soldiers to protect and defend the newly acquired rights of nine Black students to go to a previously all White school. Those brave Black students who endured the difficulties of starting the process of desegregation in schools in 1957 should be remembered and appreciated today, on the anniversary, and everyday.

It has been proven that integration is a key factor in the success of our society. A school where all races and nationalities work together is giving their students more than classes; they are teaching them the correct way to live, in harmony with the world. In addition it has been proven that an integrated learning environment leads to greater academic success.

Our society today still has a long way to go but it is a much healthier one than 50 years ago. These children were brave enough to understand what their parents and other leaders of their community knew—that they deserve the same rights as the next one; they too are citizens of the United States and all it represents. Their efforts need to be commended.

[From the Washington Post, Sept. 25, 2007]

A Little Rock Reminder: Nine Pioneers Showed Why School Integration Matters

(By Juan Williams)

Fifty years ago this week, President Dwight Eisenhower risked igniting the second U.S. civil war by sending 1,000 American soldiers into a Southern city. The troops, with bayonets at the end of their rifles, provided protection for nine black students trying to get into Little Rock's Central High School. Until the soldiers arrived, the black teenagers had been kept out by mobs and the Arkansas National Guard, in defiance of the Supreme Court's 1954 ruling ending school segregation.

The black children involved became the leading edge of a social experiment. Their lives offer answers to the question of what happens to black children who attend integrated schools, a question underscored by the recent Supreme Court ruling that voluntary school integration plans in Louisville and Seattle are unconstitutional.

The June decision said a focus on mixing students based on their skin color violates every student's right to be judged as an individual without regard to race. The ruling confirmed a political reality: America long ago lost its appetite for doing whatever it takes—busing, magnet schools, court orders—to integrate schools. The level of segregation in U.S. public schools has been growing since 1988, reversing the trend toward integration triggered by Brown v. Board of Education.

The movement away from school integration is glaring. The Civil Rights Project found in 2003 that the nation's 27 biggest school districts were "overwhelmingly" segregated with black and Latino students. Nationwide today, almost half of black and Latino children are in schools where less than 10 percent of the students are white. Those essentially segregated schools have a large percentage of low-income families and, according to researchers, "difficulty retaining highly qualified teachers." Meanwhile, the average white student attends a school that is 80 percent white and far more affluent than the schools for minority students.

This trend toward isolation of poor and minority students has consequences—half of black and Latino students now drop out of high school.

Integrated schools benefit students, especially minorities. Research on the long-term outcomes of black and Latino students attending integrated schools indicates that those students "complete more years of education, earn higher degrees and major in more varied occupations than graduates of all-black schools."

That conclusion is reflected in the lives of the Little Rock Nine, who represent the black middle class that grew rapidly as better schools became open to black people during the 1960s and '70s.

Ernest Green, 65, who became the first black student to graduate from Central High, is the most prominent of the nine. He earned a master's degree in sociology and worked in the Carter and Clinton administrations. He is director of public finance in Washington for Lehman Brothers.

Melba Pattillo Beals, 65, chairs the African American history department at Dominican University in River Forest, IL, and wrote an award-winning book about her experiences at Central High; Elizabeth Eckford, 65, is a probation officer in Arkansas; Gloria Ray Karlmark, 64, moved to Sweden to work for IBM and later founded and edited the magazine Computers in Industry; Carlotta Walls LaNier, 64, started a real estate company in Colorado; Terrence Roberts, 65, is a psychologist in California; Jefferson Thomas, 64, fought in Vietnam and worked in government in Ohio for nearly 30 years; Minniejean Brown Trickey, 66, worked in the Clinton administration and is a visiting writer at Arkansas State University; and Thelma Mothershed Wair, 66, became a teacher.

Part of their success comes from their ability to mix easily with black and white people and to comfortably join the social and professional networks that segregation kept from black people. In fact, most of the nine worked in mostly white organizations. And four of the nine married white people (three black women married white men, and one black man married a white woman).

In her book "Turn Away Thy Son," Arkansas native Elizabeth Jacoway notes that the nine never take a group picture with white spouses or mixed-race children. Jacoway believes they don't want to take away from black pride in their achievement or reignite segregationist fears about interracial sex.

Terrence Roberts, who went on to become a psychology professor, thinks "fear of black people in the family" is still a driving force pulling Americans away from integrated schools. Ernest Green, whose first wife was white, calls it the "zipper issue. . . sex and race are highly combustible."

The interracial daughter of Minniejean Brown Trickey, Spirit Trickey, works as a Park Service tour guide at a memorial to the events at Central High. She says visitors regularly ask why so many of the nine broke the taboo against interracial marriage.

"My answer is that the Little Rock Nine followed the principles of nonviolence," she said. "They married who they fell in love with. But it is telling that so many people ask about it. It tells me where we are today."

[From the Washington Post, Sept. 25, 2007]

The Legacy of Little Rock: Fifty Years Ago, He and 8 Others Became the Faces of Integration. Now He Is a Sign of Its Success.

(By Avis Thomas-Lester)

Ernest G. Green Jr. sees much of the world now from a top floor corner office on K Street, just blocks from the White House and a very long way from where he started.

His BlackBerry holds the phone numbers of powerful men: former president Bill Clinton; Robert L. Johnson, founder of Black Entertainment Television and co-owner of the Charlotte Bobcats; former ambassador Andrew Young; and three candidates for president of the United States.

He spends his days negotiating multimillion-dollar deals as managing director of public finance for Wall Street stalwart Lehman Brothers with clients including the City of New York and the State of Connecticut. He has a big house in Northwest Washington, "a beautiful wife, three wonderful kids" and a lot of gratitude for the circumstances that catapulted him from segregated Little Rock into U.S. history as one of nine students to integrate Central High School 50 years ago today.

"It has been a tremendous boost for me," said Green, who turned 66 on Saturday. "It provided me with opportunities I never would have otherwise had. I had a tremendous window into the last half of 20th century."

Green returned to his home town this weekend for events commemorating the 50th anniversary of the desegregation of Central High. Five decades ago, Green and eight other students were escorted into the school by the U.S. Army's 101st Airborne Division under orders from President Dwight Eisenhower after Gov. Orval Faubus used the state's National Guard to block the integration effort.

In the year that followed, Green and the others, who came to be known as the Little Rock Nine, were tripped on the stairs, attacked in the halls and pushed out of lunchroom lines. Teachers and administrators largely ignored them. The few white students who befriended them were subjected to ill treatment as well.

"Clearly, none of us anticipated that it would be as difficult as it was," said Green, the first of the nine to graduate. "But once we got there, all nine of us knew how important it was to stay. Backing down was not an option."

His story is a testament to the potential of forced integration, a remedy widely debated now as many urban school districts become resegregated. Green said people miss out when they don't mingle with those who are different from themselves. "We need to make sure children understand that they are more similar than different."

Green never set out to become an icon of the civil rights movement, with a movie made of his life and a congressional medal to his name. What he did, he said, was simply step out of his comfort zone.

"Too many blacks today," he said, "opt for comfort over taking a chance that might change their lives. We have to work hard to break through our comforts."

Many wouldn't consider a childhood in the segregated South a comfortable place, but Green has fond memories of growing up at the corner of 21st and Pulaski. His father, Ernest Sr., who died when Green was 13, was a janitor at the post office; his mother, Lothaire, taught in Little Rock schools for 43 years.

He, his sister, Treopia, and his brother, Scott, learned about taking a stand from their mother. In the 1940s, she supported the efforts of black teacher Susie Morris, who, with NAACP Legal Defense Fund attorney Thurgood Marshall, sued the Little Rock schools, demanding equal pay. His mother opened their home to Marshall when he was in town working on the case.

Green grew up riding past the impressive edifice of Central High School, considered the best school in town. The name was stamped into the secondhand books that taught him U.S. history, algebra and chemistry. As a member of the marching band—he played tenor saxophone—at segregated Horace Mann High School, he had marched on Central's field.

"We didn't have a stadium, so the black schools played on the field one night and the white schools another," he recalled.

Green was 13 when the U.S. Supreme Court, acting on arguments by Marshall, outlawed school segregation in the Brown v. Board of Education case. Even so, many officials in Southern states vehemently refused to carry out the order.

No such sentiment was evident in Little Rock in 1957, which had a progressive reputation, Green said. Blacks owned businesses. There was a thriving black middle class. The public libraries and city buses were integrated, as was the University of Arkansas campus. Several Arkansas school districts had voluntarily integrated.

It was against this backdrop that the Little Rock school board decided to integrate.

"I heard about it on the radio that they were looking for students interested in going to Central," said Minnijean Brown Trickey, another of the Little Rock Nine. "It started off that there were 23 of us, but by the time we got to school that first day, there were only nine."

It was Green's idea to attend Central High, and his mother, like the other parents, supported the decision. "They had some idea of what it would do to change the opportunities for all the black folks in Little Rock if we were able to integrate the school," he said.

Green said they were all thunderstruck by the level of resistance.

"We didn't think there would be a confrontation," he said. "Orval Faubus was regarded as a progressive white Southerner. My mother had voted for him as governor. He didn't have an image of being a firebrand segregationist or racist."

On Sept. 4, the students were denied entry by guardsmen and racists yelling epithets. After the NAACP took the case to court, they were allowed in on Sept. 23 but had to leave early because of fears of violence. Two days later, with an escort from the 101st Airborne, they were admitted.

For four weeks, things were relatively quiet. Soldiers escorted the nine black students to class. Many avid segregationists kept their children at home.

"Once they saw we weren't leaving, they started to trickle back in," Green said. Soon, the harassment started.

As the only senior, Green was a prominent target.

"It seemed to me that one of the things that would drive them crazy was if I were to be successful," he recalled. "So I was determined to stick it out that whole year."

Each morning, the black students would gather at one of their homes or at the home of Daisy Bates, the legendary Arkansas NAACP president, and her husband, L.C. Bates, founder of the Arkansas State Press, the state's leading black newspaper.

The hostility didn't subside until the day before Green's graduation.

"There were a number of white kids who got up the nerve to come over and congratulate me for getting through the year," he said.

The principal urged Green to take his diploma and go home without attending the commencement ceremony.

"Local authorities were afraid there would be some attempt to do physical harm to me, but I was convinced that I had angels looking over me," Green said. "I figured I had gone through [too much] not to enjoy the benefits of the service."

As it turned out, Martin Luther King Jr., who had gained prominence with the Montgomery bus boycott 2 years earlier, was in Arkansas.

"He came up the evening of the ceremony to sit with my mother, aunt and family," Green said. "I didn't know he was in the audience until after the ceremony was over."

The next five decades of Green's life have, in many ways, been defined by that year at Central High.

He devoted himself to civil rights causes. At Michigan State University, which he attended on a full scholarship, he became president of the school's NAACP chapter and often protested the policies of the university's president, John Hannah. Thirty years later, he learned that Hannah had personally arranged for his scholarship.

After earning bachelor's and master's degrees, Green moved to New York and worked with civil rights leaders A. Philip Randolph and Bayard Rustin to recruit minorities into the building trades. In 1977, he was tapped by President Jimmy Carter as assistant secretary of labor for employment and training. He later formed a minority consulting company with Alexis Herman, who would be named Clinton's labor secretary.

In 1987, capitalizing on the relationships he made in public service, he took a position with Lehman Brothers as an investment banker; his projects included underwriting municipal debt with governmental agencies and nonprofit organizations. Again, he drew on his experience at Central High.

"It made me a tougher negotiator, able to control my emotions and able to handle the ups and down of business and life," he said.

The years have brought proud moments: In 1999, Clinton awarded Green and the rest of the Little Rock Nine the Congressional Gold Medal. There have also been humbling times: In 2002, Green was sentenced to 90 days of home detention and given a $10,000 fine for failing to declare and pay taxes on income he received as part of a planned business venture.

Today, he works passionately to help young people. He noted that last week, 50 years after he entered Central High, black activists were gathered in Jena, La., to protest the treatment of six black youths arrested after a racially tinged brawl.

"A lot of people don't realize," he said, "that there is still racial injustice in this country."

IN MEMORY OF HERBERT D. KATZ

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in memory of south Florida philanthropist, prominent attorney, and real estate developer, Herbert D. Katz.

Mr. Katz was a well-known member of the community, involved with numerous causes and organizations. A longtime Hollywood and Fort Lauderdale resident, Mr. Katz graduated from Wharton School of Finance at the University of Pennsylvania with a bachelor's degree in 1951, and Harvard Law School in 1954. From 1954–1957 he served in the U.S. Coast Guard, was appointed to be a member of the United States Holocaust Memorial in 1988 by President Reagan, was President of the Jewish Federation of Broward County from 1974–1976, and chaired the United Jewish Appeal's, UJA, Retirement Committee from 1986–1989.

A highly recognized donor to numerous causes, especially in the Jewish community, Mr. Katz went on to support and serve on the boards of many philanthropic organizations including the Israel Education Fund of UJA, American-Israel Public Affairs Committee, AIPAC, the Washington Institute for Near East Policy, the Center for Judaic Studies at the University of Pennsylvania, and the American Friends of Hebrew University, just to name a few. He and his wife were instrumental in helping to finance the building in Davie, bearing their names, that houses the Jewish Federation of Broward County. They also established the coveted Herb and Ellie Katz Leadership Development Award, presented each year by the Jewish Federation of Broward County.

In addition to his wife Eleanor, Mr. Katz is survived by 5 children—Laura, Thomas, Sally, Walter and Daniel, and 8 grandchildren. This was a man whose presence will be greatly missed throughout south Florida.

HONORING THE LIFE OF ARMY CAPTAIN MARIA INES ORTIZ OF CAMDEN, NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor the bravery, compassion, and selflessness of U.S. Army Captain Maria Ines Ortiz, from Camden, New Jersey who was killed in Baghdad, Iraq on July 10, 2007. Captain Ortiz was assigned to the 28th Combat Support Hospital, 3rd Medical Command in Baghdad's "Green Zone." Her death marks the first combat related casualty of an army nurse since the Vietnam War.

Captain Ortiz was born in Camden, New Jersey but spent most of her childhood in Bayamon, Puerto Rico. Her career in army medicine began in 1991 when she enlisted in the United States Army Reserve. Captain Ortiz's first two years of active duty included service in Honduras, South Korea, and eventually Walter Reed Army Hospital in Washington DC. These experiences helped to solidify her resolve to become a registered nurse, a goal she achieved in 1999, earning a degree in nursing from the University of Puerto Rico.

After subsequently being commissioned as an Army officer, Captain Ortiz worked as a dialysis nurse at Walter Reed for 2 years then served as chief nurse at the Kirk U.S. Army Health Clinic for 18 months before being sent to Iraq last fall. She had a smile that lit up the hallways and won the hearts of the medical staff in every hospital she worked. If a patient required extra attention, she worked late. If a colleague was feeling down, she was there to comfort and support that colleague.

Maria Iris Ortiz is a true hero in every sense of the word. She will be remembered for her exceptional devotion. Madam Speaker, I commend Captain Maria Iris Ortiz for her selflessness and courage in making the ultimate sacrifice to her country.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Ms. LEE. Madam Speaker, due to the passing of my father, on Monday, October 1, 2007 I missed rollcall vote Nos. 924, 925 and 926. Had I been present, I would have voted "aye" on H. Con. Res. 185, H.R. 2276, and H.R. 3325.

ACKNOWLEDGING NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. SCOTT of Georgia. Madam Speaker, In 1945, Congress enacted a law declaring the first week in October of each year as "National Employ the Physically Handicapped Week," in order to educate the American public about issues related to disability and employment. From there, the week expanded into a month designated "National Disability Employment Awareness Month." And today, I am so pleased to acknowledge and praise those who work to further the necessary awareness of those individuals and American workers who live with a disability.

The American worker has enough to handle and manage as it is, but the employee who lives with a disability copes with other barriers many of us will never experience. I commend the work these groups are doing to ensure these individuals, completely capable of employment, find that employment and are not discriminated against. However, there is much work to do. The employment rate of working age people with disabilities remains only half that of people without disabilities. These numbers are far too low and this population has for far too long been a group unable to rise above the employment and earnings gaps. There is a benefit to us all for working toward inclusion of more and more disabled workers. Again, I am pleased to celebrate "National Disability Employment Awareness Month" this October and will continue my ongoing efforts in Congress to ensure equality for all, making the barriers facing individuals with disabilities once and for all a thing of the past.

ON THE INTRODUCTION OF THE LARRY S. PIERCE POST OFFICE ACT

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. McCARTHY of California. Madam Speaker, I rise today in strong support of legislation I introduced to designate the United States Postal Service facility located at 427 North Street in Taft, California as the "Larry S. Pierce Post Office."

U.S. Army Staff Sergeant Pierce was born in Oklahoma in 1941. As a young child his family moved to Taft, California, which I represent. SSG Pierce attended Taft City Schools and would have graduated from Taft Union High School with the Class of 1959, but decided to serve his country by joining the U.S. Army in 1958. SSG Pierce served with the 1st Battalion (Airborne), 503rd Infantry, 173rd Airborne Brigade in the Vietnam War.

On September 20, 1965 near Ben Cat in Vietnam, SSG Pierce, while leading his reconnaissance platoon, was ambushed by hostile forces. SSG Pierce and his squad successfully routed the hostile forces from their location. During pursuit of the enemy, SSG Pierce heroically sacrificed his own life to save the lives of his fellow soldiers by throwing himself on an antipersonnel mine as it exploded.

In February 1966, President Lyndon B. Johnson posthumously awarded SSG Pierce the Medal of Honor on behalf of the United States Congress. SSG Pierce's Medal of Honor citation notes in part his "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty," his "inspiring leadership and personal courage," and his "profound concern for his fellow soldiers" acting with "extraordinary heroism, at the cost of his life" to save the lives of his fellow soldiers, which reflects the "highest traditions of the U.S. Army" and "great credit upon himself and the Armed Forces of his country."

SSG Pierce would have been 66 years old this year, and is survived by his wife Verlin, who currently lives in Bakersfield, California, and his children Teresa, Kelley, and Gregory. My legislation is a fitting honor for this Vietnam War hero, who sacrificed his life to save the lives of fellow soldiers, by naming the post office in his hometown of Taft in his memory.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. PUTNAM. Madam Speaker, on September 26, 2007 I was unavoidably detained and missed rollcall votes No. 912 and No. 913. Had I been present, I would have voted:

Rollcall vote No. 912: "aye."
Rollcall vote No. 913: "nay."

EFFORTS TO COMBAT TUBERCULOSIS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to address a deadly epidemic that is facing our planet today—tuberculosis. We have learned that no country, no matter how advanced its health infrastructure, is no longer immune from tuberculosis (TB).

Fortunately, through the generosity of the Bill & Melinda Gates Foundation, and leadership in the U.S. Congress, we can make a major difference in developing urgently needed tools to fight this problem. On September 18, the Gates Foundation announced new funding in the fight to stop TB by granting $280 million to several organizations creating new tools to curb this disease, including the largest single award to any research or product development organization—$200 million to the Aeras Global TB Vaccine Foundation, which is located in my congressional district.

Those who live in the developing countries know this disease every day. This global epidemic has confronted us in several ways in the last few months. The case of the airline passenger infected with drug-resistant tuberculosis reminded Americans how vulnerable we all are to a disease we thought was a problem of the past or an affliction just affecting the developing world. In this truly global world, diseases such as tuberculosis know no boundaries.

The statistics are staggering. TB kills 1.6 million people per year, or 4,400 every single day. It is the largest killer worldwide of women of reproductive age and of people with HIV/

AIDS. TB bacilli are in the bodies of 1 out of every 3 people in the world today. This devastating disease is challenging the best health systems and is threatening the lives of thousands in the developing world.

But Congress is not sitting still in the face of such troubling events. Just recently, the Senate Foreign Relations Committee and the House Foreign Affairs Committee reported out the Stop TB Now Act of 2007, which commits this country to a new recognition of the threat of TB and a larger effort to finally rid this planet of this scourge. And the House provides $313 million for global TB efforts in its FY 2008 State-Foreign Operations Appropriations bill.

These efforts follow the bold, innovative, heartfelt, and committed leadership of the Bill & Melinda Gates Foundation. As important as the Gates Foundation's latest $280 million investment in tuberculosis is, it is not enough. A new vaccine candidate must go through large and expensive clinical trials, involving thousands of people and costing over hundreds of millions of dollars.

Private philanthropy cannot be the only solution to this important challenge. It is only right that the United States government, and other donor governments, step up to the plate and finish the job.

Vaccines are the key to ending epidemics. They are among the most medically and economically effective health interventions available. The United States already funds research to develop much-needed vaccines for HIV/AIDS, malaria, and other global diseases. Funding TB vaccine development is a logical and humanitarian next step for us to take. European donors are already contributing to this fight; for example, the government of the Netherlands has made a sizable commitment of approximately $25 million to the Aeras Global TB Vaccine Foundation for vaccine development. The United States should shoulder our fair share of this important shared mission.

I urge my colleagues to appropriate the necessary resources to complete this vital work and follow the outstanding leadership demonstrated by the Gates Foundation's generous investment in TB research.

HOUSE OF REPRESENTATIVES—*Wednesday, October 3, 2007*

The House met at 10 a.m.

The Reverend Elton Van Welton, Crossroads Baptist Church, Leesburg, Virginia, offered the following prayer:

Gracious Lord, Almighty God, we thank You this morning for Your divine blessings upon our country and upon our lives individually. With heartfelt concern, we remember those Americans serving our country in uniform today and pray for Your protective hand over them. Bless and love their families in their absence.

I ask, Lord, as our source of life and strength, that You will encourage and edify us all that we might remain faithful in the task that You have called us to. Lead today this Chamber and its Members in the pathway of humility. By Your spirit, guide them to take up the towel of leadership to meet the needs of our country by lifting up others more than themselves. Allow their lives as servant leaders to empower all Americans to live in like manner. This we pray in the name of our Lord and Saviour, Jesus Christ.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. SALAZAR) come forward and lead the House in the Pledge of Allegiance.

Mr. SALAZAR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND ELTON VAN WELTON

(Mr. WOLF asked and was given permission to address the House for 1 minute.)

Mr. WOLF. Madam Speaker, I rise today to extend a warm welcome to our guest chaplain, the Reverend Elton Van Welton of Leesburg, Virginia.

Reverend Van Welton is the senior pastor of Crossroads Baptist Church. In the two short years he has been at Crossroads, the church membership has grown dramatically, and its rate of financial giving to world missions to the poor and to the hungry has increased by over 500 percent. He has also worked to establish many local ministries, such as Saving Addicts for Eternity, which partners with local Narcotics Anonymous groups to provide spiritual guidance to those struggling with addiction.

Pastor Van Welton first joined the ministry in 1999 after receiving a master's in divinity from Southeastern Baptist Theological Seminary. Before his career as a pastor, Reverend Van Welton received his juris doctorate from Regent University and was a practicing attorney in the Commonwealth of Virginia before he received his call to the ministry.

I commend Rev. Van Welton for his dedication to spreading the word of the gospel and for his faithful service to our community in northern Virginia. It is a blessing to have him here today to serve as our guest chaplain.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

PRESIDENT BUSH'S PROPOSED VETO

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, after running up more debt than the 42 Presidents who preceded him, $3.2 trillion borrowed and spent, $9 trillion total debt on the backs of the American people, presiding over a doubling of our international debt to more than $2.2 trillion, last week he proposed that we should borrow and spend another $190 billion on the war in Iraq, nearly 600 since he launched this unnecessary war.

Subsidies to Big Oil, scandals about no-bid contracts, the President has rediscovered his long-lost, inner-fiscally conservative self. He's going to cast the first veto of his Presidency on a bill that would spend money, after an orgy of borrowing, spending and misspending on many dubious things. His target, 10 million low-income kids.

The President stands on principle. Or is it he's standing on a pile of campaign cash contributed by the insurance industry to the Republicans?

EARMARK REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, it's no secret that earmarks are not fairly distributed. But with the new disclosure rules in place this year, for the first time it's been documented. In an analysis of House-passed appropriation bills, CQ Weekly and Taxpayers for Common Sense found that a disproportionate share of earmarks went to relatively few Members of Congress.

Now, obviously Federal priorities are not concentrated in the districts of appropriators and leadership. Those Members are simply in a better position to steer Federal money home. That's hardly a defensible way of spending taxpayer money.

I've often said that we had higher aspirations when we were elected than to grovel for crumbs that fall from the appropriators' table. But given the lopsided share of earmarks that appropriators got this year, here's hoping that enough Members will finally say, why bother, and we can finally end this practice.

SCHIP

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, the President has asked for another 190 billion more dollars for the war in Iraq. That's 190 billion more dollars for more of the same.

For 41 days for the cost of the war, 10 million American children would get their health care. For 1 month for the cost of the war, 7½ million American children would get their health care. And for 1 week for the cost of this war, 2½ million would get their health care.

The President is asking for an open-ended, open-wallet commitment to Iraq, and the American children get an empty stocking.

Meanwhile, under the President's own plan, 1 million American children

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

would lose their health care, according to the experts. Nearly 1 million children would create a very long line in America's emergency rooms. The emergency rooms are President Bush's answer to America's health care crisis.

Seventy-two percent of Americans support our reauthorization of the children's health care bill. The President and 15 Republicans stand in the way of 10 million children receiving the health care that we receive here as Members of Congress.

There have been 3 vetoes in President Bush's term: 1 to end the war, 1 to permit stem cell research, and now one to allow 10 million children to get their health care. That says it all about President Bush.

EARMARK REFORM

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, the majority party ascended to power with a promise that they would make this Congress the most open and ethical Congress ever. Most open and ethical indeed.

Perhaps the majority party should have said something like, We will be open and ethical when it suits our purpose. That wouldn't have been a catchy phrase maybe on the campaign trail, but at least it would have been honest.

For instance, the majority promised to clean up the earmarking process, but so far that, too, has been a hollow promise.

Recently, we had the SCHIP and it was riddled with hidden earmarks. And yet not one sponsor of these provisions has ever been identified, and they have denied that there's any earmarks in them whatsoever.

Now the Republican Party has now offered a simple resolution to clean up the process of earmarks, but not a single Democrat has signed on to this resolution.

I call on my colleagues on the other side of the aisle, in the majority, to allow for a real debate on ethics and earmarks. Let the House debate H.R. 479 so that we can have an open and honest discussion and we can truly get to what you promised, an open and ethical Congress.

CHIP

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Mr. Speaker, today the President has before him legislation to strengthen and expand CHIP for 10 million children of hardworking American families. And if the President lives up to his promise, he will veto this important bill and turn his back on American families.

The President's veto makes it clear that he simply does not understand the financial struggles of working families in this country who are unable to afford health care for their children. The President's veto makes it clear that health care for America's children simply is not his priority.

CHIP, the public-private partnership, has enabled millions of American children and hardworking lower-income, middle-income families in this country to afford high-quality private health coverage. Our Nation's Governors, business community, health care providers, children's advocates, insurance industry, labor unions, religious leaders, parents and grandparents support this affordable commonsense plan. All but the President and his Republican allies in Congress support extending CHIP to more of America's uninsured children.

The President's veto is shortsighted, callous and wrong. We must override the President's veto and vote for health care for America's children.

☐ 1015

ENSURE THAT FREEDOM AND FAIRNESS REMAIN ON OUR RADIO AIRWAVES—SUPPORT THE BROADCASTER FREEDOM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the enmity that exists between American talk radio and the Democratic Congress came into high relief this Monday as leaders in the Senate engaged in repeated and distorted personal attacks of a prominent American commentator.

Now, while many see this as more politics as usual in Washington, DC, I see something more. I believe these attacks on talk radio are a precursor for returning censorship to the airwaves of America in the form of the Fairness Doctrine.

This week Congressman GREG WALDEN and I requested that the Democratic leaders bring the Broadcaster Freedom Act to the floor of this Congress immediately and take the power away from the FCC in this or any future administration to regulate the airwaves of America. The Broadcaster Freedom Act is cosponsored by 203 Members of Congress, and it enjoys broad bipartisan support.

The freedom of the press should not be a partisan issue. Let's reject the attacks on American radio personalities and ensure that the Fairness Doctrine stays on the ash heap of broadcast history, where it belongs.

THE PRESIDENT'S VETO OF THE SCHIP EXTENSION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, the deed is done. The President just vetoed the Children's Health Insurance Program. He is asking for $190 billion for the war in Iraq and Afghanistan and yet vetoed $35 billion that would provide health care to 10 million low-income American children over the next 5 years.

Let's be perfectly clear. The President is refusing to spend $7 billion a year on children's health while insisting on $10 billion a month in Iraq. The President and Republicans in Congress say that we can't afford this bill, but where were the fiscal conservatives when the President demanded hundreds of billions of dollars for the war in Iraq? He along with many of the Republicans in Congress are willing to throw these hundreds of billions of dollars into a disastrous war, and yet when it comes to providing health care to children, they say we don't have the money.

The truth is we do have the money and, in fact, the children's health bill is fully paid for, unlike the half a trillion dollars we have already spent on this war.

It is time for us to say you are either for covering uninsured American children or you are with a President who prefers to spend this money on an endless war.

VETERANS FUNDING

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I have joined several of our colleagues in a letter requesting that the Senate majority leader end the partisan wrangling and move forward with the veterans appropriations bill.

Our veterans have always been willing to man the front lines in the defense of this Nation and deserve to be honored for their service. From 2001 through 2006, this House increased funding for our veterans from $48 billion to $70 billion. This year the House came together in a bipartisan manner to increase funding for our veterans by an additional $6 billion.

This is why I am so disturbed to read in Roll Call that Democratic leaders have made "a decision to delay sending the veterans bill to the President so they can use it as leverage to pass other spending bills."

In my mind, veterans and especially those waiting for services at VA facilities or working to secure their VA benefits are not bargaining chips. They are heroes. And we should not allow partisanship to interfere with our commitment to protecting their best interests.

HOUSE REPUBLICANS SHOULD WALK AWAY FROM PRESIDENT BUSH ON CHILDREN'S HEALTH CARE

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, last week most of the Republicans once again marched in lockstep with the Bush administration. I have just been informed that the President has vetoed the CHIP bill. That is a shame and it is a disgrace. Despite the fact that this Democratic Congress crafted a bipartisan bill with Republican input, most Republican Members chose to ignore the health care needs of 10 million children. It is a shame and a national disgrace.

The Children's Health Insurance Program has helped our Nation reduce the number of uninsured children. During each of the 8 years of the program, the number of uninsured children decreased, but over the last 2 years these numbers have actually gone up. Based on these troubling trends, this Democratic Congress did not believe that a straight reauthorization was enough. We needed to strengthen the CHIP program, and that is exactly what we did.

And now I have been informed that the President has vetoed it. That's a disgrace.

SUPPORT OUR VETERANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this Democrat-led Congress has yet to send one spending bill to the President. In particular, they have failed to pass funding for our veterans, and because of their inaction, our veterans are being shortchanged and denied needed resources and benefits.

Despite widespread support for the Veterans' Affairs spending bill, the majority is refusing to take final action. This delay is jeopardizing our ability to get the necessary funding and resources to those who need it most. The bill includes $4.1 billion for VA hospitals and clinics, $600 million for posttraumatic stress disorder and traumatic brain injury care, $2.9 billion for mental health and substance abuse treatment for veterans, and $480 million for research into prosthetics for wounded warriors and amputees.

We can all agree that our veterans deserve our utmost support, and as a grateful 30-year member of the American Legion, it is time for Democrats to work with Republicans for our veterans.

In conclusion, God bless our troops and we will never forget September the 11th.

THE PRESIDENT'S VETO OF CHILDREN'S HEALTH BILL

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, during a speech at the Republican National Convention in 2004, President Bush said, "In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs." But instead the President, just minutes ago, vetoed health insurance for 10 million low-income children.

The President's objections were without merit and did not warrant a veto. The bill does not expand the CHIP program. Instead, it maintains current eligibility requirements while enrolling more uninsured children. It is not a move towards "socialized health care." States will continue to receive funding through block grants, which nearly all States use. And this investment in the health care of our Nation's children is fully paid for, unlike the President's ongoing Iraq funding requests.

Mr. Speaker, I sincerely had hoped the President would have a change of heart and fulfill his promise to enroll children in this health care program. But he failed to do so. Now every Member of this House must vote to override the President to provide for the health care of America's children.

STOP PLAYING POLITICAL GOTCHA AND START SERVING THE AMERICAN PEOPLE

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, one of the things that I think most people in politics know is that the ratings of Congressmen are very, very low. And perhaps part of the reason for that is the public can see that we are playing more political gotcha than we are in really solving problems.

Today we have just seen an example of that as Democrat after Democrat condemned the President for this SCHIP bill, which has all these little hidden gizmos, among other things that we are going to provide health care to the children of illegal immigrants. It is a massive expansion of basically Hillary socialized medicine. And yet we are going to use this children's health issue as a way to play political gotcha.

We don't need to do that with the veterans bill. The House and the Senate have both approved funding for veterans, which comes down to $18.5 million of extra money for veterans hospitals, for prosthetics, for our wounded soldiers. Those bills are just sitting, waiting.

Are we going to use that as another way of doing political gotcha, or shall we just start solving problems and serving the American people?

Mr. Speaker, for the past few years we have heard the Democrats in Congress say they support our troops and veterans even if they do not support the war in Iraq.

Yet, many of those brave veterans who served in Iraq, as well as other military campaigns, are being denied as much as $18.5 million a day in veteran's care that was promised to them.

The Democrat majority has delayed a vote on a bill to fund veterans care. These delays are denying our veterans millions of dollars that would fund prosthetics for our wounded warriors and amputees.

Are the Democrats hoping to save a vote on veteran's health for later in the year? Maybe, they plan to attach wasteful earmarks to that bill?

Members of Congress, you can't say that you support our troops and veterans if you won't fund their care. It's time we make good on our promises. Give our veterans what they need.

DEMOCRATIC ACCOMPLISHMENTS PRIORITIZING THE NEEDS OF VETERANS AND SOLDIERS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, this Democratic Congress has a strong record of delivering on our promise to the American people and providing real and meaningful change. And we have done so in a fiscally responsible way, instituting pay-as-you-go, deficit reduction discipline.

One area where we have made real progress for the American people is by supporting the men and women who serve our Nation in the Armed Forces. Under Democratic control, this House provided substantially more than the President requested for the new M-RAP vehicles proven to save lives in Iraq. We voted to give our troops a pay raise that the President called "unnecessary." We strengthened military health care with the Wounded Warriors Act to clean up the inadequate care of wounded soldiers at Walter Reed and other facilities. And the Democratic House voted to provide the largest increase in funding for VA health care in the history of this country.

Mr. Speaker, these investments that support our veterans and troops overseas are just a few examples of how our Democratic Congress is taking America in a new direction.

ENERGY POLICY FOR THE FUTURE

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, a new cellulosic ethanol plant recently began production in my district, which will use high-energy sugar cane to yield ethanol. It is yet another reminder of the importance of domestic energy production not only for southwest Louisiana but for our entire Nation.

But we must recognize that we have a strategic dependence on fossil fuels and foreign oil. The farm bill currently working its way through Congress should not pick winners or losers but encourage innovation and entrepreneurship. It is a critical piece to our national energy plan with renewable agri-based energy solutions.

Home-grown energy as a part of our national energy strategy reduces our dependence on foreign energy supplies, helps the environment, and will promote our rural communities and keep them strong.

This Democratic Congress has failed to produce a viable energy policy. I challenge the Democratic leadership to work with us in Congress to produce such a viable energy policy.

NOW IT'S CHOLERA

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, let me talk about a surge in Iraq the President is not talking about. An outbreak of cholera is spreading across the country, harming and killing innocent Iraqi people. Five hundred new cases were confirmed in Kirkuk in the last 5 days.

The World Health Organization says there have only been 12 deaths so far, but there are 3,000 confirmed cases and 30,000 more Iraqis are sick. As a medical doctor, let me tell you that cholera is caused by human waste contaminating the water supply. In other words, the sewage treatment plants that we were supposed to rebuild that worked prewar are still not working after the surge. And innocent Iraqis are suffering.

When a Seattle church group sent me to visit Iraq in 2002, they asked me to see firsthand how Iraqi children were suffering from the effects of the first war in 1990, the subsequent economic sanctions and how their suffering would only get worse in a new war. They were right.

Cholera is the latest example of a failed war. Instead of talking about the surge, the President should be talking about the scourge of cholera.

HIGH-TECH BOUNTY HUNTING

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, high-tech bounty hunting is now occurring in the United States. The Internet allows law enforcement to track down known sex offenders in the United States. States can find convicted sex offenders that must register under the new Adam Walsh Child Safety Act. Failure of a child molester to register is a Federal crime.

So these convicted sex offenders who do not register with local authorities are now being arrested using LexisNexis Internet tracking.

Florida police were hunting for a known sex offender. They traced him to Illinois, but Illinois officials claimed the offender was dead. The Internet search tools tracked the child molester to Indiana, where he was arrested for absconding and for failure to register as a known sex offender.

Studies show that convicted sex offenders often remain dangerous and become recidivists once released from prison. Sex offenders are now being held accountable for failing to register; law enforcement is informed of known sex offenders' whereabouts; future recidivism is prevented; and, meanwhile, children are safer because of high-tech bounty hunting.

And that's just the way it is.

□ 1030

IT'S TIME TO HOLD DEFENSE CONTRACTORS ACCOUNTABLE FOR THEIR ACTIONS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, there are as many private contractors in Iraq as U.S. soldiers on the ground. Outsourcing our military should be a cause for concern for all Americans, but the recent uncovering of indiscriminate hostility toward Iraqi civilians and unprovoked killings by security contractors in Iraq is a siren warning that demands immediate attention.

Blackwater, a company that has reaped over $110 million from the taxpayers since 2006 in U.S. contracts, offers one of the most egregious examples of what is wrong with our occupation of Iraq.

Last week, Blackwater security protecting State Department officials opened fire in a Baghdad neighborhood, and in what appears to be an unprovoked incident, Blackwater guards killed at least 11 innocent Iraqi civilians and wounded 12 others. But because of a decree delivered in 2004 by our Ambassador Paul Bremer on his last day on the job, these contractors are granted immunity from Iraqi law and will likely face no charges at home.

This lack of accountability is anathema to our fundamental principle of equal justice under the law and exemplifies why the occupation of Iraq has been such a failure.

BIPARTISAN COOPERATION ON IRAQ IS THE BEST WAY FORWARD

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, yesterday in this House, we took a great first step forward, I think, in finding bipartisan common ground on the way forward in Iraq with the passage of H.R. 3087.

The issue of our troop presence in Iraq has caused great debate across our country; it has polarized this Congress and our Nation. I believe this first step is a demonstration that a bipartisan way forward can happen. In fact, it must happen for the good of our Nation and our ultimate success in Iraq. We can draw that day closer if we in this Congress and we in America continue to work together to forge consensus instead of resorting to partisan attacks.

The report of General Petraeus and Ambassador Crocker last month has given us reason for hope that progress is being made and our troops can begin returning home. As our troops so bravely continue their mission, let us continue ours and build upon the momentum that we started yesterday in this House. Let us all hope that the day is coming soon when our troops, who have protected our Nation and exported liberty, freedom and democracy, will come home. We owe them nothing less than our best effort to make this hope a reality.

PRESIDENT'S VETO THREAT OF CHILDREN'S HEALTH INSURANCE BILL

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Mr. Speaker, yesterday this Congress sent the President bipartisan legislation to reauthorize and strengthen the Children's Health Insurance Program. This bill will provide 10 million low-income children with health care coverage, including 4 million uninsured children who are currently eligible for the program but not yet covered. Unfortunately, President Bush just vetoed this bipartisan legislation.

The President's opposition to this bill puts him squarely in the minority. The legislation has received overwhelming support from a wide variety of groups such as the AMA. A new Washington Post/ABC News poll shows that 72 percent of Americans support the reauthorization of the CHIP program.

Mr. Speaker, I am heartened that 45 of my Republican colleagues in this body joined Democrats in passing this critical legislation. However, if the President wants to veto it, I hope other House Republicans will stand with America's children instead of with the

President and vote to strengthen the CHIP program.

BURKE COUNTY FOCUSES ON EDUCATION

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, the strength of a community is best judged by how it deals with and faces adversity. Burke County, North Carolina exemplifies and illustrates how strong communities defeat hardship by channeling their efforts and resources for improvement.

When unemployment nearly quadrupled in 5 years, my constituents there banded together to build a better future. They recognize that an educated workforce is the key to economic growth, so they developed a plan to ensure that all high school graduates in the county have the opportunity to go to the local community college for a 2-year degree. Western Piedmont Community College is that college where they are offering it.

Through the hard work of Arrick Gordon and the Burke Alliance for Youth, the Burke Education Endowment Program is nearly at that goal. This weekend, the Overmountain Jamboree and Barbecue Cookoff, which will combine two powerful forces, North Carolina barbecue and country music, will be held this weekend in Morganton, and that will raise the final sum needed to provide that much-needed education to the local youth. It shows the strength of the community, and it shows the strength of the people of North Carolina.

BLACKWATER USA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, yesterday's hearing in the Government Reform Committee left me with many concerns. I am concerned about Blackwater's role when they get involved in U.S. military operations.

In April and November of 2004, Blackwater personnel attached themselves to U.S. troops and engaged enemy positions. These actions may have set a bad precedent and may have been a catalyst that led to the September 16 shooting death of Iraqi civilians.

I also am concerned about Blackwater's unprecedented rise in procurement of Federal Government contracts. Initially, Blackwater was awarded no-bid contracts for security services in August of 2003 and June of 2004 worth more than $73 million, and the President just today vetoed a bill for children's health that was worth $11 billion.

HOUSE GOP GIVES PRESIDENT BLANK CHECK ON WAR FUNDING BUT NICKEL AND DIMES CHILDREN'S HEALTH

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, when it comes to funding the war in Iraq, President Bush and the House Republicans are willing to write blank checks for billions of dollars with absolutely no questions asked. After billions misspent and mismanaged, the President is preparing a new war funding request for the upcoming year that is expected to cost the American taxpayer another $190 billion. Contrast that with the disregard both the President and the majority of House Republicans have shown towards bipartisan legislation that would ensure that 10 million low-income children have access to health insurance.

President Bush has just vetoed a bill that would invest $35 billion more in the CHIP program over the next 5 years and allow us to reach 4 million more children who are already eligible for the program. House Republicans will now have to decide if they will once again stand with a President who suffers from misguided priorities or if they will listen to the American people's will.

I say to my friends on the other side of the aisle, it's time to stand up for our kids and stand down from a discredited President.

PRIVATE SECURITY CONTRACTORS IN IRAQ

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, I rise today to decry our unprecedented use of unaccountable private security contractors in Iraq.

By some estimates, there are over 50,000 private security personnel working in Iraq. These contractors operate outside U.S. and Iraqi law, raising animosity toward Americans in the field and losing us hearts and minds in Iraq.

The activities of 1 of the most prominent contractors, Blackwater, highlight why they are a counterproductive influence in Iraq, and their activities must be curtailed.

Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that resulted in the deaths of as many as 17 Iraqis. Yesterday, the Government Reform Committee disclosed that Blackwater has been involved in 195 escalation of force incidents since 2005; and in 80 percent of those, Blackwater fired the first shots. These incidents, combined with others, clearly indicate that we need to stop putting contractors in Iraq and bring those there under control, which is why I have introduced legislation to freeze the number of contractors operating in Iraq at September 1 levels. And I am a proud cosponsor of the bill we will vote on today, the MEJA Expansion Act, to bring these contracts under control.

PROVIDING FOR CONSIDERATION OF H.R. 2740, MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

Ms. SUTTON. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 702 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2740 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 702 provides for consideration of H.R. 2740, the Military Extraterritorial Jurisdiction Act Expansion and Enforcement Act of 2007, under a structured rule.

The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order and provides appropriate waivers for 3 amendments.

Mr. Speaker, I rise today in support of this rule and the underlying bill which helps to address 1 of the most disturbing and pressing issues to come before the Congress this year, the lack of oversight and accountability of contractors abroad and here at home. And it is vital that we are passing the MEJA Expansion and Enforcement Act today to address at least 1 of these critical issues.

Currently, there are estimated to be at least 180,000 contractors working in Iraq under contracts awarded by the Department of Defense, the State Department, the U.S. Agency for International Development, and other Federal agencies. Yet under current law, only contractors working for the Department of Defense can be held responsible for crimes they commit while working in Iraq, Afghanistan and elsewhere throughout the world.

At present, the Military Extraterritorial Jurisdiction Act, MEJA, leaves felonies committed by contractors working for other Federal Departments unpunished. This is unfair and unacceptable, and this Congress must act to ensure that justice is not a selective American principle.

Our current law has given private mercenary armies like Blackwater USA free rein to do as they please without fearing the repercussions. And as we have seen, that unbridled freedom from any accountability has resulted in sometimes egregious criminal behavior. But under the MEJA Expansion and Enforcement Act, Federal contractors working for every Department and agency will be held responsible for criminal acts. It will also direct the FBI to establish units to investigate crimes committed by contract personnel operating abroad.

Mr. Speaker, it simply makes no sense to hold contractors to a different standard than American citizens living at home or even the brave soldiers who risk their lives every day in Iraq. It is a travesty of justice that we allow private armies to evade punishment for serious crimes, especially considering we have prosecuted our soldiers for the very similar actions.

□ 1045

In a recent incident that has received significant scrutiny, Blackwater guards were involved in a September 16 shootout in Baghdad that left 11 Iraqis dead and a number wounded. This event spurred such a tremendous public outcry that Secretary of State Condoleezza Rice had to apologize to Iraqi Prime Minister Nouri al Maliki.

And we have learned from reports compiled by Blackwater themselves that since 2005, its employees have been involved in at least 195 incidents in Iraq that involved the firing of shots by Blackwater guards. Blackwater's contract with the State Department stipulates that Blackwater may only engage in defensive use of force. However, in the vast majority, over 80 percent, of these shooting incidents, Blackwater's own reports revealed that its guards fired the first shots. In one incident that has recently come to our attention, Blackwater guards shot a civilian bystander in the head. In another, State Department officials report that Blackwater sought to cover up a shooting that killed a seemingly innocent bystander.

Since the wars in Iraq and Afghanistan began, and despite numerous instances where the military has found probable cause that a crime has been committed and has referred the case to the Justice Department, there has been only one successful prosecution of a civilian contractor for wrongdoing.

Without fear of reprisal, these reckless contractors have operated with no regard for the private property of innocent Iraqi citizens. In a November 2005 incident, a Blackwater motorcade collided with 18 different vehicles. Written statements from team members were determined to be invalid, and a Blackwater contractor on the mission stated his tactical commander "openly admitted giving clear direction to the primary driver to conduct these acts of random negligence for no apparent reason."

Mr. Speaker, we have seen the number of contractors increase exponentially as the Bush administration has placed an unnecessary strain on our Armed Forces through the war in Iraq. In 2001, Blackwater had less than $1 million in Federal contracts. By 2006, that figure had grown to over half a billion dollars, an increase of more than 80,000 percent. Today, there are approximately 180,000 Federal contractors in Iraq alone, a number greater than the American military presence. Because of the President's policy of escalation in Iraq, we have become more reliant on these contractors to protect American interests there. For every Blackwater mercenary the United States Government hires to protect embassy officials, Blackwater charges $1,222 per day, which is over six times more than the cost of an equivalent American soldier.

Mr. Speaker, the lack of oversight of Federal contractors committing crimes overseas is an example of how the system of Federal contracting is broken. Earlier this year, this Congress got off to a strong start by passing H.R. 1362, the Accountability in Contracting Act which helped restore integrity to the contracting process. I am also proud to be the sponsor of H.R. 2198, the Contractor Accountability Act, which will require the head of every agency and department to ensure that every Federal contract recipient is fulfilling their obligations after they are awarded that contract. It requires that every Federal agency and department awarding contracts submit a report on the status of those contracts to Congress. This is the type of oversight and accountability that is necessary to ensure that the problems that are happening in Iraq with Federal contractors and here at home can finally be put to an end.

Today, with the passage of the MEJA Expansion and Enforcement Act, we are addressing a critical loophole in our contracting crisis by ensuring that those contractors who commit crimes are held accountable for their actions. What we seek to do today is simple but important. The MEJA Expansion and Enforcement Act will hold Federal contractors operating overseas to the same standards we hold ourselves and to which we hold our brave troops. And let's be clear. This bill does not prevent contractors from using force if the situation calls for it. Our bill simply allows contractors to be punished for committing acts of murder and other felonies. Nobody should be immune from the law. This legislation will ensure that no one, even if he is a private contractor in Iraq, is.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, let me begin by saying this rule provides for the consideration of H.R. 2740, the MEJA Expansion and

Enforcement Act. This bill is an attempt to ensure that all Federal civilian contractors can be prosecuted for crimes they commit abroad. The issue before us today is not, Mr. Speaker, a policy decision to determine whether or not contractors should be in Iraq, but, rather, the issue is whether the principle of current law should be applied to civilian contractors.

Yesterday, Mr. Speaker, Mr. FORBES, the ranking member of the Subcommittee on Crime, Terrorism and Homeland Security in the Judiciary Committee testified before the Rules Committee that while the intent of this legislation is right, this bill is very, very poorly drafted. During markup of the bill by the House Judiciary Committee, Mr. FORBES and other Republicans on the Judiciary Committee raised concerns with Members on the other side of the aisle. Republicans agreed that they would work to move this legislation forward because of assurances made by the majority members of the committee that their concerns would be worked out. Mr. FORBES testified before the Rules Committee that his main concerns with the bill were a lack of clear definitions, vague language and Federal mandates on the FBI without additional resources.

Mr. Speaker, a manager's amendment was submitted to the Rules Committee and it wasn't until after the Rules Committee amendment deadline had passed Monday evening that Mr. FORBES found that none of the concerns raised by Republicans were addressed in the manager's amendment. At this point, of course, it was too late for Mr. FORBES and other Members to submit amendments. Had they tried to submit amendments to the Rules Committee past the deadline, they likely would have been turned away at the Rules Committee door, just as many Members, including myself, have been this Congress.

Yesterday, the ranking member, Mr. DREIER, attempted to provide an open rule for consideration of this bill. An open rule would have allowed any Member of the House of Representatives an opportunity to come forward and amend the bill, and especially those members of the Judiciary Committee that felt that they were left out of this process. However, the Democrat-controlled Rules Committee rejected this idea on a party line vote of 8-4.

Mr. DREIER then attempted to allow Mr. FORBES to offer an amendment on the floor today to make changes to the bill in order to restore the commitment that was once made by the Democrat majority. But I am disappointed that this attempt was also rejected on a party line vote of 8-4.

Mr. Speaker, the underlying bill was reported by the Judiciary Committee over 2 months ago and yet the Democrat majority failed to make good on their commitment to address the reasonable and entirely justifiable concerns raised by Republicans.

Mr. Speaker, contractor accountability is an issue that should be discussed and addressed in a bipartisan manner. But there are legitimate concerns with the way this bill was drafted. Unfortunately, this rule denies Members, including all Republicans, an opportunity to improve the underlying bill. Because the Rules Committee has once again chosen to stifle bipartisanship and deliberation by bringing forth this restrictive rule, I must urge my colleagues to oppose this rule, House Resolution 702.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, before I yield time to the distinguished gentlewoman from California, I would just like to say that in the process of this bill coming forward, not a single Republican offered an amendment in the committee. Though the committee reported the bill by voice vote, not a single person voted "no." Only one Republican offered an amendment for the floor, and it had nothing to do with the scope of the bill and was nongermane.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentlewoman yielding. She was in the committee yesterday when Mr. FORBES testified. I would hope that the gentlewoman would agree with me that when Mr. FORBES testified under questioning from me asking if he felt that he had assurances that these issues would be worked out from the time that the committee passed the bill out of committee in August until now, and he said that he felt that that commitment was a strong commitment, and therefore, he didn't offer any amendments.

Now, would the gentlewoman agree with me that that was what Mr. FORBES said?

Ms. SUTTON. I thank the gentleman for his question.

I think that the important thing here to look at is there was an opportunity for the Republican side to offer amendments, and only one was offered yesterday in committee. There was an opportunity, obviously, for those to be presented.

Mr. HASTINGS of Washington. Will the gentlewoman further yield on that point?

Ms. SUTTON. Certainly.

Mr. HASTINGS of Washington. I appreciate the gentlewoman for yielding.

Mr. Speaker, I just want to say under questioning when I asked Mr. FORBES, because he stated that the deadline had passed when the manager's amendment which did not address their concerns was introduced, he then, of course, would be prohibited from offering amendments. I asked him if there were an opportunity in the next 24 hours, i.e., from yesterday until today, could they prepare amendments to address these concerns, he said, "Yes."

I hope that the gentlewoman will agree with me that that is what he said yesterday in front of the Rules Committee.

Ms. SUTTON. Reclaiming my time, Mr. Speaker, the reality of this is there was an opportunity to offer amendments as explained. Somebody did offer an amendment. Unfortunately, that amendment was nongermane.

At this point I would like to yield 4 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

I rise today in strong support not only of this bill but also of increased accountability in Iraq. From the outset, this misguided war has been characterized by gray areas, gray areas of policy, of motivation and of legitimacy. One consequence of these gray areas has been the collapse of law and order in Iraq. Many military contractors, contractors paid by our government, contribute to the chaos there.

Mr. Speaker, the Iraq war is a first major conflict in which private contractors perform tasks typically done by uniformed military. Employees from companies like Blackwater provide security for military and political figures. They protect buildings. Rumors have swirled that they may soon guard military convoys.

Mr. Speaker, private contractors acting in military roles should be held to the same standards as our armed services. They should not have free rein to shoot, maim and kill people in the name of security. If they act illegally, they must be punished accordingly. This, Mr. Speaker, is what law and order means. We cannot convince the world that we value peace and security if American contractors are undermining it in Iraq. It is hypocritical for us to ask Iraqis to obey the rule of law when we do not demand the same from the contractors we are paying. Like all of my colleagues, I want our brave young men and women in Iraq to be as safe as they can be. The legislation before us today will help restore the trust of the Iraqi public and of the international community.

During World War II, only 5 percent of our in-theater forces were private contractors. Today, we have just as many contractors in Iraq as we do American soldiers, contractors who are not accountable to the American people but who are paid for by the American people. Crimes committed by these contractors are the reason why this bill is so long overdue. It finally holds contractors accountable for their actions. But the larger issue is that our men and women in uniform are overburdened. Our military is in danger of collapsing under the strain of a never-ending war. This is one of the many reasons why we must change course in Iraq.

That, Mr. Speaker, is my objective. It is the objective of a clear majority in the House. It is the will of the American people. We must do everything we can to increase oversight of contractors. This legislation is a step in the right direction.

I urge my colleagues to take this step today so that in the coming days, we can finally change our Nation's course in Iraq.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make the point once again, the reason that there were no Republican amendments that were submitted to the Rules Committee is because there was a clear, clear understanding when the bill was passed out of the Judiciary Committee that the issues and concerns that were raised by the Republicans would be addressed in a bipartisan way, and the vehicle by which they would be addressed was a manager's amendment, which is a normal process when you bring bills to the floor. That commitment was apparently not fulfilled.

By the time that the manager's amendment was drafted, with the idea that supposedly in a bipartisan way these issues would be addressed, it was too late for any Republican to offer an amendment because it was past the deadline that was put in place by this new majority on the Rules Committee. Therefore, there was no chance for Republicans to submit any amendments. Therefore, there were no amendments that were submitted.

So I just wanted to set the record straight, Mr. Speaker, that the reason that there were no Republican amendments submitted to the Rules Committee is because a promise and a commitment was broken between August 2 and October 2, yesterday, when we met on this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time I yield 4 minutes to the author of the bill, the gentleman from North Carolina (Mr. PRICE).

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 6 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleagues for yielding.

Mr. Speaker, I came to the floor to be a resource in this rules debate, but not to take on the role of a Rules Committee member. Since the gentleman has raised the issue of the kinds of amendments that were or were not proposed and the kind of accommodations that were or were not made, I think perhaps I can respond in a helpful way.

The approach that we have taken to this bill has been to invite and respond to critiques that various stakeholders might have of the way we were approaching this. The gentleman is probably aware we had a manager's amendment in committee that accommodated legitimate concerns. Perhaps that was one factor producing an approval by the committee without dissent. We have a manager's amendment today that is similarly taking into account a number of the concerns that have been raised. We have been open to suggestions.

The amendment that the gentleman is referring to, however, the Forbes amendment, was not of the character that one would normally include in a manager's amendment. I think we have been clear all along that the kinds of amendments that would be appropriate for consideration in that technical vein would not include amendments that went to the very heart of the bill, such as an amendment that would compromise the FBI role in the legal regime we are setting up.

Mr. HASTINGS of Washington. Mr. Speaker will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding for this exchange, because I think it is important. This issue is very, very important because we are talking about ultimately a portion of the security of our country, and I think we need to address that in a bipartisan way.

I am simply pointing out, in testimony yesterday in front of the Rules Committee, Mr. FORBES was given the assurance when the bill left the Judiciary Committee, and I don't think that the gentleman is on the Judiciary Committee, but he felt that he had a commitment that those concerns be addressed.

Now, having concerns addressed and being totally satisfied are two different things. If they weren't satisfied, then you could offer an amendment to make the adjustments and you could debate those issues. The point I am making is that Mr. FORBES felt that the commitment that was given to him to make those adjustments and those concerns were not fully addressed; therefore, he didn't submit any amendments to the bill. I am not suggesting that all of his concerns should be in the manager's amendment; I am simply suggesting that he was denied the opportunity, in his mind, to have these concerns addressed.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, the gentleman will understand that I am not in a position to give the blow-by-blow account in either the Judiciary Committee or the Rules Committee, but I will convey my understanding, because I think it is important to do that.

We are talking here about an amendment that Mr. FORBES wrote, which as I understand it would compromise the bill by stripping out the requirement for FBI units to be pre-positioned on the ground to investigate alleged criminal behavior.

I am characterizing the amendment because I did not ever have the text of the amendment. I don't think anyone did. It was sprung on the Rules Committee yesterday. It would seem to me, with all due respect, that if there were a concern that the manager's amendment might not be adequate, particularly on a matter of this scope, which is way beyond the usual scope of a manager's amendment, Mr. FORBES might have circulated a draft of a possible amendment, so that it could be discussed rationally in the Rules Committee if the manager's amendment somehow fell short. My understanding is that this was not done.

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield further, I just want to, Mr. Speaker, tell my colleagues that there was no Forbes amendment in front of the Rules Committee, so I can't even pass judgment whether it addressed the concerns that he had. He did not submit an amendment to the Rules Committee. He did not submit an amendment to the Rules Committee because he was given the assurances that the concerns that were raised when the bill came out of committee would be addressed.

While the gentleman is probably talking about a potential amendment, nobody on the Rules Committee saw the amendment, because the amendment was not submitted to the Rules Committee because he felt his concerns were not addressed.

Mr. Speaker, I thank the gentleman for allowing me to clarify that. When he talks about the Forbes amendment, there is, or was no Forbes amendment in front of the Rules Committee yesterday.

Mr. PRICE of North Carolina. Mr. Speaker, that is true. It is a hypothetical. I am giving my understanding as to the content of that amendment. But the point is, I would say this subject matter is not the stuff of a potential manager's amendment, and if there was some kind of concern about what the manager's amendment would contain, the prudent course would have been to have some kind of draft that the gentleman and others could have looked at so that the Rules Committee could have acted on it intelligently.

My main point, Mr. Speaker, is to say that our approach to this bill all along has been nonpartisan. We have had good bipartisan cooperation and support every step of the way. We have accommodated in manager's amendments, in the committee and here today, the legitimate concerns that were raised. I simply want to register the hope that that pattern of partisan cooperation can continue as we debate this bill.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I just want to reiterate, without beating this to death, that not a single Republican amendment was offered in committee. There was opportunity to provide amendments yesterday in the Rules Committee. This is an important bill that we need to stay focused on the substance of as well.

Mr. Speaker, at this time it is an honor to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding me time. I do think the admonition is important to focus on the substance of this legislation. The Rules Committee, as she points out, wasn't given an alternative and there is nobody in this Chamber, I think, that has a better, more well-deserved reputation for being a thoughtful, bipartisan Member to try and solve problems than our colleague, the primary sponsor of this legislation, the gentleman from North Carolina (Mr. PRICE). I am privileged to be a cosponsor of the legislation with him.

Mr. Speaker, this is an opportunity for this Chamber to focus on an important area of accountability. We have in the newspapers, not just this week, we have had accounts going on not just for months, but from the outset of this war about the trend to outsource fundamental functions that heretofore have been the province of United States soldiers. It has had significant consequences. We are now finding, as a result of some of the hearings, that there have been repeated instances of violence. We are finding that there is no good remedy currently under the law. There is basically no clear line of authority to get back to be able to exercise the oversight and accountability of the security function that has been outsourced.

What Mr. PRICE has offered up is a small part of moving in the direction that we should have done from the outset. I would hope that we can get past the discussion on the rule. I plan on supporting it and look forward to a vigorous debate on the floor to open up this question of accountability for a war that is outsourced, for costs that are five times what an American soldier would do to provide exactly the same function. With the American soldier at one fifth the cost of a mercenary there is a clear line of authority. If something goes sideways, we know what is going to happen.

Mr. PRICE has offered up legislation that gets us started in that direction. It is a thoughtful, bipartisan, narrowly crafted effort. It is not the whole answer, but it moves us in the right direction. I would strongly urge that my colleagues support the rule, support the underlying bill, and get us moving into an important area of debate, accountability and responsibility. Our failure in this area is going to have serious consequences for years to come. We are already seeing this with the Iraqi Government. We are seeing it in terms of problems on the ground. We are seeing questions that are being asked, answers demanded by Americans and Iraqis alike. Working together on this bill is a first step towards remedying that situation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would agree with the previous speaker, my friend from Oregon, that the sponsor of this bill, the gentleman from North Carolina (Mr. PRICE), is a very, very thoughtful individual. I have worked with him on some issues, and I would agree with that. I think Members would also agree with me when I say that the gentleman from Virginia (Mr. FORBES) is also a very thoughtful individual and somebody that you can work with on a bipartisan basis.

When somebody like Mr. FORBES comes to the Rules Committee and tells us that he was given a commitment about concerns that he felt needed to be addressed in this legislation and was given the assurances that they would be addressed, not necessarily solved but at least be addressed, I think you would have to say that he was acting in very good faith. I think this sends a very, very strong message for Members that want to work in a bipartisan way and then get treated as Mr. FORBES said he was treated. I think that is not good for the institution.

So I just want to, Mr. Speaker, reiterate once again what happened. The reason that there were no amendments substantive to the issue of the concerns that were submitted by Republicans to the Rules Committee is because the ranking member on the subcommittee dealing with this issue felt that the commitments that were given to him were not carried out. There were no, apparently, discussions of what was going into the manager's amendment.

Again, I am not suggesting Mr. FORBES would have been totally happy, but he could have offered an amendment to address those concerns. He was denied that opportunity simply, simply because he felt the commitment that was given to him when the bill came out of the Judiciary Committee was not carried through.

So it is for that reason, that reason that we probably won't have as robust a debate on this issue, and in all likelihood we won't have the kind of legislation that needs to go forward in a bipartisan manner on something where everybody agrees that the intent of this legislation is what everybody agrees on a bipartisan basis needs to happen. I regret that. It is for that reason that I ask my colleagues to vote "no" on the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I am the last speaker at this time on my side, so I will reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for the past several weeks my colleagues on the Rules Committee and I have called for a vote on the previous question and will be doing so again today. Why? Because we are concerned that the House rules are flawed when it comes to the enforceability of earmarks.

Republican Leader BOEHNER has a proposal that will improve the House rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills. I am asking that my colleagues vote "no" on the previous question so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER.

By defeating the previous question, the House will still be able to consider the MEJA Expansion and Enforcement Act today, but will also be able to address earmark enforceability in order to restore the credibility of the House. I am hopeful today will be the day my colleagues will defeat the previous question and, in doing so, will send a strong message to American taxpayers that this House is serious when it comes to earmark transparency.

□ 1115

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the restrictive rule.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I want to congratulate the distinguished gentleman from North Carolina on this strong bipartisan bill. The MEJA Expansion and Enforcement Act is critical, commonsense legislation to hold contractors responsible for criminal behavior, just like we hold our troops responsible for crimes when they are committed, and just like we hold

American citizens responsible for following the law.

Those who argue against this measure seem willing to tolerate lawlessness in countries where our military is seeking to restore justice. The truth is, every time we see an incident with an Iraqi civilian being killed and American contractors escaping accountability, our men and women in uniform suffer. They see support from the insurgents rise and they lose the trust of the Iraqi people.

Our troops are not responsible for the strain that the President has placed on our Armed Forces which has led to the need for mercenaries to carry out missions that our troops capably handle, and it is tragic that the troops are targeted for the negligence of private contractors. We owe it to our troops and the Iraqi people to ensure that contractors are held to the same standards of justice as everybody else. Only then will we see a true deterrent to vigilante behavior and reckless actions by private citizens working overseas for our Federal agencies and Departments.

It is simple, Mr. Speaker. The MEJA Expansion and Enforcement Act extends policies that are in place for the Department of Defense to contractors for other agencies.

And let's be clear: Nobody is accusing every single contractor of committing the criminal acts we have talked about today. But when a contractor does commit a crime, they must be punished and we must have consequences to serve as a deterrent. It should not be controversial to punish people for committing murder and other felonies. This is a giant loophole in our law that is hurting our reputation abroad, hurting our troops in the field and is making a mockery of the American sense of justice.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 702 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 928, IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 928 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 701.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 701 provides for consideration of H.R. 928, the Improving Government Accountability Act. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the Oversight and Government Reform Committee reported substitute. The rule makes in order all five germane amendments that were submitted to the Rules Committee.

Mr. Speaker, I rise today in favor of the rule and in favor of H.R. 928, the Improving Government Accountability Act. I am very proud to be a Member of this new Congress because over the last 9 months we have made huge strides to better our great country.

We have empowered our workers. We have fought to lift up our citizens. And today, I am proud to join my colleagues once again as we press for greater government accountability and work to restore the trust of the American people in this great institution.

Mr. Speaker, the bill before us today will amend the Inspector General Act of 1978 to ensure necessary government oversight and strengthen the role of the Inspectors General.

Next year will mark the 30th anniversary of the Inspector General Act. Offices of Inspector General now exist in more than 60 Federal Departments and agencies where they work to combat waste, fraud and abuse.

The Inspectors General have many vital tasks. They act as government watchdogs, conducting audits and examining complaints from agency employees. They actively promote efficiency in government programs, and encourage employee disclosure of waste and fraud.

Our bill today acts to strengthen and clarify their tenure, resources, authority, oversight and autonomy. It is an important action that we are taking today. Unfortunately, Mr. Speaker, in recent years, politics has crept into the inner workings of the Inspectors General leaving the door open for political pressure and influence to prejudice the job that they are supposed to perform.

Under President Bush, only 18 percent of the Inspectors General have audit experience while 64 percent have political experience. This is in comparison to President Clinton who appointed far more, 66 percent, of Inspectors General with audit experience versus only 22 percent with political experience.

And what's more, over one-half of the IGs appointed by President Bush had made contributions to his campaign or to other Republican candidates and over one-third had worked in a Republican White House prior to their appointment; whereas none of the IGs appointed by President Clinton had worked in a Democratic White House.

These statistics are concerning because the hallmark of Inspectors General must be their independence from the departments and agencies within which they are housed. This independence is crucial because the inspectors are charged with submitting reports to the agency heads and to Congress regarding any failures on the part of their agencies.

When this independence is compromised, the missions and goals of the Inspectors General lose credibility. Their work is critical to ensuring that taxpayer dollars are being used wisely and that our government is working efficiently and effectively.

The Improving Government Accountability Act will strengthen the independence of these important watchdogs. First, it clarifies when the inspectors can be removed from their posts. Under current law, they have limited protection from removal from office. In fact, inspectors that are appointed by the President can be removed by the President without cause. The only requirement is that the President must report the removal to Congress after the removal has already been accomplished. It is much more difficult to be independent when you know that the head of the Department that you are critically evaluating can remove you and that there are no checks on that power.

Our bill specifies that they may only be removed before the end of their term for permanent incapacity, inefficiency, neglect of duty, malfeasance or conviction of a felony, or conduct involving moral turpitude. This takes the politics out of a position and a decision-making process where it never should have been in the first place.

Under this new law, removal of an Inspector General must be communicated to both Houses of Congress at least 30 days before that inspector's removal.

Mr. Speaker, the bill before us today encourages inspectors to remain in office for at least 7 years by setting a fixed term of office and allowing the inspectors to be renewed at the completion of their term. This allows for greater continuity and increased independence on the part of the inspectors.

Under this legislation, an Inspector General will be allowed to submit budget requests directly to the Office of Management and Budget. This is a vital change. Inspectors General must not be at the mercy of administration officials who have the unbridled power to cut their budget because of disagreement over their findings or improper political influence. Budget autonomy is crucial to the independence of these inspectors.

Further, H.R. 928 establishes the Council of the Inspectors General on Integrity and Efficiency. This council's task will be to increase the professionalism and effectiveness of the Inspectors General staff. The council will seek out fraud, waste and abuse in Federal programs.

Today, through the Improving Government Accountability Act, we will give the Inspectors General more power to do their job and, more importantly, to do so with heightened independence and integrity.

The trust of the American people is a precious thing. The bill today guarantees that our departments and agencies are worthy of that trust.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today in opposition to this modified closed rule that waives important portions of the Congressional Budget Act.

Last night in the Rules Committee, we learned that this special rule finds yet another way for the majority to break regular order. By waiving section 306 of the Congressional Budget Act, this rule undermines the integrity of the budgeting process by allowing legislation within the Budget Committee's jurisdiction to be considered by the House without the Budget Committee's review.

My friend from Pasco, Washington, DOC HASTINGS, asked the acting chairman of the committee, Mr. MCGOVERN, if the rule being considered does indeed waive this budget rule that protects taxpayers and Members of this House of Representatives. The answer came back simple and clear: Yes, the rule waives this commonsense provision.

□ 1130

I wish that I could say that I am surprised by the Democrat leadership's decision to find yet another way to toss House rules and procedures out the window. Unfortunately, this is precisely what has come to be known as, and to expect from, the new broken promise Democrat majority.

Mr. Speaker, the legislation before us has the noble goal of strengthening and clarifying the authority, tenure, resources, oversight and independence of the Inspectors General in the various Federal Departments and agencies.

Many of the issues addressed by the legislation today enjoy bipartisan support and are of great importance to me and a huge number of my colleagues on the Republican side of the aisle. The bill establishes a council to identify, review and plan to promote efficiency and address waste, fraud and abuse. It provides for greater integrity by establishing a new committee to investigate allegations of wrongdoing and to report on their efforts to the executive branch and to Congress.

It requires reports to Congress on the cooperation of all Federal agencies with the General Accountability Office and requires that semiannual inspection and evaluation reports, in addition to audit reports, be submitted to Congress.

Despite all of the noble goals of this legislation, I do regret that this bill was not crafted in closer coordination with the administration to resolve some of the outstanding issues that prevent it from being signed into law.

Like me, the administration has publicly stated its strong support for the work of Inspectors General and their overall mission to improve agency performance and to eliminate waste, fraud and abuse. However, the administration strongly objects to some of the provisions included in this legislation that are likely unconstitutional.

The end-run contained in this legislation around article II of the Constitution, which our Founding Fathers provided to the executive branch to ensure that all of our Nation laws are faithfully executed, guarantees that this bill will not only be vetoed by the President but would also be overturned by the Supreme Court if this bill were ever passed by the House and the Senate.

Also, by requiring Inspectors General to circumvent the long-standing and constitutionally based budgeting process that currently exists, without even including the House Budget Committee in the decisionmaking process, is a thinly veiled political stunt intended to draw a veto threat from the President and to create a false disagreement over this bill when it is clear that both Republicans and Democrats support reducing waste, fraud and abuse at each of our Federal agencies.

Mr. Speaker, I insert in the RECORD a copy of the administration's statement of policy regarding their position on this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 928—TO AMEND THE INSPECTOR GENERAL ACT OF 1978 TO ENHANCE THE INDEPENDENCE OF THE INSPECTORS GENERAL, TO CREATE A COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY, AND FOR OTHER PURPOSES

The Administration appreciates the work of inspectors general (IGs) and their mission to improve agency performance and eliminate waste, fraud, and abuse. IGs play an important role in Executive Branch efforts to measure and achieve success in program performance. Each agency's Office of Inspector General (OIG) fills a vital role in these efforts by reviewing operations and making recommendations for improvements and corrective actions. By providing objective information to promote strong management, decision-making, and accountability, OIGs contribute to the success of each agency and the Federal government as a whole. The Administration strongly supports efforts to ensure that IGs have: the skills and training they need to perform their duties; fair pay; findings and recommendations that are transparent to the public; and access to necessary legal advice.

H.R. 928, the "Improving Government Accountability Act," would further some of these objectives. However, the Administration strongly objects to provisions that are inconsistent with these goals, and with broader policy considerations and constitutional requirements. If H.R. 928 were presented to the President in its current form, the President's senior advisors would recommend that he veto the bill.

H.R. 928 would permit the President to remove IGs only for cause. The Administration strongly objects to this intrusion on the President's removal authority and his ability to hold IGs accountable for their performance. The responsibility to "take Care that the Laws be faithfully executed"—which Article II vests solely in the President—includes the responsibility to supervise and guide how IGs and other executive branch officers investigate and respond to allegations of wrongdoing within the executive branch. IGs already have the independence necessary to perform their investigative functions with respect to individual agencies, because agency heads generally may not supervise IGs' conduct of investigations. H.R. 928's attempt to extend this current independence to include independence from supervision by the President does not enhance the function of IGs and raises grave constitutional concerns.

The Administration also strongly opposes provisions that would authorize IGs to circumvent the President's longstanding, and constitutionally based, control over executive branch budget requests by allowing IGs to submit their budget requests directly to Congress and by requiring the President to include each IG's request as a separate line item in the President's annual budget request. Since its inception, the current executive branch coordination process has worked well for both the President and the Congress. The process is deliberative and results in an agency and government-wide coordinated submission that accounts for long-range planning and priorities.

IGs have been a part of this process since their creation in 1978, and there is no evidence that the current process results in budgets that fail to enable appropriate IG performance.

The Administration also objects to provisions that would establish within the Executive Branch a freestanding, independent Council of the Inspectors General on Integrity and Efficiency. A similar council already exists under Executive Orders. Statutory codification of such a council would impede the President's ability to react swiftly and effectively to problems with IGs or with the Council itself. Furthermore, the council provisions in H.R. 928 raise constitutional questions because they restrict the President's authority to nominate individuals to serve on the Council and contain ambiguous definitions of offices and their respective roles and responsibilities. Finally, it is critical that disclosure protections regarding the Witness Security Program apply to the Department of Justice's Inspector General's internal investigative procedures and release of information, since the release of specific information related to the program could endanger the program's means and methods, personnel, and the continued safety of the program's protected witnesses.

Mr. Speaker, I oppose the majority's unwillingness to work with the administration in a bipartisan way to create a bill that all Members of this body can support and that would also pass constitutional muster. I also oppose the Democrat leadership's willingness to once again subvert regular order for political purposes and to prevent my colleague from The Woodlands in Texas, Congressman KEVIN BRADY, from having an opportunity to offer his amendment to provide additional review of the work product of our Federal agencies.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentlewoman engaging me at this time. Mr. Speaker, I would inform my colleague that I do not have any additional speakers.

Ms. SUTTON. Okay. I'm the last speaker for my side, so I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Ohio and enjoy working with her.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to allow for consideration of H. Res. 479, a resolution that I like to call the Earmark Accountability Rule.

During last year's campaign and again at the beginning of this Congress, promises were made to the American people and to the new minority about the Democrats' supposedly new and improved earmark rules. As the year has worn on, however, I have noticed that while the Democrats' rules changes may sound good as a cynical sound bite for the evening news, they haven't actually accomplished much since the majority has repeatedly turned the other way when it comes to their own actual enforcement.

We continue to see nondisclosed earmarks appearing in all sorts of bills, and even the House Parliamentarian has determined that the hastily drafted and passed Democrat earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

I will insert this letter from the House Parliamentarian, John Sullivan, to the Rules Committee chairman, LOUISE SLAUGHTER, into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.
Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of role XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

Mr. Speaker, even the nonpartisan House Parliamentarian acknowledges what Republicans have been saying since January: That the so-called Democrat earmark rule has more holes than a bowl of Cheerios and that earmark abuse by the broken promise Democrat majority continues to run rampant.

This rules change would simply allow the House to debate openly and honestly about the validity and accuracy of earmarks contained in all bills, not just appropriations bills.

If we defeat the previous question, we then can address that problem today and restore this Congress' nonexistent credibility when it comes to the enforcement of its own rules.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, in 1978, the House committee that was then known as Government Operations envisioned Inspectors General as watchdogs to bring accountability and oversight to our agencies. Now, almost 30 years later, we act to update and improve this valuable program.

This important bill will not only bring enhanced continuity and accountability to the Inspectors General; it will strengthen their most important quality: their independence from the Departments and agencies that they inspect.

The American people should have the utmost faith that their precious taxpayer dollars are being used in the most efficient manner. This bill ensures the accountability that our citizens demand and which they deserve.

I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote; the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

AMENDMENT TO H. RES. 701 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 701 will be followed by 5-minute votes on adoption of H. Res. 701, if ordered; ordering the previous question on H. Res. 702, by the yeas and nays; adoption of H. Res. 702, if ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 192, not voting 24, as follows:

[Roll No. 932]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Barrett (SC)
Bishop (UT)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Ellison
Frank (MA)
Hastert
Higgins
Jefferson
Jindal
Jones (OH)
Lee
Lynch
Maloney (NY)
McMorris Rodgers
Paul
Perlmutter
Pitts
Space
Tancredo
Waters

☐ 1202

Messrs. RYAN of Wisconsin, CASTLE, and HALL of Texas changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2740, MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 702, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 192, not voting 22, as follows:

[Roll No. 933]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah

Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Ellison
Frank (MA)
Hastert
Higgins
Jindal
Jones (OH)
Lee
Maloney (NY)
Marchant
McMorris Rodgers
Paul
Perlmutter
Pitts
Space
Tancredo
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1211

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 193, not voting 22, as follows:

[Roll No. 934]

AYES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe

Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Ellison
Ellsworth
Frank (MA)
Hastert
Higgins
Jindal
Jones (OH)
Klein (FL)
Lee
Maloney (NY)
Paul
Perlmutter
Pitts
Space
Tancredo
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ELLISON. Mr. Speaker, on October 3, 2007, I inadvertently failed to vote on rollcall votes 932, 933, and 934. Had I voted, I would have voted "yea" on 932, "yea"; on 933, and "yea" on 934.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 928.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IMPROVING GOVERNMENT ACCOUNTABILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 928.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes, with Mr. BAIRD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. TOWNS. Mr. Chairman, at this time I yield 3 minutes to the chairman of the full committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank Chairman TOWNS for yielding to me.

I rise in strong support of H.R. 928, the Improving Government Accountability Act. It is a bipartisan bill. It was favorably reported by the Oversight Committee on August 2, 2007, with strong support from Members across the political spectrum.

There is a simple reason why this bill has so much support. It strengthens the Inspectors General, who are the first line of defense against waste, fraud, and abuse in Federal programs.

The last 6 years have given us examples of Inspectors General at their best and at their worst. Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has uncovered fraud and saved American taxpayers hundreds of millions of dollars. Clark Kent Erving and Richard Skinner, the former and current IGs for the Department of Homeland Security, have identified billions in wasteful spending in the new Department. Glenn Fine at the Department of Justice, Earl Delvaney at Interior, and Brian Miller at the General Services Administration have all reported courageously on abuses within the agencies they oversee. These and other IGs have fought waste, fraud and abuse and saved the taxpayers cumulatively billions of dollars.

Yet there are also IGs who seem more intent on protecting their departments from political embarrassment than on doing their jobs. Our Oversight Committee is investigating allegations that the State Department IG has blocked investigations into contract fraud in Iraq and Afghanistan. The Energy and Commerce Committee documented serious abuses by the former IG in the Commerce Department. And the Science Committee has identified serious questions raised about the close relationship of the NASA IG to agency management.

This bill strengthens the good IGs by giving them greater independence. Under this legislation, they can only be removed for cause, not for doing their job. And they will now have new budgetary independence.

At the same time, the legislation enacts in statute new mechanisms for holding bad IGs to account. The legislation establishes an "Integrity Committee" that will investigate allegations that IGs have abused the public trust.

There have been several key champions of this bill. Representative COOPER has worked tirelessly on this issue for years and deserves our thanks for his efforts. I would also like to acknowledge Subcommittee Chairman TOWNS for his tremendous leadership in moving this legislation forward and Ranking Member TOM DAVIS for his commitment to strong IGs and his many helpful contributions.

H.R. 928 would make needed improvements to the IG Act, and I urge all Members to support it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I again want to thank Mr. COOPER for introducing this legislation and working with us as it moved its way through the subcommittee and committee process; Mr. TOWNS for his leadership; and the chairman of the full committee, Mr. WAXMAN, for his leadership as well.

Today, we take up H.R. 928, the Improving Government Accountability Act of 2007. This legislation is intended to enhance the independence of Inspectors General throughout the government to improve their ability to monitor and oversee executive branch operations.

Since the enactment of the Inspector General Act of 1978, Inspectors General throughout the government have played an integral role in identifying waste and mismanagement in government. IGs have also been instrumental in aiding Congress and the executive branch to make government more efficient and effective.

We all agree IGs should operate independently, free from political interference. After all, both agency heads and Congress often rely on IG reports to provide frank assessments of the effectiveness of Federal programs.

However, Inspectors General should also be part of an agency's management structure, part of a team, albeit with some independence, rather than a "fourth branch" of the Federal Government. If we separate the IGs from the day-to-day operations of the agencies they oversee, IGs will cease to perform a constructive, integrated role and instead will become Monday morning quarterbacks with their function solely second-guessing decisions made by agencies.

Many of the provisions in H.R. 928 will help to enhance the effectiveness of the IGs in overseeing Federal agencies and programs. I am concerned that certain provisions of the legislation go further than I would like in isolating IGs, removing them from the agency decision-making process.

For example, during committee consideration of the legislation, I offered an amendment to exempt smaller agency IGs from the "for cause" removal provision in the bill, thereby reserving the "for cause" removal threshold only for Cabinet-level agency IGs. The purpose of this amendment, which was adopted, I might add, with the help of my friends on the other side, was to strike an appropriate balance between the need to ensure independence of our Inspectors General while at the same time preserving the President's authority over employers and officers of the executive branch.

I also have concerns with a provision that's in the current bill authorizing IGs to independently submit their budget requests to Congress outside of the traditional Federal budget process. My concerns with this new authority pertain more to the logistical nightmare this creates rather than any particular objection to increased IG independence. After all, having 60 separate budgets for individual offices accompanying the President's annual budget submission to Congress will only add unnecessary confusion to the already confusing Federal budget process. So when Members get the President's budget, under the way the law is currently written, they get the Federal budget submitted by the President and then 60 separate requests from IGs.

Now, I intend to offer an amendment, which I am hopeful the other side will accept, which goes at least part of the way toward addressing the legitimate concerns raised by the administration but getting to the points that the author of this bill wanted to get as well.

In closing, I believe the underlying legislation improves the laws governing our IGs. I think some additional changes need to be made as it moves forward, but I very much appreciate Mr. COOPER's efforts on this bill and his initiative in trying to identify these problems as we move through.

Mr. Chairman, I reserve the balance of my time.

Mr. TOWNS. Mr. Chairman, I yield myself such time as I may consume.

H.R. 928, the Improving Government Accountability Act, focuses on the important role of the Inspector General in providing independent oversight within Federal agencies. By investigating and reporting waste, fraud, and abuse to both agency leaders and to the Congress, Inspectors General play a critical role in maintaining checks and balances in the Federal Government.

When Congress created the Inspectors General nearly 30 years ago, the idea was that having independent officials inside the Federal agency would help detect and prevent wasteful spending and mismanagement. This concept has been a tremendous success. Investigations by IGs have resulted in the recovery of billions of dollars from companies and individuals who defrauded the Federal Government.

☐ 1230

These investigations have led to thousands of criminal prosecutions, contractor debarments, employee suspensions, and in some instances, dismissals.

In sum, the work of IGs to expose criminal and abusive action in government has gone a long way to create the cleaner and more efficient government the taxpaying public expects and deserves.

Of course, even the best systems need some improvement from time to time, and that is the reason for this bill today, to effectively carry out that mission. Inspectors General must be independent and objective, which requires that they be insulated from improper management and political pressure.

To preserve the credibility of the office, Inspectors General must also perform their duties with integrity and apply the same standards of conduct and accountability to themselves as they apply to the agencies that they audit and investigate.

In recent years, there have been several episodes which raised questions about the independence and accountability of IGs. These episodes have been well documented in hearings of the Oversight Committee as well as other standing committees of the House. In some instances, IGs who are seen as too aggressive in pursuing waste at their agencies had their budget cut or were threatened with dismissal. In other cases, IGs who abused their authority remained in office in part because there were no statutory standards or procedures for removal. This bill is designed to address both of those problems. H.R. 928 creates fixed terms of office for Inspectors General and specific reasons for their removal. It allows IGs to submit their budget requests directly to the Congress. The bill establishes an Inspector General council and sets procedures for investigation of potential IG misconduct. And the bill increases the rank and pay of IGs as well.

This is a strong bill and a necessary bill. Passing this bill will send a message that Congress values the work of the Inspectors General and the oversight that they provide.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me talk, first of all, about what the legislation does. It establishes a 7-year term of office for the over 60 Inspectors General in the Federal Government. This gives them continuity from administration to administration, so they're not political lackeys, they are professionals. It limits the President's authority to remove a Senate-confirmed IG, and that's about half of them, except on certain grounds; for example, permanent incapacity, inefficiency, neglect of duty, malfeasance, conviction of a felony, or conduct involving moral turpitude. That gives the IGs independence from pressure from the appointing administration.

At the smaller agencies, a different standard applies. There, an IG can be removed, but it will require 30-day advance notification to Congress before an agency head removes the agency's IG.

The legislation also authorizes IGs to submit their budget requests to Congress independent of the President's budget submission. This is something that I'm going to have an amendment on later that I think will clarify it.

This also codifies an executive order establishing the Council of the Inspectors General on Integrity and Efficiency. This is a coordinating council of Federal IGs, as well as an integrity committee to investigate allegations of wrongdoing by IGs. And unfortunately, we see that; these people are human beings as well.

It increases the salary of IGs and prohibits IGs from receiving bonuses. It enhances IG power by granting limited personnel authority, expanded subpoena authority, and increased ability to deputize IG agents.

It strengthens the GAO's authority to conduct investigations, for sworn testimony it requires congressional notification of agency noncooperation, and it expands IG ability to pursue false claims and recoup losses resulting from fraud.

Now, the administration has issued a negative statement of policy on this for two reasons. One, they don't like the limitation on the President's authority to remove executive branch officials. On that, I think we have gone overboard, working together, both parties, to try to put reasonable limitations, but at the same time maintaining a higher level of independence for IGs than you will find at other levels. And I think institutionally, as Members of this House, the changes in this bill I think are worth supporting, I would oppose the administration in that. The second concern is the independent submission of the IG's budget to Congress, and we are offering an amendment to try to clarify that, which I will speak on later.

Once again, this legislation was introduced by Representative Jim Cooper from Tennessee in February. It was approved by our committee by a voice vote in August. In addition to a substitute offered by Representative COOPER, which made a number of technical changes, the committee did adopt an amendment offered by me to limit the application of removal for cause in a way that I think we are all comfortable with.

So, again, I want to thank the players who have brought this to this stage.

Mr. Chairman, I reserve the balance of my time.

Mr. TOWNS. Mr. Chairman, I yield 5½ minutes to the gentleman from Tennessee, who has been very instrumental in bringing forth this legislation, Mr. COOPER.

Mr. COOPER. I would first like to thank the subcommittee chairman, my friend, Mr. TOWNS, for doing an outstanding job on this and other legislation. I want to thank the ranking member, Mr. DAVIS, who has been particularly accommodating in working on this bill to do a better job for the Federal taxpayer. That's what this is all about, making government work better. If there has ever been a good government measure, this is it.

I also want to thank the full committee chairman, Mr. WAXMAN, who was so helpful in so many ways, and the outstanding staff of this committee, the Government Reform Committee. There is none better on the Hill, perhaps in the history of the Hill, so we are very proud of their work.

Finally, let me thank my personal staff, my legislative director, Cicely Simpson. She has been a tireless champion of this bill, and even her predecessor, Anne Kim.

Sadly, this good government measure has taken years to come to the floor and to be passed by the House of Representatives, but now we're making progress, and the Federal taxpayer will benefit as a result.

Now, why do I say this is such a good government measure? There are some 58 IGs scattered throughout the Federal Government. They are the fiscal watchdogs for the taxpayer. They are the first line of defense against fraud, waste and mismanagement in Federal Government. These IGs and their staff save many, many times more money than their salary cost or their benefit cost. These are the folks who see the fraud first and catch it before it gets too big.

Let me give you an example. In today's Washington Post, there is a new GAO study that comes out and it says, Federal officials too often flying first and business class, GAO finds, their leg room and your tax dollars.

The GAO has found that $146 million was spent just in the last year for improper Federal first class and business travel. They could go through agency after agency naming executives who have abused the Federal credit card. This is an outrage. Now, by Federal standards, this is a relatively small outrage, but this is the sort of stuff that needs to be caught and caught early.

This is also why we need Inspector General independence, because they're not going to be popular when they point out to their agency head or other senior officials in Federal Government that they shouldn't have been flying first class. That endangers the IG's position because that is not a popular thing to do.

One of the folks here was caught flying his entire family of eight from Washington, DC to Eastern Europe first class. That's wrong. And I'm sure the Federal executive wanted to take his whole family first class, but these are Federal tax dollars at stake.

So this is a very important bill. It is very important to update the original IG legislation. It has been on the books since 1978. Problems have occurred since then, and now we will fix those problems.

Now, it has been noted here today by the ranking member, and I appreciate his courage in opposing the administration veto on this, the veto threat. A SAP has been issued, a Statement of Administration Policy, and in my opinion, at least, the grounds for this threatened veto are remarkably flimsy. So I hope that the Members listening back in their offices and their staff, particularly across the aisle, will pay close attention to the reasons that the administration says it objects to this reform legislation and to figure out whether those reasons are really valid.

There are two fundamental grounds. First of all, they object to "for cause" dismissal. I think perhaps the Bush administration feels this is somehow aimed at them. It's not. Everyone knows that by the time this legislation is fully administered, the next administration will be in place. This legislation is really designed to help all administrations, whatever their political stripe. So it's very important to realize that the "for cause" language that the administration objects to has already been removed at the urging of the ranking member, due to his excellent amendment in committee, for half of the IG agencies. It only remains for the Cabinet-level agencies. Why? Because those folks should have a 7-year term and have full political independence so that they can make the tough calls, even if it means denying a Cabinet Secretary first-class airfare to Europe. They need independence.

The second grounds that the administration has posed for objecting to this legislation is they shouldn't have separate budget submissions. Now, I was down eating lunch with one of my colleagues a few minutes ago, and he had the mistaken notion that somehow this would be an entire separate budget for the entire agency. That's not true. This is just the IG's own budget for the IG and his or her staff. So that's a very modest request, that the IG cannot be pressured by the agency head. So that, to me, also is a pretty flimsy ground for objecting to this legislation.

So, I would urge all Members to take a close look. This is good government legislation. This will save the taxpayer billions of dollars, according to the committee report. Just last year, IG recommendations saved $9.9 billion in audit recommendations and $6.8 billion in investigative recoveries. That's $15 billion-plus for the Federal taxpayer. We need to be saving much more money like this, and IGs and this bill can do it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Virginia has 23½ minutes remaining.

Mr. TOM DAVIS of Virginia. I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS), a cosponsor of this bill.

Mr. SHAYS. I thank the gentleman for yielding.

I want to first congratulate Mr. COOPER for moving forward with this legislation and reaching out to both sides of the aisle to sponsor it. This is, in fact, two days in a row that we've seen a nice bipartisan bill coming to the floor of the House, and I want to thank Mr. COOPER for his reaching out to both sides of the aisle and for his good work over many, many years on substantive issues like this.

I want to say as well that the GAO, which was the General Accounting Office, now the Government Accountability Office, and the Inspectors General have done excellent jobs. We have turned to them, particularly in our Government Reform Committee, continually. But I think this truly does strengthen the bill, and I thank Mr. TOWNS, who has been a long-time member of the committee, for marshalling this important bill through.

The bottom line for me is, Inspectors General already do a very good job, except in one or two places where they feel a little too encumbered by the management to be as independent as we would like them to be. This guarantees that every department will be a bit more independent. And all the reasons that my ranking member, who has been so instrumental in legislation like this and helpful in bringing this bill out, all the reasons he pointed out, I just will emphasize, though, the one that I like the best is the independence of this office.

Mr. TOWNS. Mr. Chairman, I yield 3 minutes to Mr. YARMUTH, the gentleman from Kentucky.

Mr. YARMUTH. I thank the gentleman.

Mr. Chairman, I rise today in strong support of H.R. 928, the Improving Government Accountability Act.

Because America's Founders were freshly freed from the shackles of British oppression when they formed this Nation, safeguards against the consolidation of power into the hands of a few can be found everywhere in the Constitution, beginning with article I; 220

years later, we still must strive for those checks and balances in order to form the more perfect union the Founding Fathers envisioned.

For nearly 30 years, 1978's Inspector General Act provided much of the oversight required for our government to function as the Forefathers imagined, but today, some Inspectors General would rather impede oversight than conduct it. What else should we expect when we have no protections from the protectors?

We have unaccountable appointees in nearly every executive Department and agency, and many serve not to prevent corruption but to preserve it. These are not cases of individuals merely failing to fulfill their job descriptions, but actually instigating the waste, fraud and abuse the American people pay them to ward off. These unchecked appointees have hindered valid investigations, siphoned tax dollars for personal pleasures, and refused to uphold accountability for fellow political appointees. Honest civil servants who have dedicated their lives to improving our government are victims of intimidation, threats and termination. And despite these blatant offenses, our hands are tied. There is no line of defense for the American people.

We have gone far astray from the noble aims of this Republic. And let me be clear, this is not a simple case of a few bad apples. The abuses within the Inspectors General offices were invited by the cracks in a failing structure, and they will continue to grow unless we, in this body, take steps to fix the crumbling construction.

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The Improving Government Accountability Act begins to correct these weaknesses and in so doing fulfills the intent of the Inspector General Act of 1978 and once again upholds the integrity of this Nation's proud creation. The Founders were very clear from the first article of the Constitution in which they granted all legislative powers not to an executive with a consolidated power, but to the Congress.

I strongly urge my colleagues to join me in utilizing the authority to preserve the checks and balances that our Constitution's crafters held so dear.

Mr. TOM DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 21½ minutes. The gentleman from New York has 15½ minutes.

Mr. TOM DAVIS of Virginia. I reserve the balance of my time.

Mr. TOWNS. I have no further speakers.

Mr. TOM DAVIS of Virginia. If the gentleman has no further speakers, I will take a minute and sum up and yield back.

Let me just say again, I want to thank the author of this legislation. I want to thank Mr. TOWNS for moving this through subcommittee and Chairman WAXMAN. I just want to note, for IGs to work successfully, they need to work with their agencies. I think however we write the law, the President that appoints and the Senate that confirms, we need to look for more accountants.

Frankly, we have seen a surge of people coming out of the U.S. Attorney's offices, and they make this more adversarial than it needs to be. A good IG is going to work with their agency to identify waste, fraud and abuse, not enter into a gotcha mentality. For government to work, you need them all working together. You need an independent IG, there is no question about that. But the person in that office ought to be right there with the agency head making sure that things work. That doesn't always happen. I don't think we can write any law that makes that happen. That is going to depend on the goodwill of the people, the agency heads and the IGs working together. But I think this legislation goes a long way toward establishing that independence, giving the IG the authority that they need. But the rest is going to be up to the appointing President and the confirming Senate to get the right people in these jobs, professionals who want to be a part of government and making it work efficiently for the taxpayer.

Mr. Chairman, I yield back the balance of my time.

Mr. TOWNS. Mr. Chairman, I think this legislation is a giant step in the right direction. I would like to thank the chairman of the full committee, Congressman WAXMAN. I would like to thank Congressman DAVIS, the ranking member. I would like to thank subcommittee ranking member, Congressman BILBRAY from California. Of course, I would like to thank Mr. COOPER for all of his work on this legislation. And I would like to thank the staff for all of their work in terms of making certain that we were able to come today. I want to thank the sponsors for this bill. Mr. COOPER and I and our colleagues across the aisle have been very open to getting input and making changes to this bill. This is what the legislative process is all about, exchanging ideas, sharing information, and trying to improve the legislation. I think the end result in this bill will increase the Office of Inspector Generals and give them the kind of independence that they need to be able to do the efficient work that is so required. I am excited about the possibilities, of course, and I encourage all my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 298, the Improving Government Accountability Act. I would like to thank my colleague, Congressman COOPER, for introducing this important legislation, as well as the Chairman of the House Oversight and Government Reform Committee, Congressman WAXMAN, for his leadership in bringing this important issue to the floor.

Mr. Chairman, Inspectors General play a vital role for the U.S. taxpayer. Their work is crucial in preventing and detecting waste, fraud, and abuse in federal programs. In 2006 alone, audits by Inspector General offices resulted in potential savings from audit recommendations of $9.9 billion and criminal recoveries of $6.8 billion. However, in order to effectively carry out their mission, Inspectors General must be independent and objective, which requires that they be insulated from improper management and political pressure.

The legislation we have before us today contains a number of important provisions designed to enhance the effectiveness and independence of Inspectors General, as well as provisions to enhance the accountability of the entire Inspector General system. It updates the Inspector General Act of 1978 to promote independence and accountability for Inspectors General in executive branch departments and agencies.

Mr. Chairman, there are many badly needed reforms to the Inspector General system that this legislation directly addresses. It defines the terms of office for Inspector Generals as fixed seven-year terms, helping to insulate Inspectors General from political retribution. It goes on to enumerate conditions for removal of Inspectors General, who currently serve at the pleasure of their appointing authorities, allowing for their termination before the end of their terms only for serious cause, such as malfeasance, permanent disability, inefficiency, neglect of duty, or conviction of a felony. Both of these provisions will go a long way in enhancing the ability of Inspectors General to remain politically independent.

In addition, this legislation requires Inspectors General to submit their budgets to the Office of Management and Budget (OMB) and Congress. This provision is intended to deter officials in their respective agencies from slashing their funding in retaliation for unfavorable audits, further enhancing the independence of Inspectors General.

Mr. Chairman, recently, concerns have been raised about possible misconduct by certain Inspectors General. This legislation, therefore, includes provisions to raise the level of accountability of the Inspectors General system. To cite a recent example, last week seven current and former members of the State Department's Inspector General office alleged that Inspector General Howard Krongard repeatedly thwarted investigations into alleged contact fraud in Iraq and Afghanistan, including refusing to send investigators to Iraq and Afghanistan to investigate $3 billion worth of State Department contracts. These employees allege that Krongard's partisan political ties have led him to thwart these investigations in order to protect the Bush Administration from political embarrassment.

Mr. Chairman, as you are well aware, these are extremely serious accusations that go deep into the heart of our Inspector General system. If those we are entrusting to remain independent and objective are instead being swayed by political ties, then our Inspector

General system is broken. In the wake of the recent Baghdad shootout involving U.S. contractors from the private firm Blackwater USA, in which 17 people were killed and 24 were injured, it is imperative that all agencies sending contractors to Iraq and Afghanistan be able to maintain sufficient oversight of these contracts. If Inspectors General cannot do their job because of political pressure or affiliation, it is our responsibility to fix the Inspector General system.

To do so, this bill contains provisions to hold Inspectors General themselves accountable for their decisions and actions. It also provides a mechanism for investigating and resolving allegations of misconduct by Inspectors General. The bill creates an Inspectors General Council and requires the Council to appoint an Integrity Committee, chaired by the Council's FBI representative. This Integrity Committee shall investigate any allegations of wrongdoing made against Inspectors General or their senior staff members and report substantiated allegations to the executive branch. Reports of Integrity Committee investigations must be submitted to both the Executive Chairperson of the Council and to Congress.

Mr. Chairman, we rely on the system of Inspectors General, and on the individuals who serve in this capacity, to serve as the principal watchdogs of the nation's major federal agencies. In 2006 alone, audits by Inspector General offices resulted in potential savings from audit recommendations of $9.9 billion and criminal recoveries of $6.8 billion. To effectively carry out this crucial mission, it is imperative that Inspectors General remain independent and objective, which in turn requires that they be insulated from improper management and political pressure.

This legislation is a crucial step forward. By enhancing the independence of the Inspectors General and improving the accountability of the Inspector General system overall, this legislation will have a positive impact on the integrity and accountability of our government. I strongly support this legislation, and I urge my colleagues to do the same.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of H.R. 928, the "Improving Government Accountability Act." I commend Chairman WAXMAN for his leadership on the Oversight and Government Reform Committee, of which I am a member, and for his efforts to ensure that the government is working for the American people. This legislation includes provisions of a bill that I introduced earlier this year which will provide for the enhanced protection of the Internal Revenue Service and its employees.

In 1998, Congress passed the Internal Revenue Service Restructuring and Reform Act, which created the Treasury Inspector General for Tax Administration (TIGTA). The legislation gave TIGTA the responsibility for protecting the Internal Revenue Service (IRS) against external attempts to corrupt or threaten IRS employees. At the same time, it excluded the provision of providing "physical security" from TIGTA's responsibilities.

Prior to the enactment of this law, the former IRS Inspection Service had been responsible for protecting the IRS against external attempts to corrupt or threaten IRS employees. The IRS Inspection Service was responsible for providing armed escorts for IRS employees who were specifically threatened or who were contacting individuals designated as "Potentially Dangerous Taxpayers." The law transferred most of those duties to the new Treasury Inspector General for Tax Administration. Inexplicably, "physical security" was excluded from TIGTA's statutory responsibilities.

In its current statutory mission, TIGTA investigates all allegations of threats or assaults involving IRS employees and assists U.S. Attorneys' offices with appropriate prosecutions. However, if TIGTA determines that any of the threats or assaults it investigates call for the provision of physical security, the language of the 1998 law precludes TIGTA from taking action.

Authorizing TIGTA to have armed escort authority would be both more efficient and more effective in advancing tax administration and ensuring the safety of IRS employees.

I want to thank Chairman WAXMAN and Ranking Member DAVIS for their support of this provision, and I urge my colleagues to support H.R. 928.

Mr. TOWNS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Improving Government Accountability Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Enhancing independence of Inspectors General.
Sec. 3. Direct submission of budget requests to Congress.
Sec. 4. Establishment of Council of the Inspectors General on Integrity and Efficiency.
Sec. 5. Pay and bonuses of Inspectors General.
Sec. 6. Miscellaneous enhancements.
Sec. 7. Program Fraud Civil Remedies Act.
Sec. 8. Application of semiannual reporting requirements with respect to inspection reports and evaluation reports.

SEC. 2. ENHANCING INDEPENDENCE OF INSPECTORS GENERAL.

(a) REMOVAL FOR CAUSE.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b) by adding at the end the following: "An Inspector General may be removed from office prior to the expiration of his or her term only on any of the following grounds:

"(1) Permanent incapacity.

"(2) Inefficiency.

"(3) Neglect of duty.

"(4) Malfeasance.

"(5) Conviction of a felony or conduct involving moral turpitude."; and

(2) in section 8G(e) by striking "an Inspector General" and all that follows through the period at the end and inserting the following: "the head of a designated Federal entity intends to remove an Inspector General from office or transfer an Inspector General to another position or location within such designated Federal entity, the head of such entity shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress at least 30 days before such removal or transfer.".

(b) ESTABLISHMENT OF TERMS OF OFFICE.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3 by adding at the end the following:

"(e)(1) The term of office of each Inspector General shall be seven years. An individual may serve for more than one term in such office. Any individual appointed and confirmed to fill a vacancy in such position, occurring before the expiration of the term for which his or her predecessor was appointed, shall be appointed and confirmed for a full seven-year term.

"(2) An individual may continue to serve as Inspector General beyond the expiration of the term for which the individual is appointed until a successor is appointed and confirmed, except that such individual may not continue to serve for more than 1 year after the date on which the term would otherwise expire under paragraph (1)."; and

(2) in section 8G(c) by inserting "(1)" after "(c)", and by adding at the end the following:

"(2) The term of office of each Inspector General shall be seven years. An individual may serve for more than one term in such office. Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which his or her predecessor was appointed, shall be appointed for a full 7-year term.".

(c) APPLICATION.—The amendments made by this section shall apply to any Inspector General appointed on or after the date of the enactment of this Act.

SEC. 3. DIRECT SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(f)(1) For each fiscal year, an Inspector General may transmit an appropriation estimate and request to the Director of the Office of Management and Budget and to the appropriate committees or subcommittees of the Congress, in addition to any appropriation estimate and request submitted to the head of the establishment concerned.

"(2) The President shall include in each budget of the United States Government submitted to the Congress—

"(A) a separate statement of the amount of appropriations requested by each Inspector General who has submitted an appropriation estimate under paragraph (1); and

"(B) a statement comparing each such appropriation estimate and request submitted by an Inspector General and the funds requested by the head of the establishment concerned.".

SEC. 4. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 in order as sections 12 and 13, and by inserting after section 10 the following new section:

"ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

"SEC. 11. (a) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Inspectors General Council (in this section referred to as the 'Council'). The Council's mission shall be to increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to

aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall consist of the following members:

"(A) All Inspectors General whose offices are established under—

"(i) section 2; or

"(ii) section 8G.

"(B) The Inspectors General of the Central Intelligence Agency and the Government Printing Office.

"(C) The Controller of the Office of Federal Financial Management.

"(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

"(E) The Director of the Office of Government Ethics.

"(F) The Special Counsel of the Office of Special Counsel.

"(G) The Deputy Director of the Office of Personnel Management.

"(H) The Deputy Director for Management of the Office of Management and Budget.

"(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

"(B) CHAIRPERSON.—The Council shall elect one of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be two years.

"(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

"(i) preside over meetings of the Council;

"(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

"(iii) provide to the Council such information relating to the agencies and entities represented on the Council as will assist the Council in performing its functions.

"(B) CHAIRPERSON.—The Chairperson shall—

"(i) convene meetings of the Council—

"(I) at least six times each year;

"(II) monthly to the extent possible; and

"(III) more frequently at his or her discretion;

"(ii) exercise the functions and duties of the Council under subsection (c);

"(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of subsection (b)(1), other than the category from which the Chairperson was elected;

"(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

"(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

"(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

"(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

"(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

"(c) FUNCTIONS AND DUTIES OF COUNCIL.—

"(1) IN GENERAL.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, Government-wide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and inter-entity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

"(D) maintain an Internet Web site and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) maintain one or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General; and

"(F) make such reports to the Congress as the Chairperson determines are necessary or appropriate.

"(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—Each member of the Council should, to the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council.

"(3) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The creation and operation of the Council—

"(A) shall not affect the preeminent policy-setting role of the Department of Justice in law enforcement and litigation;

"(B) shall not affect the authority or responsibilities of any Government agency or entity; and

"(C) shall not affect the authority or responsibilities of individual members of the Council.

"(d) INTEGRITY COMMITTEE.—

"(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and certain staff members of the various Offices of Inspector General.

"(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

"(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

"(B) 3 or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

"(C) The Special Counsel of the Office of Special Counsel.

"(D) The Director of the Office of Government Ethics.

"(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

"(4) REFERRAL OF ALLEGATIONS.—

"(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of his or her office, if—

"(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

"(ii) the Inspector General determines that—

"(I) an objective internal investigation of the allegation is not feasible; or

"(II) an internal investigation of the allegation may appear not to be objective.

"(B) STAFF MEMBER DEFINED.—In this subsection the term 'staff member' means—

"(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

"(ii) who is designated by an Inspector General under subparagraph (C).

"(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

"(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

"(A) review all allegations of wrongdoing it receives against an Inspector General, or against a staff member of an Office of Inspector General; and

"(B) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee to be meritorious that cannot be referred to an agency of the executive branch with appropriate jurisdiction over the matter.

"(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

"(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(B) to be conducted in accordance with this paragraph.

"(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

"(i) may provide resources necessary to the Integrity Committee; and

"(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation pursuant to this subsection.

"(7) PROCEDURES FOR INVESTIGATIONS.—

"(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

"(B) ADDITIONAL POLICIES AND PROCEDURES.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

"(i) determining whether to initiate an investigation;

"(ii) conducting investigations;

"(iii) reporting the results of an investigation; and

"(iv) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

"(C) REPORT.—With respect to any investigation that substantiates any allegation referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall—

"(i) submit to the Executive Chairperson of the Council a report on the results of such investigation, within 180 days (to the maximum

extent practicable) after the completion of the investigation; and

"(ii) submit to Congress a copy of such report within 30 days after the submission of such report to the Executive Chairperson under clause (i).

"(8) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

"(e) APPLICATION.—The provisions of this section apply only to the Inspectors General (and their offices) listed in subsection (b)(1)(A) and (B).".

(b) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(c) CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking "section 11(2)" each place it appears and inserting "section 12(2)"; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking "section 11" and inserting "section 12".

(2) TITLE 31, U.S.C.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

"(33) a separate appropriation account for appropriations for the Inspectors General Council, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Inspectors General Council.".

SEC. 5. PAY AND BONUSES OF INSPECTORS GENERAL.

(a) PROHIBITION OF CASH BONUS OR AWARDS.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

"(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

(b) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

"(g) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) SAVINGS PROVISION.—Nothing in this subsection shall have the effect of reducing the rate of pay of any individual serving as an Inspector General on the effective date of this subsection.

(c) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, comparable to those of a majority of the senior staff members of such designated Federal entity (such as, but not limited to, a General Counsel, Deputy Director, or Chief of Staff) that report directly to the head of such designated Federal entity. The head of a designated Federal entity shall set the annual rate of basic pay for an Inspector General (as defined under such section 8G) 3 percent above the annual rate of basic pay for senior staff members classified at a comparable grade, level, or rank designation (or, if those senior staff members receive different rates, the annual rate of basic pay for a majority of those senior staff members, as determined by the head of the designated Federal entity concerned).

SEC. 6. MISCELLANEOUS ENHANCEMENTS.

(a) OFFICES AS DISCRETE AGENCIES.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

"(i) each Office of Inspector General shall be considered to be a separate agency; and

"(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

"(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

"(i) Subchapter II of chapter 35.

"(ii) Sections 8335(b), 8336, 8414, and 8425(b).

"(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

"(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'".

(b) SUBPOENA POWER.—Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.), is amended—

(1) by inserting "in any medium (including electronically stored information, as well as any tangible thing)" after "other data"; and

(2) by striking "subpena" and inserting "subpoena".

(c) LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.—Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking "appointed under section 3"; and

(2) by adding at the end the following:

"(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.".

(d) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "and the providing of physical security".

(e) AMENDMENT RELATING TO AUTHORITY OF COMPTROLLER GENERAL TO ADMINISTER OATHS.—Section 711 of title 31, United States Code, is amended in paragraph (4) by striking "when auditing and settling accounts" and inserting "upon the specific approval only of the Comptroller General or the Deputy Comptroller General".

(f) AMENDMENTS RELATING TO COMPTROLLER GENERAL REPORTS.—

(1) Section 719(b)(1) of title 31, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period and inserting "; and" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) for Federal agencies subject to sections 901 to 903 of this title and other agencies designated by the Comptroller General, an assessment of their overall degree of cooperation in making personnel available for interview, providing written answers to questions, submitting to an oath authorized by the Comptroller General under section 711 of this title, granting access to records, providing timely comments to draft reports, adopting recommendations in reports, and responding to such other matters as the Comptroller General considers appropriate.".

(2) Section 719(c) of such title is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period and inserting "; and" at the end of paragraph (3); and

(C) by adding at the end the following new paragraph:

"(4) as soon as practicable when an agency or other entity does not, within a reasonable period of time after a request by the Comptroller General, make personnel available for interview, provide written answers to questions, or submit to an oath authorized by the Comptroller General under section 711 of this title.".

SEC. 7. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (C), by *adding "and" after the semicolon at the end of subparagraph (D), and by adding at the end the following:*

"(E) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).".

SEC. 8. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(6)—

(A) by inserting ", inspection report, and evaluation report" after "audit report"; and

(B) by striking "audit" the second place it appears;

(2) in each of subsections (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting ", inspection reports, and evaluation reports" after "audit reports" the first place it appears; and

(B) by striking "audit" the second place it appears; and

(3) in subsection (a)(10) by inserting ", inspection report, and evaluation report" after "audit report".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-358. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-358.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CONYERS:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 9. AMENDMENTS TO SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE.

(a) AMENDMENT TO REQUIREMENT RELATING TO CERTAIN REFERRALS.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking paragraph (3).

(b) CONFORMING AMENDMENTS.—Section 8E of such Act is further amended

(1) in subsection (b)—

(A) by striking "and paragraph (3)" in paragraph (2);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4) and in that paragraph by striking "(4)" and inserting "(3)"; and

(2) in subsection (d), by striking ", except with respect to allegations described in subsection (b)(3),".

The CHAIRMAN. Pursuant to House Resolution 701, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I urge support for my amendment to provide the Inspector General of the Department of Justice the power to investigate allegations of wrongdoing by attorneys in that department.

And so I put forward to the committee a commonsense proposal that merely gives the Inspector General the tools that he or she may need to root out and report on waste, fraud and abuse. Whether we have a Democratic or Republican administration, I believe we should have strong and vigorous oversight of the Department of Justice. At present, however, the Department of Justice Inspector General is limited in his ability to investigate allegations of misconduct.

Instead, present law, to the surprise of many, requires that all allegations of wrongdoing by the Department of Justice attorneys be investigated not by the Inspector General but by the department's Office of Professional Responsibility. The department's Inspector General should have the same power Inspectors General have throughout the government to investigate without limitation any and all allegations of wrongdoing that arise in that department.

The Office of Professional Responsibility is supervised by the Attorney General. It is absolutely contrary to human experience to believe that the counsel to the Office of Professional Responsibility can aggressively investigate them. It is vital that investigations of these officials, and other high-level officials in the department, be conducted by the statutorily independent Inspector General who is required to be confirmed by the United States Senate. That is the thrust of the idea I propose in this first amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JORDAN of Ohio. I want to thank the Chair of the committee and Congressman COOPER and Congressman TOWNS for all their work and our ranking member of the committee on the bill. But, Mr. Chairman, I rise in opposition to the amendment. It is unfortunate in a bill that has been worked on by both sides so well that we have an amendment now that I think is going to be somewhat divisive. But I believe the amendment may arise from the U.S. Attorney's investigation that consumed so much of our time earlier in this session, particularly the time on the Judiciary Committee. That investigation showed no wrongdoing in the dismissal of U.S. Attorneys and no undermining of the institutions of the Department of Justice.

As time drags on, though, people wonder, why did we spend so much time on this issue? Maybe the majority feels the need to show some results. Perhaps that is why we have this amendment before us today. But the U.S. Attorney's investigation did not show any need to realign the responsibilities of the Office of Professional Responsibility and the Office of the Inspector General. It certainly did not show that OIG should swallow up OPR, which would be the effective result of the amendment before us this afternoon. On the contrary, these offices have quietly gone about their investigative activities and we have seen no great difficulties arise from the exercise of their duties.

But apart from the U.S. Attorney's investigation, the amendment clearly is unwise for other reasons. Both OPR and OIG are needed in their current structure. OPR was established to ensure that the Department of Justice's thousands of attorneys follow all applicable professional rules of conduct. OIG performs an equally critical but very different function of pursuing investigations into general criminal wrongdoing and general administrative misconduct by the Department.

This important distinction calls for two different offices to work on these two issues. As conferees underscored when Congress created the Office of Inspector General in the 1980s: "The conferees do not intend that the IG should render judgments on the exercise of prosecutorial or litigative discretion in a particular case or controversy. Unless a unique set of circumstances dictate otherwise, the conferees intend that reviews of such prosecutorial or other litigative discretion in a particular case or controversy is an appropriate role for, and may be delegated by, the Attorney General."

The Attorney General has delegated that authority to OPR. No basis exists to question this policy today. Unlike OIG, OPR is staffed and led entirely by career lawyers. Political background cannot be considered when appointing anyone to a position in the Office of Professional Responsibility. Thousands of current and former Department lawyers can attest that OPR's independence is undisputed and that the Office of Professional Responsibility has never allowed the manner in which it investigates or the results it reaches to be influenced by any political appointee in the Department. Any Attorney General or Deputy Attorney General being investigated by the Office of Professional Responsibility is automatically recused from participating in the matter. The most recent example of this is the U.S. Attorney's investigation itself.

I only scratch the surface of the reasons to preserve OPR as it is. As anyone with substantial experience knows, this office can be relied upon to make the hard calls and find attorney misconduct when it has occurred, enabling the Department of Justice to take the proper disciplinary action.

I would call the House's attention again to the need for legislation to address serious crime issues. Republicans have introduced those bills but they continue to languish. Responsible citizens don't want to hear that their loved ones or their neighbors were hurt or killed because the majority in Congress could not bear to solve the Nation's problems with the opposing party's solutions or to turn away from the hunt for political victims.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, could you advise us how much time remains on each side.

The CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining. The gentleman from Ohio has 1½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I would begin first by yielding 1 minute to the subcommittee Chair, EDOLPHUS TOWNS of New York.

Mr. TOWNS. Mr. Chairman, this is a very good amendment. It is especially important that the Department of Justice IG have the authority to examine a broad range of issues in that Department. Considering all the problems that congressional investigations have recently uncovered, I think that this is a very timely amendment. I really feel that we should aggressively get behind it and support it and encourage our colleagues also to support it.

Mr. JORDAN of Ohio. Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

I want all the Members to make sure they understand that the Office of Professional Responsibility is accountable to the Attorney General, and when we are investigating the U.S. assistant attorneys or attorneys in the Department of Justice, he is investigating his own shop.

The second point is that their inspection, their investigations, are confidential. The Inspector General, the IG, requires a public disclosure of what he found. So this isn't a matter of trying to justify anything about the U.S. Attorneys action.

I would like my good friend from Ohio to know that this is something that has been discussed. The Inspector General for DOJ, Glenn Fine, has testified before the Senate Homeland Security and Government Affairs Committee and made it very clear that these matters of public interest that require reports that are institutional should by all means go through this route rather than be shunted off to a private investigatory committee inside the Department of Justice.

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It is an anomaly that we hope to correct. It doesn't reflect poorly on anybody. As a matter of fact, this will be for future Departments of Justice. We are not going to go back over anything that we have covered before.

Mr. Chairman, I urge that the membership support this very modest amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–358.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TOM DAVIS of Virginia:

Page 4, starting on line 20, strike "may" and all that follows through line 25 and insert the following: "shall inform the appropriate committees or subcommittees of the Congress if the budget request submitted by the head of the establishment would substantially inhibit the Inspector General from performing the duties of the office."

Page 5, line 2, strike "Congress—" and all that follows through line 10 and insert the following: "Congress a separate statement of the amount of appropriations requested by each Inspector General."

The CHAIRMAN. Pursuant to House Resolution 701, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as currently drafted, the Improving Government Accountability Act would authorize Inspectors General throughout the government, and more than 60 of these offices exist, to directly submit their budget requests to Congress. By doing so, this legislation would circumvent the longstanding process under which Presidents submit to the Congress a budget proposal on behalf of the executive branch.

While I understand the sponsor's intent in authorizing independent budget submissions by IGs, I have concerns with the way the authority is currently constructed. Our concerns pertain more to the logistical nightmare than any particular objection to increased IG independence.

First of all, according to the Congressional Research Service, no other offices or agencies within the executive branch currently are authorized by statute to independently submit their budgets to Congress. H.R. 928 would not simply make an exception for one uniquely situated office, it would make an exception for all of the more than 60 IG offices currently in government. In other words, the President's annual budget would be accompanied by 60 separate IG budgets. This is inefficient; it is disorganized and unproductive.

Second, I am concerned that by authorizing IGs to submit their budgets independently to Congress, we are encouraging them to submit their wish lists to Congress rather than submitting budgets that take into account the limited resources that are available to agencies.

It doesn't take an active imagination to envision the increased government spending that this would cause. After all, if an IG submits its wish list to Congress, will Members of Congress have the stomach to appropriate an amount less than an IG requests? If we do, we could be painted as antioversight, a label none of us are interested in.

Because of these concerns, I have filed an amendment proposing an alternative approach to the budget issue. This amendment would authorize Inspectors General to notify Congress if the budget request submitted by the agency head would substantially inhibit the IG's ability to perform his or her duties. The President would be required to include in his budget submission the original amount requested by each IG.

This approach would give additional information to Congress, which is the intent, I think, of the legislation. It also encourages IGs to speak out if their agencies try to stifle the IG's independence by reducing the IG's budget request. But it would stop short of authorizing all 60 IGs to separately submit their own budget request to Congress outside of the traditional Federal budget process.

I think this amendment is a reasonable compromise which carefully balances the need for IG independence with the need for streamlined budget authority. We have enough problems enacting the Federal budget every year; we don't need to create 60 new ones. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TOWNS. Mr. Chairman, I would like to claim the time in opposition.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. TOWNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am opposed to the amendment, I think. I am not sure. Let me ask some questions and then I can make up my mind.

As I understand it, under your amendment, the gentleman from Virginia (Mr. TOM DAVIS), each Inspector General's appropriations request as originally made to his or her agency head would be noted in the President's budget submission to Congress.

Mr. Chairman, is that correct?

Mr. TOM DAVIS of Virginia. Mr. Chairman, if the gentleman will yield, that is correct. Let me just add, I think that was the intent of the legislation, to make sure that the IGs weren't stifled and that Congress gets their eyes on that original request, and it would allow that.

Mr. TOWNS. Mr. Chairman, reclaiming my time, with that in mind, I do support the amendment, and, of course, I am prepared to accept the amendment. It achieves the goal of the budget provision in this bill, which is to expose whether IGs are having their budgets slashed in retaliation of their investigations.

I look forward to working with you as this bill moves through the legislative process to clarify the language of the amendment to ensure that its intent is fulfilled.

Mr. Chairman, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am not going to talk anybody out of it, so I yield back as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MILLER OF NORTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–358.

Mr. MILLER of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MILLER of North Carolina:

Page 2, beginning on line 12, strike "adding at the end the following: 'An'" and insert "striking 'the reasons for any such removal to both Houses of Congress.' and inserting the following: 'in writing the reasons for any such removal to both Houses of Congress and to the Inspector General of the establishment at least 30 days before such removal. An'".

Page 3, line 2, strike "; and" and insert the following:

"(6) Knowing violation of a law, rule, or regulation.

"(7) Gross mismanagement.

"(8) Gross waste of funds.

"(9) Abuse of authority."; and

Page 3, line 11, insert after "Congress" the following: "and to the Inspector General of the entity".

Page 5, starting on line 22, strike "increase" and all that follows through line 26 and insert the following: "coordiniate and enhance governmental efforts to promote integrity and efficiency and to detect and prevent fraud, waste, and abuse in Federal programs."

Page 10, line 11, insert "and professional standards" after "policies".

Page 11, after line 20, insert the following:

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) DIRECTOR OF OMB.—The Director of the Office of Management and Budget shall provide the Council with such administrative support as may be necessary for the performance of the functions of the Council.

"(2) HEADS.—The head of each establishment and designated Federal entity represented on the Council shall provide the persons representing the establishment or entity with such administrative support as may be necessary, in accordance with law, to enable the persons representing the establishment or entity to carry out their responsibilities.".

Page 12, line 8, strike "3 or more" and insert "4".

Page 13, line 19, after "General" insert the following: ", acts with the knowledge of the Inspector General, or against whom an allegation is made because such allegation is related to an allegation against the Inspector General, except that if an allegation concerns a member of the Integrity Committee, that member shall recuse himself from consideration of the matter".

Page 14, strike lines 8 through 14 and insert the following:

"(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

"(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee to be potentially meritorious that cannot be referred to an agency under subparagraph (B).".

Page 14, line 20, strike "(5)(B)" and insert "(5)(C)".

Page 16, strike lines 5 though 18 and insert the following:

"(8) REPORT.—

"(A) For allegations referred under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of his investigation and shall provide such report to members of the Integrity Committee.

"(B) For allegations referred under paragraph (5)(B), the head of an agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

"(9) ASSESSMENT AND FINAL DISPOSITION.—

"(A) With respect to any report received under paragraph (8), the Integrity Committee shall—

"(i) assess the report;

"(ii) forward the report, with the Integrity Committee recommendations, including those on disciplinary action, within 180 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or his staff) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or his staff) for resolution; and

"(iii) submit to Congress a copy of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

"(B) The Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.".

Page 16, after line 18, insert the following:

"(10) ANNUAL REPORT.—

"(A) MATTERS COVERED.—The Council shall submit to Congress and the President by December 31st of each year a report on the activities of the Integrity Committee during the preceding fiscal year. The report shall include the following:

"(i) The number of allegations received.

"(ii) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

"(iii) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

"(iv) The number of allegations closed without referral.

"(v) The date each allegation was received and the date each allegation was finally disposed of.

"(vi) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

"(vii) Other matters that the Council considers appropriate.

"(B) REQUESTS FOR MORE INFORMATION.—The Council shall provide more detailed information about specific allegations upon request from any of the following:

"(i) The chairman or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

"(ii) The chairman or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(iii) The chairman or ranking member of the congressional committees of jurisdiction.".

Page 16, line 19, strike "(8)" and insert "(11)".

Page 17, strike lines 4 through 6 and insert the following:

(b) EXECUTIVE ORDERS AND POLICIES AND PROCEDURES.—

(1) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(2) POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Inspectors General Council shall adopt policies and procedures to implement this section and the amendments made by this section. To the maximum extent practicable, the policies and procedures shall include all provisions of Executive Orders 12805 and 12933 (as in effect before the date of the enactment of this Act).

Page 21, after line 12, insert the following:

(3) ADDITIONAL CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

Page 22, insert after line 10 the following:

(d) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392, title 5, United States Code, other than the terms "performance awards" and "awarding of ranks" in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

Page 24, insert after line 3 the following:

(d) QUALIFICATIONS OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended by striking the period and inserting "without regard to political affiliation, and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

The CHAIRMAN. Pursuant to House Resolution 701, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last year and a half, the Science and Technology Committee's Subcommittee on Investigations and Oversight, which I chair, has been reviewing the work of the Office of the Inspector General of NASA and a related investigation of the NASA IG by the President's Council on Integrity and Efficiency's Integrity Committee, the procedure actually for investigating IGs themselves.

I appreciate Mr. TOWNS and Mr. COOPER, knowing my interest in this issue, including me very graciously in discussions of this legislation, and I commend them for their work on this legislation.

The purpose of this amendment is to smooth the transition between the old law and the new and to make sure that we do not disrupt some of the work of IGs that is now going well in our effort to get in place reforms to improve the work of IGs.

I fully support the goal of this legislation to make sure that Inspectors General are independent, that they can act without fear of political reprisal, and to accomplish that by establishing a set term. This amendment accomplishes other purposes perfectly consistent with that overall goal of the legislation.

First, it establishes the same qualifications for the selection of Inspectors General of the designated Federal agencies that are not subject to confirmation by the other body. There is no reason that there should be any different qualifications, and this brings the qualifications for those Inspectors General into line with the qualifications of those confirmed by the other body.

Second, the amendment expands the goals for removal of the Inspectors General, with criteria that the Inspectors General themselves, the IGs themselves, have agreed to should be the basis for removal, and would not undermine their independence by being a threat to their independence; so, removal for improper grounds. The additional grounds, and these are in the regulations now, the rules now: Knowing violation of the law, rule or regulation; gross mismanagement; gross waste of funds; and abuse of authority. Those criteria for removal do increase the President's flexibility to get out of office inept or abusive Inspectors General.

Third, the amendment incorporates several provisions of 2 executive orders pertaining to the work of IGs, executive orders 12805 and 12993, which would no longer be in effect under this legislation, to maintain certain policies and procedures that are working well and make sure that there is not a gap when there are no procedures in place and to make sure that we will not have to recreate those procedures under the new legislation. It also directs the new council, the new Inspectors General council, to incorporate as much of the established policies that are working well as possible into the new rules. Again, those rules are developed by the IGs themselves over the years. They work very well. They do not need to be disrupted.

Fourth, the transparency of the Integrity Committee's investigations, the work of inspecting the Inspectors General themselves, the investigations into the investigators, has been a problem. This amendment would require the council to submit to Congress a report of their work in inspecting the work, to investigating the work of Inspectors General.

Finally, the amendment requires the office of OMB, the Office of Management and Budget, OMB, to continue to provide the Inspectors General council with the administrative support that the PCIE now has.

Mr. Chairman, I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I ask unanimous consent to take the time in opposition to the gentleman's amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to congratulate my friend, the gentleman from North Carolina, because he has been an excellent Member of this body for some time and has worked on the Science Committee and has contributed greatly to the work of this body. I am particularly grateful for his work on the IG issue.

I want to make it crystal clear to my colleagues on both sides of the aisle that the gentleman's amendment essentially makes it easier to fire IGs. I support that. I think the gentleman's reasoning is sound.

I also think it is very important that Members on the other side the aisle realize that this largely should eliminate the President's veto threat, because the primary grounds in this Statement of Administration Policy for opposing this bill is that IGs may be too hard to fire. Well, the gentleman's helpful amendment adds additional grounds that makes it easier to get rid of errant IGs if they knowingly violate the law, rule or regulation, if they are guilty of gross mismanagement, gross waste of funds or abuse of authority. So that should obviate the administration's objections to this bill.

Mr. Chairman, I hope by accepting the gentleman from North Carolina's amendment we cannot only promote the cause of good government, we can also get the folks at OMB and in the administration to relax and realize what a good bill this is. So I would urge a huge and bipartisan majority vote for this legislation thanks to the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, this is a well thought-out amendment. I want to commend the gentleman from North Carolina for this. It makes it clear that the bill is not intended to protect poorly performing IGs from removal.

There was some question about an IG who managed his office so poorly that it caused most of the senior career staff to quit, and then the IG would still be there. At least this amendment addresses that issue as well by adding gross mismanagement and gross waste of funds and abuse of authority as grounds for removal. This amendment clarifies that an IG who is not an effective leader can be removed for that reason.

We also support the technical and procedural changes that Mr. MILLER has included in this amendment. This is a very, very good amendment, and I hope that it has support coming from both sides of the aisle, because this is an amendment that is long overdue.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MILLER OF NORTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–358.

Mr. MILLER of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MILLER of North Carolina:

Page 4, after line 12, insert the following new paragraph:

(c)(1) in section 3(a), by inserting after the first sentence the following: "A committee of Inspectors General of the Inspectors General Council established under section 11 shall review nominations in light of these requirements, and the results of the committee's review shall be provided to the Senate prior to the confirmation process."

(2) in section 8G(c), by adding at the end the following: "The head of the designated

Federal entity shall ask the committee of Inspectors General referred to in section 3(a) for a report on the qualifications of each final candidate for Inspector General and shall not appoint an Inspector General before reviewing such report.''

Page 4, line 13, strike "(c)" and insert "(d)".

The CHAIRMAN. Pursuant to House Resolution 701, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would require the Council of the Inspectors General on Integrity and Efficiency to appoint a committee of Inspectors General to review the integrity, the experience, the reputation, all of the qualifications of anyone the President appoints to serve as an Inspector General and to provide a report of that evaluation to the other body, to the relevant committee of the other body, before any confirmation hearings. It provides a similar procedure for agency heads who appoint Inspectors General without confirmation by the other body.

The amendment does not create any new bureaucracy. It uses an existing office or an office that will exist under this legislation. The evaluation of that committee is not binding in any way. It simply is an unbiased, informed evaluation that would be helpful to the other body in their consideration of confirmation of anyone appointed as an Inspector General to serve as an Inspector General, just as the American Bar Association's evaluations on the qualifications of judicial nominees are helpful in confirmation.

□ 1315

Mr. Chairman, most Presidential appointments are policy positions for which loyalty to the President is a proper consideration. In fact, it is a necessity. It is a requirement. And the other body has traditionally deferred to the President's judgment in confirmation. If the President wants to appoint a political operative, if he wants to appoint some political poohbah's worthless, otherwise unemployable brother-in-law, the other body usually goes along so the President can have his own people in policy positions.

As the debate on this bill has made very clear, Inspectors General are not jobs like that. Inspectors General are not the President's people. They are to be watchdogs who report both to the agency head and to Congress. They are not the President's people. IGs are not the President's people. They are our people, too. Congress needs to rely on the work of IGs in our oversight duties. IGs are Congress's people as much as they are the President's people.

The statute says now that IGs should be objective and independent and they are to be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration or investigation. In other words, Mr. Chairman, IGs can't just be some poohbah's worthless brother-in-law.

This amendment provides the other body with an informed evaluation of the integrity and qualifications of any potential IG to assure that IGs are up to the job, they understand what their job is, they are to identify waste, fraud, abuse or general inefficiency, and report to the agency head and to Congress without fear or favor. IGs must report with rigorous honesty even if their reports cause political embarrassment; especially when their reports cause political embarrassment.

This amendment will return to an earlier tradition of consulting well-regarded IGs before an appointment of an IG for suggestions of who would be good for that job.

Mr. Chairman, we have departed from that tradition, to our detriment. This amendment will return us to that tradition.

Mr. Chairman, I reserve the balance of my time.

Mr. TOWNS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TOWNS. Mr. Chairman, the committee also supports this amendment by Mr. MILLER. One of the problems that we have seen is that recent IG appointments have had far more experience in politics than they have had in investigating and auditing.

The council created by this amendment is advisory, but it will provide an independent evaluation of whether a candidate for appointment has the professional background and experience to succeed in the IG role. This information should be valuable to the President and to the Senate as they fill IG vacancies.

Mr. Chairman, I think this is a fine amendment and I am hoping that both sides of the aisle will support it. This is what strengthening legislation is all about, dialogue on both sides and then supporting. So I am hoping this amendment gets a strong, strong vote. It is a good amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. GILLIBRAND

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-358.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. GILLIBRAND:

At the end of the bill add the following new section (and conform the table of contents):

SEC. 9. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) DEFINITION.—In this section, the term "agency" has the meaning provided the term "Federal agency" under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency a direct link to the website of the Office of the Inspector General of that agency.

(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

(A) not later than 1 day after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

(ii) includes a summary of the findings of the Inspector General; and

(iii) is in a format that—

(I) is searchable, sortable, and downloadable; and

(II) facilitates printing by individuals of the public who are accessing the website.

(2) OPTION TO RECEIVE RELATED INFORMATION.—The Inspector General of each agency shall provide a service on the website of the Office of the Inspector General through which—

(A) an individual may elect to automatically receive information (including subsequent reports or audits) relating to any posted report or audit (or portion of that report or audit) described under paragraph (1)(A); and

(B) the Inspector General shall electronically transmit the information or notice of the availability of the information to that individual without further request.

(3) REPORTING OF WASTE, FRAUD, AND ABUSE.—

(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report waste, fraud, and abuse.

(B) ANONYMITY.—The Inspector General of each agency shall take such actions as necessary to ensure the anonymity of any individual making a report under this paragraph.

(d) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.

The CHAIRMAN. Pursuant to House Resolution 701, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank Congressman COOPER for his leadership on this bill and for his constant effort to promote accountability and transparency in the Federal Government. I also want to thank Chairman TOWNS and Chairman WAXMAN for moving this legislation through committee and for their support of my amendment.

I rise today to offer an amendment to save the taxpayers money by increasing transparency, accountability and oversight over Federal agencies' spending practices. We all know that the U.S. Government spends too much of our constituents' hard-earned taxes in ways that are not always the most efficient manner.

For too long, Federal agency spending has been left unchecked with little public scrutiny on the findings of the Inspectors General investigations. It is time to shine some light on how the government is spending your money.

When the Inspector General Act of 1978 became law, the Internet did not exist and people did not have personal computers. Now, 30 years later, the Internet has grown into one of the many mediums where Americans receive information, and it is time that we bring this law up to date so the American people and the media will be able to easily find audits and reports that Inspectors General issue, and for Americans to have the ability to anonymously report waste, fraud and abuse that may be occurring in the Federal Government.

Inspectors General are an important part of every Federal agency, and I am pleased that this legislation will decrease the amount of waste of taxpayer dollars. In 2006, the work by Inspectors General resulted in $9.9 billion in potential savings from audit recommendations; $6.8 billion in investigative recoveries; 6,500 indictments and criminal information; 8,400 successful prosecutions; and 7,300 suspensions or debarments. This legislation will yield even more savings to the American people by allowing Inspectors General to be more independent and accountable.

Mr. Chairman, my amendment simply requires Inspectors General to do something that is very commonplace in the 21st century: making information easily accessible online.

My amendment would require the IG of each agency to post, within one day after being made publicly available, all reports and audits on the Web site of the Office of Inspector General. The report or audit must be easily accessible and include a summary of the findings of the IG. The IG of each agency must provide a service on their Web site to allow individuals to receive information when a new audit or report is made available on their Web site. And the IG of each agency must establish a process that allows individuals to anonymously report waste, fraud and abuse that may be occurring in a Federal agency.

It is important to remember that the American people voted for change last November. They voted for more accountability, more fiscal responsibility, and for the new Congress to clean up Washington.

My commitment to my constituents is that I will offer a transparent and accountable office to them. I am one of a handful of Members in the House to post my public schedule online every day and was one of the first, next to Mr. COOPER, to post a list of all earmark requests online. I do this because I have found that it allows my constituents more information which allows me to better represent them here in Washington.

With a $9 trillion debt, it is clear that the Federal Government spends too much. The fiscal year 2008 budget is $2.9 trillion, and if that is indeed what we will spend, then it is important that the money is spent responsibly.

My upstate New York constituents pay too much in taxes to Washington, and it is an insult to them when the Federal Government squanders their hard-earned money. This amendment will save taxpayers money, increase government oversight and accountability, and promote transparency in government. I urge all my colleagues to vote "aye" on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, although I am not opposed, I would like to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this amendment would require agencies to include links on their Web pages to their IG's Web page. In addition, this amendment would require IGs to make public reports and audits conducted by the Inspector General immediately available on their Web sites, and it would require links for individuals interested in reporting waste, fraud and abuse.

To the extent any of this is not currently being done by agencies and IGs, I am fully supportive of Congress requiring such information to be made available in order to increase the transparency of Federal Government operations. We are prepared to support the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I rise to support the amendment. I think it is a very good amendment because it deals with waste, fraud and abuse. I think anything that strengthens this bill, I am for. There is no question about it, my colleague from New York definitely improves the legislation. Therefore, I am in total support of the amendment, and would encourage my colleagues to do likewise.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time.

Mrs. GILLIBRAND. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 192, not voting 28, as follows:

[Roll No. 935]

AYES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cappe
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Barrett (SC)
Becerra
Berman
Boehner
Carson
Cubin
Davis, Jo Ann
Delahunt
Diaz-Balart, L.
Dingell
Emanuel
Faleomavaega
Hastert
Higgins
Hinojosa
Jindal
Klein (FL)
Lee
Lynch
Pastor
Paul
Perlmutter
Pitts
Skelton
Slaughter
Tancredo
Wexler
Wu

☐ 1350

Mrs. MILLER of Michigan and Mr. FEENEY changed their vote from "aye" to "no."

Mr. SERRANO changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 935, had I been present, I would have voted "aye."

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 935, I was at CHCI Luncheon downtown. Had I been present, I would have voted "aye."

Mr. PASTOR. Mr. Chairman, on rollcall No. 935, I was detained at my office. Had I been present, I would have voted "aye."

Mr. EMANUEL. Mr. Chairman, I was absent from the Chamber for rollcall vote 935 on October 3, 2007. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. BAIRD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes, pursuant to House Resolution 701, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TOM DAVIS of Virginia. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis of Virginia, moves to recommit the bill H.R. 928 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 9. ANNUAL INSPECTOR GENERAL PERFORMANCE REVIEWS OF FEDERAL PROGRAMS AND AGENCIES.

(a) PRINCIPLE DUTY.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a) It shall be the principle duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established, to review annually the operations, efficiency, and effectiveness of all Federal programs within such establishment and submit to the Congress and the President not later than September 1 of each year recommendations, accompanied by proposed legislation, on whether an abolishment, reorganization, consolidation, or transfer of existing Federal programs and agencies is necessary—

"(1) to reduce Federal expenditures;

"(2) to increase efficiency of government operations;

"(3) to eliminate overlap and duplication in Federal programs and offices;

"(4) to abolish agencies or programs that no longer serve an important governmental purpose; and

"(5) to identify reductions in amounts of discretionary budget authority or direct spending that can be dedicated to Federal deficit reduction."; and

(3) in subsection (c)(1) (as so redesignated), by striking "(a)(1)" and inserting "(b)(1)".

(b) CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(1) in section 8(d), by striking "section 4(d)" and inserting "section 4(e)"; and

(2) in section 8D(k)(2)(A), by striking "section 4(d)" and inserting "section 4(e)".

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this motion to recommit would require all agency Inspectors General to report annually to Congress and to the President whether the IG believes an abolishment, reorganization, consolidation or transfer of existing Federal programs and agencies is necessary to reduce Federal expenditures, increase efficiency of government operations, eliminate overlap and duplication in Federal programs and offices, abolish agencies or programs which no longer serve an important governmental purpose, or identify reductions in amounts of discretionary budget authority or direct spending which can be dedicated to Federal deficit reduction.

The IGs would be required to accompany those reports with proposed legislation in order to encourage Congress to act on those recommendations.

This legislation is borne out of frustration. How many more times are we going to hear about redundancy in Federal programs without doing anything about it? We have the IGs. We have made them more independent as a result of this. Let's utilize that expertise for suggestions in how we can reduce waste, fraud and abuse in government.

How many more times are we going to have to hear about the 70 programs located throughout 13 Federal agencies providing substance abuse prevention services for our youth? The over 90 early childhood programs scattered among 11 Federal agencies and 20 offices? The 40 different programs in the Federal Government having job training as their main purpose? The 86 teacher training programs in nine Federal agencies? The 50 different Federal homeless assistance programs administered by eight different agencies? The more than 17 Federal agencies monitoring and enforcing over 400 U.S. trade agreements? The 17 Federal Departments and agencies operating a total of 515 Federal research and development laboratories? Or the eight different Federal agencies administering 17 different programs just in the area of rural water and wastewater systems, each with its own set of regulations?

After all, the primary reason all these Federal programs exist in the first place is because Congress has this bad habit of haphazardly establishing new programs to achieve short-term solutions whenever a problem arises.

In fact, Paul Volcker, Donna Shalala and Frank Carlucci all testified before our committee in 2003 about a National Commission on Public Service report that they had recently released. The report concluded that, over the years, the ad hoc layering of agencies, Departments, and programs greatly complicated management, expanded the influence of powerful interests and diminished coherent policy direction. The Federal Government today is a layered jumble of organizations with muddled public missions.

Congress is as much to blame for this problem as anyone else. Admitting we have a problem is the first step in recovery. I am here to help our colleagues understand we have a problem. The extent of overlap and duplication in government is an issue the Committee on Government Reform has spent years investigating. Our hearings have focused on a range of Federal program areas, from child welfare programs to intelligence operations to Federal food safety oversight.

This motion to report forthwith, so it doesn't kill the bill, it reports right back, would provide a tool which could assist the Congress and the President in identifying ways to streamline government operations and make them as efficient and effective as possible. The motion to recommit should appeal to all Members who believe there are inefficiencies in the Federal Government requiring attention. All after, Congress never has and never will be a management body. We need the assistance, and this legislation does it, of independent, outside observers to tell us what programs we created years ago are not an efficient or effective use of taxpayer funds.

We have given the Inspectors General here authority and independence to call the balls and strikes and to make government more efficient. Let's utilize that. Let's help us make government more efficient. Let's support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, I share the goals expressed by my friend and colleague, Mr. DAVIS, the gentleman from Virginia, but I oppose it as a motion to recommit, because this bill is about Inspectors General, and their job is to weed out waste, fraud and abuse.

But if this motion to recommit would identify that their primary job, if this motion passes, would be to identify programs that aren't working and then to recommend changes in them. Well, that's a worthwhile thing for them to do, but that should not be and is not their primary job.

□ 1400

The principal duty of the IGs is to do the work of an independent watchdog, to find out if there's waste, fraud and abuse. This would turn it into their principal duty to do an annual report on abolishing and reorganizing programs in agencies. They would have to do an annual report on reorganization. Well, that is going to be a lot of busywork.

If you like government bureaucracy, then vote for the motion to recommit. But if you like the idea of independent Inspectors General looking out for waste, fraud and abuse as their prime job, then I would urge Members to vote "no."

But I want to indicate to my colleagues that whether this motion to recommit passes or is defeated, I want to work with the sponsor of this motion to recommit to achieve our shared objectives. Oftentimes, we have waste, fraud and abuse because the objectives of the agency need to be changed. And we want those recommendations to come before us.

I'd like to yield whatever time he may consume to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I speak as a Blue Dog Democrat, and I'm proud to see progressives and Blue Dogs, Democrats and Republicans coming together on this important good government cause. We've been working on it for 4 years now, and now it's about to pass. We're about to send it to the Senate, hopefully, with a huge vote, because Members on both sides of the aisle can agree that we need to cut out waste, fraud and abuse in government, and there's no better group to do it than our Inspectors General. That's what this bill does, empower Inspectors General. So I want to thank the chairman, Mr. WAXMAN, for his outstanding work with our ranking member. We've done a great job of moving this and other important legislation before Congress.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments. I urge all Members to support the bill and to vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 274, nays 144, not voting 14, as follows:

[Roll No. 936]

YEAS—274

Aderholt
Akin
Alexander
Altmire
Andrews
Bachmann
Bachus
Baird
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—144

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Doyle
Ellison
Emanuel
Engel
Eshoo
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rangel
Reyes
Richardson
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Higgins
Honda
Jindal
Lee
Paul
Perlmutter
Pitts
Tancredo

□ 1423

Mr. INSLEE changed his vote from "yea" to "nay."

Messrs. WILSON of Ohio, WEINER, FARR, Ms. SHEA-PORTER, Mrs. LOWEY, Mr. COURTNEY, Ms. ZOE LOFGREN of California, Messrs. RAHALL, TAYLOR and OBERSTAR changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. TOWNS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 928 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 9. ANNUAL INSPECTOR GENERAL PERFORMANCE REVIEWS OF FEDERAL PROGRAMS AND AGENCIES.

(a) PRINCIPLE DUTY.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a) It shall be the principle duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established, to review annually the operations, efficiency, and effectiveness of all Federal programs within such establishment and submit to the Congress and the President not later than September 1 of each year recommendations, accompanied by proposed legislation, on whether an abolishment, reorganization, consolidation, or transfer of existing Federal programs and agencies is necessary—

"(1) to reduce Federal expenditures;

"(2) to increase efficiency of government operations;

"(3) to eliminate overlap and duplication in Federal programs and offices;

"(4) to abolish agencies or programs that no longer serve an important governmental purpose; and

"(5) to identify reductions in amounts of discretionary budget authority or direct spending that can be dedicated to Federal deficit reduction."; and

(3) in subsection (c)(1) (as so redesignated), by striking "(a)(1)" and inserting "(b)(1)".

(b) CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(1) in section 8(d), by striking "section 4(d)" and inserting "section 4(e)"; and

(2) in section 8D(k)(2)(A), by striking "section 4(d)" and inserting "section 4(e)".

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 11, not voting 17, as follows:

[Roll No. 937]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean

Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miça
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Bachmann
Boehner
Broun (GA)
Culberson
Deal (GA)
Franks (AZ)
Gingrey
Marchant
Sessions
Shuster
Westmoreland

NOT VOTING—17

Barrett (SC)
Boyd (FL)
Cardoza
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Higgins
Jindal
Lee
Oberstar
Paul
Perlmutter
Pitts
Pryce (OH)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1432

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BACHMANN. Mr. Speaker, on rollcall vote 937, I was recorded as "nay." It was my intention to have voted "yea." I would like the RECORD to reflect my support of H.R. 928.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 928, IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Mr. TOWNS. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 928, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from New York?

There was no objection.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–62)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 976, the "Children's Health Insurance Program Reauthorization Act of 2007," because this legislation would move health care in this country in the wrong direction.

The original purpose of the State Children's Health Insurance Program (SCHIP) was to help children whose families cannot afford private health insurance, but do not qualify for Medicaid, to get the coverage they need. My Administration strongly supports reauthorization of SCHIP. That is why I proposed last February a 20 percent increase in funding for the program over 5 years.

This bill would shift SCHIP away from its original purpose and turn it into a program that would cover children from some families of four earning almost $83,000 a year. In addition, under this bill, government coverage would displace private health insurance for many children. If this bill were enacted, 1 out of every 3 children moving onto government coverage would be moving from private coverage. The bill also does not fully fund all its new spending, obscuring the true cost of the bill's expansion of SCHIP, and it raises taxes on working Americans.

Because the Congress has chosen to send me a bill that moves our health care system in the wrong direction, I must veto it. I hope we can now work together to produce a good bill that puts poorer children first, that moves adults out of a program meant for children, and that does not abandon the bipartisan tradition that marked the enactment of SCHIP. Our goal should be to move children who have no health insurance to private coverage, not to move children who already have private health insurance to government coverage.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 3, 2007.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Hoyer moves that further consideration of the veto message and the bill, H.R. 976, be postponed until October 18, 2007.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 1 hour.

Mr. HOYER. Madam Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas (Mr. BARTON), and pending that, I yield myself such time as I may consume.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that of the 30 minutes yielded me, 15 minutes of that be yielded to the ranking member of the Ways and Means Committee, Mr. McCRERY.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOYER. Madam Speaker, earlier today, the President of the United States, in defiance of bipartisan majorities in the House and Senate, and in defiance of the will of a great majority of Americans, vetoed fiscally responsible legislation that would ensure that 10 million children in our Nation receive health insurance coverage. That's approximately 4 million more children than are covered under the highly successful Children's Health Insurance Program today.

I remind the Members of the House that that program was adopted in 1997 by a Republican-controlled Congress with strong Democratic support, a bipartisan program. Let us be clear, this is a defining moment for this Congress and for a President who has labeled himself a compassionate conservative.

The President's veto, my colleagues, must not stand. The President wrongly claims that this bipartisan legislation is fiscally irresponsible. But the truth is the Children's Health Insurance Program legislation, forged by Members on both sides of this aisle, is paid for. It does not add to the deficit or to the debt. Moreover, President Bush, whose policies over the last 6 years have instigated record budget deficits and spiraling debt, should not be lecturing anyone on the issue of fiscal discipline. This administration, I suggest to all of us, has pursued and enacted the most fiscally irresponsible policies perhaps in American history. In fact, even as the President vetoed this CHIP legislation, all of it paid for, he has asked Congress to approve another $190 billion to protect Baghdad and its environs. Mr. President, we need to protect the children of Bowie, of New York, of Peoria, of Miami, of California.

In fact, even as the President vetoed, as I said, this legislation, he sent to us a $190 billion request for more money for the war in Iraq, the civil war in Iraq, a place where, very frankly, it is far past time where the people of Iraq took the responsibility to defend and secure their country.

This legislation that the President has vetoed is about securing the health of America's children. With this veto, the President is playing politics, pure and simple.

After running up record deficits in debt, he is now trying to establish his fiscal bona fides with his conservative political base by denying health services to children.

Mr. President, it won't work. Mr. President, it shouldn't work. Mr. President, it is not compassionate, nor is it common sense.

Senator HATCH, no one's idea of a liberal or of a Democratic spinmeister, said on the Senate floor last week, and I quote, "It is unfortunate that the President has chosen to be on what, to me, is clearly the wrong side of the issue." That was Senator HATCH.

I hope all of us in this body, Republican and Democrat, decide, when this vote comes up, to determine whether or not the Congress should make policy or whether we will be subservient to the President's veto in protecting children.

I hope all of us, Republican and Democrat, liberal, moderate and conservative, will join together to respond to the children of this country and their families who agonize about not having the health insurance they need so that their children can be kept healthy.

Senator ROBERTS of Kansas remarked, another leader in the Republican Party, "I am not for excessive spending and strongly oppose the federalization of health care. And if the administration's concern with this bill were accurate, I would support a veto, but bluntly put," said Senator ROBERTS from Kansas, who served in this body, "the assertions of the President," he said, "are wrong." Technically, he said that the premises were inaccurate.

Madam Speaker, this legislation is not only supported by majorities in the House and Senate, it is supported by doctors, nurses, private insurers, children's advocates, 43 Governors. The list goes on and on and on. But most importantly, most importantly, it's supported by the parents of children who are working, working hard every day, playing by the rules. Perhaps both are working, if they're fortunate to have two parents in the home, or a single parent, mom or dad, working hard, but making too little to afford insurance and working for an employer who can't give them insurance. Most of all, that is the constituency, that is the voice we ought to hear, that is why we ought to override this veto.

According to an ABC News-Washington Post poll released just this week, 72 percent of Americans, including 61 percent of Republicans, support this legislation, 69 percent of independents. What is perhaps most stunning of all is that, with this veto, the President has violated his own pledge at the Republican National Convention in 2004. You've heard me say this before, but let me say it again: "In a new term we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government programs." "We will not allow," said the President, "a lack of attention or information to stand between these children and the health care they need." Mr. President, that is what you have done by this veto, stood between those children and the insurance they need.

I urge my colleagues, override this veto, support this motion, and on October 18 let us vote for the children.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, there is politics being played in this body this afternoon, but it's not by the President of the United States.

When the SCHIP bill was up for reauthorization back in early September, people like myself asked that we have a regular process, have some time to review the bill, have some markups, learn what was in it, since we had gotten it the night before about midnight.

Mr. HOYER. Will my friend yield just for a technical matter?

Mr. BARTON of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I ask unanimous consent that the remainder of my time be equally divided and controlled by the gentleman from New Jersey (Mr. PALLONE) and the gentleman from California (Mr. STARK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

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Mr. BARTON of Texas. At that time, we were told that we didn't have time for that, that we had to move that bill before September 30 so that the children of America wouldn't lose their health insurance. Well, that bill, the CHAMP Act, passed this body. It never was brought up in the other body. Thankfully, it is gone. So you would think that with the continuing resolution that passed last week, we would now have some time to look at the SCHIP issue on a bipartisan basis here in the House and come up with a compromise that could be passed and signed by the President before the continuing resolution expires on, I think, November 16.

What we are being told today is that since the President vetoed the bill, we don't want to vote on the veto today, we want to postpone it, I believe, until October 18. Now, why is that? If it was such a rush last month, you would think that it would still be a rush now and they would want to get the veto out of the way and then work together to come up with a bill that the President would sign. So it would seem to me that the Democrats are saying, Well, let's have a 2-week period here to try to play politics with this.

I think that is wrong. I checked with the Parliamentarian about when was the last time a motion to postpone a veto was authorized by the House. It is not done very often. The last time was 1996. So I would hope we would defeat this motion to postpone and let me offer a substitute motion to refer the veto to the committee of jurisdiction. We then could have a process, have a bipartisan compromise, and bring it up within 2 weeks and vote for it, send it to the other body and send it to the President, and I bet he would sign it. That is what we should be doing, not voting to postpone a veto vote which we know when that veto vote comes, we will sustain the President's veto.

With that, Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California has 12 minutes. The gentleman from New Jersey has 12 minutes. The gentleman from Texas has 12½ minutes. The gentleman from Louisiana has 15 minutes.

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

I just want to remind my colleagues that we are dealing with a President who has a very short memory. Just 2 days ago, he proclaimed October 1 as Child Health Day 2007. Today, he just trashed that. I don't know what he thought he was doing when he talked about improving the lives of children and preventing and reducing the cost of disease and promoting community health, because he is just following a position that denies 1 million kids the right to health care.

So I hope, Mr. President, that you certainly don't proclaim a Protect Congress Day, or we are all in deep trouble.

This veto of the Children's Health Insurance Program compromise legislation is finally showing the American people the President's true priorities. He is a war President. All he cares about is war and more war. The previous speaker on our side talked about $190 billion for the war in Iraq, and these funds aren't paid for. They add to the deficit. In addition to our children having to look around for health care, they are going to have to look around to pay for that illegal war.

Simultaneously voting to extend a State Children's Health Insurance Program would be a good program. We would extend health care to nearly 4 million children, and the President is cutting a million off that cost a fraction of his illegal war. It is fully paid for and doesn't increase the deficit one penny. It passed both the House and the Senate with strong bipartisan majorities.

What's wrong with our Republican minority? Why do they insist on denying 1 million children, kicking them off the rolls of SCHIP? Why do they scorn in the face of 43 of the Nation's Governors who have written to the President and argued against his vetoing this bill?

President Bush says he has his own plan. I don't know if he had that when he declared October 1 as Child Health Day. Whatever that plan is, it would cause millions of children to lose their health care. My own Republican Governor, Arnold Schwarzenegger, estimates that the President's plan would cause 1 million children to be denied health care in California by the year 2012.

This is a matter of life and death for our children's insurance. Children with health care do better in school, in life, and have their illnesses caught before it is too late. Ladies and gentlemen, the axis of evil is not just in the Middle East. It is right down here on Pennsylvania Avenue.

I urge my colleagues to reject the President's veto, have a compromise bill to assure the health of America's children and make sure that that is put ahead of some obscure, extreme, radical ideology.

Madam Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not address the President in the second person but, rather, to address their remarks to the Chair.

Mr. McCRERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am only going to make one point during my brief remarks, and then I am going to ask unanimous consent to turn over the time for allocation of time to Mr. CAMP.

The point that I want to make is that the President's veto will be sustained, and that should allow the opportunity for Democrats and Republicans to sit down in this House and listen to each other as far as how we can reach a compromise on this important legislation.

I was a Member of the House back in 1996 when we passed welfare reform for the third time. We had a Republican majority and a Democratic President. The Democratic President vetoed welfare reform twice. Basically, he told us, the majority Republicans, Look, I want Democrats to be at the table to try to get a compromise on this important legislation. That is what ultimately occurred. The President signed welfare reform on the third try. Then, in 1997, we had the Balanced Budget Act. There were considerable Medicare reforms in that act. President Clinton said the same thing. He said, Look, I want Democrats at the table. We allowed them to the table. I was in the room when Democrats, Republicans and a member of the Clinton administration sat down together to hash out the details, very nitty-gritty details, of the Medicare portion of the BBA.

That is what should happen now with SCHIP. SCHIP was passed in 1997, as part of that 1997 effort, as a bipartisan effort. It should remain a bipartisan initiative. Unfortunately, the minority in this House and in the House of Representatives was excluded from the outset from discussions regarding the SCHIP legislation. The Senate, yes, had more of a bipartisan discussion. We were never included in that discussion, either. So we think we deserve, and I think the President thinks we deserve, a seat at the table to discuss this very important issue. I hope that is what finally emerges from this veto.

I don't know why the majority wants to postpone the override vote for over 2 weeks. It just doesn't make sense to me if you want to get this done in a rational, reasonable manner this calendar year. It seems to me you would want to have the override vote immediately so we could get right on with the business of trying to compromise and give the President something that he could sign. I don't know why they are not doing that. But, in any event, at the end of this road when we sustain the veto, I am very hopeful that the majority now will act as the majority back in 1996 and 1997 did and give us all a seat at the table so we can work this out.

With that, Madam Speaker, I would ask unanimous consent that Mr. CAMP be allowed to allocate the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCRERY. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Children's Health Insurance Program Reauthorization Act passed the House and the Senate with overwhelming bipartisan support. I would stress "bipartisan" because I listened to the gentleman from Louisiana. He neglects to mention that Republicans were at the table, Senator GRASSLEY, Senator HATCH, and certainly a large number of Republicans who voted for this as well in the House of Representatives. The bill also has overwhelming support with the American people.

Yet this is a bill that the President has been threatening to veto since this summer. I don't know what happened to the President's compassion or sense of social justice. I don't think he understands the negative impact his veto will have on the millions of children who would be denied regular visits to see the doctor because he refused to sign this bill into law.

Now, let's review who stands for what. Under the bipartisan bill that the President vetoed this morning, 4 million previously uninsured low-income children, many of whom are in working families, I know there was a reference to welfare from the gentleman from Louisiana. I don't think he was referencing these kids or their families because these are working families. But 4 million previously uninsured low-income children who are in working families would get health coverage under this bill. A total of 10 million children would have their health coverage secured.

Under the bipartisan bill, the vast majority of children covered are the lowest income children who are today uninsured. According to the CBO, under the bipartisan bill, about 84 percent of the uninsured children who would benefit live in families with incomes below $40,000 a year. In addition, 1.7 million uninsured children who are eligible for Medicaid but otherwise would be uninsured would gain coverage under the agreement. Most of these would likely be children living in families with incomes below $20,000 a year. Under the bipartisan bill, States would have new tools to conduct outreach and enrollments. States could use express-lane, one-stop-shopping at places like schools, community centers and hospitals to get children covered.

The President, while he recently put out a regulation that would actually block schools from helping to sign low-income, uninsured children up for coverage, he put out another regulation that would force children to go an entire year, that is 1 whole year, without insurance coverage before their parents could sign them up for CHIP. That is 1 year of earaches, strep throat, asthma, diabetes, and toothaches that would be treated in emergency rooms rather than the doctor's office. The President talked about how kids can go to the emergency room. Well, has he been to an emergency room lately? I was at one in my district last weekend. It is not a great place for a kid to visit. It is a scene of trauma. People who have overdosed on alcohol and drugs. Most emergency rooms are overwhelmed with real emergencies and have few resources to treat people who need regular family care.

The President makes $400,000 a year. He is guaranteed health care for life. He has a government doctor that is at his immediate call. Yet today this President has denied millions of low-income children and working families the opportunity to get even basic health care. Working Americans understand the struggle families have to make ends meet and afford health care coverage for their children. But the President and very few, because I am not talking about all Republicans, but very few of my colleagues on the other side of the aisle appear to be the only people in America who do not understand the challenges these families face or the importance of securing affordable coverage for their children.

It is a sad day, Madam Speaker, for America that the President vetoed this bill. But there is an opportunity over the next 2 weeks, because I want everyone to support this motion, but in about a week or 2, we are going to have a vote on the floor. I would urge all those on the other side of the aisle who did not vote for this bill to use that time to reconsider and think about these kids when they go and cast their vote and vote to override this veto by the President.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Before I yield to Mr. DEAL, I want to ask the distinguished subcommittee chairman a question if I could, and I will do it on my time.

Why are we postponing for 2 weeks?

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Mr. PALLONE. I would hope that the Members on the other side of the aisle, including the ranking member, who I have a great deal of respect for, would use the time to contemplate, perhaps go to an emergency room.

Mr. BARTON of Texas. Madam Speaker, reclaiming my time, we are not postponing for any substantive reason; we are just postponing for political reasons.

Mr. PALLONE. Madam Speaker, it is not a political reason if you use the time to think about what this is all about. That is what I would urge you to do.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Texas for yielding.

Madam Speaker, I remind my colleagues that we created the SCHIP program 10 years ago in a bipartisan way to help insure low-income children who did not have access to high quality health insurance. Republicans continue to believe that we ought to have this program and that we ought to find a way to ensure low-income children have access to the kind of quality health care that our children enjoy.

This move today to delay the override of this veto is the most partisan political activity I have seen in this Congress all year. If you're really serious about trying to help children get access to low-cost health care, make sure that they have the insurance they need, we would have the veto override today, we would have it right this minute, and then we would start to sit down in a bipartisan way and work out our differences and ensure that we get low-income kids the kind of health care that they need.

Madam Speaker, yes, there are differences over this program. Some believe that having adults, and in some States, almost half the people involved in the program are adults, let's make sure that low-income kids, the target of this program, is met. But, no, we are not going to do that, unfortunately. We are going to do what the American people have said they are sick and tired of; we are going to do political games. That is what this delay is intended to do, to allow more time for the political games to go on, exactly what the American people have said they are sick and tired of.

Madam Speaker, I think we should have the vote today. Let's just go ahead and have the vote. We are going to sustain the President's veto. Then let's sit down together and do what the American people expect of us, and that is to make sure that this program is continued and children's health care in America is taken care of.

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I intend to recognize in a moment Ms. SHEA-PORTER from New Hampshire, but pending that, a couple of comments.

Madam Speaker, I would like to suggest that the 45 Republicans who voted for our bill, if they are being disregarded by Republican leadership, we have a lot of room over here and would welcome them on our side. I also suggest to the distinguished ranking member of the Energy and Commerce Committee, while his 2-year-old may not be ready for it yet, as somebody who is raising two children who are now 6, the reason we are waiting is for what we call in our household a "time-out." You go to your room and think about the mistake you made, and when you're ready to apologize and come back and set things straight, you can come out of your room. That is what the 2-week period is all about.

Mr. BARTON of Texas. Madam Speaker, if the gentleman will yield, my 2-year-old hasn't needed a time-out yet.

Mr. STARK. He will.

Madam Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, Americans are divided over many issues, but we are not divided over health care for our children. We are a good people, and we want our children to have health care. None of us want to see children in this country without health care; none, except for the President and his Republican supporters in Congress, that is.

Madam Speaker, the President and his supporters in Congress want to take hardworking American tax dollars and spend them, but not on the kids; no, in Iraq, in the middle of a civil war, with the $190 billion, which is the President's new request for Iraq, as he turns around to the children and the hardworking families of America and says, Just don't get sick, kids.

Mr. President, that is not acceptable.

Mr. CAMP of Michigan. Madam Speaker, I yield 4 minutes to the distinguished whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, like others, I am disappointed we are not going forward today to sustain the President's veto, an outcome that I think no matter how much time anybody has in the time-out chair will be the result. If we were moving forward today and sustaining the veto, then we could get together and try to have a bill that does what I think all of us want to do.

Madam Speaker, all of us don't want to do everything, but all of us do want to do some things. We all want a program that meets the needs of poor kids first. That is why when we put this in place in 1997, we said, look, kids, whose families are at the poverty level or below, they have access to Medicaid. But what about people who are kids whose parents are working, and working in jobs where they don't likely have access to insurance? Let's prioritize those kids.

Madam Speaker, as a minimum, whatever we do as we move forward, let's have a standard that the States have to meet, the administration proposed 95 percent, Mr. BARTON proposed 90 percent, but some percentage of kids whose families are in those jobs that may not have access to insurance. Before we go on and just simply talk about insuring kids, this should be a program that is focused on poor kids, not a program that is on more kids.

Madam Speaker, some of our friends say, well, if a program that would give health care to poor kids is a good thing, a program that would give health care to all kids or more kids must be a great thing. It is just simply not accurate. Things that destroy the private insurance market, things that don't meet the needs of the program before you move on to do more are not the kinds of things we ought to be focused on.

We need to be sure that we are covering people who are uninsured, not people who are insured, and then moving from insurance to government-paid health care, Washington-based health care. There are going to be situations, I guarantee, if we start insuring all the kids in America, or all the kids that this bill says that we are going to insure, where moms are going to wind up in houses that have both a mom and dad as the only person not insured.

Madam Speaker, think with me for just a minute. Dad has a job; insurance comes with dad's job. The government comes in and says we are going to insure the kids. Who gets left out then? It's mom. Our mom has a job, and while she is struggling with the job, she has to figure out how to insure herself and the kids, because insurance didn't come with the job. Then the government decides to insure the kids, and mom says, well, maybe I don't need insurance anymore.

Some of our friends will say, well, that is why we are insuring adults. This should not be a program about insuring adults. One of the reasons this program hasn't worked as well as it should have is too many States move to insuring adults before they would insure poor kids.

Madam Speaker, let's get on with this debate. I regret the fact that we are not able to start tomorrow because we went ahead and did today what is going to happen in two weeks. But let's get on with this debate. Let's be sure we provide a stable funding source for a program for poor kids and we put poor kids first in a program that is supposed to be about helping kids whose families are working, but working in jobs that aren't likely to have insurance.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, I thank my colleague for yielding at this time.

Madam Speaker, I rise today on behalf of the 112,000 uninsured children in my home State of South Carolina and the millions of other uninsured children across the country. Many of the uninsured children in my home State come from lower-income and working families, most of whom devote nearly all of their earnings to providing their children the basic necessities, such as shelter, food and clothing. Without CHIP, most of these families would not be able to provide their children with the health care they deserve.

Madam Speaker, in vetoing this bill, President Bush has shown the American people that his priorities are not with our Nation's uninsured; his priorities are not with the millions of families struggling to make ends meet. This President will have you believe that it is more important to reach out to America's millionaires and billionaires because, according to the President, they are the ones who are being left behind, not our children, not our uninsured, and not our hardworking families.

Madam Speaker, by opposing this legislation, the President is rebuking an overwhelming majority of Americans. CHIP has broad bipartisan support in the Senate and House, and 43 Governors and 300 advocacy groups have endorsed this legislation.

Support for this bill is high because it seeks to do what is right. It is right to insure children from poor and low-income families. It is right to extend coverage to 2.4 million minority children.

So I encourage my colleagues to do what is right and support this legislation. In doing what is right, you will be standing up for the uninsured. In doing what is right, you will be standing up for millions of hardworking American families. In doing what is right, you will be putting the needs of our children first.

Mr. BARTON of Texas. Madam Speaker, I yield 2½ minutes to the distinguished subcommittee ranking member from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the State Children's Health Insurance Plan, there ought to be something that we can agree on. The first is that the program ought to be for children. And yet we are told that in the bill the President has rightfully vetoed, in 5 years there will be 780,000 adults still in a children's health program.

Secondly, this program ought to be, as its primary target was, for children below 200 percent of poverty. We know that in States that have gone above the 200 percent level, they have left behind up to a quarter of their children in their State that are below 200 percent of poverty, and there is nothing in this bill that requires them to go back and make sure that they enroll those children. In fact, this legislation repeals the outline that CMS had put out to require 95 percent saturation of children below 200 percent of poverty. So there is no effort to go back and do what the program was designed to do, and that is to help those between the 100 and 200 percent of poverty.

Madam Speaker, the third thing is that we all ought to agree that Medicaid and SCHIP ought to be for Americans, for American children. The change that this bill puts into place will allow people who are not qualified under our current law for Medicaid or SCHIP to become eligible. CBO says that the Federal cost of that alone is $3.7 billion.

I think the last thing we ought to agree on is that we should not take a major step toward socializing health care in this country. This bill does nothing to prevent States from having what is called "income disregards." That is, if a State says, well, we just won't count what it costs for housing, we won't count what it costs for food, we won't count what is costs for transportation in computing your percent of poverty eligibility, then you can go up to 800 percent of poverty. And that certainly distorts the program.

Madam Speaker, lastly, we want to talk about time and the use of time. We knew 10 years ago that this bill was going to expire at the end of last month. This was a 10-year authorization bill. We knew in 1997 when it was put in place that it was going to expire at the end of September of this year. We knew 9 months ago when this Congress went into session that unless something was done, the legislation was going to expire the end of September. And yet only at the last minute was legislation presented in this House, with no legislative hearing, and then asked to be voted on, and not a single House Republican participated in the conference committee report that we are now being asked to sustain and to agree to at this point.

Mr. STARK. Madam Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, House Republicans strongly support the SCHIP program, and, as many speakers have said, this program was created on a bipartisan basis 10 years ago. We are advocating that the program remain what it was intended to be, and that was a program that helps low-income children who cannot otherwise get health insurance.

Had we been able to sit down on a bipartisan basis anytime over the past 9 months, I am convinced that we could have come to an agreement that reauthorizes this important program without turning it into a massive expansion of government-controlled health care. Instead, the majority first produced a massive expansion of SCHIP, partially paid for by cuts to Medicare.

Madam Speaker, fundamentally, the majority chose to shortchange the most vulnerable members of our society, seniors and the disabled, in order to force middle and upper middle-class families out of private health insurance and into a government program.

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Then the majority was confronted with the reality that Members of the other body would not cut Medicare, so they passed the Senate's version of SCHIP. That bill, instead of cutting government funds for seniors and the disabled to expand SCHIP as a middle-class entitlement, raised taxes on the working poor to expand SCHIP.

Now the majority is again forced to face reality. In order for a bill to become law, it must be signed by the President of the United States, and this President's position is clear: SCHIP should help low-income kids first. Before you expand coverage to families earning $62,000 or $83,000 a year, 300 or 400 percent of the poverty level, you need to cover children in families earning less than 200 percent a year. That is about $42,000 a year. That is just common sense, and is true to the original bipartisan spirit of the SCHIP program.

I hope we will be able to come to an agreement and not have the majority just simply roll over our legitimate concerns about this legislation. We need to sit down together to help low-income children, to fix the loophole that makes it easier for illegal immigrants to get government benefits, and to ensure that the SCHIP program is funded on a sound and honest basis. I look forward to that discussion.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. I thank the gentleman from Texas.

Madam Speaker, this veto will be sustained, and I hope it will allow us to return to the core issue of discussing health care for children, needy, poor American children. That is what our focus should be. It should not be about a secret, giant step towards nationalized health care. It shouldn't be about health care for adults or for middle-class families. It should be about meeting the needs of poor American children. That's what the program was set up to do.

Unfortunately, as H.R. 976 is constructed, we are only talking about 800,000 additional children. For all of the hype, for all of the talk, that is what you are talking about. We have seen numerous gimmicks used to try to make this bill work. We have heard about income disregards today. Now, in this bill, there are provisions that would allow you to go to 800 percent of the Federal poverty level. So instead of addressing the needs of poor American children, what we are talking about is providing coverage for families making over $206,500 a year. Madam Speaker, that is not the original intent of this program.

Another budget gimmick, in mid-2012, all of a sudden the funding is going to be cut 80 percent.

Madam Speaker, what is going to happen to SCHIP in mid-2012? How are we going to meet the needs of those children? This is what we need to do; return to the core issue, strip away all of these attached issues, and get back to what we need to do to be certain that we meet the needs of poor American children, not provide health care to illegal immigrants, not provide health care for the middle class.

SCHIP is about those children that are of the working poor, 200 percent of the poverty level. It is a program that deserves to be reinstated under the same rules that it was put in place in 1997.

Mr. STARK. Madam Speaker, I always thought that 800 percent of poverty was a Republican, but I am happy to recognize the distinguished gentleman from Wisconsin (Mr. KAGEN) for 1 minute.

Mr. KAGEN. Madam Speaker, this morning President Bush said "no" to 95,000 children in Wisconsin and to millions more across the Nation. His veto of the SCHIP bill is morally unacceptable. It is unacceptable to me as a father, as a husband, and as a physician. And to everyone living in Wisconsin and across this Nation who has a human heart. What kind of Nation are we when a President turns away a child in need? And what kind of Nation will we become if we remain on this partisan path?

My friends, this administration no longer represents our traditional American values, for no one anywhere in these United States believes we should abandon children in need. We need a President who believes in children and taking care of ordinary people and the needs of our children, our senior citizens, and the needs of America first.

Madam Speaker, today, right here and right now, we must begin to work together and build a better future for all of us, especially our children on whose future we depend.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Madam Speaker, it is bad enough that Congress continues to play politics with the war, now they are playing politics with little kids.

Despite broad bipartisan support for children's health insurance, this new leadership has settled on a divisive scheme to score political points rather than sit down and work out a reasonable solution.

Make no mistake, earlier you heard somebody say this is just a time-out. It's not a time-out. It's a cop-out. It's a cop-out to all the political hacks in Washington who want to spend 2 weeks covering your television sets and our newspapers and radio airwaves with their misleading ads rather than sitting down with us.

Meanwhile, the working poor who are parents are wondering if they are going to have any insurance for their kids past Christmastime. It doesn't have to be this way. I was here in Congress when we started this program. We sat down together with President Clinton and worked out a good program. There are a lot of us Republicans willing to do the same today.

I am hopeful that President Bush's veto will finally move our Democrat friends to stop playing political games with our kids, to sit down and pay for this bill and make it a reasonable one, end the abuses we all know are there and move this bill in a way that the President can sign it because our kids need this bill and we need to stop. It is shameful these political games we are playing here today.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, we have 46 million Americans that are uninsured, of which a large number are children. I have heard individuals come up and talk about the undocumented individuals. They are not covered by this particular piece of legislation.

If you live in rural America, if you live in rural Texas, you don't have access to insurance coverage. If you are not working for the government and if you are just working for a small company, you don't have access. If you make $20,000 or $40,000 a year, that is not sufficient to be able to cover your children. That is why we need a program that allows an opportunity for our young people to be able to get coverage.

These are Americans who are working hard. These are Americans who don't qualify for Medicaid because they are not poor enough and they are paying their taxes. These are Americans that don't qualify for Medicare because they're not old enough. Yet, they find themselves working hard every single day and are not able to cover their children.

We have to do the right thing. We have to make sure that we pay for those youngsters and allow an opportunity for them to have access. After all, they are the ones that are paying the taxes. They are the ones out there working hard, and yet they don't have their kids insured.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds.

One of the speakers on the majority side several speakers ago from the great State of Wisconsin was talking about the children. In his home State, they cover 110,000 adults and only 56,000 children under SCHIP.

The SPEAKER pro tempore. The gentleman from Texas has 4¾ minutes remaining. The gentleman from Michigan has 6½ minutes. The gentleman from New Jersey has 5 minutes remaining. The gentleman from California has 6 minutes remaining.

Mr. STARK. Madam Speaker, I am honored to yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and thank him for his tremendous work on behalf of health care for all Americans in our country and in this case for our children. I commend Mr. PALLONE for his leadership as well, and the distinguished chairmen, Mr. RANGEL and Mr. DINGELL.

I salute the bipartisan vote that we had in the Congress to send the SCHIP legislation to the President of the United States. It was strong and bipartisan. It was about the children. And I also salute the strong vote in the United States Senate. I commend Senators HATCH and GRASSLEY for lending their weight and bipartisanship to this important legislation. They joined Senators ROCKEFELLER and BAUCUS on this important issue.

Madam Speaker, as we all know and has been spoken already, today the President of the United States missed an opportunity to say to the children of America your health and well-being are important to us, so important that we are making you a priority. Today, the President said "no" to bipartisan legislation that would have extended health care to 10 million American children for the next 5 years.

The President said "no" to giving assurances to America's working families that if they work hard and play by the rules, we are their partners in raising the next generation of Americans and investing in the future.

In his speech and his veto statement, the President indicated we were doing something in this bill that we were not, that we were expanding eligibility. No, we were just enrolling all of the children who are eligible. In fact, we didn't have enough money to enroll all of them, but as many as could be afforded by a bill that could receive bipartisan support.

The President said that we are moving toward socialized medicine and that he supports private medicine. Well, so do we, and this is about private medicine. It is about children being able to get insurance so they can have health care. The fact is that 72 percent of the children on SCHIP receive their health care through private insurance programs.

I think the strongest indication of the President's commitment to this initiative came when he was Governor of Texas. At that time the State of Texas ranked 49th in its participation in SCHIP in meeting the needs of the children of Texas.

SCHIP started as a bipartisan initiative with a Democratic President, President Clinton in the White House and a Republican Congress which came together in a bipartisan way in order to provide for the needs of our children. Once again with the reauthorization of the bill, we have come together in a bipartisan way to provide for the needs of our children.

Sadly, following true to form, this form in Texas, 49th in the country, and how could Texas be 49th in the country with all of the pride that Texas takes in its stature, its size, its commitment to the future, its large number of beautiful and diverse children, that it would allow 48 States to be ahead of them in meeting the health needs of America's children from poor working families.

What I know will happen today is that we will vote for a time certain in 2 weeks for us to bring up the override of the veto. At that time I hope that with the 43 Governors across the country, Democrats and Republicans alike, with bipartisan overwhelming support in the House and Senate, with every organization from AARP to YMCA and everything alphabetically in between, including the Catholic Hospital Association, Families USA, and the American Medical Association talking about private medicine, and the list goes on, that Members will listen, at least listen to those who care about children, who have standing in caring about children because I believe every person in this Congress cares about children, and I think it would be important for us to hear the voices of those who on a day-to-day basis try to help families who need some assistance in meeting the health needs of their children.

So, my colleagues, this is, as Mr. HOYER said, a defining moment for the Congress of the United States. The President has said "no." This Congress must not take "no" for an answer, and I urge my colleagues to vote "aye" on a time certain when we can take up the override of the President's veto of the State Children's Health Insurance Program, an initiative to provide 10 million children health care, health insurance for 5 years. The difference between us and the President is 41 days in Iraq. For 41 days in Iraq, 10 million children can receive health care for 1 year.

☐ 1530

Let's get our priorities in order. Let's recognize that the strength of our country, in addition to being defined by military might, is defined by the health and well-being of the American people, starting with our children.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the gentleman very much for the time.

Madam Speaker, we've heard a lot of comments from our friends on the other side of the aisle about what the President meant by his veto. Well, let's talk for a moment what we mean by the action we're going to take.

We're going to postpone action on the veto override. We're going to postpone for 2 weeks a significant decision which will allow us to begin, on a bipartisan basis, to answer this question. I'm not sure I have seen a more cynical move in the House in my 13 years here. Maybe there has been one, but none comes to mind here.

But we have such a priority to name post offices after eminent people this week, but we don't have the time to stay here to work on this issue. No, we're going to postpone our override of the President's veto because somehow we, in some silly way, say we need a time-out. We don't need a time-out. We need a time-in. We need to work.

There are many things the American people are concerned about. One is health care for those poor children. That's why this program was established some 10 years ago. But the American people are also concerned about budgets that are out of control, and one of the reasons you have a budget out of control is because we take worthy programs that were designed for a specific purpose and we expand them and distort them beyond all recognition and have a program that is sold as for the children, that in some States has more adults on it than children, has more adults before you've registered the children, has gone beyond focusing on the poor children, is a program that is going to bankrupt this country because you see that repeated again and again and again.

Cynicism, cynicism is postponing the action on this floor. Last time I checked, we're not going to be here tomorrow. Last time I checked, we're going to be out of here by 7 o'clock tonight, but we don't have time to deal with this veto override so we can get about the business of truly dealing with a bipartisan approach to dealing with children's health.

That's the message here, not defining what the President's veto is, but by our actions defining who and what we are.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania, who's been an outstanding proponent of the SCHIP bill, Mr. ALTMIRE.

Mr. ALTMIRE. Madam Speaker, I thank the gentleman.

Madam Speaker, today the President showed that he fails to understand the struggle before Pennsylvania's working families when he vetoed a bipartisan, fiscally responsible bill to provide health care to 10 million children, including 320,000 in Pennsylvania, and in justifying his veto, all he offers is the same tired rhetoric, too expensive.

Well, our bill pays for itself at no additional cost to the taxpayer and doesn't add one penny to the Federal deficit.

Socialized medicine? The SCHIP bill continues a State-administered block grant that's delivered in the private market, and the private insurers and the American Medical Association have endorsed this bill.

A subsidy for wealthy families? Well, most children covered live in families that earn less than $40,000 a year, and these are working families that we're talking about, working families that work hard and play by the rules but can't afford health care for their children.

I encourage my colleagues on both sides of the aisle to join the majorities in both the House and the Senate, the 43 Governors and 68 Senators, and join us in support of this bill.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds.

Our speaker talked about Texas's rank in terms of SCHIP. In the first year that SCHIP was in law, Texas is a biennial State in terms of its legislature so we weren't able to get the program up and running. But in the second biennium, we did get it up and running under then-Governor Bush's leadership. Texas now ranks third in terms of the number of absolute children, and I would say in the top five in terms of percentage of eligible children, under SCHIP.

Mr. STARK. Madam Speaker, I am happy to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, there is absolutely nothing cynical about the delay. My Republican friends need some time to get their facts straight. I really get tired about hearing these phony arguments.

We're going to be covering some adults. Why are we covering some adults? Because the Republican administration granted State waivers for some States to be able to deal with some experiments to add to them, and this legislation stops the ability to grant those waivers that the Bush administration enacted.

We're talking about it should be just poor children, and somehow I heard somebody talk about $200,000 levels. Hogwash. There was one State that requested a waiver, New York, that would have taken it up to $83,000. That was denied. There are a number of States, with the approval of the Bush administration, that have raised the levels. New Jersey at $63,000 still doesn't hit their median income. Only one out of 10 of these children are in family incomes of over $40,000.

You need 2 weeks to get your facts straight.

Mr. CAMP of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I thank my colleague for his leadership and for yielding.

As a physician, I recognize clearly the imperative of all having health insurance, and I strongly support providing low-income kids with greater access to health care coverage, which is why I support a positive bipartisan reauthorization of SCHIP.

The problem is that's not what this bill is, and today, we're debating a 2-week delay. Now, there's no reason for a delay. It delays solving the problem, and it delays providing health care to some needy youngsters.

But I welcome this time because it gives Americans more time to realize this is all about politics. It gives Americans more time to realize that the bill is paid for with 22 million new smokers. It gives the American people more time to realize that the bill covers kids in higher-income families before lower-income families. It gives the American people the opportunity to understand the irresponsible and cynical nature of this bill.

We're sent here to solve challenges, Madam Speaker, and I call on my colleagues to work positively together now. Let's cover kids most in need now. Vote "no" on the postponement now.

Mr. PALLONE. Madam Speaker, I reserve my time.

Mr. BARTON of Texas. Madam Speaker, I'm the last speaker, so I reserve my time.

The SPEAKER pro tempore. The Chair will recognize Members to close in the following order: Mr. CAMP of Michigan, Mr. STARK of California, Mr. BARTON of Texas, and lastly, Mr. PALLONE of New Jersey.

Mr. CAMP of Michigan. Madam Speaker, we're not quite ready to close yet on my time. I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I thank the gentleman for yielding.

As a physician who's treated many uninsured patients, I have to say that there's a profound difference between coverage and access to care. Yes, you need coverage, but it doesn't necessarily equate to access.

Clearly, we've got a number of uninsured children in Louisiana. We have 107,000 on SCHIP but 91,000 who currently qualify who are not on SCHIP.

I asked the question why. I offered an amendment in this process to try to get the States to certify, to give reasons and to take steps to clear up this problem, to get those who currently qualify onto the rolls, to let this program work for those it's intended to; yet this amendment wasn't even allowed through the rules process. So this has not been an open and thorough debate on this problem.

We need to get away from our dug-in positions on different sides of this and really work hard on this health care access issue to solve it. It's got to be bipartisan. That's the only way it's going to work.

Mr. STARK. Madam Speaker, I'm happy to yield 1 minute to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, President Kennedy once said, To govern is to choose. $700 billion for the war in Iraq but no health care for America's children. $50 billion in subsidies for big oil companies, but no to health care for America's children. $8 billion in no-bid contracts and lost in waste, fraud and abuse in Iraq, but no to America's children. Billions of dollars for schools and roads and clinics in Iraq, but no to health care for America's children.

Today, the President told millions of children and their families that they're on the bottom of his priority list.

Now, I used to work in the White House. I know it can be quite isolating. I just never knew it was this isolating. When 45 Republican House Members, 18 Republican Senate Members, Governors who are Republicans, Democrats come together, build this type of consensus, it's time for the President to see what the American people see, that this is the right health care.

You have the same health care for you and your families that we are trying to provide for these 10 million children whose parents work full-time.

Delores Sweeney in my district works in an insurance company, has three children, and she's trying to get the health care for her children that she cannot get in the private insurance place.

This is right for Delores Sweeney. It's right for your kids. Let's make it right for America. Vote "yes."

Mr. CAMP of Michigan. I've no further time to yield, Madam Speaker. We're prepared to close. I would ask my colleagues on the other side, are we prepared to close as a group?

Mr. PALLONE. Madam Speaker, I do have some additional speakers, and I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Speaker, I rise today in strong opposition to the President's veto of the KidsCare bill, known as SCHIP here in Washington. His refusal to provide funding to over 82,400 uninsured children in the State of Arizona is simply unconscionable.

Today, in my State, one out of every five kids currently has no health insurance. We rank among the five highest States in the entire country.

By vetoing the KidsCare bill, this President proves that his priorities are not in line with the American people, are not in line with the people from my home State of Arizona.

I urge my colleagues on both sides of the aisle to continue to support this fiscally responsible legislation passed by Congress with bipartisan support. It is critically important that the President does not fail the kids of Arizona, the kids of our country and, hence, fail our future.

Mr. BARTON of Texas. Madam Speaker, I am prepared to close when it is time to close.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I thank the gentleman for yielding.

Let me ask you this: If you were walking down the street and you saw a child injured on the side of the road, would you stop? Would you do everything necessary to help that child? I think everyone on this floor today has a simple answer to that question. Of course we would.

So why don't we also agree that for the millions of sick children around this country who have no access to health insurance or preventative health care, that we don't have a similar duty to do everything in our power to help them get healed?

That, to me, is the definition of compassionate government. And don't let anybody tell you that these kids have access to health care and their parents are just negligent. The truth is that health care availability is shrinking, and the number of children who get sick because they can't get health care is growing.

And just like we have a moral obligation to help that injured child, we have a similar moral obligation to help heal a child who lies sick in their bed simply because their family cannot afford a doctor.

I don't understand why the President won't help that child, but I hope that together, by overriding his veto, we will.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I think the issue of providing health coverage to 10 million children is important enough to give our constituents adequate time to weigh in on it.

Let them consider whether they want to spend $7 billion a year to provide health care to 10 million uninsured children, an amount equivalent to 2½ weeks spent on the Iraq war.

Insure our children for $7 billion a year? President Bush runs for the veto pen. $10 billion a month for Iraq? The President asks for $190 billion more.

I urge my colleagues to take this time to listen to their constituents. Look into the eyes of an uninsured child. That child could be sitting next to yours or your grandchild in school.

And remember, unlike the war funding which is all on credit cards, this bill is actually paid for. This is an offer, as someone running for reelection, you can't afford to refuse.

☐ 1545

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Madam Speaker, for 6½ years this President was not concerned about fiscal responsibility, but today he claims to get the picture. However, what he claims is clearly in conflict with the facts.

Our SCHIP is fiscally responsible, it's compassionate, and it makes sense. And it's what the American people want. We are determined to override the President's veto, because it is the responsibility of this body to take care of the children of this country. This isn't about ideology, as the President wants, but about practicality. It's about doing what it will take to fulfill the responsibility to the next generation of our country.

We will override this veto and give health care to our children. I can tell you something, anyone who votes against SCHIP will answer to his or her constituents in November.

Mr. BARTON of Texas. Madam Speaker, I have had an additional speaker show up, so if it would be appropriate, I would yield 1 minute to Mr. KINGSTON of Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

One thing you can always count on in Washington is whenever we pass any legislation, it's always going to be in the name of the children, or the seniors or Mama or puppies or clean air or all things small and beautiful. In fact, the Speaker of the House the other day used the word "children" in her speech 44 different times, because politicians are always altruistic with other people's money.

Now, the SCHIP program was designed to help the working poor, not to help people who make $82,000 a year, who might not be rich, but they are certainly not poor. It is designed for American children. It wasn't designed for illegal aliens and yet the Democrats have thrown out the citizenship test. That's the last thing we need is more benefits for illegal aliens.

And then there will be 780,000 adults on this program. This is the children's health care program. While the Democrats will tell you, well, that's only 30 percent, it should be 100 percent children.

The President is right in vetoing this sham.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank the gentleman for yielding time.

Madam Speaker, I rise today in support of postponing consideration of the vote to override President Bush's veto of the SCHIP Reauthorization Act.

We have a momentous opportunity here. Yet today the President chose to deny health care to millions of poor and uninsured children. In the State of California, 50 percent of those children that are enrolled happen to be of Hispanic descent.

What message is he giving to those children? While the bill may not be perfect, I think it's still a step forward in the right direction for our country and for the communities of color that it will serve and for our children, our very, very poorest children.

In the coming weeks, I urge our colleagues to stand up for the health and well-being of our children of working families and to reject the President's misguided, immoral and fundamentally flawed veto.

I join with my colleagues today in asking that we postpone, call a timeout, so that he can think about this and his party. We must do the right thing for our children, those who are the most vulnerable in our population.

Mr. CAMP of Michigan. Madam Speaker, I am prepared to close. I have no further speakers.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LEWIS of California. Madam Speaker, I believe under the rules, in consultation with the minority, that the majority does control the calendar; is that correct?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. LEWIS of California. Parliamentary inquiry. Who controls the calendar? That is a parliamentary inquiry. The legislative calendar.

The SPEAKER pro tempore. The gentleman should consult with the leadership.

Mr. LEWIS of California. By what?

The SPEAKER pro tempore. The gentleman should consult the majority leadership.

Mr. LEWIS of California. Right, by a majority decision, which means essentially the Speaker's office, but nonetheless, that's interpretation.

Presuming that what you said is correct, that majority decision can set this bill when they wish to, including the middle of October, if they wish to; is that correct?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. LEWIS of California. I think it is. It is asking about process and the procedure of the House.

I beg your pardon. I don't do this very often.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry. The gentleman is advised to consult with the leadership.

Mr. LEWIS of California. I think it is very important, Madam Speaker, that this parliamentary inquiry be, at the least, responded to partially.

The SPEAKER pro tempore. If the gentleman will state a parliamentary inquiry.

Mr. LEWIS of California. I am about to do that. It is very clear to you, Madam Speaker, I am sure, and anybody listening, that the leadership wants to delay this until October 15 for political purposes, and they are partisanizing this for no reason.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

The Chair recognizes the gentleman from California.

Mr. STARK. Madam Speaker, are we closing?

The SPEAKER pro tempore. The gentleman from California has 1 minute remaining.

Mr. STARK. Madam Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, I am prepared to close.

I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. CAMP of Michigan. Madam Speaker, .this is a disappointing day. Instead of sending the President a bill he could sign, the majority chose to ignore calls for bipartisanship and chose to ignore the kids they proclaim to champion.

And what is their reaction to this forewarned veto? Did the majority immediately reach out to build consensus? No. Compromise? No.

Instead, the majority decided to stall, to put off dealing with the veto and put off finding a solution.

I ask one simple question: How does stalling a renewal of SCHIP for partisan gain meet the needs of low-income kids? SCHIP can be renewed without extending benefits to people making $82,000, without extending benefits to adults, without going down the path of government-controlled health care.

We can renew SCHIP without raising taxes, without cutting Medicare, without assuming there will be 22 million new smokers, and without cutting funds in year 6 by 80 percent and pushing the program off a budgetary cliff.

It's time for this Congress to get its priorities right to determine if we are results or rhetoric, if we are for kids or campaign tricks.

Let's pass a new SCHIP program, and let's send the President a bill he will sign.

Madam Speaker, I yield back the balance of my time.

Mr. STARK. Madam Speaker, I am happy to recognize the gentleman from Texas (Mr. DOGGETT) for the remaining time to close for our side.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 minute.

Mr. DOGGETT. The Republicans charge that we want to help so many children with no insurance and that we want to allow them so much time to reconsider their indifference. We plead guilty as charged.

This President? It's like the book title, Dead Certain but also Dead Wrong.

The only question is how many children will be dead or will suffer with disease and disability until enough Members of this Congress are willing to stand up to the President and stand up for children.

President Bush has ideological blinders. He is never around the children of the working poor, the child who sobs with an earache, the child who moans as a result of an abscessed tooth, who has no antibiotics for a strep throat, and the poor parent who lacks the ability to do something about it.

The President's veto today is neither sound fiscal policy nor good medicine, and his solution that these Republicans embrace of "just go to the emergency room" is neither compassionate nor conservative.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time to close.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 3½ minutes.

Mr. BARTON of Texas. Madam Speaker and distinguished Members of the House of Representatives, I have in my hand a letter dated September 27 from myself and the majority of the Republicans on the Energy and Commerce Committee asking Speaker PELOSI to refer the SCHIP bill to the Energy and Commerce Committee so that we truly could have a bipartisan compromise.

If we could defeat this motion to postpone the veto, we could then move to a motion to refer the bill to the committee and honor the letter that I have sent to our distinguished Speaker.

We are going to sustain the President's veto whenever that vote occurs. In the history of the Republic, there have been over 2,000 vetoes of bills. Only 106 of those vetoes have been overridden. This will not be 107.

We will sustain the veto when that vote occurs and then hopefully we will begin the bipartisan process that should have begun back in January when the new majority took over.

When that day comes, the debate is not going to be about whether there should be a SCHIP program. There should be. The debate is not going to be whether we should cover low-income children. We already do that under Medicaid. The debate is not going to be whether we should cover children between 100 and 200 percent of poverty. We already do that.

The debate is going to be, should we cover adults? Most Republicans say no, we should not cover adults. The debate is going to be about illegal residents of our country. Should we cover illegal residents? Most Republicans are going to say no. I am not sure what our friends on the majority side are going to say. They may say no, they may say yes, they may say both. We are going to have that debate.

There are 78 million children in America. As far as we can tell, when you compare the numbers between the majority side and the minority side and the President's numbers, we are really having the debate about between 1.2 million and 800,000 children in America today that for some reason are not covered, and they fall within the income eligibility levels that we all tend to agree on, which is at least up to 200 percent, maybe 250 percent of poverty.

So we will focus the debate at some point in time, and at that point in time, we will have a bipartisan compromise. The President wants to reauthorize SCHIP. The Republicans want to reauthorize SCHIP. We just don't want to cover high-income Americans, we don't want to cover illegal residents, and we, the Republicans, don't want to cover adults.

Let's vote not to postpone the veto. Let's have the veto today and then begin the process that should have begun back in January of this year.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 27, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Circumstances have combined to present the House with an unusual opportunity to restore a part of the usual process by which legislation, major and minor, is produced by the House in normal times.

As you know, legislation reauthorizing the State Children's Health Insurance Program

(SCHIP) was approved on Tuesday night by a margin that plainly implies our House will sustain the anticipated veto. As you also know, that legislation was the product of decisions which largely ignored the regular and established legislative process. In our committee, we had a single general hearing on children's health. There was no legislative hearing on the House SCHIP bill, and no markup by our Health Subcommittee. The full committee markup was restricted to reading the legislation because the 500-page bill had only been revealed to most of us at 20 minutes to midnight on July 24, just 10 hours before the markup was scheduled to open. Then on the House floor, amendments were barred.

Strategic errors by the majority generated House and Senate bills so distinctly different that a conference committee to work out the differences was deemed impossible. Thus the House was required to consider a take-it-or-leave-it patchwork of private agreements in lieu of a normal conference report. As you know, House Republicans were denied access to any part of the negotiations. That solution was said to be "creative" by a prominent member of your party.

We opposed the SCHIP bill that came to us on Tuesday, and not only because of the terrifically flawed process; you supported it, and we think largely because you are proud of the bill's content. Yet we gather from your remarks that you and many other Democrats also believe the makeshift bill we passed Tuesday night is hardly perfect, and could be improved dramatically.

It seems to us that until November 16, when the temporary extension of SCHIP under the continuing resolution expires, we have a second chance to get both the process and the policy right.

All Republicans have ever wanted was a fair opportunity to understand, debate and affect the legislation in a positive way. During the crafting and passage of both the CHAMP Act and the House-Senate package of amendments, none of these possibilities were available to Republicans or, for that matter, to most Democrats. That failing can be revisited and remedied if you are willing to respond to the inevitable requirement for an SCHIP extension by conducting a normal legislative hearing and a traditional markup.

Given a common-sense opportunity to actually read and comprehend a bill reauthorizing SCHIP—surely a handful of days could be permitted and please, this time without a midnight document delivery—our strong preference would be to stand and debate, then let the votes decide the outcome. All you need do is convene the relevant committees between now and November 16 to do the work they were designed to do.

Second chances on legislation always seem possible, but never seem practical. We're about to have a practical second chance to do it right. While Democrats control a majority of the votes, no Democrat we know claims to have a monopoly on good ideas.

Madam Speaker, SCHIP should never have become the intensely partisan issue that it did become. A time will come, however, when no more political advantage can be wrung from it. We think that time is nearly upon us, and we should use it to achieve a bipartisan bill through a cooperative effort. Still, Democrats and Republicans do have different views and if our principles cannot be reconciled through good-faith bipartisanship, an honest airing of facts accompanied by actual amendments and real votes cannot help but produce a better bill than the one we passed on Tuesday night. Whether intended to produce bipartisan agreement or a clash of values, a legislative hearing would lay the groundwork for a formal markup. Such a process can occur if the chairmen of the Energy and Commerce and the Ways and Means committees can be prevailed on to take the requisite steps, and only you can accomplish that task.

We hope you can find a way to agree that good process will produce better legislation, and that you will instruct the committees to conduct public hearings followed by fair, open markups of the SCHIP extension that will be required.

Sincerely,

Joe Barton, Ranking Member, Committee on Energy and Commerce; Nathan Deal, Ranking Member, Subcommittee on Health; Ralph Hall, Committee on Energy and Commerce; Ed Whitfield, Committee on Energy and Commerce; John Shadegg, Committee on Energy and Commerce; Steve Buyer, Committee on Energy and Commerce; Joe Pitts, Committee on Energy and Commerce; Lee Terry, Committee on Energy and Commerce; J. Dennis Hastert, Committee on Energy and Commerce.

John Shimkus, Committee on Energy and Commerce; Chip Pickering, Committee on Energy and Commerce; George Radanovich, Committee on Energy and Commerce; Greg Walden, Committee on Energy and Commerce; Mike Rogers, Committee on Energy and Commerce; Sue Myrick, Committee on Energy and Commerce; Michael Burgess, Committee on Energy and Commerce; John Sullivan, Committee on Energy and Commerce; Marsha Blackburn, Committee on Energy and Commerce.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 1 minute.

Mr. PALLONE. Madam Speaker, I listened to my colleague from Texas, and he talks about process. The fact of the matter here, this is not a process issue. These are the kids that are not insured, are eligible, and we need to cover them.

The President of the United States and my colleague on the Republican side does not want to spend and provide the extra money to cover these kids that need insurance. If anything, the President's proposal and his directive would actually put more roadblocks and bureaucracy in the way with his directive that says that kids have to stay uninsured for a year, for example, before they can even get into the program.

Let there be no mistake about what the President and the Republicans on the House side are trying to do today. They don't want these kids to be covered. They don't want to provide the money for them to be covered. They want to put roadblocks in the way and say they have to be out of insurance for a year.

I remember back in the spring when some of my colleagues on the other side from Georgia came here with their representatives from the Georgia government, and they said that they didn't have enough money to cover the kids, that we needed more money for this program. I don't understand how any of you can come here today and say you are trying to help. You're not.

I would urge my colleagues to vote for this motion.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I do not think I have to further remind this Congress about how far off base the President is over the State Children's Health Insurance Program.

The health care system is failing our Nation's children who are in need. Too many are without health insurance and do not receive the regular care they need.

For this President, the supposed evil of two million children possibly switching health coverage to state sponsored healthcare is enough to block coverage for 6 million additional poor children.

Seven hundred and fifty thousand children were added to the rolls of the uninsured last year and the number of employers that offer health benefits to the children of workers continues to shrink.

Yet the President stands firm to a proposal for SCHIP that would not even be able to maintain existing coverage and would impose unconscionable hurdles on families whose children need health care.

One must question the principles of this President. How, in good conscious, could he ask for an additional $190 billion for a war that two-thirds of the American people oppose while calling $5 billion for one of our nation's most successful programs reckless spending?

The American people deserve better and our Nation's children deserve the right to have health insurance.

Mr. DINGELL. Madam Speaker, the President's veto of a bipartisan plan to help 10 million children is incomprehensible. It willfully ignores the needs of low-income children and the recommendations of Congress, 43 State Governors, more than 300 coalition groups, and the vast majority of the American people.

Unlike America's children, the President has nothing to lose by vetoing this legislation. President Bush has government-run health insurance. But millions of American children do not have any coverage at all.

It saddens and baffles me to think that the President would not want to make health insurance for 10 million children a positive part of his legacy. I pledge to keep fighting for this bill and to protect America's most vulnerable children.

This matter is too important to the children of our Nation. I support the Leader's motion to postpone immediate consideration of the President's veto of H.R. 976 so that we may provide Members time to consider the magnitude of this vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to postpone.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 197, not voting 13, as follows:

[Roll No. 938]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Cardoza
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gordon
Jindal
Lee
Paul
Perlmutter
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1625

Messrs. HOEKSTRA, SHAYS, and BOOZMAN changed their vote from "aye" to "no."

Mr. RUPPERSBERGER changed his vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Madam Speaker, due to a family emergency I missed the following votes on Wednesday, October 3, 2007. I would have voted as follows: Democratic Motion on Ordering the Previous Question on the Rule on the Improving Government Accountability Act (H. Res. 701)—"yea"; Democratic Motion on Ordering the Previous Question on the MEJA Expansion and Enforcement Act of 2007 (H. Res. 702)—"yea"; H. Res. 702—Rule providing for consideration of H.R. 2740—MEJA Expansion and Enforcement Act of 2007—"yea"; Conyers Amendment. Provides that the Department of Justice (DOJ) Inspector General is not required to refer to the Counsel of the Office of Professional Responsibility (OPR) of DOJ, allegations of misconduct involving DOJ attorneys and related personnel where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice—"aye"; Motion to Recommit H.R. 928—"yea"; Final Passage of H.R. 928—Improving Government Accountability Act—"yea"; Democratic Motion to postpone the Vote to Override the President's Veto of the Children's Health Care bill until October 18, 2007—"aye."

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion just considered.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2740.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2740.

□ 1626

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, we have never fought a war in which private contractors not only outnumber United States troops, as they do in Iraq, but perform many tasks that are very similar to those historically performed by our troops. A critical difference, however, is that these contractors, unlike our troops, are not subject to the requirements of military discipline and United States law governing the conduct of warfare. Further, they are also immune from Iraqi law.

As we know, last month contractors working for Blackwater allegedly opened fire in a Baghdad neighborhood, killing at least 11 Iraqi civilians. A witness told a CNN reporter, "Each of their 4 vehicles opened heavy fire in all directions. They shot and killed everyone in cars facing them and people standing on the street." Another witness, whose youngest son was killed during the attack, likened the event to "hell, like a scene from a movie."

This latest incident unfortunately evidences the fact that some of these contractors are abusing their power with impunity, subject to no law whatsoever, domestic or foreign. H.R. 2740 corrects this serious gap in current law.

Specifically, it amends the Military Extraterritorial Jurisdiction Act, known as MEJA, in three critical respects: First, it closes the legal gap in current law by making all contractors accountable for their actions. MEJA currently only extends U.S. Federal criminal jurisdiction to felony crimes committed overseas by contractors working on behalf of the Defense Department.

□ 1630

This measure specifies that the act would apply to all contractors, regardless of the agency for which they provide services.

Second, this measure requires that the Inspector General of the Justice Department examine and report on the Department's efforts to investigate and prosecute allegations of misconduct committed by contractors overseas.

Since the Iraq war started, the Department has failed to commence a single prosecution against a contractor under the Military Extraterritorial Jurisdiction Act. Sadly, last month's Blackwater incident was not the first time contractors have acted abusively without any accountability.

On Monday, we learned that Blackwater was involved in at least 195 shooting incidents in Iraq since the year 2005. And Blackwater isn't the only culpable company. In 2005, armed contractors from the Zapata contracting firm allegedly fired indiscriminately not only at Iraqi civilians, but also at United States Marines. In 2006, employees of Aegis, another security firm, posted a trophy video on the Internet that showed them shooting civilians. And employees of Triple Canopy, yet another contractor, were fired after alleging that a supervisor engaged in a "joyride shooting" of Iraqi civilians. These cases, and all like them, should be appropriately investigated and prosecuted, if warranted.

Third, H.R. 2740 establishes ground units of the Federal Bureau of Investigation to investigate allegations of criminal misconduct by contractors. Notwithstanding the fact that more than 180,000 contractors are currently operating in Iraq, there is not a single investigative unit located in that country.

Pursuant to a directive of the administration, FBI agents are belatedly being sent to investigate the Blackwater crime scene in many instances where the evidence has long disappeared. Without a mandated investigating unit, the Justice Department lacks the ability or the incentive to respond effectively. And so, to our colleague from North Carolina, DAVID PRICE, the author of H.R. 2740, we fixed that shortcoming. And I acknowledge the sponsor for his sustained leadership on this important issue of ensuring that those acting in our name will be held legally accountable for their conduct.

This legislation is widely supported, including the Human Rights Watch, Human Rights First, the International Peace Operations Association, and Amnesty International.

The need for us remedying the problem described is extremely urgent. I urge my colleagues to join with me in support of its swift passage.

Madam Chairwoman, I reserve the balance of my time.

Mr. FORBES. Madam Chairwoman, I yield myself such time as I may consume.

Madam Chairwoman, when I walk into this great body, I understand often why our approval ratings are so low with the American people, because they tune in and they listen to our debates and they listen to us talk about problems, and then they actually read the legislation and they look at the proposed solutions and they scratch their heads and oftentimes say there's a huge disconnect between the two.

The other thing that they see is they see Members on this side of the aisle and certain Members on that side of the aisle who scratch our heads and wonder why we can't come together in a bipartisan manner to create solutions that actually work. And this piece of legislation is exactly why that isn't able to happen. Because when this bill came through the Judiciary Committee, the minority and the majority both agreed, it was voted out by voice vote because the intent that you will hear discussed today was supported by both the majority and the minority. But we were given assurances, and we certainly had the expectations, that the absolutely poor drafting of this legislation would be corrected before it came to the floor. And we had opportunities to do that, Madam Chairwoman, but they didn't happen.

And so today we have a bill that Members are in somewhat of a quandary over how they vote because they can either vote on this bill and vote against the bill to send a message to the Senate that it needs work and it needs to be corrected, even though they support the intent of the bill and hope the Senate will do what we cannot do, and that is, correct the poor draftsmanship, or they can vote for the bill because they support the intent of the bill, and again, hope springs eternal, and hope that the Senate will be able to correct the poor draftsmanship and send us back a better bill in conference.

I am not going to suggest which way they should vote, but let me try to correct the disconnect between the problems that are alleged and the actual legislation, because it's an intent that's important for us to get right, but it's important for us to get right with proper drafting.

First of all, under MEJA, which was passed under the previous majority, let me tell you who was actually covered. Under that bill, which is the reach we have to reach out for individuals who may be Americans who do stuff that's wrong overseas under contracts at that time, every Member of the Armed Forces that was subject to the Uniform Code of Military Justice was covered. Every civilian employee of DOD was already covered. All the employees of every other Federal agency and every provisional authority who was supporting a mission of DOD was covered. Every contractor of DOD, covered. All contractors of any Federal agency or provisional authority supporting missions, and their employees, covered. The dependents of the members of the Armed Forces, covered. The dependents of the civilian employees of DOD, covered. And the dependents of DOD contractors, all covered under current legislation.

Now, what does this legislation purport to do? What it purports to do is to add contractors of other Federal agencies who are not supporting DOD missions but who work in, according to the language of the bill, close proximity to a contingency operation. Well, Madam Chairman, the problem is that we've actually reduced some of the jurisdiction as opposed to increased the jurisdiction under this particular legislation.

First of all, there is no defining of what "close proximity" actually means. And there is no carve-out for those who are supporting a DOD mission who might not be in close proximity to a contingency operation.

So, Madam Chairwoman, under the proposed legislation, if we have a contractor who was doing something that would have been covered because they were in support of a DOD mission, but let's say they were on a base in Germany, because they were not in proximity or close proximity to an area of contingent operations, under the previous jurisdiction they've been covered; under this jurisdiction they would no longer be covered. That's something that could have easily been corrected in the draftsmanship if we had been given the opportunity to do that prior to coming to the floor.

The second thing, Madam Chairwoman, is when it comes to intelligence operations, which will now be brought under this particular bill, there is no carve-out under this bill for employees who may be working in operations that are involved in intelligence. If they are accused of doing a particular criminal act and they are then exposed and the linkage is because they're hired to do intelligence activities somewhere else, that entire network could then be exposed and the security of this country jeopardized, which certainly shouldn't be the intent of what we want. Again, that could have easily been corrected if we could have just written that in and corrected it before it came here.

The other thing, Madam Chairman, is there is no carve-out for residents and nationals of other countries. In the current bill there is, but under this particular legislation and the way this bill came to the floor, it may not be. We can actually have an employee of a company from another country, not even a resident of the United States, who could be employed by one of our corporations doing work for the United States, and because of the way this bill is drafted, when they say just because they're in the employ and they didn't put a scope of employment definition in the bill, then even if that person was outside of his employment, even if he was off the job, even if he wasn't working then, if he committed an act that might be a criminal offense in the United States, even if it wasn't a criminal offense in the country in which he did it, under this bill there would be jurisdiction, but there are all kinds of questions as to whether or not we could pick him up, arrest him and detain him.

The final thing, Madam Chairman, that could have easily been corrected and wasn't done is this bill sends the FBI to do these investigations in theater of operations, and there is no definition for what theater of operations actually is. We are now putting our agents in danger to do investigations in areas of military conflict where they primarily do investigations domestically at home, but we don't give them any funding to do it; we just mandate that they do it. And some of the estimates of cost that were given in the committee were as much as $5 million just to do the investigations. That means that we will have FBI agents that will be doing investigations of employees who could be doing illegal activities overseas, but we may be taking them away from activities here domestically that they could be protecting American citizens here against terrorist activity, against gang activity and against things that are going on in the United States, and this bill doesn't give a dime of funding to do that.

So, Madam Chairman, this is a bill, the intent of which is a good intent; unfortunately, the draftsmanship is horrible. It is unfortunate that we couldn't have worked in a bipartisan way to have corrected those issues before they got to the floor.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I am now pleased to recognize the gentleman from North Carolina, whose interest in this subject matter began 3 years before he became chairman of the appropriations subcommittee, and I am happy to recognize him for as much time as he may consume.

Mr. PRICE of North Carolina. Madam Chairman, I thank the gentleman.

I am pleased to rise as the initiator of this legislation to speak in favor of a long overdue solution to a problem with serious implications for our military and for our national security.

Put simply, this legislation ensures that the U.S. Government has the legal authority to prosecute crimes committed by U.S. contractor personnel working in war zones.

I want to first thank Chairman CONYERS and Chairman BOBBY SCOTT for their leadership in bringing this legislation to the floor today. There are many other Members on both sides of the aisle who worked on this issue, including the gentleman from Connecticut (Mr. SHAYS) who held an excellent series of hearings last year, and Mr. WAXMAN, who has focused his committee on the issue this year.

My bill would do two simple things: it would expand the Military Extraterritorial Jurisdiction Act, MEJA, to cover all contractors operating in war zones, and it would beef up the Department of Justice's enforcement of MEJA.

Madam Chairman, the word "accountability" is used a lot in this Chamber. Let me tell you what I think accountability should mean in this context. It should mean that we have the tools at our disposal to ensure that the criminal behavior of men and women working in our name and on our dime does not in any way damage our goals and objectives.

□ 1645

It should also mean making sure that rogue actors, the bad apples in the bunch, are not able to act in ways that endanger our troops or our mission without fear of prosecution.

Our military is the best fighting force in the world today in large part because it is structured in a way that demands accountability, discipline and unity of action. Military commanders will universally tell you that accountability is critical to success because lapses in discipline or judgment can lead to defeat on the battlefield or can undermine popular support for the mission. So the military goes to great lengths to ensure accountability. There is a clear chain of command, extensive training on legal and illegal actions in war, and perhaps most importantly, clear consequences for violations.

During the war in Iraq alone, there have been over 60 courts martial and hundreds of nonjudicial punishments of military personnel under the Uniform Code of Military Justice. There is good reason for this accountability. If a military servicemember unlawfully kills an innocent civilian or steals property or defiles a cultural icon, it contributes to popular outrage against American forces. It makes the military's mission more difficult. It undermines our national security. It could motivate insurgents and provide fodder for terrorist organizations.

What is more, if we can't ensure the rule of law for our own personnel, how can we credibly ask other nations, like Iraq, to uphold the rule of law when their own citizens commit crimes?

Unlike the military, there is no clear chain of command for contractors, little in the way of standards for training and vetting personnel, and often no legal accountability for misconduct. As the recent shooting incident involving Blackwater U.S.A. employees demonstrated, contractors can clearly act in ways that have serious implications for our national security. If we don't hold contract personnel accountable for misconduct as we do for our own military, we are not only failing to uphold moral responsibilities, we are endangering the men and women of our Armed Forces and we are undermining our Nation's credibility as a country that upholds the rule of law.

Now, it may be hard for some of us to believe that this gaping hole in the law exists. In fact, as my colleague from Virginia (Mr. FORBES) has stated, certain contractors, those working under the Department of Defense, are already covered by MEJA. But others are not.

I would like to know what the gentleman from Virginia would say to Secretary of State Condoleezza Rice at this very moment as she is contemplating what authority she has or can piece together to deal with the Blackwater incident of 2 weeks ago, if it turns out investigations show that prosecution is warranted? Contractors working under the Department of State or USAID, a category that includes most armed security contractors, are not now covered under this law.

Now, the law isn't the only problem. We also have seen a serious deficiency in enforcement. Even though MEJA does cover DOD contractors, I am not aware of a single case of violent contractor misconduct that has, in fact, been prosecuted in court. I have been told that MEJA has been applied in only one case in Iraq and Afghanistan, and that was a defense contractor convicted of child pornography.

There is nearly universal support for accountability for contractors and there is broad support for the approach taken by this bill. Leading human rights organizations like Amnesty International, Human Rights Watch, and Human Rights First support the bill, as do contractor associations such as the International Peace Operations Association.

My bill will improve the law and will improve enforcement. It will give our country the ability to hold contractors accountable, which will enhance our national security and the safety of our troops, and it will ensure that our country remains a model of law and integrity for the rest of the world.

I urge my colleagues to support this legislation.

Mr. FORBES. Madam Chairman, I would have responded to the gentleman from North Carolina had he yielded to me when he asked me the question what I would do that we support the intent of this bill, but it doesn't justify writing a poor bill. It doesn't justify taking away existing jurisdiction. When we have contractors that are committing bad actions, whether they are in Iraq or whether they are in Germany, we want to hold them accountable. Why in the world we would draft legislation which could reduce that jurisdiction is beyond me.

I would like, Madam Chairman, to yield at this time 7 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman from Virginia for yielding and I appreciate the fact that he is supporting this bill but that he is trying to point out areas that it could and should be improved, which is part of what should happen in the debate in Congress.

Mr. PRICE, I appreciate what you are attempting to do. I think your motives are where they need to be. I think you are trying to make sure that our country is being responsible in dealing with an issue that is very serious.

I do rise in support of this legislation which will provide, hopefully, greater accountability for unlawful acts contractors may commit abroad. I chaired the National Security, Emerging Threats and International Relations Subcommittee of the Government Reform Committee, or now the Government Oversight and Reform Committee, and the issue of private security contracts was the subject of a hearing we held in June of 2006. In addition, the Oversight and Government Reform Committee held a hearing on security contractors yesterday.

Private security contractors in Iraq do many of the jobs our military used to do and provide incredibly valuable services for our military. They build facilities and structures. They build roads and bridges. They build waterworks. They provide electricity. They deliver supplies to our troops. They are cooks. These are all things the military might have done in the past, but we think that is not a good use for the military. They also provide security, protective security. That is what they do. It is a distortion if the implication is that we have more contractors than military, that the contractors who are there are doing military work. A lot of them are just building things and guarding bases and all the things that I have just mentioned.

Now, there are several major challenges that have developed as our military has increased the use of private security contracting. The first problem has to do with the transparency of contractor operations. A December 2006 report by Government Accountability Office, GAO, noted that the Department of Defense, DOD, "continues to have limited visibility over contractors because information on the number of contractors at deployed locations or the services they provide is not aggregated by any organization." Now, this bill is not dealing with that.

Another problem is that private security contractors do not operate under any clear legal authority in foreign countries, which this legislation seeks to address. PSCs contracted through DOD are accountable under both the Uniform Code of Military Justice and under civilian law through the Military Extraterritorial Jurisdiction Act. The majority of private security contractors, however, are not contracted through DOD but through other agencies like USAID or the Department of Interior.

Now, regarding the contractor Blackwater U.S.A. which has come under scrutiny in recent weeks, these employees do extremely difficult jobs under very difficult circumstances. They risk their lives to protect Americans who are doing work in Iraq. I want to say it again. These are former, in most cases, military personnel, so somehow because they are no longer involved in the military, paid by the military, their lives don't seem to matter as much in this place.

Forty-one of Blackwater U.S.A. personnel have died taking a bullet for some American. It is amazing to me the number of men in Blackwater that have lost their lives and we never hear it on the other side of the aisle. Blackwater is evil. That is the way it appears in all the dialogue, all the press releases and so on. So when they were before our committee yesterday, we asked them a question: How many of the people you protected in 2004 were protected? Did any lose their lives or were any wounded? None lost their lives or were wounded. In 2005 did any lose their lives or were any wounded? None in 2005 lost their lives or were wounded. In 2006, we asked, did any of these individual lose their lives that they were protecting or were injured? Except for a concussion with IEDs, no one. Then in 2007, did any of these individuals you protected lose their lives or were injured? No one lost their lives. No one was injured.

But when we asked in 2004, did any of your Blackwater employees lose their lives? Yes. We asked in 2005, did any lose their lives? Yes. In 2006, did any lose their lives? Yes. In 2007, did any lose their lives? And the answer was yes. Forty-one of these individuals have lost their lives. They have protected USAID employees. They have protected other individuals who have to get outside the Green Zone. Yes, they have protected Members of Congress. But we are just a small part of their responsibility. They would take a bullet for us. And they have. I just want to be on record that that is the case.

It is important that we resolve this issue and that we make sure that the lines are clear, but I will just end by saying this. I was going into Gaza City, and private contractors employed by USAID took me there. A month later, one of these vans was destroyed. I knew all four people in this van, and they were killed. A month before, they were trying to protect us. They are risking their lives. I would like very much if in this debate we could show a little respect for the 41 men and women in Blackwater who have lost their lives.

Finally, I am concerned about poor coordination between military and battlefield contractors.

A June 2006 GAO report found that:

> "private security providers continue to enter the battle space without coordinating with the U.S. military, putting both the military and security providers at a greater risk for injury."

Improved coordination is needed to provide PSCs guidance on rules of engagement, equipment needs, communication, and force protection expectations.

I recognize the Administration has some serious and valid concerns about this legislation.

It is concerned the jurisdiction of criminal prohibitions would depend on vague notions of "proximity" to poorly defined regions, and might give rise to litigation on jurisdictional issues.

It is also concerned that the expansion of extraterritorial jurisdiction would create Federal jurisdiction overseas in situations where it would be impossible or unwise to extend it.

Finally, the Administration is concerned about the additional burdens it will place on the FBI and Department of Defense.

In my judgment, the concerns raised by the Administration are items we can work on as this much-needed legislation works its way through the legislative process.

Mr. CONYERS. Madam Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding, because I would like to respond to what our friend from Connecticut has just said. I first of all appreciate his high-quality work on contracting for a long time and also his support of this bill.

I do want to respond, though, to what he said about contractors. I don't believe the gentleman has ever heard me in a blanket way condemn contractors or contracting. In fact, I honor the service and the sacrifice of contractors and contracting firms that have worked in the war zone.

Now, there are some bad actors and there are cases that need investigation and prosecution. But I would remind the gentleman that, in fact, Blackwater and the contractors' association support this bill. It is actually a protection for them, because it means they will get U.S. justice in the U.S., not justice in some other jurisdiction.

Mr. SHAYS. Madam Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Connecticut.

Mr. SHAYS. The bottom line is, Mr. PRICE, you are totally right. You have never been critical of these contractors. I just came from a hearing yesterday where everyone seems to be critical.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CONYERS. Madam Chair, it is a pleasure to yield to the chairman of the Crime Committee in the Judiciary, Bobby Scott of Virginia, who has held hearings extensively on this matter and has worked closely with the gentleman from North Carolina. I am very pleased to yield him 5 minutes.

Mr. SCOTT of Virginia. Madam Chairman, I rise in support of H.R. 2740, the MEJA Expansion and Enforcement Act of 2007.

I would like to commend the chairman of the Judiciary Committee, Mr. CONYERS, and the author of the bill, the gentleman from North Carolina (Mr. PRICE), for their hard work on this bill.

We currently have a situation in which many military contractors act with impunity and no accountability because they operate outside of the jurisdiction of the United States criminal code because they are technically outside of the jurisdiction of the United States and outside of the Uniform Code of Military Justice because they are not in the military.

□ 1700

In Iraq, our troops have been supplanted by an army of contractors, which is estimated at 180,000, an extremely high number by any account. Last month we learned of a shooting incident involving a private contracting company, Blackwater, in which contractors allegedly shot and killed 11 or more innocent Iraqi civilians. Yesterday we learned that Blackwater was involved in at least 195 shooting incidents in Iraq since 2005. According to at least one report, their employees fired the first shots in more than 80 percent of these shooting incidences.

Madam Chairman, to provide much needed accountability and oversight for these contractors, the gentleman from North Carolina (Mr. PRICE) introduced H.R. 2740, the MEJA Expansion Enforcement Act of 2007. When MEJA was originally signed into law in 2000, it did provide the United States Federal Courts with jurisdiction over civilian employees, contractors and subcontractors affiliated with the Defense Department who commit crimes overseas. The bill was later amended in 2005 to include employees of any Federal agency supporting the mission of the Department of Defense overseas.

This bill closes a loophole to make sure that all private security contractors, not just those contracted through the Department of Defense, are covered, to ensure that they are accountable under United States law. This change would update the law to better reflect the current situation in Iraq and Afghanistan, in which a large number of contractors are present, with contracts written by a variety of different government agencies, including the Department of the Interior and Department of State.

Madam Chairman, H.R. 2740 also requires the Inspector General of the Justice Department to complete and submit a report about the identification and prosecution of alleged abuses in Iraq. This section is meant to address the lack of transparency in Department of Justice investigations and prosecutions. In some cases, the Army has investigated the circumstances behind some cases and found probable cause that a crime has been committed and referred the case to the Department of Justice for prosecution.

In one example, unfortunately, 17 pending cases of detainee abuse, including the abuse at Abu Ghraib prison by contractors, has remained in the U.S. Attorneys Office for the Eastern District of Virginia for 3 years. We are not told why these cases against civilian contractors have not been prosecuted or why they are being held up. In comparison, since the invasion of Iraq, there have been more than four dozen courts-martial commenced against uniformed personnel with respect to the law of war issues.

Finally, H.R. 2740 requires that the Federal Bureau of Investigation establish an investigative unit to investigate reports of criminal misconduct in regions in which contractors are working.

Madam Chairman, I would like to state for the record that at the subcommittee markup of this bill I agreed to work with my distinguished colleague from Virginia (Mr. FORBES), the ranking member, to address his concerns in the bill before it reached the full committee. We did work together and jointly offered a substitute amendment in the full committee that reflected this bipartisan agreement. The bill was then reported out of the committee on a voice vote, without further amendments. The manager's amendment, which will be offered in a few minutes, has additional recommendations from the ranking member.

Madam Chairman, H.R. 2740 is a necessary bill. It is long overdue. Accordingly, I urge my colleagues to support the legislation.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, once again we hear the intent, but why in the world we would want to reduce the current jurisdiction that we have, which is what we see reflected in this piece of legislation that could have been corrected, still is beyond me. If we have a contractor who is having employees doing illegal acts in a base in Germany in a mission for DOD, we would want to prosecute them every bit as much as we would if they were in Iraq. Why we want to reduce that, I just don't understand.

Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I wanted to stay on the floor, Mr. PRICE, to say to you that I have nothing but admiration for what you are doing and how you do it and the quality with which you are doing it, and I know you have never disparaged any of the Blackwater employees.

I just want to say I don't hear compliments, and I just feel obligated to come to this House floor and say to you that these are men and women who have given their lives for our country and to protect other Americans. I want to be on record, and I agree with you that even Blackwater itself thinks this legislation is positive, and I want to be on record as saying that so that they appreciate what you are attempting to do. I just want to add some balance to this debate.

Mr. CONYERS. Madam Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. The recognition of the service of contractors such as Blackwater is a bipartisan recognition. For those of us who have traveled to Afghanistan and Iraq and a number of places around the world, we recognize the importance of contractors. So this is not an indictment overall of those who serve as asked by the United States of America. It is an indictment of the Department of Defense in the way these contracts are issued. It is an indictment of the incident that allegedly occurred where those Blackwater employees opened fire, killing 11 civilians, and each of the four vehicles opened their windows and began to blast at what appeared to be innocent civilians, even killing a little boy.

Yes, it did seem like hell. But, frankly, we do understand that their role is important. This legislation is fair. It has the parameters of helping companies like Blackwater to have order in the midst of, sometimes, disorder.

The legislation requires a report by the DOJ Inspector on Contractor Abuses Overseas and also requires the Inspector General of the Justice Department to submit a report to Congress. We should not be left out. We should be aware of what is going on, primarily because the actions of contractors impact not only the soldiers left behind, who then have to clean up what they have done, but also the diplomacy of the United States of America.

There is simply no excuse for the de facto legal immunity that our government has permitted for tens of thousands of armed private individuals working on our country's behalf in Iraq and Afghanistan. Our soldiers are court-martialed, and our soldiers are sometimes the unpleasant beneficiaries of the actions of U.S. contractors.

The U.S. Government has a responsibility to hold the individuals carrying out its work to the highest standards of conduct and to ensure that these individuals protect human life and uphold the law. They have protected our diplomats. To that we say thank you. This responsibility does not disappear simply because such individuals are contractors instead of government employees. This legislation is especially timely in light of the new report by the Oversight and Government Reform Committee which documents numerous incidents of wrongdoing by Blackwater contractors in Iraq. As we have noted, Blackwater does good work. But incidents that have caused havoc need to be addressed. It can be addressed through this legislation.

Then I would simply like to say, as The Washington Post reported, Blackwater security contractors in Iraq have been involved in at least 195 escalation of force incidents since early 2005, including several previously unreported killings of Iraqi civilians.

My friends, this goes over all contractors. I hope that we will move forward to ensure that the DoD process is fair and that minority contractors can be involved. But this is a very important first step, and I thank the distinguished chairman of the committee for his great leadership on these many issues that come before our committee.

This is an important first step, because there are many contractors when you go to Iraq and Afghanistan, and many of them are contractors of the Department of Defense. There really is no tallying of who they are and what they are doing. In this instance, people are dying. And as Blackwater has often said, they are just defending their packages. Those packages are diplomats. We want them to defend them, but we would suggest that it is an important response to address how they do it.

The Washington Post article went on to state that according to the State Department, in one of the killings, Blackwater personnel tried to cover up what had occurred and provide a false report.

This will stop that. The next step will be to encourage the utilization of minority contractors never heard of by the Department of Defense. This is a clean way to clean up our backyard and to protect all of those who need to be protected. I ask my colleagues to support this legislation.

Madam Chairman, I rise in support of H.R. 2740, the "Holding Security Contractors in War Zones Overseas Accountable Act" (MEJA Expansion and Enforcement Act). This legislation is intended to ensure that all private security contractors in war zones overseas will be held accountable for criminal offenses committed. Under current law, only those contractors who are on contract with the Department of Defense are indisputably subject to the jurisdiction of the federal courts. This legislation remedies that and other problems.

Madam Chairman, H.R. 2740 ensures that all U.S. security contractors in war zones overseas are held accountable. It does this by closing a loophole in current law in order to ensure that all U.S. private security contractors in war zones overseas are held accountable for criminal behavior. It gives U.S. federal courts jurisdiction over the actions by contractors working for any U.S. government agency in areas of foreign countries where U.S. military forces are conducting combat operations.

Specifically, the measure subjects employees of all such contractors to the same jurisdiction established by the Military Extraterritorial Jurisdiction Act (MEJA), which currently only covers members of the armed forces, civilian federal employees, and contractors who are on contract with the Department of Defense.

Another important feature of the legislation is the designation of the Justice Department as the lead agency in investigating contractor behavior. H.R. 2740 creates an FBI "theater investigative unit" for each theater of operations with which contracted employees are involved, to investigate any allegations of criminal misconduct by contractors, including reports of fatalities from the use of force by contractors. The unit would then refer cases that warrant further action to the Attorney General.

Additionally, the legislation requires a report by the DOJ Inspector General on contractor abuses overseas. The bill also requires the Inspector General of the Justice Department to submit a report to Congress regarding the identification and prosecution of alleged contractor abuses overseas. This requirement is intended to address the Justice Department's apparent failure to aggressively investigate and prosecute crimes committed by contractors over which the department already has jurisdiction (such as contractors working for the Department of Defense.)

Madam Chairman, there simply is no excuse for the de facto legal immunity that our government has permitted for tens of thousands of armed private individuals working on our country's behalf in Iraq and Afghanistan. The U.S. government has a responsibility to hold the individuals carrying out its work to the highest standards of conduct, and to ensure that these individuals protect human life and uphold the law. This responsibility does not disappear simply because such individuals are contractors instead of government employees.

Madam Chairman, this legislation is especially timely in light of the new report by the Oversight and Government Reform Committee which documents numerous incidents of wrongdoing by Blackwater contractors in Iraq. On September 16, Blackwater security contractors in Baghdad were involved in a shooting incident in which 11 Iraqi civilians were killed and many others injured. This incident is now under investigation. In addition, on October 1, the Oversight and Government Reform Committee released a report on the behavior of Blackwater contractors in Iraq which disclosed damaging new information. As the Washington Post (10/2/07) reported:

> Blackwater security contractors in Iraq have been involved in at least 195 'escalation of force' incidents since early 2005, including several previously unreported killings of Iraqi civilians . . .

The Washington Post article went on to state that according to a State Department document, "in 1 of the killings Blackwater personnel tried to cover up what had occurred and provided a false report. In another case, the firm accused its own personnel of lying about the event. The State Department made little effort to hold Blackwater personnel accountable beyond pressing the company to pay financial compensation to the families of the dead."

Madam Chairman, the misconduct of military contractors working in Iraq, Afghanistan, and other foreign countries reflects poorly upon the United States and frequently is erroneously attributed by the people of the host country to our troops. As you can imagine, such misdirected anger and inflamed passion can lead them to take retaliatory actions which could imperil the safety of our troops. In my view, this is reason alone to support the bill, which I do strongly. I urge all my colleagues to join me in closing a loophole and ensure that all U.S. security contractors in war zones overseas can be held accountable for any criminal acts they commit overseas.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, once again we hear the reasons and the policy reasons why we would like to have legislation, but it doesn't suggest why we need poorly drafted legislation.

My good friend from Virginia, for whom I have the utmost respect, mentioned that there were 17 pending cases of detainee abuse, including some that occurred at Abu Ghraib prison in Iraq. But we already have jurisdiction for those. This isn't a bill that deals with prosecutorial discretion or whether or not we are going to have prosecutors prosecute those cases. This is a jurisdictional bill.

The second thing, my good friend mentioned the fact that some of the deficiencies in this bill were corrected by the manager's amendment. The only thing the manager's amendment has done is to say with our security concerns for our FBI agents, who normally do not do investigations in war zones, they do them domestically, we have a manager's amendment that says that they can request assistance from the Secretary of Defense.

Madam Chairman, requesting assistance and security and getting it are two different things. We had the ability to request bipartisan cooperation in redrafting this legislation. It didn't happen.

So our concern, Madam Chairman, is not again all that we hear in the debate about getting at bad apples, but it is why we want to reduce the jurisdiction that we currently have for some of those bad apples; and, secondly, why we are going to expose and create vulnerabilities for our intelligence network and also for our FBI when it is so easily corrected, if we could just sit down and do that with the proper amendments.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy, his leadership, that of the subcommittee Chair, and, of course, my friend and the lead sponsor of this legislation, the author, Mr. PRICE. I think there is no more conscientious and thoughtful legislator, and he has approached this in a very nonpartisan, methodical way.

Madam Chairman, I am concerned as I am listening here. I want to say, first of all, that I hope this is the first of a number of provisions that we have that deal with the netherworld of contracting and outsourcing this war. I think there are lots of opportunities to tighten down, to focus, to add accountability. But this is an important essential step. It is simple, and it should not be nearly as controversial as my friend from Virginia appears to make it.

First of all, I have heard him about 10 times talk about how somehow this is narrowing the scope of MEJA. Look at page 2 of the bill. It doesn't take anything away. It adds provisions. It adds provisions.

The notion somehow that we are not dealing with the problem in Germany I think misstates and betrays a lack of understanding about the difference between operations in a stable, established country and one that is in the theater of military operations. If somebody commits a crime in Germany, there will be an opportunity for that government to be able to deal meaningfully with it. That is not the case with a rogue contractor in Iraq, in a field of battle who shoots somebody and there is no established mechanism. It is absolutely apples and oranges.

I find curious an argument from our friends on the minority side that this cost a few million dollars to the FBI and there is no funding attached. This is the same party that for the last 11 years out of this committee, when they were in charge, had a litany of proposals that added costs to the judiciary and thè FBI and the corrections system and never blinked an eye over burdening them.

This is a modest adjustment. It is within the scope of their duty. I strongly urge its approval.

☐ 1715

Mr. FORBES. Madam Chairman, once again I scratch my head as I listen. The gentleman has just stated on the one hand that the legislation does not reduce the jurisdiction and then 30 seconds later he says, oh, but there are differences between the bases in Germany and the bases in Iraq and it's okay if we don't prosecute the ones in Germany. We can't have it both ways.

Madam Chairman, this significantly does do it. The bottom line on this is that we have created a new standard which is proximity to contingency operations before we could reach in and get those bad actors in Germany and many of the bad actors that were in the contingency operation areas.

I want to emphasize again on the FBI, it's not that we mind the FBI doing the work. We want to make sure that they are secure when they do it, and give them the funds to do it because they are stretched so thin defending us here against terrorists and defending us against gang and other criminal activities here, that it makes no sense for us to mandate that they would take those resources and spend them overseas without giving them the funds to do it.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I am pleased to recognize the gentleman from Virginia, JAMES MORAN, for 1½ minutes.

Mr. MORAN of Virginia. I thank the chairman of the Judiciary Committee and Mr. PRICE for bringing this legislation forward. It is fully consistent with what the vast majority of this House voted for in the report language in the Defense appropriations bill. It needs to be done.

I have to tell you that after talking with so many soldiers in Iraq and those who have returned from Iraq, it is desperately urgent that we do it because things are out of control.

The fact is that many of these contractors, not all of them, but too many of them are acting with impunity. They tell me that they will work all day trying to communicate and working with the people in a village, trying to understand their customs and the like and show them respect, and then it is undermined by the actions of these security contractors who don't understand the language, who don't show the kind of respect that our soldiers do, who get paid almost three times what our soldiers get paid. It is undermining our mission in Iraq.

The fact is that this is not what America is about, conducting oneself with impunity. America is about equal justice under the law. It is about protecting the preciousness of human life, particularly innocent life.

It is not about outsourcing our inherent military functions, giving a contractor $1 billion since 2004 and having 200 incidents of misconduct reported by that very contractor.

This legislation is necessary. Let's pass it overwhelmingly. Let's send that message to our soldiers.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, once again my good friend from Virginia talks about equal justice; we agree. He talks about not acting with impunity; we agree.

That's why this minority when it was the majority passed the MEJA legislation in the first place. That is why we have covered the DOD contractors, their employees and dependents and the Armed Forces members. All of these individuals are already covered at this point in time if they are supporting a mission of DOD.

And we agree, the American people and most people in this House want us to reach out and get the bad actors. The only thing that they don't want us to do in the process is, one, jeopardize the intelligence operations that we could have, which this bill could easily do.

Number 2, they don't want us to divert resources here from the United States in dealing with terrorism and gang activities and criminal activities here, or put our FBI agents in harm.

The third thing they don't want us to do is let bad actors do these things in Germany and Haiti wherever they may be sent just simply because we couldn't get the drafting right.

That is our point that we have been saying from the beginning. It is easy to have equal justice, not let contractors act with impunity, but write it in a good, rational basis that can be enforceable and not the kind of drafting that we have had brought forward in this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), cochair of the Progressive Caucus.

Ms. WOOLSEY. Madam Chairman, American contractors in Iraq have lived by their own rules for far too long. While American taxpayers fund the equipping and training of these private military contractors, companies like Blackwater continue to escape accountability to international, Iraqi or even American laws.

Today, the Democratic Congress will put an end to the question of whether we are training mercenaries and murderers in place of our Nation's warriors. By passing H.R. 2740, we can ensure that contractors in Iraq are held accountable under American criminal law. There is no excuse to allow private contractors and subcontractors to exist without legal accountability.

Madam Chairman, we must never forget that the way to end the abuses by contractors in Iraq is to bring our troops and our military contractors, 180,000 of them, home from Iraq as soon as practicable.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, once again we hear the words that we can and we must do this, and we agree. The only thing, we must do it with proper legislation. Once again, as we pointed out, I don't see how any Member of this Congress or many of our citizens across the country want us to take individuals who may be employees doing intelligence operations for us in any area, and simply because they have an allegation of a criminal act that may not even have been criminal in that area, that they may be doing it on an undercover basis, that we then have to have them exposed which this act could very easily do, and the linkage would only be because they were hired to do that particular act; and, therefore, expose the entire network in that intelligence operation.

They are the kinds of things that we could easily correct so that we could do this legislation and accomplish the intent of the legislation.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. I only have one Member to speak, Mr. Ranking Member. Are you prepared to close?

Mr. FORBES. I will be happy to, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Madam Chairman, first of all, I am appreciative of all of the people who have worked on this legislation. I am appreciative of the comments we have had here. I think if we try to pick through the apples and the oranges and we look at what we have, we find that the intent of what we are trying to do is an intent that is shared by both sides of the aisle.

We don't want bad contractors. We don't want bad actors. We don't want people working in the name of the United States anywhere in the world that we aren't able to reach out and make sure that they are accountable. That's why this Congress previously on two different occasions has, one, passed the MEJA legislation and also expanded it. That's why we have already reached out and said if you are a member of the Armed Forces, we are going to reach out to you under MEJA and make sure that we hold you accountable.

That is why we have already said if you are an employee of DOD, we are going to reach out and hold you accountable. That is why we have already said if you are a civilian employee of any Federal agency in support of a DOD mission, we are going to hold reach out and hold you accountable. That is why we have already said if you are a contractor of DOD, we are going to reach out and hold you accountable. That's why we have said if you are a contractor of any other Federal agency and you are in support of a DOD mission, we are going to reach out and hold you accountable. That is why we have already said if you are a dependent of a member of the Armed Forces, we are going to hold you accountable. That is why we have already said if you are a dependent of a civilian employee of a DOD contractor, we are going to hold you accountable. Or if you are a dependent of a civilian employee of DOD, we are going to hold you accountable.

We do not have a problem, we encourage the reach-out, to hold accountable other contractors who might be working for other Federal agencies. But we think the wording in this bill, we could do much better. We hope that our friends in the Senate will sit down in a more bipartisan manner and correct those defects before this bill becomes law.

We believe a reading of the law does narrow the existing jurisdiction because we have added a phrase which is a limiter which means that it is within the proximity of the contingency operation. To many people listening to that debate, it is just words. But to the courts, it is litigation over what "proximity" means and it is a limiter which we believe could allow bad actors who could currently be brought under MEJA to escape liability.

In addition, we are very, very concerned in a world and in a day when we know that terrorists are out to get the United States that we not limit our intelligence operations. Why in the world we would want to expose some of those intelligence operations and the contractors that we have to hurting those intelligence networks when we could easily correct that is beyond me, especially in a day and age where we know that intelligence is so vitally important to the defense and the protection and the security of American citizens across the country.

Finally, Madam Chairman, it is of grave concern to us in what we are doing to the FBI, to enforce upon them, whereas before we have given them discretion. This is a mandate that they do investigations. It is a mandate that they furnish adequate personnel to do that. And to put them in a situation in a military conflict where they have to do these investigations is a concern for their security.

The second thing that it is a major concern of is diversion of assets that they are currently using in the United States to keep our citizens safe, to protect us from terrorists and gang activity, to protect us from other criminal activity here. If we are going to mandate that for them, at least let's put the funds there and make sure that we do it.

That is why I simply close the way I began by saying this is a bill that individuals will have to determine: Do they just simply want to vote for this bill in the hopes, and realizing that hope springs eternal, that perhaps the Senate can correct these defects before they become law and cast their vote because they agree, as I do, with the intent of this bill? Or do they cast a "no" vote even though they agree with the intent of the bill because they want to make sure that they have sent that signal over to our friends in the Senate that they want to protect our intelligence networks, protect the FBI, and make sure we expand, not decrease, the jurisdiction that we have.

With that, Madam Chairman, I yield back the balance of my time.

Mr. CONYERS. I thank the ranking member of the Crime Committee for his insightful remarks, and I now ask the gentleman from Pennsylvania (Mr. SESTAK) to conclude and close out the discussion. I remind our friends that he was a vice admiral in his former career, and we welcome him to close the debate.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 2½ minutes.

Mr. SESTAK. Madam Chairman, from when I joined up during Vietnam to when I retired last year from the military, I always watched with respect how when human nature can be at its worst in a war, in actual combat, that there were still rules of law that set the boundaries beyond which individual actions would be held accountable.

I also watched during those decades with interest as contractors became a more significant and important part of our military and its operations. But I viewed with concern the men and the women that we began to assign to military security operations in this latest conflict.

I say that because even though I know a number of them and served with them, they were now outside those rules of law. I think that this bill is an important step within a war zone to take them back within the same standards of accountability. I speak to this because there are in the military "forces" and "force." Our force is lethal. Our forces are comprised of individuals, and something we pride ourselves out there, which is often indistinguishable from civilians in a country we are, is that these forces, lethal on one hand, are also the GI that carries that candy bar and puts the ideals of America first and foremost.

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So that's why I rise in support of this bill for the accountability that it brings, and I believe this is a first good step which should have been done earlier. But I also speak in support because it takes us another step hopefully towards another action that needs to be taken.

I remember speaking to the colonel after the four individuals at Blackwater were found outside Fallujah, and as they came back and had the remains, he said to me, "If only they had called me, I could have told them that that road was not secure that day."

And so, as war changes, it is important to bring not just better coordination but the accountability of the rule of law which have always bound our military well, that there are individual actions which cannot be outside those boundaries or they will be held accountable.

I praise you much for bringing this bill here today.

Mr. UDALL of Colorado. Madam Chairman, I rise in support of H.R. 2740, the MEJA Expansion and Enforcement Act. This bill would increase accountability for the actions of the estimated 180,000 contractors now working in Iraq.

The September 16 incident in Iraq—in which 17 Iraqis died when Blackwater security contractors were accused of shooting at civilians indiscriminately—is only the latest in a string of such incidents involving Blackwater. This week a House Committee reported that Blackwater guards had engaged in 195 shooting incidents since early 2005, and in over 80 percent of those incidents, the Blackwater guards fired first. Several guards testified that Blackwater employees fired more often than the report states.

The good news is that the Defense Department, the State Department, and the FBI have all undertaken investigations and are viewing the September 16 incident more seriously than they have viewed other such incidents in the past—perhaps because of the Iraqi government's threat to ban Blackwater from the country.

But this incident highlights the many problems with private security contractors in Iraq. Contracting out inherently governmental security functions to private security firms is yet another example of the excessive outsourcing that has gone on in the Bush administration—and the billions in contract costs and lack of accountability that have followed as a result.

Initially these contractors were brought in to fulfill a temporary need, but now that Blackwater and other private firms are very much part of the fabric of the U.S. occupation of Iraq, we need to ensure that they are held accountable for their actions on the job.

One of Ambassador Paul Bremer's last actions as head of the Coalition Provisional Authority was to issue Order 17, which states that private contractors working for the United States or coalition governments in Iraq are not subject to Iraqi law. But as we have found, it's not clear to what degree they are subject to U.S. law either.

That's why the law needs to be clarified and expanded. The MEJA Expansion and Enforcement Act amends the Military Extraterritorial Jurisdiction Act to ensure that all contractors working in war zones—not just those working for the Department of Defense—are accountable under U.S. criminal law, and mandates that the FBI enforce MEJA by investigating and prosecuting offenses.

The point of this legislation is not simply to penalize those private security contractors who act as though they are above the law, though that would be the direct effect of this bill. The point is also to ensure that the actions of these contractors don't jeopardize their own safety and the safety of our military men and women in Iraq, who do operate under strict rules of engagement and who are held accountable for their actions.

Madam Chairman, I don't mean to diminish the risks faced by these contractors day in and day out. I understand that they are often forced to make split-second decisions that can mean life or death for themselves and for those around them. But as the events of September 16 have shown, the repercussions of these decisions can be far-reaching. There must be accountability and consequences for decisions made—whether in the middle of a war zone or under other circumstances. Private security contractors are not entitled to immunity from our laws. That's why I will support this bill today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "MEJA Expansion and Enforcement Act of 2007".

SEC. 2. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF THE MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF CONTRACTORS.—Subsection (a) of section 3261 of title 18, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the comma at the end of paragraph (2) and inserting "; or"; and

(C) by inserting after paragraph (2) the following:

"(3) while employed under a contract (or subcontract at any tier) awarded by any department or agency of the United States, where the work under such contract is carried out in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces is conducting a contingency operation,".

(2) DEFINITION.—Section 3267 of title 18, United States Code, is amended by adding at the end the following:

"(5) The term 'contingency operation' has the meaning given such term in section 101(a)(13) of title 10.".

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include—

(A) a description of the status of Department of Justice investigations of alleged violations of section 3261 of title 18, United States Code, to have been committed by contract personnel, which shall include—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the number of criminal cases prosecuted by the Department of Justice involving violations of section 3261 of title 18, United States Code.

(3) FORMAT OF REPORT.—The report under paragraph (1) shall be submitted in unclassified format, but may contain a classified annex as appropriate.

SEC. 3. FEDERAL BUREAU OF INVESTIGATION INVESTIGATIVE UNIT FOR CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF THEATER INVESTIGATIVE UNIT.—The Director of the Federal Bureau of Investigation shall ensure that there are adequate personnel through the creation of Theater Investigative Units to investigate allegations of criminal violations of section 3261 of title 18, United States Code, by contract personnel.

(b) RESPONSIBILITIES OF THEATER INVESTIGATIVE UNIT.—The Theater Investigative Unit established for a theater of operations shall—

(1) investigate reports that raise reasonable suspicion of criminal misconduct by contract personnel;

(2) investigate reports of fatalities resulting from the use of force by contract personnel; and

(3) upon conclusion of an investigation of alleged criminal misconduct, refer the case to the Attorney General of the United States for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF FEDERAL BUREAU OF INVESTIGATION.—

(1) RESOURCES.—The Director of the Federal Bureau of Investigation shall ensure that each Theater Investigative Unit has adequate resources and personnel to carry out its responsibilities.

(2) NOTIFICATION.—The Director of the Federal Bureau of Investigation shall notify Congress whenever a Theater Investigative Unit is established or terminated in accordance with this section.

(d) RESPONSIBILITIES OF OTHER FEDERAL AGENCIES.—An agency operating in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces is conducting a contingency operation shall cooperate with and support the activities of the Theater Investigative Unit. Any investigation carried out by the Inspector General of an agency shall be coordinated with the activities of the Theater Investigative Unit as appropriate.

SEC. 4. DEFINITIONS.

In this Act:

(1) COVERED CONTRACT.—The term "covered contract" means an agreement—

(A) that is—

(i) a prime contract awarded by an agency;

(ii) a subcontract at any tier under any prime contract awarded by an agency; or

(iii) a task order issued under a task or delivery order contract entered into by an agency; and

(B) according to which the work under such contract, subcontract, or task order is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation.

(2) AGENCY.—The term "agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

(3) CONTINGENCY OPERATION.—The term "contingency operation" has the meaning given the term section 101(13) of title 10, United States Code.

(4) CONTRACTOR.—The term "contractor" means an entity performing a covered contract.

(5) CONTRACT PERSONNEL.—The term "contract personnel" means persons assigned by a contractor (including subcontractors at any tier) to perform work under a covered contract.

SEC. 5. EFFECTIVE DATE.

(a) APPLICABILITY.—The provisions of this Act shall apply to all covered contracts and all covered contract personnel in which the work under the contract is carried out in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces is conducting a contingency operation on or after the date of the enactment of this Act.

(b) IMMEDIATE EFFECTIVENESS.—The provisions of this Act shall enter into effect immediately upon the enactment of this Act.

(c) IMPLEMENTATION.—With respect to covered contracts and covered contract personnel discussed in subsection (a)(1), the Director of the Federal Bureau of Investigation, and the head of any other agency to which this Act applies, shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–359. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–359.

Mr. CONYERS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CONYERS:

Page 5, line 2, insert "potentially unlawful" before "use".

Page 5, strike lines 17 through 25 and insert the following:

(d) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—In consultation with the Director of the Federal Bureau of Investigation, the Attorney General may request assistance from the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, or the head of any other Executive agency, notwithstanding any statute, rule, or regulation to the contrary, including the assignment of additional personnel and resources to a Theater Investigative Unit.

Page 5, after line 16, insert the following:

(3) SECURITY.—The Director of the Federal Bureau of Investigation shall request security assistance from the Secretary of Defense in any case in which a Theater Investigative Unit does not have the resources or is otherwise unable to provide adequate security to ensure the safety of such Unit. The Director may not request or provide for security for a Theater Investigate Unit from any individual or entity other than the Federal Bureau of Investigation or the Secretary of Defense.

The CHAIRMAN. Pursuant to House Resolution 702, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, I rise to make three commonsense changes to clarify and improve the bill that has been under discussion, and I hope that it addresses my friend from Virginia's comments about tightening the bill and making it more clear and more specific.

First of all, we clarify that the Federal Bureau of Investigation is to investigate those fatalities resulting from the potentially unlawful use of force by contractors in war zones. This will help make it easier for an initial examination to confirm claims of self-defense by contractors without the need for a protracted and costly investigation when it may, in fact, not be warranted.

Secondly, in response to a suggestion from the minority and the administration, the amendment clarifies that the Attorney General is authorized to request assistance from other Federal agencies when assigning personnel and resources to the FBI investigative units on the ground. This would enable the Attorney General to draw on the expertise of the Department of Defense, among others, when appropriate in undertaking and moving forward with investigations and prosecutions.

And finally, we require that the FBI look only to the Secretary of Defense for any additional security assistance that the FBI investigative units may need in a war zone. We would not want to have the FBI relying on private contractors for security while investigating their conduct.

And so I thank the chairman of the Crime Subcommittee, BOBBY SCOTT; the ranking member of the Crime Subcommittee, RANDY FORBES; along with the bill's creator, DAVID PRICE; and finally, the gentleman from Pennsylvania (Mr. CARNEY) for working with me to craft this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. FORBES. Madam Chairman, I rise to claim the time in opposition to this amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the manager's amendment purports to correct several flaws with this legislation. Unfortunately, the amendment offered by my good friend, the distinguished chairman of the Judiciary Committee, misses the mark. It is one of those things that had we had the opportunity to work in a bipartisan way we could have corrected it. I don't have any pride of authorship, don't care who writes it. We just need to get it written correctly, and unfortunately, it's not written correctly as it's before us today.

H.R. 2740 imposes an unworkable and unnecessary geographic limitation on Federal jurisdiction to areas in "close proximity" to a contingency operation. The manager's amendment fails to correct this flaw. If the majority were serious about passing a good bill, it would have heeded the concerns of the Department of Defense that establishing extraterritorial jurisdiction based upon a tenuous link to geographic locations where a military presence can be found is impractical. Civilian criminal jurisdiction based on a nexus dependent upon a military "contingency operation" is ill-advised.

For instance, Madam Chairman, if the majority had consulted the Department of Defense, it would have learned that Secretary-designated contingency operations are rarely, if ever, used and are limited to operations with a view toward an enemy or opposing military force.

By-law designations, however, result from automatic actions during a war or a national emergency declared by the President or Congress, the scope of which may be unannounced, generally unknown, or imprecisely defined.

Thus, it will be next to impossible for Federal prosecutors to establish jurisdiction in a U.S. court based upon an indefinable proximity to a contingency operation at the time the offense occurred.

Moreover, the majority clearly did little to educate itself as to how the government currently investigates fraud or violent crimes committed by U.S. military personnel or contractors overseas. If it had, it would have learned that such investigations are not conducted solely by the FBI.

The FBI does not operate theater investigative units. Rather, legal attaches assigned to 70 embassies worldwide are the first point of contact for any overseas crime investigated by the FBI. The largest of these offices is currently in Baghdad, which operates the Iraq Contracting Fraud Task Force.

In addition, the Defense Criminal Investigative Service, the criminal investigative arm of the DOD Inspector General, has been engaged in investigating DOD-related matters pertaining to the Iraqi theater, to include Kuwait, since the start of the war.

Likewise, the International Contract Corruption Task Force, which is known as ICCTF, combines the Department of Justice and FBI with Army CID, DCIS, SIGIR, IRS CID and other Inspectors General to investigate and prosecute procurement fraud.

Requiring the FBI to establish individual theater investigative units will disrupt the existing law enforcement partnerships and task forces.

This bill will also impose a heavy financial burden on the FBI with no additional funding from Congress and will most certainly detract from the FBI's duty to dismantle gang networks, combat child pornography and exploitation, and protect Americans from another terrorist attack.

I urge my colleagues to oppose this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I ask unanimous consent that Subcommittee Chairman BOBBY SCOTT be allowed to control the time on the manager's amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the manager's amendment reflects the compromise and bipartisan nature of the bill, which was reported out of the committee with bipartisan support. But after the bill was reported out of committee, the Department of Justice wanted to completely rework the bill. One of their suggestions would have gutted the FBI investigative units established in the bill and removed the enforcement mechanisms in the bill. Another would have so limited the number of crimes covered by the law that it could have not covered contractor fraud or even sex crimes in prisons. Those are simply unacceptable.

The suggestions proposed by the administration, many of which have been incorporated into the manager's amendment, have been described by the chairman of the Judiciary Committee, Madam Chairman.

And finally, I'd just like to point out to my distinguished colleague from Virginia that if he has additional technical and definitional changes and recommendations, those can certainly be accommodated after the bill passes the House before final enactment. They will be accommodated.

Madam Chairman, I reserve the balance of my time.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

I have nothing but the utmost respect for my good friend from Virginia and the chairman of the Crime Subcommittee. However, that offer was extended to us when we had the bill come out of the Judiciary Committee, and we thought we were going to be able to make those corrections between then and the time it came to the floor. They weren't.

The manager's amendment that was ultimately filed was filed right before we could even file amendments, and I certainly was never presented with that amendment.

So we hope that the Senate will make these changes, Madam Chairman. We look forward to that. I think it's important for the American people and for the individuals that are defending this country.

Madam Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. PRICE), the author of the bill.

Mr. PRICE of North Carolina. Madam Chairman, I rise in support of the manager's amendment. I want to again commend and thank Chairman CONYERS and Chairman SCOTT for their work in refining this legislation.

There's one aspect of this manager's amendment that is particularly important, I believe, and is the product of excellent work by Representative CHRIS CARNEY. This provision would make sure that FBI investigations are not corrupted by any conflicts of interest. That's an important addition, and I thank Representative CARNEY for his attention to this matter.

It is true, as others have said, that there were some late-breaking objections from the Department of Justice, that if they had been accommodated would have gutted the bill. However, various comments from the Department of Justice have dribbled out over some extended period of time, and the chairmen of the full committee and the subcommittee have dealt with those suggestions as they became available. That is reflected in this manager's amendment before us today.

I won't go into the content except to say that these are reasonable accommodations, and if there are additional technical changes or perfecting changes that are required, I am and I'm sure the leaders of the committee are, open to discussing further refinements.

I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. SCHAKOWSKY

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-359.

Ms. SCHAKOWSKY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. SCHAKOWSKY:

In section 2(b)(2) of the bill—

(1) in subparagraph (A)(iv), strike "and" after the semicolon;

(1) in subparagraph (B), strike the period and insert "; and"; and

(1) at the end of the paragraph, add the following new subparagraph:

(C) with respect to covered contracts where the work under such contracts is carried out in Iraq or Afghanistan—

(i) a list of each charge brought against contractors or contract personnel performing work under such a covered contract, including—

(I) a description of the offense with which a contractor or contract personnel were charged; and

(II) the disposition of such charge; and

(ii) a description of any legal actions taken by the United States Government against contractors or contract personnel as a result of—

(I) a criminal charge brought against such contractors or contract personnel; or

(II) a complaint received regarding the activities of such contractors or contract personnel.

The CHAIRMAN. Pursuant to House Resolution 702, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Madam Chairman, I yield myself such time as I may consume.

I want to thank my friend Mr. PRICE for bringing this important legislation to the floor and would like to thank Chairman CONYERS, Subcommittee Chairman SCOTT and the Judiciary

Committee for their hard work on this very important issue.

My amendment would simply require the Department of Justice to issue descriptions of all charges that have been brought against contractors and contract employees in Iraq and Afghanistan and a description of the legal actions taken by the U.S. Government against them as a result of those charges.

H.R. 2740 requires the Department of Justice to issue a report that contains a list and descriptions of investigations that it is conducting into possible violations of U.S. law committed by contract personnel. This report must list the number of complaints it's received, the number of investigations it's begun, the number of criminal cases it has opened and the result of those cases.

My amendment would expand that requirement a bit further to ensure that the report includes a description of the charges that have been brought against contractors in Iraq and Afghanistan and a description of the legal action taken as a result of those charges.

Madam Chairman, I reserve the balance of my time.

Mr. FORBES. Madam Chairman, I ask unanimous consent to claim the time in opposition to this amendment, although I'm not opposed to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

This amendment, Madam Chairman, expands the reporting requirement of the Department of Justice Inspector General to include a list of charges that have been brought against contractors and contract employees in Iraq and Afghanistan, a list of all criminal investigations and reports made with respect to contractors and contract employees in Iraq and Afghanistan in cases where no criminal charges were ultimately brought, and a description of the legal actions taken by the United States Government against contractors and contract employees in Iraq and Afghanistan as a result of a criminal charge or criminal investigation.

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This is important information that Congress should be provided in order to make informed and accurate decisions regarding the investigation and prosecution of offenses by contractors overseas. I urge my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

Ms. SCHAKOWSKY. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlewoman.

I am proud to rise today in support of the Schakowsky amendment, and I thank my colleague for her leadership on this most important issue.

One of the most destabilizing aspects of our military involvement in Iraq is our unprecedented use of unaccountable private security contractors. By some estimates, there are 50,000 or more private security personnel working in Iraq. These contractors operate largely outside U.S. and Iraqi law, raising animosity toward Americans in the field and losing the hearts and minds of the people in Iraq.

The activities of 1 of the most prominent contractors, Blackwater, highlight why this amendment and the underlying bill come not a moment too soon. Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that involved the deaths of 11 Iraqis. Blackwater has been involved in 195 escalation of force incidents since 2005. In 80 percent of those, Blackwater fired the first shots, even though they are only supposed to use defensive force.

It turns out that Blackwater has terminated 122 of their security employees, 53 of which were for weapons-related incidents or drug and alcohol violations. An incident report from another contracting firm described a Blackwater contractor's killing of a vice presidential security aide as "murder," and Blackwater itself determined that he should be fired and his clearance should be revoked.

I could go on, but I think you get the picture. How many more incidents are there? How many more allegations and actions to be brought? Congress and the American need to know.

The MEJA Expansion Act will go a long way toward stopping the most egregious behavior of misconduct by these contractors and make their activities subject to U.S. law.

The Schakowsky amendment will strengthen this bill by making sure that any charges or legal actions are brought to light by DOJ. This amendment is vital to helping us in Congress conduct effective oversight to rein in contractors in Iraq. I urge my colleagues to support it.

Ms. SCHAKOWSKY. First, I would like to thank my colleague from Virginia for his support of the amendment and just close with these remarks.

U.S. taxpayers have paid billions to private security contractors in Iraq and Afghanistan. I believe that Congress must know if they are engaging in criminal behavior that puts the U.S. Armed Forces and our mission at risk, and what the government is doing to address it.

Congress and the American people are beginning to understand the vast impact that contractors are playing in our military operations. These private contractors are not, right now, accountable to the military, but their actions often put our brave military men and women at risk.

Currently, the U.S. military is using an estimated 180,000 private contractors in operations in Iraq and Afghanistan. Many are performing duties that are often considered inherently governmental functions, such as military operations, intelligence gathering, law enforcement, security and criminal justice functions. But despite the critical role that contractors are playing, Congress is unable to determine the full impact of contractors on U.S. military operations.

We have all heard about the tragic incident in Iraq on September 16 when Blackwater employees reportedly killed 11 Iraqi civilians, and another unconscionable incident on Christmas Eve 2006 when a drunk Blackwater guard killed an Iraqi security guard for the Iraqi Vice President. He was flown out of the country within 36 hours and has faced no charge or punishment for his crime.

We should be outraged that with incidents like these reported prominently in the press, and with the hundreds of thousands of contractors who have served in Iraq and Afghanistan, that only two have ever been charged with any crime.

I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HILL

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–359.

Mr. HILL. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HILL:

At the end of section 3, add the following new subsection:

(e) ANNUAL REPORT.—Not later than one year after the date on which the Director of the Federal Bureau of Investigation ensures compliance with the provisions of this Act pursuant to section 5(c), and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to Congress a report containing—

(1) the number of reports received by Thearter Investigative Units relating to suspected criminal misconduct by contractors or contract personnel;

(2) the number of reports received by Theater Investigative Units relating to fatalities resulting from the use of force by contractors or contract personnel;

(3) the number of cases referred by Theater Investigative Units to the Attorney General for further investigation or other action; and

(4) any recommended changes to Federal law that the Director considers necessary to

perform the duties of the Director under this Act.

The CHAIRMAN. Pursuant to House Resolution 702, the gentleman from Indiana (Mr. HILL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. Madam Chairman, I yield myself as much time as I may consume.

Thank you, Madam Chairman, for allowing me to present this simple amendment to the MEJA Expansion and Enforcement Act.

Just yesterday, The New York Times reported that since January 2005, there have been more than 200 shootings by U.S. contractors in Iraq where the contractors fired the first shot.

This type of action on behalf of these contractors is wholly unacceptable. However, our government did not have the option to prosecute all of the bad actors, until now. I applaud the gentleman from North Carolina for introducing this bill to correct this inequity.

The bill before us would provide a mechanism to enforce complaints regarding all contractor and contractor personnel misconduct through newly created FBI Theater Investigative Units. My amendment is a simple one that would enhance the bill that would require the Director of the FBI to submit annual reports to Congress outlining the success of these Theater Investigative Units.

Specifically, the reports would include the number of reports received by the Theater Investigative Units relating to criminal misconduct by contractors or contract personnel; the number of reports received by the Theater Investigative Units relating to fatalities caused by the use of force by contractors or contract personnel; number 3, the number of cases referred to the Attorney General; and, last, any statutory changes necessary for the Director to carry out the duties required by this act. Progress reports are necessary to ensure that these units are being used efficiently and appropriately.

Thank you again for the opportunity to present my amendment. I urge all of my colleagues to support my amendment and the underlying bill.

Again, I would reiterate that the author of the bill, the gentleman from North Carolina, has specifically seen the need for this kind of a bill. My amendment, I think, enhances his bill dramatically.

Madam Chairman, I reserve the balance of my time.

Mr. FORBES. Madam Chairman, I rise to claim the time in opposition to this amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FORBES. Madam Chairman, I yield myself such time as I may consume.

This amendment requires the FBI to report annually to Congress the number of reports received of criminal misconduct by contractors, the number of reports received of fatalities caused by contract personnel, the number of cases referred to the Attorney General, and statutory changes necessary for the Director to carry out the duties entailed by this bill.

As I mentioned earlier in this debate, the creation of Theater Investigative Units within the FBI will hinder rather than help the investigation and prosecution of overseas crimes under MEJA. The creation of such units ignores the current framework of interagency cooperation amongst the Departments of Justice, Defense and State.

More importantly, these investigative units are in direct conflict with statutory mandates under other portions of MEJA. For instance, MEJA, under title 10, section 3262, requires the Secretary of Defense to authorize a person within the Department of Defense to arrest persons subject to MEJA.

H.R. 2740 does nothing to address this requirement with the conflicting requirement that the FBI establish Theater Investigative Units. Which agency will take custody, detain and transfer suspects arrested under MEJA?

MEJA allows suspects to be transferred to authorities of a foreign country for trial in certain circumstances. The Secretary of Defense is responsible for determining which officials of a foreign country constitute appropriate authorities. Will the Secretary now be required to make this decision for contractors not associated with military operations or will this decision fall to the FBI and, if so, under what authority?

MEJA allows initial court proceedings to occur while the covered person is outside of the United States. When this occurs, MEJA requires that a suspect be appointed counsel by a Federal magistrate judge. Such a counsel is designated a qualified military counsel, which is designed as a judge advocate made available by the Secretary of Defense. So now will a contractor who isn't associated with military operations be assigned a military judge advocate to be his counsel? Or will the Department of Justice be required to designate qualified civilian counsel for nonmilitary contractors and under what authority?

Clearly, there are numerous flaws with the creation of FBI Theater Investigative Units. This amendment does not alleviate any of these concerns.

I urge my colleagues to oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. HILL. Madam Chairman, I yield the balance of my time to my good friend from North Carolina (Mr. PRICE).

The CHAIRMAN. The gentleman from North Carolina is recognized for 2½ minutes.

Mr. PRICE of North Carolina. Thank you, Madam Chairman. I rise in strong support of the amendment offered by my colleague from Indiana, and I thank him for his leadership on this issue.

Mr. HILL's amendment is based on two critical principles, transparency and accountability. Over the last few years, many of us have asked the Department of Justice to give us basic information about the allegations of abuse by contractors, and the Department's efforts to investigate and prosecute these allegations, to carry out its responsibilities under existing law. Answers, I am afraid, have not always been forthcoming.

This amendment would ensure that Congress has the basic information we need to determine whether we are aggressively enforcing the rule of law and ensuring accountability of those who work in our name and on our dime.

As my friend Mr. HILL well knows, our American troops on the battlefield, who must deal with the consequences of incidents like the recent Blackwater shootings, those troops will be the main beneficiaries of the increased accountability that his amendment would require.

I applaud Mr. HILL for his efforts and urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILL).

The amendment was agreed to.

Mr. PRICE of North Carolina. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CLARKE) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, had come to no resolution thereon.

REAPPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2702, and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Joseph Cooper, Baltimore, Maryland

☐ 1800

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING LANCE CORPORAL ROBERT LYNCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Madam Speaker, I rise today to honor Lance Corporal Robert Lynch who was taken from us far too soon when he and two other Marines were killed in Iraq by an IED. In Louisville, the hearts of his family and friends are full of grief as they mourn this tremendous loss, but we are also full of pride as we celebrate the life of an American hero who made the ultimate sacrifice.

Robbie's heroism began well before his service in the Marines. At a young age, he conquered Tourette syndrome and became a charismatic joker, an eloquent poet and a caring and empathetic young man.

At Seneca High School, he enrolled in the ROTC as a freshman, becoming an instant favorite among the faculty and his classmates alike. In fact, to many, it seemed Robbie was friends with everyone, classmates, teachers, administrators, clerks, everyone. And in Robbie, or Jax, as he nicknamed himself, they had a friend who would send people into hysterics when times were light or cut through the tension with a joke that lightened the mood. In Iraq he used that sense of humor to keep up the spirits and morale of his fellow warriors.

But people were drawn to Robbie for more than his affability. Robbie was also the one you knew you could depend on, the one you would go to if you needed help, support or simply a friend. That sentiment was shared by the many at home who loved him and those who served with him in Okinawa in the 1st Battalion, 12th Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force.

Robbie dreamed of going to Hollywood to sing. He wrote songs and poems that expressed, among other things, his passion for justice and freedom. Tragically, his devotion to service eclipsed his artistic aspirations, and that dream will not be realized. Still, his words remain with us, and I'd like to share just a few.

He wrote, "I don't plan on being a hero to the world. I just want to try to help make it a better one." Clearly, Robbie underestimated himself, for in just 20 short years on the planet we are better for having him here, and he is a hero to us all.

Today I'm introducing legislation to rename the Fairdale, Kentucky, Post Office the Lance Corporal Robert A. Lynch Memorial Post Office, so that it may stand as a testament to his heroics and strong character. For his selfless devotion to all of us in the United States, he deserves our recognition and thanks. For their sacrifice, his family deserves our support. We are poorer for the loss of him but we, as a community and a country, are better off for the short time we had him.

I urge my colleagues to join me today in honoring Lance Corporal Robert Lynch, a patriot, a poet, and a good man.

COMMUNIST CHINA AND CIFUS: "DROPPING THE SHARK"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, to resuscitate the 1970s sitcom "Happy Days," Arthur Fonzarelli was aquatically clad in a swimsuit, white T-shirt and leather jacket and filmed performing a harrowing water ski jump over a shark. Though The Fonz pulled it off, the network pulled the plug on "Happy Days." Subsequently, inane attempts to prevent a show's cancellation by scripting an absurd season have been coined "jumping the shark."

But what should we call situations where the U.S. Government willfully suspends its disbelief Communist China is a strategic threat and, instead, appeases it? I suggest we call such instances "dropping the shark."

Mr. Speaker, the Committee on Foreign Investment in the United States must review and block Bain Capital and Communist China's Huawei Technologies' deal with the 3Com Corporation. If approved, Communist China's Huawei Technologies stake in the 3Com Corporation will gravely compromise our free Republic's national security.

The 3Com Corporation is a world leader in intrusion prevention technologies designed to prevent secure computer networks from hacker infiltration, and our Department of Defense extensively utilizes them. These technologies were severely tested this June when Communist China hacked into our DOD's computer networks and caused a shutdown. Given this and other instances of Communist China's persistent cyberwarfare against us, approving this sale would be an abject abnegation of CIFUS's duty to protect America's vital defense technologies from enemy acquisition.

Few doubt the aims of Communist China's Huawei Technologies, which was set up in 1988 by a People's Liberation Army officer to build military communications networks. The pending deal with Huawei is deemed "really worrisome" by a former Pentagon cybersecurity expert, and as reported by Bill Gertz in today's Washington Times, a current Pentagon official confirmed, "Huawei is up to its eyeballs with the Chinese military"; while another official stated "we are proposing to sell the PLA a key to our front door. This is a very dangerous trend."

This is not the first time Communist China's Huawei Technologies has raised legitimate American concerns. In January 2006 Newsweek described Huawei Technologies as "a little too obsessed with acquiring advanced technology." Appearing before the House Armed Services Committee on September 19, 2002, Professor Gary Milhollin, Director of the Wisconsin Project on Nuclear Arms Control, testified as to the extent of the danger: "The history of Huawei shows how sensitive American exports can wind up threatening our own Armed Forces. So when we talk about export controls, we are not just talking about money. We are talking about body bags."

This is not hyperbole. At the start of this decade, Huawei violated U.N. sanctions and illegally provided a fiber-optic network to Iraq. This network linked the Iraqi military's air defense network. Moreover, the CIA-led Iraq Survey Group's final report concluded Huawei illicitly participated in providing transmission switches for Iraq's fiber-optic communications. In August 2001, this Chinese-made fiber-optic network was bombed because it was part of the Iraqi air defense missile sites firing at U.S. and allied aircraft which were enforcing a no-fly zone. And also, for the record, this company found time to help the Taliban too.

In other business practices, Huawei appears equally cavalier about the rule of law. In 2003, Cisco Systems formally charged Huawei Technologies with grievous intellectual property violations, including patent infringements. Again, this should be unsurprising, given the strong ties between Huawei Technologies, the Communist Chinese Government and its armed wing, the People's Liberation Army. Not coincidentally, in only two decades, Huawei has expanded to over 100 countries, amassed sales of over $87 million, and significantly contributed to the PLA's arms buildup. Obviously, through this proposed acquisition the comrades at Huawei aim to contribute far more.

Mr. Speaker, this deal is not only unacceptable on its face to our free people's sensibilities, it endangers our military and our security. Therefore, if CIFUS approves this sale and its accompanying sensitive defense technologies to Huawei, it will place in Communist China's cyberhacking hands some of the most sensitive technologies employed for our high-tech defense, and it will be tantamount to CIFUS dropping the shark in our fish bowl and pulling the plug on America's happy days.

Therefore, I urge CIFUS to do its job and block this deal that threatens our liberty, our security and the bounds of sanity itself.

FOUNDATION FOR A FIT NATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to introduce the Foundation for a Fit Nation Act, legislation to establish the National Physical Fitness and Sports Foundation which would fund the President's Council on Physical Fitness and Sports.

Despite the undisputed benefits of physical activity, most Americans continue to lead alarmingly inactive lifestyles. Studies by the Center for Disease Control show that more than 50 percent of American adults do not get enough physical activity to provide health benefits, and 24 percent are not active at all in their leisure time. According to the CDC, 61.5 percent of children between the ages of 9 and 13 do not participate in any organized physical activity outside of school; however, the American Heart Association found that schools are cutting back on physical education, the best method to combat childhood obesity.

In the United States, obesity among both children and adults has become a problem of epidemic proportions. The number of Americans who are overweight and obese is staggering. The American Obesity Association reported 127 million overweight adults in the United States. The most disturbing statistics, however, revolve around the growing rates of obesity of American children. The Department of Health and Human Services predicts that 20 percent of American youth will be obese by the year 2010.

Mr. Speaker, we cannot afford to ignore these statistics any longer. We owe it to ourselves and our Nation to support a healthy lifestyle for our constituents. We should be especially cognizant of the importance of instilling in our young people an appreciation of the value of maximizing physical fitness. The creation of the National Foundation on Physical Fitness serves as an important first step towards reaching these goals.

The President's Council on Physical Fitness and Sports, a part of the Department of Health and Human Services, is an advisory committee created in 1982 to promote physical activity and fitness in the United States. Currently, the President's Council on Physical Fitness operates on a shoestring budget, a mere $2.1 million, a figure which is vastly incommensurate with the importance of the PCPF mission. The Council is among several departments within the Center for Disease Control which are eligible to receive private contributions, however it is currently not authorized to solicit contributions.

When the Foundation for a Fit Nation Act is passed, it would direct the President's Council on Physical Fitness to establish a nonprofit foundation designed to promote and encourage the solicitation of private contributions as an independent source of funding for the Council. This budget increase would allow the President's Council on Physical Fitness to expand its scope and activities with no cost to taxpayers. This bill would help further an important national goal, encouraging and fostering physical fitness and well-being through 3 specific measures:

First, establishing the nonprofit National Physical Fitness and Sports Foundation to promote and improve physical fitness and sports programs in conjunction with the President's Council on Physical Fitness and Sports;

Second, allowing the Foundation to solicit, receive and administer private contributions for the President's Council;

And third, establishing a bipartisan nine-member board of directors to oversee the Foundation.

Physical activity is not only vitally important for our health, but serves as an enjoyable means for the development of commitment, perseverance and teamwork, all of which foster strong societies.

I urge my colleagues to support this important piece of legislation which would provide a private source of funding for an organization critical to the well-being of our constituents.

□ 1815

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, in large and small communities across our Nation, too many Americans find themselves placed in danger by the very people who are supposed to love them. It's estimated that 2 million acts of domestic violence take place each year in the United States. This is not just a problem for women; it's also a problem for children and a problem for men. We are doing no one any favors, least of all the abusers, by ignoring the problem.

I rise today to recognize October as National Domestic Violence Awareness Month. And while we make gains in raising the awareness about domestic violence and in providing assistance to the victims, the violence continues.

According to a recent survey in my home State of Kansas, one domestic violence act occurs every 28 minutes. One out of 4 women will be abused in their lifetime, and more than 3 million children will witness some form of violence at home each year.

Domestic violence brings fear, hopelessness and depression into the lives of every affected victim. One incident can create a cycle of despair that's difficult not only for the victim, but also for their families to overcome.

When a victim is abused, the abuse does not stay in the home, and, therefore, we cannot fight this battle only on 1 front. Domestic violence is often seen as a private issue. However, the suffering often follows victims at work and at school.

It is important that medical professionals, educators, law enforcement officers, and community leaders are trained to recognize the signs and symptoms of domestic violence. Everyone, not just the victim but their children who suffer and the abusers themselves, will be better off if we can put a firm and rapid stop to every single case of domestic violence.

It is also important to support domestic violence shelters. These agencies provide essential services, help advocate for victims, and spearhead efforts to increase domestic violence awareness throughout the country. Tonight I commend those who work every day to help victims of domestic violence, especially those who work in the nine service areas that I am aware of back home in Kansas in my district: Dodge City, Emporia, Garden City, Great Bend, Hays, Hutchinson, Liberal, Salina, and Ulysses.

We must not forget the role Congress has to play. Federal grants made under the Violence Against Women Act provide essential funds for shelter operations and support services. We must ensure that shelters and crisis centers receive sufficient funding to provide this safety net to some of our most vulnerable citizens.

October is National Domestic Violence Awareness Month, but we must fight domestic violence and address its consequences all year long. Through education, enforcement and support, we can continue working together to break the cycle of domestic violence and bring hope to victims so terribly affected by these acts.

Tonight, I pray for the end of violence within our families and for the healing of those who suffer.

IT IS TIME TO END THE OCCUPATION OF IRAQ

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the American people are opposed to the occupation of Iraq. And when I say "the

American people," I am not referring to members of 1 party or 1 political persuasion. I am referring to members of both parties who live in every part of our country, in cities and towns big and small.

According to the organization Cities For Progress, approximately 300 States, cities and towns have passed resolutions or referenda opposing the occupation of Iraq. They include places like Kalamazoo, Michigan; Carrboro, North Carolina; Ladysmith, Wisconsin; Butte, Montana; Chicago, Illinois; Guilford, Vermont; Cincinnati and Cleveland, Ohio; South Charleston, West Virginia; and Sacramento, California.

They also include 17 States that have either passed a State House or State Senate resolution opposing the occupation or sent letters to Congress signed by large numbers of the State legislature's members. These include the red States of Colorado, North Dakota, and Arizona and the blue States of Minnesota, New Jersey, and Oregon.

In addition, the United States Conference of Mayors has passed a Bring Home the Troops resolution. In their resolutions the cities and towns decry the terrible loss of life in Iraq. And they describe how the soaring costs of the occupation consume resources that would be much better spent on the needs of local communities.

I want to read portions of a few of these resolutions so that Members of the House can get a sense of the anguish that's out there in the heartland.

The resolution passed by South Charleston, West Virginia, declares that the conflict has "mired American Armed Forces in an internecine, centuries-old conflict of ethnic, cultural, and religious rivalries." The resolution of the U.S. Conference of Mayors declared that "the continued U.S. military presence in Iraq is reducing Federal funds available for needed domestic investments in education, health care, public safety, homeland security, and more." The Cincinnati city council echoed that sentiment and said that spending on the occupation "severely lessens the ability of the city of Cincinnati to rebuild its urban core, promote homeownership opportunities in Cincinnati, and provide critical housing services for the poor." The Chicago city council warned that the occupation has "inflamed anti-American passions in the Muslim world and increased the terrorist threat to United States citizens." The resolution of Cambridge, Massachusetts, laments the "grievous impact of the loss of lives in the Iraq war on families and communities on both sides of the conflict and the destructive social and economic effects of the war."

The city of Bellingham, Washington, said that "the killing of civilians is an unspeakable crime against humanity." The Cleveland city council declared that "the costs to the States of the call-up of National Guard members for deployment in Iraq have been significant, as reckoned in lost lives, combat injuries and physical trauma, disruption of family life and damage to the fabric of civic life in our communities."

The New Hampshire House of Representatives urged "the President to commence talks with the neighbors in the Middle East and begin the orderly withdrawal of American military forces from Iraq."

And the Vermont Senate declared that the escalation of the conflict "is exactly the wrong foreign policy direction and the presence of American troops in Iraq has not and will not contribute to the stability of that nation, the region, or the security of Americans."

More information about these resolutions, Mr. Speaker, can be found on the Web site of the Congressional Progressive Caucus, and I urge my colleagues to read these resolutions in their entirety. They represent the true voice of America, the America that has compassion for the people of the world, believes in international cooperation, and knows that restoring our moral leadership is the best way to guarantee our own security and freedom.

Mr. Speaker, the people have spoken. It is time to end the occupation of Iraq.

ON OUR WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, last evening I came to the House floor to talk about one of the most critical issues facing our Nation today.

Our country's financial outlook is desperate. How do we stop the red ink and the bleeding? How do we come together as Republicans and Democrats and make certain that the American people don't suffer for our out-of-control spending?

I'm talking about entitlements and other mandatory spending. How do we change course? Medicare, Medicaid, and Social Security combined with interest on the national debt will consume all of the government's revenue by the year 2026.

According to the GAO, balancing the budget in 2040 would require cutting total Federal spending by 60 percent or raising taxes by 2½ times today's level. Both would devastate the economy.

The longer we wait to get serious about this reality, the harder and more abrupt the adjustments will be for the American people.

I ask every colleague in the House, how will you feel when there isn't enough money for medical research, for cancer research, for Alzheimer's, for Parkinson's, or for autism? How will you feel when you know it was today's Congress, this Congress that we all have the honor to serve in, that passed the buck to the next generation, that avoided the issue, and said it was just too hard?

I'm challenging every Member of this House to come together, to know that while we served in Congress, we did everything in our power to provide the kind of security and way of life for our children and our grandchildren that our parents and our grandparents worked so hard to provide us.

Congressman JIM COOPER, a Democrat from Tennessee, and I have come together because we know what is at stake. We have a bill that we believe is the way forward to help stop the bleeding. And, quite frankly, I would say to my friends on both sides of the aisle the American people desperately want to see us working together, Republicans and Democrats, to deal with these important issues.

The bipartisan SAFE Commission will send its recommendations to Congress. We will have an up-or-down vote similar to the base closing process, which we now have in effect in the Congress, on getting our financial house in order.

There are other ideas, too. I am inserting Robert Samuelson's op-ed in today's Washington Post. He hits the nail on the head when he talks about the need for bipartisan work, a bipartisan panel, to help us do our job. "Everything else has failed," he says.

I urge you to think about this issue and the real problem we face now. Not an issue for next week or next month or the next Congress but an issue for this Congress. An issue for now.

In the song by Simon and Garfunkel, "The Boxer," it says, "Man hears what he wants to hear and disregards the rest." I urge us to tell the American people not what they want to hear but what they need to hear. And I urge us to come together and work in a bipartisan way for our young people, for our children, for our grandchildren, and for all Americans.

[From the Washington Post, Oct. 3, 2007]

ESCAPING THE BUDGET IMPASSE

(By Robert J. Samuelson)

Almost everyone knows that the next president will have to wrestle with the immense costs of retiring baby boomers. Comes now a small band of Democrats and Republicans who want to do the new president a giant favor. They want to force the new administration to face the problem in early 2009. Why is this a favor? Because dealing with this issue is so politically unsavory that resolving it quickly would be a godsend. Otherwise, it could haunt the White House for four years.

Let's review the problem (again). From 2000 to 2030, the 65-and-over population will roughly double, from 35 million to 72 million, or from about 12 percent of the population to nearly 20 percent. Spending on Social Security, Medicare and Medicaid—three big programs that serve the elderly—already represents more than 40 percent of the federal budget. In 2006, these three programs cost $1.1 trillion, more than twice defense spending. Left on automatic pilot, these programs are plausibly projected to grow to about 75 percent of the present budget by 2030.

Stalemate results because all the ways of dealing with these pressures are controversial. There are only four: (a) massive tax increases—on the order of 30 to 50 percent by 2030; (b) draconian cuts in other government programs (note that the projected increases in Social Security and Medicare, as a share of national income, are more than all of today's domestic discretionary programs); (c) cuts in Social Security, Medicare and Medicaid—higher eligibility ages or lower benefits for wealthier retirees; or (d) undesirably large budget deficits.

The proposed escape seems at first so drearily familiar and demonstrably ineffective that it's hardly worth discussing: a bipartisan commission. But what would distinguish this commission from its many predecessors is that Congress would have to vote on its recommendations. The political theory is that, presented with a bipartisan package that cannot be amended, most politicians would do what they believe (privately) ought to be done rather than allow pressure groups, including retirees, to paralyze the process.

There is precedent for this approach. Since 1988, Congress has allowed more than 600 military bases and facilities to be closed or streamlined using a similar arrangement. An independent Base Realignment and Closure Commission evaluates the Pentagon's proposed closings and listens to objections. With the president's approval, it then submits its own list, which goes into effect unless vetoed by both houses of Congress. This process provides members of Congress bipartisan "cover" and prevents amendments from weakening the package.

Two prominent proposals would adapt this approach to the budget. The first, offered by Sens. Kent Conrad (D–N.D.) and Judd Gregg (R–N.H.), the chairman and ranking minority member of the Budget Committee, would create a 16-member commission, evenly divided between Democrats and Republicans. All eight Democrats would be from Congress, as would six Republicans. The administration would have two members, including the secretary of the Treasury.

Conrad's notion is that the impasse is political and that only practicing politicians—people with "skin in the game"—can craft a compromise that can be sold to their peers. The commission would report in December 2008. Twelve of its 16 members would have to support the plan, with congressional passage needing 60 percent approval (60 senators, 261 representatives). These requirements, Conrad and Gregg argue, would ensure bipartisan support.

The other proposal comes from Reps. Jim Cooper (D–Tenn.) and Frank Wolf (R–Va.). It would also create a 16-member commission, with two major differences. First, only four of its members would be from Congress. Second, though Congress would have to vote on the commission's proposal, there would be some leeway for others—including the president—to present alternatives as long as they had the same long-term budget impact Any proposal, however, would have to be voted on as a package without amendments.

A combination of these plans might work best. A 20-member group would be manageable and should include four outsiders to provide different perspectives and, possibly, to build public support. Perhaps the head of AARP should be included. And it would be a mistake to present the next president with a take-it-or-leave-it package. The Cooper-Wolf plan would allow a new administration to make changes—and get credit—without being able to start from scratch.

This commission approach has potential pitfalls: It might create a face-saving package that does little. But everything else has failed. The main political beneficiary would be the next president. It would be revealing if some of the hopefuls—Democrats and Republicans—would show that they grasp this by providing their endorsements. Otherwise, the odds that Congress will even create the commission are slim.

EXPRESSING SUPPORT FOR COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to express my strong support for enacting a free trade agreement with our strongest ally in Latin America, and that is Colombia.

In May, the House leadership brokered an agreement with the administration to pass the Peru, Colombia, Panama, and South Korea Free Trade Agreements, in that order, Mr. Speaker. And, actually, I am very pleased to see that the House Ways and Means Committee took action this week on the Peru Free Trade Agreement. I think it's a great step in the right direction. However, I am concerned about the apparent lack of support from the House leadership for a Colombia Free Trade Agreement, an agreement that publicly was committed to by the House leadership.

Mr. Speaker, it is imperative that this Congress pass a Colombia Free Trade Agreement. Excluding our strongest ally in Latin America from preferential trade treatment would send a devastating message to the region. That message would be that if you are a strong ally, the strongest ally of the United States, if you are willing to stand up to anti-American dictators like Mr. Hugo Chavez, and if you are willing to fight the narcoterrorists, this United States Congress will not support you.

A free trade agreement with Colombia would not only help further bolster the Colombian economy and help show our strong support for their efforts in fighting the war on drugs, it would also help the U.S. economy by opening up our business to this huge democracy, this huge export market.

Mr. Speaker, we cannot send the world the message that if you support the United States, if you are willing to stand up even against our enemies, that this United States Congress will not stand with you. Please, let's not slight the Colombian people and their democracy.

I urge the Democratic leadership and the House Ways and Means Committee, Mr. Speaker, to bring forward a Colombia Free Trade Agreement.

☐ 1830

ADDRESSING THE SUBPRIME MELTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY of New York) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, we are at a critical juncture with respect to the subprime mortgage crisis. I see my colleagues here on the floor that are members of the Financial Services Committee and other important committees that have been working with the Democratic leadership and the Democratic Congress to help families stay in their homes and prevent another crisis like this from happening in the future.

Today, I joined with House and Senate leaders and colleagues in urging the President to join us in aggressively working to turn back the tide of foreclosures. Parallels have been drawn between this administration's management of the subprime crisis and Hurricane Katrina, when some 300,000 people lost their homes. Millions of Americans may lose their homes to foreclosure as a result of the subprime mortgage meltdown. And once again the response from the Bush administration has been slow and small. This crisis requires a bolder response. Foreclosures have spiked nearly 115 percent since this time last year, and expectations are that the next 18 months will be even worse as many subprime loans reset to higher rates. Some economists think that the collapse of home prices that we will see might be the most severe since the Great Depression. The worsening housing slump, the credit crunch, and weak consumer confidence point to a gathering storm that could drag down the economy, taking thousands of American jobs with it.

As losses mount for borrowers and lenders, economic pain is already being felt in communities across this country as the ripple of default spreads to local economies, governments and neighborhoods. The time to act is now.

Under Speaker PELOSI and Chairman FRANK's leadership, the House swiftly passed legislation that will enable the FHA to serve more subprime borrowers at affordable rates and terms, and offer refinancing to homeowners struggling to meet their mortgage payments. The President should sign that bill the minute it gets to his desk.

We have passed also important GSE reforms in the House, but we should also raise the cap on their portfolio limits at least temporarily so that they can provide additional liquidity and help with the subprime crisis. If there was ever a time for Fannie Mae and Freddie Mac to have more liquidity to help people, it is now.

The caseloads for nonprofits aiding strapped borrowers are growing larger by the day. The Joint Economic Committee, which I am honored to serve on, reported earlier this year that it cost $1,500 to prevent a foreclosure of a single family home. And that's the first thing that we should be doing is keeping people in their home, helping them stay there. And that shows what it's like for one family home, only $1,500. But foreclosure prevention specialists are absolutely in critical need of more resources in order to save more homes.

Foreclosures have a significant negative impact on entire communities because of lower property values, decreased property tax revenues, and higher municipal maintenance costs. In fact, we estimate that the total cost of each foreclosure to the community can be up to $227,000, as the right-hand column shows.

The impact of these foreclosures will be devastating on African American and Hispanic owners, as 52 percent of all mortgage loans sold to African Americans and 40 percent of those sold to Latinos were subprime over the last 2 years. The sad irony here is that up to 40 percent of subprime borrowers, they would qualify for prime fixed-rate loans. We need to help them renegotiate their loans and get into the prime, more affordable loans. Securing additional funds for foreclosure prevention is critical to bringing subprime borrowers and lenders together to achieve loan workouts.

For $200 million in Federal Foreclosure Prevention Funding, which passed the Senate this month, 130,000 families, let me just show this one thing that is happening, Mr. Speaker. For $200 million, we can save a lot of people and keep them in their homes, and yet we're spending that much in Iraq.

The sad irony here is that up to 40 percent of subprime borrowers would qualify for prime, fixed-rate loans.

Securing additional funds for foreclosure prevention is critical to bringing subprime borrowers and lenders together to achieve loan workouts.

For $200 million in federal foreclosure prevention funding, which passed the Senate this months, 130,000 families could be helped to avoid foreclosure, as the bar on the left shows.

That is less than the cost of the Administration's Iraq war spending for one day, which is now about $330 million and to rise, as the big red bar on the right shows.

To help the two million households that are at risk of foreclosure would cost one week of our spending in Iraq.

We invite President Bush to join us in our efforts to aggressively help protect and expand the American dream of home ownership.

Mr. Speaker, the price of doing nothing is just too high.

RUSH LIMBAUGH OWES OUR SOLDIERS AN APOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, I have always believed firmly in the qualities of civility in this House, and bipartisanship and constructive dialogue and engagement and respect for one another's disagreements. In fact, last night I spent an hour on this floor with Members on both sides of the aisle talking constructively in a bipartisan Center Aisle Caucus Special Order on Iraq. And we managed to put our political differences aside and talk not about left or right, but moving forward. And so civility is critically important to me and has been since coming here nearly 8 years ago.

But I must say, Mr. Speaker, that when I heard of the comments of Rush Limbaugh, when I heard him impugn the integrity of our soldiers, when I heard him call them phonies, I had just about had it. How dare he attack our soldiers. How dare he impugn their integrity. How dare he attack their credibility. There is no place in America for anyone to attack our soldiers while they are fighting in combat or when they have come home. I don't care what the reason, Mr. Speaker. There is no place in America for that, particularly coming from someone who believes that he is the "gold standard" of patriotism, who believes he has a monopoly on patriotism, who has accused anyone who dissents with a particular policy with which he disagrees as a traitor. What is patriotic, Mr. Speaker, about calling American soldiers phonies? What is patriotic about that?

If ever there was anything that suggested to me a dissent beyond the line, I would never call it traitorous, but I can't think of a better example of giving aid and comfort to our enemies than somebody who would call our soldiers phony while they're fighting, who would attack them while they're defending us.

He crossed the line, he crossed the line of fair play, he crossed the line of hypocrisy. This standard-barer of patriotism attacking American forces, it is unacceptable. It is unacceptable. Not only because it is hypocritical and not only because it is an attack on our Armed Forces, Mr. Speaker, but because it comes from somebody who never fought for our country, unless you consider being a disk jockey to be worthy of combat pay. Mr. Speaker, the American people are sick and tired of this kind of hypocrisy and this kind of attack.

I went to Walter Reed Army Hospital yesterday, and maybe that's why I'm so fired up, Mr. Speaker. I visited Walter Reed Army Hospital yesterday and with young men whose limbs have been amputated, whose futures have been changed. How dare anybody suggest that because one of them may disagree with a policy that that person is a phony. Thank God we live in a country that gives us the right to agree with a policy to go to war. You have the right to disagree, you even have the right to remain silent, but no one has the right in this country to call any member of our Armed Forces "phony," and Rush Limbaugh owes them an apology.

SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I rise today with the very, very wonderful company of my freshman Members.

Mr. Speaker, since the 110th Congress began, we have, as a class, stepped forward to try to do everything we could to help the American people see a new way forward for America. And this week, we have seen that the distinction and the differences between our view of caring for the health of all Americans and that of the President were brought into very sharp contrast, very sharp contrast in that the President has vetoed SCHIP.

Mr. Speaker, before I turn it over to my very able classmates, I just want to point out that we're not rising today to talk about health care and SCHIP to throw partisan darts or anything like that. We recognize and respect and appreciate and even are quite grateful for members of the Republican Caucus in both Houses who have come forward to join and say that the health of our children is very important, in fact, it's sacred, and that all Americans should come together to support it.

Mr. Speaker, the bipartisan SCHIP reauthorization bill, which was vetoed by the President, is supported by 67 Senators, including 18 Republicans. It is supported by 43 Governors, including 16 Republican Governors, and I'm proud to say my own Governor, Tim Pawlenty. Governor Pawlenty knows that he and I have disagreed on things in the past, but we're together on this, that children's health must be cared for by adults.

The bill that was vetoed today is supported by more than 270 organizations, literally representing millions of Americans, and has very strong support from the American people at large.

Mr. Speaker, I just wanted to get us started today. I have much more to say, but I don't want to delay any longer because I know that my very excellent difference-maker classmates have much to say about this issue. So without any further delay, I'd like to offer the microphone to the very able, very excellent, honorable Mr. SARBANES from Maryland.

Mr. SARBANES. I thank my colleague. And I know we have a number of people here that are going to speak, and if at any time I say something where you would like me to yield to add to the discussion, please let me know as we move forward.

There is no more important issue than children's health insurance coverage. And I think it's incomprehensible to certainly all of us here this evening who are talking about the issue, but I think to most Americans, that the President of the United States initially even threatened to veto, but then today took the action of vetoing this bill which would increase to 10 million children the number that are covered under this health insurance program.

I wanted to speak just a moment about 2 faces on this issue that my life has intersected with. They come from the State of Maryland, and actually over the last few months they've become known to millions of Americans across the country. The first face is the face of Diamonte Driver, who was a young man in Prince George's County, Maryland who had a toothache and ended up dying because he didn't get the treatment that he needed. If his family had had the coverage available that SCHIP provides, his mother could have gotten him to a doctor, a dentist. He would have been seen early, like is the experience of most of us when we have a toothache, and his life would have been saved.

I came to know Diamonte because I worked for years with an organization called the Public Justice Center in Maryland. And the Public Justice Center has been championing increasing Medicaid coverage for children in the State of Maryland. And they had worked with the Driver family. They were actually working with Diamonte's older brother, trying to get him some help that he needed through the Medicaid program, and got to know the family that way, and then Diamonte's situation occurred. So that hit me right there because I was aware of what had happened with this family through my personal interaction with that organization. That's the terrible tragic face on this issue. That's what happens when the coverage isn't there, when children don't get the health care coverage that they need.

There is a positive face on this issue, which was illustrated by the Frost family, Graham and Gemma Frost. Graham Frost was part of the Democratic statement across the country this past weekend where he talked about how his sister and he were in a terrible car accident, and because they were covered by the SCHIP program, they got the treatment they needed, it did not bankrupt the family, and that family is intact, healthy and able to move forward because of the SCHIP program.

So, on the 1 hand you have the example of Diamonte Driver, someone who didn't have access to this kind of coverage, and on the other hand you have the experience of Graham and Gemma Frost, who did.

I don't understand how the President can line himself up against 10 million children in this country. It is mind-boggling to me, and I've been trying to figure out why he would do it. I think there's maybe a philosophical imperative that he is laboring under, this notion that somehow a government program, already proven to work well, can't continue to work well because there is this investment in the notion that government can't do good things, that government can't design programs that work effectively. And so that philosophy apparently this administration is prepared to sacrifice. At the alter of that philosophy, the government can't do anything right, they're prepared to sacrifice the interests of millions and millions of children across this country.

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The President made a statement the other day where he said, "Well, what's the problem? If children need to get treatment, they can always go to the local emergency room." I know we all heard that. Some of us were stunned with the callousness of that comment. But I was impressed as much with its callousness as I was, or in addition to its callousness, as with its lack of insight.

I have spent 18 years working with hospitals. I know that the emergency room of a hospital is the highest-cost part of our system. Why would you want children to go there to get treatment when you could build clinics and otherwise empower our health care providers, through the SCHIP program, to provide service at an earlier stage? Not only is it less expensive, but you intervene before children reach a more acute condition where the cost of treating them is going to be higher. So this, I think, illustrates a fundamental lack of understanding of how we can enhance coverage in our health care system.

Let me just make a couple of final comments here. We didn't send the SCHIP bill to the President. We, the Members of the House and the Members of the Senate who voted for it, didn't send it to the President. We delivered it to the President. We delivered it on behalf of America's children. That is what we did. That is our job. We are an instrument of the American people, and in this case, of America's children, so we delivered this to the President on behalf of America's children. His decision to veto it is not a rejection of this Congress. It is a rejection of the interests of America's children.

What I hope Americans all across this country will do, starting tonight and going forward over the days to come, is make it perfectly clear that they want this Congress to override the veto of the President on SCHIP. Call us. Call every Member in this Chamber and make that point. Because if you do that, you are going to send a powerful message to the President that he made the wrong decision here. In spite of the decision he made, we can move forward on behalf of America's children.

I yield back to my colleague and thank him for the time.

Mr. ELLISON. Mr. Speaker, if it wouldn't violate the rules of decorum, I would clap after Mr. SARBANES' comment. I thought it was very eloquent. I thought the examples he used were very poignant. The young man who had a tooth abscess and had that go up into his brain and he died as a result of it stands as an indictment against our whole Nation. That young man deserves to have all of us, every adult in America, stand up and say, change must come, and it must come now.

I just would like to read a quote and see if I could get my colleague from Brooklyn's reaction, if I may.

Yvette Clarke, you are here with us tonight. You are a stalwart. You are a clarion voice for the public good. I just want to know what you might think about this statement as relates to SCHIP, which is a quote from the late Senator and former Vice President Hubert Humphrey, from my home State of Minnesota, in which he said that the moral test of any government is how it treats those in the dawn of life, the children; those in the dusk of life, the elderly; and those in the shadow of life, the disadvantaged.

When you think about this veto of SCHIP and you think about the moral test of the Nation, what do you think? What thoughts come to mind?

Ms. CLARKE. First, let me just thank you as a member of the class of 2006 to be here with my colleagues this evening to really address what is a moral imperative. Taking care of our young, taking care of our elderly, being in a position to actually have our future secured by making sure that our children are healthy and well-focused, well-nourished and ready to compete in this Nation is a critical part of what makes America America. So to hear that this morning, before the President's coffee got cold, he had vetoed the SCHIP legislation, bipartisan legislation that we delivered to him on their behalf, was really disheartening.

I think that it is imperative that Americans really press upon this body that we make sure that we override this veto. $3.50 a day. That is what it would cost us to cover the children who are currently uninsured, to provide them with preventive care so that they are able to reach their God-given potential, so that they don't have to sit up in the classroom with headaches and stomachaches and other ailments, perhaps communicable diseases that could cause an outbreak. Meningitis was one of the major issues in many of our schoolhouses last year. We have a President that sort of stood in the way of that. He has just made it unequivocally clear that this is not a policy that he will pursue.

I think it is our obligation as representatives of the people to pursue this and make sure that we get it right on their behalf. Hubert Humphrey was absolutely right. It is a moral imperative, very much so. I hope that every American feels that this evening when they look at their children this evening, when they look at their grandchildren this evening, they will count their blessings that they are able to sit with their child today and their child is not in need of a doctor's care. For those who are in need of a doctor's care, that they will pray for a mother like Deamonte's mother who went around trying to find coverage for her child, who tried to get a doctor to see her son though she did not have insurance and who was turned away. As a result, her son met his demise.

My colleague, the doctor is in the House.

Mr. ELLISON. The doctor is in the House.

Mr. Speaker, we have a doctor in the House. We are all richly benefited by the presence of Dr. STEVE KAGEN in this Congress. He is one of the freshman Members who tells it like it is. Very few people are better qualified to talk about health care than he is. He is a physician. I think he was probably practicing right up until the day he got sworn in.

We are all very honored to have you here again, Doctor. What do you have to say about this veto?

Mr. KAGEN. Thank you, Mr. ELLISON, and thank you, Ms. CLARKE. This is a very difficult hour to be with you. I cannot tell you how much it hurts me, how much it hurts the children of Wisconsin, of New York State, of Minnesota, and all the children throughout the country who don't know yet that their President has left them behind, that the President has turned away from children in need.

What we are talking about is the difference between seeing a physician and gaining access to good health and not. Those children that don't get health care don't get well. When you are sick in school, you cannot learn. You cannot progress. You cannot move up into the middle class.

This bill, the SCHIP bill, and the veto by this President, a President who no longer represents traditional American values, he does not represent our values, this is a stark contrast between the 2 parties today. It really asks the question, whose side are we on? I am a Democrat. I am proud to be a Democrat. We are on the side of people who are in need. It is the role of government, isn't it, to care for those who are in need? Not just Hubert Humphrey. It goes back 2,000, 5,000 years, into all of our cultures, into all of our religious beliefs, into all that we hold spiritually sacred. We must care for those who are in need.

The SCHIP bill has been lied about by many politicians. Some have said it's going to cover illegals. That's a lie. There are no illegal human beings, no illegal citizens covered in SCHIP. It does not cover rich people. Ninety percent of people that would be covered by the SCHIP bill have incomes below $41,000. Folks, the average cost of health care in this country is 12 to 14 grand per year. If you make $40,000, you can't afford health insurance today. You mentioned, Ms. CLARKE, $3.50 a day. What are we spending in the religious civil war in Iraq, $400 million a day? $3.50 versus $400 million. The American people get it.

When I go back home to Wisconsin, I am just as frustrated as our electorate. People believe their elected officials are not listening to them. We are listening. We understand your frustration. We feel it in our heart, as well. This is a veto that must be overturned.

When I was running for Congress, when I left my medical practice, I left my medical practice because 30 percent of the time I would write a prescription, but my patients either couldn't afford the medication or it wasn't covered on the insurance company's list, or they simply couldn't get it. They didn't have the money. So I ran for Congress.

During my trails across the district, I had a 15-minute conversation set aside for a Native American activist. That conversation lasted 2½ hours. It took me 2 weeks to recover. But she taught me that it is politicians who determine who lives and who dies. It is politicians, in this House, that will determine who has access to health care and who does not. It is politicians that will take us to war based on lies and deceptions. We are the people's voice here.

If you would allow me to take a moment, I would like to express the viewpoint of some of the people I represent. Chris Dion in Marinette wrote to me and said, "I am a single person but can't afford medical insurance unless it has a very high deductible. Then it is still expensive. I have many medical problems and cancer runs in my family. But I can't afford tests or treatments because I don't meet requirements for free checkups." Her story is 1 of millions.

Forty-seven million don't have any coverage at all. The SCHIP bill makes fiscal sense. It is paid for. It doesn't raise taxes on anyone who isn't smoking. It is responsible. It is morally responsible to care for those who are in need. In my opinion, the President's veto of this bill is morally unacceptable not just to me, not just to me as a physician, but as a husband, as a father, as a Congressman. It is unacceptable to every citizen everywhere in this country who has a human heart. I think we have to work hard with our colleagues in a bipartisan manner to care for those who are in need. We can do it with the SCHIP bill that we created here in this House, the People's House.

Mr. ELLISON. Mr. Speaker, I think it is important to point out that this is a bipartisan effort. As we come here and ask that this veto be overridden, it is not simply a Democratic initiative. It is also a Republican one. Let me tell you, I was really warmed, my heart was warmed up when I read the words written by Representative HEATHER WILSON and Representative RAY LAHOOD, two Republican Members, who sent out a Dear Colleague letter for the support of the SCHIP. They wrote, "According to Census Bureau data, about 9 million children lack health insurance. This SCHIP agreement would cover 3 to 4 million of them by investing $35 billion in additional funding in children's health insurance over 5 years."

Here is what our 2 Republican colleagues wrote further: "We urge your support for the SCHIP agreement and believe it is the best vehicle for reauthorizing the program before it expires."

That is what 2 Republican colleagues had to say about this bill. Presumably, they will be with us trying to overturn the veto.

My point is that as Americans citizens are watching us and watching this whole debate unfold here in the Capitol, they should know that they don't have to take sides based on party.

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This is something that is simply a moral imperative. It is right, it is cost-effective, and improves our health and well-being. It demonstrates our commitment to our children. It is right for a whole number of reasons, not just one reason.

Mr. Speaker, I would also like to say, Senator CHARLES GRASSLEY, who is a Republican Member, spoke very eloquently on this. He says, well, I am not trying to score political points. Again, it is not politics we are talking here. And any of the Democrats that have worked with me I know believe in they want to help kids, low-income kids, and we are going to not only keep the existing kids on the program, we are going to do what the President implied he wanted to do, was to bring more kids on. We are going to cover 4 million more kids as a result of what we are doing. I think it's up to the President, based on his message, to look at what we have done and see if it doesn't fit into that he tried to do, that he can't do that with just $5 million.

So, the point being, Senator GRASSLEY, a Republican, is in support of this.

Ms. CLARKE. Would you put a pin in it right there for me, my colleague? I just also wanted to quote 2 other Senate Republicans. Senator ORRIN HATCH said, We are talking about kids who basically don't have coverage. I think the President has some pretty bad advice on this, you think?

Then Senator SUSAN COLLINS says, I can't believe the President would veto a program that benefits low-income children.

Mr. Speaker, we are talking bipartisan effort here. As we salute and talk about the heroism of those who would fight for our freedoms abroad, we have got to bring some heroics here right now. This is one of those issues where the faint of heart should not be casting a vote.

This goes to the fiber, the core of who we are as a Nation, not as a party, not as an individual, but as a Nation. Where are we going to set the bar for what is acceptable in leadership and what is not? I say that the President in this case has abdicated his responsibility as a leader.

Our children need us. Their health care is critical to the growth and development of our communities. For every child that falls ill, we have more and more that we have to invest in getting that child to wellness. In the meantime, the educational advances that that child should have been making have not been made. The turmoil within the home and family, the setbacks there, and, by extension, the entire community

Mr. Speaker, so I just wanted to point out to you and just to highlight, as you both have, my colleagues, that this is not a Republican issue, this is not a Democrat issue, this is an American issue, and we have got to focus on this like a laser. It is now up to us in this House of Representatives to make sure that our colleagues recognize their responsibility and leadership to override this veto.

Mr. ELLISON. Dr. KAGEN, how are you looking at this?

Mr. KAGEN. I am just as frustrated as you and the American people. Where are you going to run and hide on this vote? There will be no place to run and no place to hide. You have to show your cards. Whose side are you on? Are you on the side of physicians and nurses who want access to their patients and their patients who want access to their doctors and nurses? Whose side are you on? We do not sit in the boardrooms, we are not the CEOs of insurance companies, but we are representative of peoples' voices.

You quoted some Republican Senators. I will go back home again and quote someone who writes to me, Jean, from Appleton: "What is it with this country? Health care for the rich and those in government; the rest can just die or try and live with broken bones and illness." Or Mary Anderson: "Health care issues, affordability is destroying my family and our financial stability."

I agree with you, we have to do more. We have done our job. We have created a bill that is fiscally responsible, it is socially progressive, it is the morally acceptable thing to do. That bill went to the Senate. It came back without caring for our senior citizens. It got chopped off.

We have here before the House an opportunity in the next several days to have a discussion with the American people about what kind of Nation we are. What kind of Nation turns away from its children who are most in need?

Mr. Speaker, now let's just mention something so that people listening understand about the eligibility factor. If you have got a family income that's below 300 percent of the Federal poverty level, you will qualify for this SCHIP program. All of the resources in this program will go to the poorest, the poorest working families. These are the people that need a boost. These are the people that need a lift up. These are the people who need a humane Congress, a Senate and a House to move this bill back to the President.

Let's give President Bush another chance to think this one all the way through. My friend, my colleagues, many times I have asked myself: Are we really thinking these problems all the way through? Are we really using the best judgment? Because it really does matter who your mayor is, who your Congressman is, and it really does matter who the President, the next President is. Why? Because judgment, good judgment must be used in everything we are doing. Otherwise, it could be a catastrophe.

Mr. ELLISON. Mr. Speaker, I think that the words of Dr. KAGEN are on the mark. Elections certainly do have consequences. Elections absolutely have consequences. I do hope as we deliberate on the next phase of this struggle, because the American people should know that we will not falter, we will not back down, we will stand strong with them, we will stand strong with the children, we will keep the faith, we will be in fidelity with them on this issue of health care.

Mr. Speaker, please let everyone know that we have heard our Speaker clearly state that we are not going to back down on this one. This is a gut-check issue, and we will be sticking to it. Not only have both Democrat and Republican legislators been very clear on the importance of this issue, it is bipartisan and it is a moral issue, and our Nation's editorial boards have been clear.

It is important to point out that on October 1, The Washington Post editorial stated that President Bush appears determined to veto, and he did now, the $35 billion expansion of the State Children's Health Insurance Program that the House and Senate approved last week. The administration's proposal to increase spending by less $5 billion would fall $14 billion short of what is needed to maintain the existing coverage in SCHIP alone, never mind adding the millions of eligible but uncovered children the President once said he was determined to sign up. Where is the commitment in that?

The Austin American Statesman editorial states on October 1: "For many kids, the doctor is not in." What kind of statement is that, doc?

The Atlanta Journal Constitution: "Kids lose out to politics," screams the headline on September 30.

The Chicago Tribune editorial: "A sound children's health bill." Stating further, "We urge the President to sign the measure. If he vetoes it, Congress should override that decision. We share the concern over stealthy leaps toward government-sponsored and universal health care. But this bill doesn't do that. It is a reasonable expansion of a vital program."

The New York Times editorial: "Overcoming a veto and helping children."

The Daily News, New York, editorial. "Presidential malpractice," screams the headline. "President Bush is threatening a veto of legislation with broad bipartisan support that would extend health coverage to millions of uninsured children. He is wrong. Dead wrong."

My colleagues, do the editorial writers have it right or wrong?

Ms. CLARKE. What I think most Americans find most mind-boggling is just the mindset that our President has been in in terms of his whole rationale for the veto. He at one point said the SCHIP plan is an incremental step toward the goal of government-run health care for every American.

I am saying to myself, first of all, there is a bit of hypocrisy here, because we have the Commander-in-Chief, who I believe gets a Federal health care plan himself, saying that we are moving towards government-run health care, when he knows in fact that government doctors and government health plans do not deliver the services of SCHIP. It is private doctors, private health care that do, under private insurance. So, there is this false justification he came up with.

He at one point even talked about, well, the SCHIP bill, the proposal would result in taking a program meant to help poor children and turning it into one that covers children in households with incomes up to $83,000 a year. I am saying to myself, this bill does not expand eligibility for SCHIP. The focus of the bill is on expanding health care coverage for low-income children who have no health insurance.

So there have been these false statements in justification of a decision that he made, which I really believe was in retribution, quite frankly. When we get to that level of angst, I guess, in our decisionmaking, it is time to sort of pack it up.

I think right now it is important that, as a legislative body, we take control and consciousness of the moves that we have to make on behalf of the American people, because, obviously, our Commander-in-Chief has decided to submerge himself into a bipartisan fight with himself. We have said here that we agree as Democrats and Republicans that this is important, and he is off on a whole other planet.

Mr. ELLISON. In fact, right in this Chamber just this past week this bill passed 265–159. When do you see things pass with 259 votes, unless they are completely noncontroversial? That is overwhelming.

Doctor, you worked in this field. You are a professional. You are in the healing arts. Is SCHIP a program where the government would be telling doctors like yourself how many pills to prescribe? Are they ordering every facet of the patient-doctor relationship? What is the real truth about this?

Mr. KAGEN. The reality is that it takes doctors and nurses to get into the room to get health care done. If you don't have a doctor and a nurse in the room, you don't have health care. And to get a child into a room, you need a parent. That is why in Wisconsin, by expanding in this State grant money, the State of Wisconsin sought to increase the enrollment of those children who are eligible, and thereby they covered the mother of these children who are close to poverty. By mothers being covered, the enrollment went up. It went up because they brought their children in.

I have practiced medicine for over 30 years, and I will tell you, I never saw a kid in the office unless the mother or one of the caregivers was there. So if you are going to get a child to a doctor, you have to include, in my opinion, the parent.

But this overarching theme is really about values. When the President vetoed this bill, it was a reflection of his values. And how you and your homes spend your money, your hard-earned money, is a reflection of your family values. How our Nation spends its money is a reflection of our national values. And there I come back to the $3.50 a day for a child and the $400 million a day making war and occupying Iraq.

Mr. ELLISON. Mr. Speaker, I just want to take this opportunity, it is an excellent segue that the doctor made. While the President finds it repugnant to have $35 billion in new moneys over 5 years, which would be what SCHIP calls for, the President in his new Iraq war supplement asks for an additional $45 billion, totaling close to $200 billion for the war in Iraq for the next year. That is $200 billion for the next year. And we can't afford a $7 billion increase for our children to get health care?

So please keep in this mind that this compromise to reauthorize SCHIP is something very small in comparison to the values that he seems to hold dear, which is waging war, in a war that we never should have been in, based on a false premise. For that he is willing to give all. But to secure the national health of our children, no money for that.

Ms. CLARKE. A fraction of the cost, my colleague; a fraction of the cost of what we are spending every day to build democracies overseas. He is not willing to invest in strengthening our democracy here at home. It is fundamental. It just almost seems like a bad dream.

□ 1915

Another thing that the President has said, the SCHIP proposal would move millions of American children who now have private health insurance into government-run health care. What planet is he on, Doctor? The main impact of this bill would be extending coverage to low-income children who would otherwise be uninsured.

Mr. KAGEN. I look at it as an investment. The children are our future. If we don't invest in our children's health, if we don't invest in their education, this Nation has no future. So we must make important decisions based on our values. We must invest in our children.

In Wisconsin, 95,000 children and 110,000 adults are covered by SCHIP. We could enroll an additional 37,800 children with the authorization with a President who will sign a bill instead of vetoing a bill.

I believe we need a President who will work with us in a bipartisan way, a real uniter so we can take that step forward and build a healthier Nation for all of us in these United States. I can't agree more with you.

This is not government-run health care; it is not even close. It is an investment in our next generation, the generation we are going to come to depend on as we age.

Mr. ELLISON. Mr. Speaker, if I might just propose that we spend some time sort of talking about what Americans can do, what Americans might think about doing as we move forward. Of course today, action was taken in the Congress that on a date certain 2 weeks from now, we will take up the override issue. That is very important for Americans to know.

In a couple of weeks, we will be right back here in the same Chamber and we are going to see what is what. Who is who and what is what. We are going to be counting. On that day there will be no hiding, and everybody who has an election certificate will be called upon to say where they are really at when it comes to caring for the health of our children.

Mr. Speaker, I think it is important now to talk about what American citizens might consider doing. Of course people do whatever they want, it's a free country, but people feel strongly about SCHIP, and 70 percent of the people believe it should have been passed. So what they might consider doing.

Ms. CLARKE, what might an American citizen do as we are moving toward this showdown on SCHIP?

Ms. CLARKE. When we look at our families and communities, they are called upon to do so much all the time. But these are very special times we are in. It calls for us to multitask. It calls for us to go above the call of duty to address real life-and-death issues. SCHIP is a life-and-death issue. It is here, it is now, it is our neighbors. It is our coworkers' children. It is the folks who attend religious services with us. It is their children. We need to call our representatives, e-mail our representatives. We need to make sure that the Speaker's office, the whip's office, the majority leader's office, we need to make sure that we make our voices heard, jam the phone lines.

Mr. ELLISON. Representative CLARKE, one of the things I really enjoy about serving with you, you are a person of tremendous faith. And also I know that Dr. KAGEN is a man of great faith as well. In fact, only a few weeks ago we recognized Yom Kippur, a sacred holiday for our Jewish brethren and sisters. One of the phrases they use from the scripture and cite is, Let there be no needy among you.

I know you come from the Christian tradition. It is interesting to me because I noticed that one of the things that Jesus did is that he healed people and he didn't charge them.

Ms. CLARKE. No, he didn't.

Mr. ELLISON. Let's talk about this idea. Would it be okay, and people can do whatever they want, we are not telling anybody what to do, but what somebody might do is ask their pastor to sort of talk about SCHIP and its moral implications.

Ms. CLARKE. Their pastors, their imams, and their rabbis. We need to make sure that our children are protected, and we have an opportunity to do so. We should not miss this opportunity. We don't know when it will come our way again.

Just think about the lives in between, the children's lives in between that will be adversely impacted if we are unable to override the President's veto.

We don't have any time to waste. The imperative is there. And I think there isn't a parent, an aunt, an uncle or grandparent who doesn't understand what it is to stay up late at night when their child is ill and to feel helpless. Compound that with the fact that you can't even go to a doctor until, as your President says, they are sick enough to be wheeled into an emergency room. There has got to be a better way, my colleagues.

Mr. ELLISON. Dr. KAGEN, what might Americans consider doing? For people who feel SCHIP is a worthy program, a meritorious program, overwhelmingly Americans agree on both sides of the aisle, so what might they consider doing? Particularly people who are busy and working a couple of jobs, getting kids and getting groceries, is this the type of thing people might want to get active on?

Mr. KAGEN. Most people I know in Wisconsin are hardworking and they are just trying to get through the day, just like us. We are trying to get through the day and get our rest in. But this is a time for our country to raise up and ask questions, to find out about the conscience of America, and really ask the question about what kind of Nation we are and in which direction we are going to turn.

If we stay on this divisive path, this path of partisan politics, we are not going to be able to solve any of these complex problems we face, whether it is war and peace or health and disease. If we stay on the path that the President has put us on with his veto, it is an expensive path. He is asking our children and their caregivers and parents to take them to the emergency room and not to their doctor. The President is asking us to take a path not towards prevention, to prevent illness and to prevent the big bill that is coming, but he is taking us down the road that leads to an end we don't want to be on. It's a path we cannot afford to take. We have taken a path, a wrong path, that led us into Iraq. It may lead us into a recession yet to come that no American citizen can afford. It will at some point in time raise our taxes, depreciate the value of our dollar and create inflation in this country because we haven't paid for a dime of our involvement in Iraq yet. We borrowed the money from China, and it is our next generation, this generation of children that won't be healthy, that won't be working.

We understand it makes sense. If you are working, you earn money and you pay taxes. We can lower people's taxes by having a healthy generation of children. It is just that simple. If our Republican colleagues would understand, if it is just about money, we are going to save you money. Give our children, the children who are most in need, an opportunity to see their physicians and their nurse practitioners. Give them an opportunity to be healthy. They will get the education they need, and we will pay less in taxes and we will all be better off for it.

What can people do? The first thing they have to do is believe. People must truly believe there is hope. I do believe our class, our class of 2006 is America's hope. It is America's hope for a different direction, a positive change and a new direction. I think by our being here tonight, by staying overtime and having this conversation with one another, hopefully the American people are listening to it and they will begin to have faith and hope that there is going to be a positive change.

And I hope that the President is listening, if not to us, he should listen to the American people. I will share with you one other constituent's thoughts. Donna Killian: "Our country desperately needs health care reform. In this very wealthy country, there should be no one denied good health care because of a lack of insurance or income. I, myself, am disabled and 54 years old. I am disabled due to excruciating, chronic pain all over my body. If something happened to my husband, then I would be uninsurable."

What kind of Nation are we when Donna has to be concerned about this, when every single American understands they could be next? Lose their insurance, get sick, and lose your house.

As I stand here tonight, as my colleagues know, I respectfully declined my health care coverage when I came here. I wanted to make a statement that until each and every American has that same opportunity to make a selection of health care coverage, I didn't feel it was right for me to accept something that everyone back home was not also offered.

I think this Congress has to consider health care a crisis. It is a national nightmare. We should consider health care access more like hunger. If every Member of Congress was hungry, we would solve this problem in a week. If every single Member of Congress had no coverage, with the bills you can get in the emergency room or if you get cancer, we would solve this problem in several weeks.

Again, I come back to believing in hope. I do believe that we will have an opportunity to take this Nation in a different direction, a positive change. My only hope is that it happens sooner than later. But mark my words, it may not occur until we paint the White House door a different color, from red to blue.

Ms. CLARKE. We are already moving in a new direction. Under the leadership of our Speaker NANCY PELOSI, this Congress has risen to a new level of stridency and of focus with regard to the issues that are impacting every district across this Nation. So we have to be very clear. We may not see the tangible results right this second, but they are all lined up and we have already seen a number of really extraordinary pieces of legislation passed here in the House. We have even seen the College Cost Reduction Act signed into law.

We should not overlook those things, and understand that none of that came easy for us. We had to put ourselves on the line. We had to stand up and be counted. We will do that again with SCHIP. This is just another bump in the road, but I believe without struggle there is no progress. We need to make sure that the American people, the parents, the grandparents, tune in and let their voices be known.

Mr. ELLISON. I agree with both of you, my colleagues. We have to believe. We have to believe we can make a change in the same way people believed that we could have workers' rights, and we believed that we could have civil rights, and we believed that we could have a freer and better America.

Ms. CLARKE. And women's rights.

Mr. ELLISON. Let's never forget women's rights. People who made those things happen believed they could happen even though they didn't exist at the time. We have to believe, as Dr. KAGEN says.

But it wouldn't hurt anything if we wrote in to our local newspapers and church bulletins to let people know how we felt about this issue. It wouldn't hurt to talk to our rabbis and our ministers and our imams in our faith communities to talk about this issue, make it sort of an issue that we talk about and make sure that people understand what is going on.

It wouldn't hurt to have a coffee klatsch. Invite some people over to talk about it. It wouldn't hurt to talk to the teachers and the principals in the local community about it. That wouldn't hurt a thing. Build awareness. Help get a teacher's perspective on what it is like to teach a child who is coughing and sneezing and wheezing and can't really focus on his or her studies.

We can e-mail and write and call in to our elected officials. That is something we certainly should do. It is time for people to come together and demand an override to this awful veto.

I would invite my colleagues to make some final concluding remarks.

Ms. CLARKE. Let me start by thanking you, Representative KEITH ELLISON of Minnesota, for leading the class of 2006 on the floor as we really get to the substance of a real disappointment to the American people today, which was the veto of our SCHIP legislation, the bipartisan SCHIP legislation, and just to say that when we provide for the least of these in our society, we are building a stronger Nation. When we recognize that no one is disposable in our society, we have an obligation to reach out and to provide for those who can't provide for themselves.

□ 1930

If we take care of a child today who's low income, that child becomes a productive part of our society. They will be taking care of us as we grow older.

and it's a cycle and it's a circle, and when we understand that, then we know how important this vote is coming up. And we want to urge our colleagues across party lines, hold the line on SCHIP, hold the line on SCHIP. Our low-income children, our children in our communities, our families who are just struggling to make ends meet need us to be there for them to override this veto.

I want to thank my colleagues for having me in the class of 2006 and speaking out today and turn it over to my colleague, Dr. KAGEN of Wisconsin.

Mr. KAGEN. I thank my colleague, and some have said you ain't going nowhere; there's more work to be done.

Ms. CLARKE. That's right.

Mr. KAGEN. I want to thank you for the opportunity, Mr. Speaker, for sharing with the American people what's happening here in their House, the House of Representatives.

I would remind everyone here on the floor and at home that we are all in this together. As the poorest among us go, so go we all. We have an obligation to care for all those who are in need right here and right now, and by working together I'm absolutely convinced we have the opportunity to change America, but we can't do it without the people's help.

They should call their Representatives. They should e-mail and write, but bear in mind, we have writing that's slow mail. Send an e-mail. Call your local Congressperson. Express yourself. Your voice will be heard.

It is our duty to listen to the American people. That is exactly what we've been doing, and their voice has been heard tonight in the House of Representatives. We must stand up and fight for the health care for our children on whose future we depend.

Mr. ELLISON. The Members of the difference makers, the majority makers, the class of 2006 who are in this 110th Congress ran on a platform of change, succeeded on that platform as Americans all across the country endorsed that platform of change, coming together from diverse parts around the country, all for one thing, which is to elevate and uplift the public good and the interests of the American people. Whether it's on the issue of war and peace or disease and wellness, or whatever it may be, education, workers' rights, civil rights, environmental sustainability, whatever it is, we will continue to raise our voices because we were brought here to bring change.

We're fresh off the campaign trail, knocking on doors, talking to folks at the doorstep about what they need and what they care about. Our idealism is high. Our energy is high. Our resolve is strong, and we will be here for the American people.

Mr. KAGEN. Together, we will.

Mr. ELLISON. Together, we will.

Ms. CLARKE. Together, we will.

Mr. ELLISON. That's right.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it's a pleasure to join you this evening and talk about an issue that I think is vital to America's future.

We're in the beautiful time of year. My favorite time of year is the fall season, and it's arrived. We have now a week of fall behind us. The cool days and cold nights will soon be here all so quickly, and the home heating season will begin where Americans will struggle this year to keep their homes warm, and American factories and businesses and manufacturers will struggle to pay their very high energy bills to continue to compete in a global economy, manufacturing, processing and distributing their goods.

Home heating oil prices this year will be record highs with the $80 oil that's upon us and that has been with us for more than a week now. Home heating oil prices will have the largest increase, and those who heat with home heating oil will be under severe pressure to be warm affordably. Propane and natural gas prices are scheduled to go up again this year, propane a little more than natural gas, but both of them, and that's barring no storms in the gulf.

We've been very fortunate in the country. For a year and a half now, we have not had a major storm in the gulf, and why that's a problem is 40 percent of America's energy comes from the gulf. And when we have a major storm there like Katrina and Rita in the same year, there's huge disruptions in the ability to produce both gas and oil and refine it and process it and ship it around this country, and it will help prices to raise drastically.

I guess the question I ask tonight is, what is Congress doing? Is it a discussion? I don't know about you. I've listened to the last two Presidential debates, one Republican, one Democrat, and the press asks the question, but not one question while I was listening was asked about energy. I find that amazing because here we are with $80 oil. Is it a new floor?

My chart, which goes through 2006, has this up as high $60, but we're clear up here in the $80s. Most people were very concerned that $60 and $70 oil would put us into recession, but when you look at the constant increase in the last 5, 6 years of oil prices just skyrocketing and no stopping, and the scary part on oil is that historically in the world marketplace we had slush. I mean, we had extra oil. There were 10, 12, 15 million barrels of oil that were available to be produced daily if we needed them. I'm told today that we're lucky between 1 million and 2 million barrels a day is available if we have a crisis.

So, if we would have a storm in the gulf that could take a few million barrels off the market and you had one of our Third World countries that ship a lot of oil have a governmental problem or a terroristic attack one of their sending stations or their pipeline systems, then we could lose 4, 5, 6 million barrels of oil a day. You would see prices at $100 very quickly. $100 oil will have a severe crisis in this country.

We now have $7.50 gas. It's going up weekly now. The season is here. We're through the soft season, and much of the gas in the ground for this year's storage was put in at much higher prices than that. Then you have the storage costs and the distribution costs, and we're talking about a sizeable increase in natural gas prices this year.

As I was showing you the oil chart, oil prices continue to spike, and yet we hear nothing from Congress. We don't hear questions and much discussion in the Presidential campaigns, and I find that confounding because energy, reasonable, affordable energy, is why America is what it is today.

Natural gas prices, you know for a long time natural gas prices were around $2 or less, and then we had spikes, and then we came back down. And now we are on the same path as oil. We're right up here about here now, $7.50. That's out-of-the-ground price. That's not the price you and I pay at home or the companies pay. Pipeline charges, storage charges, distribution costs, I mean it's clear up in here, $12, $13 gas when it gets to us as a consumer.

But the price out of the ground, this is the price out of the ground that we start at. We're up here. We will be soon approaching $8, and that will continue to rise as heating season comes and industry continues to use.

Well, why is this? Why is America having this constant skyrocketing prices in energy? Well, here's one of the reasons.

About 26 years ago, the President of the United States and 2 Presidents since and Congress both put moratoriums on producing offshore. That's called our Outer Continental Shelf. The States control the first 3 miles, and then the United States Government controls the next 197 miles to 200.

Now, the only place we've historically produced is right here. 40 percent of our energy has come from this little area, and last year we opened another small area down here that will be helpful, but will certainly not solve our problem.

So America is the only country in the world that has locked up its best oil and gas reserves that cannot be produced. Countries like Canada don't do that. Great Britain, Norway, Sweden, Denmark, Australia, New Zealand, all environmentally sensitive countries, they all produce out here. Everybody's given kudos to South America, to Brazil for being one of the first countries that is now energy independent, and everybody thinks it's their ethanol. Ethanol was a part of it, but they opened up their Outer Continental Shelf. They produce out here.

There's tremendous gas reserves around Florida. There's tremendous gas reserves up and down the coast and oil reserves. Now, there are those who are afraid. The last oil spill we had offshore was at Santa Barbara in 1969. That's a long time ago, and we've never had a natural gas spill and we never will because natural gas escapes into the air.

Now, we could also put some huge blocks in here of where we, the government, have locked up some of our best reserves in the West, and for some reason, we, being one of the largest users of energy in the world, have decided that we're not going to produce it. So we're very much the reason, because of those charts that I showed you previously are just going almost straight up.

Now, we do have energy bills in the House and the Senate, and they will be considered at some point in time. They're not scheduled yet. They were supposed to be on the floor now, but they've not been scheduled yet but we think they will be. The only problem is, as you see at the top of my chart, we call them the No Energy Bill because they don't produce energy.

They lock up 9 trillion cubic feet of America's natural gas. It cuts off production from the Rome plateau, a huge clean natural gas field in Colorado that was once set aside as the naval oil shale reserve in 1912 because of its rich energy resources. This means that 9 trillion cubic feet of natural gas, more than all the natural gas from the OCS bill passed last Congress in the gulf, the Rome plateau has already gone through NEPA, that's all the environmental assessments, and is ready to lease. This position was not in the original Resources Committee bill and was added without any public hearings or very much debate on the House floor.

It also locks up 18 percent of Federal onshore production because it requires redundant environmental studies. I authored an amendment in the 2005 energy bill that was very helpful. Those who were opposed to us producing energy in America, and there's lots of those, all the environmental groups that had decided that we shouldn't produce fossil fuels, that they're just not a part of our future, even though later I'll show you they almost have to be, this bill that we passed took away the redundant use of NEPA. NEPA's an environmental assessment that has to be done before we do much of anything.

What they did was this is akin to doing an environmental review for a parking lot with one car and then requiring a second environmental review for a second car in the lot. It makes companies who have leased land do an environmental assessment for the overall outlay or overlay of a proposal to where they're going to drill and produce. Then it does another environmental assessment for the roads they're going to build. Then it does another environmental assessment for every well they drill. These are many, many months long, sometimes yearlong proposals that have to be developed on how the environment's going to do.

So the use of redundant NEPAs was a way of just stalling and stopping production, and we were pleased when we got that legislation passed in 2005, because in the West there were people who had leased land for 6 and 7 years and never been able to produce it. So we were able to help them.

This bill locks up 2 trillion barrels of American oil from the Western oil shale. The bill stops the leasing program for oil shale reserves on Federal land that hold enough oil supply for the United States for 228 years. This is more oil than the entire world has used since oil was discovered at Drake Well in my home district nearly 150 years ago and over twice as much oil as the entire OPEC cartel holds.

Meanwhile, China's developing their shale oil. Now we're in the process of developing how to get that oil released. It's like similar to Canada's tar sand oil. They've worked at that for a decade or more, and today they're producing 1.3 million barrels of oil just above the American border.

□ 1945

A lot of that oil is coming down here to be refined, thank the good Lord and thank Canada. But they are at 1.3 million barrels, and they hope to be at 3 to 3.5 million barrels at some point in time, but they have developed the ability to release that oil from the tar sands. It has been known to be there, and that is very similar to our shale oil.

Are we learning how to do it? Are we continuing to start and get some pilot projects going? No. The legislation before us will take it off the charts.

Well, we go on down here, it locks up 10 billion barrels of oil from the National Petroleum Reserve. Again, that's in Alaska. This bill will make it much harder to produce energy from Alaska's national oil reserve that was set aside in 1923 for energy for this country.

It has only recently begun to be explored starting with leases issued by the Clinton administration. Under current law, the Department of Interior can extend the time of a lessee who might have begun to produce energy without fear of losing his lease.

Producing oil offshore is a complicated, expensive process. Sometimes if they have a lease of a certain period of time and they don't get their leasing done as quickly as they would like to, maybe for many reasons, caused by government, then they want to take away the right to renew that lease and extend it. Again, it would take that amount of oil, 10 million barrels, away from the marketplace.

Then we go down to breaking legitimate offshore energy contracts. We have contracts that were given for the deep water oil. We have companies that have spent $2 billion producing energy out in the deep water, I mean, way out there several, many miles deep, very expensive, very costly, and they have not yet made a profit.

But there are those who think they should be paying royalty, even though they are not making a profit, and want to, with legislation in those contracts, or prevent them from having contracts again. That's not exactly how the American economic system works, but there are many here in Congress who want to confiscate those leases, even though they were legitimately given by the Clinton administration.

It also inflicts a $15 million tax increase on American oil and gas companies. Why would we do that?

Well, there are those here who hate oil companies. A few years ago, Congress lowered the corporate tax rate for all manufacturers and processors, and that included oil producers and manufacturers. This no energy bill singles out the oil and gas industry, hiking their tax rate back up to 35 from 32 percent. So my refinery in Bradford, Pennsylvania in my district and my refinery in Warren, Pennsylvania, United in Warren, Pennsylvania, will pay 3 percent more corporate taxes than all the manufacturers and processors around them.

Will that help us to have more energy in America? No. Will it make it more expensive to produce American energy? Yes. Does it make sense in the big, long-term of energy production for America? Of course it doesn't.

Now, the next one down here, all the legislation ignores alternative energy like coal-to-liquids. It seems like coal has been shut out by many. Coal cannot be a part of our future, according to many, but we are the Saudi Arabia of coal.

The future of coal is not just using it to make electricity by burning it, but making liquids from it. During World War II, Germany was blockaded. They didn't have oil, so they made oil out of coal, and the Fischer-Tropsch method was one of them. There are several others now, but we need to, in this country, in my opinion, we need to be force-feeding some coal plants that are making liquid fuels, diesel and gasoline and jet fuel, out of coal.

We also need to be making natural gas out of coal. We need to have those plants online, refining that process so it can be cost-effective, because these plants cost from $2- to $3 billion apiece for just a medium-sized plant, a very heavy capital investment. They need some incentives, some loan guarantees, some help, to get these plants up and running to make sure that that's an alternative.

Why do we want to do that? We need to have as much energy available to Americans as we can get, all kinds of energy. We will get into that in a moment.

The more alternatives we have and the better supply we have, the more affordable the price will be. Today, those first charts I showed you with the prices skyrocketing, it's because we have a shortage of almost every kind of energy. So we believe that it's very important that we have coal-to-liquid.

Also, on the last one here, we raise false expectations by mandating that we have 15 percent renewables used, that's called the renewable standard, to make electricity. Now, I wish we could make 15 percent of our electricity from renewables. We are currently, on an average, nationally, at 3. Some States and some plants are doing better than that, but they have resources and the ability in their area to do that.

Not every part of the country can do wind and can do solar. The sun doesn't shine often enough or the wind doesn't below regularly enough. Those are very specific areas where you can do that. And other places just don't have the renewable fuels that could be used.

We think the Federal standard of 15 percent will force companies into making electricity in very expensive ways and will skyrocket electric prices, especially in areas where you just don't have access to renewables. We believe the 2007 energy bills that are currently in the Senate and the House are no energy bills.

Now, there are some good conservation measures in there. There are some things in there that will stimulate renewables. But there is no energy there. It limits gas, it takes away oil, it has nothing for coal, and it makes it much more difficult to produce in existing fields.

Now, let's look at where we are at in the country today. Energy in America, these are 2005 charts, we still have them from the Energy Department but they haven't changed very much in the last year and a half. Forty percent of our energy is petroleum. That's oil. Twenty-three percent is natural gas. Twenty-three percent is coal. Now, this has been a growing figure, because 12 years ago, we took the lid off and we allowed an unlimited amount of natural gas to be used to make electricity. We use to limit that, that it could only be used for peak power, and so a very small amount was used. But now a lot of natural gas is used for electricity. In fact, about 20 percent of our electric comes from natural gas. Nuclear has remained 8. The only reason it has remained 8 as electric use has went up is because we've squeezed more production out of our old plants than they were designed for. We have been upgrading them and working them overtime.

These plants are producing more electricity, but the bad news is that we need 35 new plants online by 2020 to stay at 8 percent. That's going to be a big job for America. So that means if we don't do that, we are going to have to substitute something else for the nuclear that's not going to grow maybe that fast. We have 35 companies with permits now, it takes 4 years to design them, 4 years to build them and with delays, that's at least a decade.

So if we don't have those online by 2020, then we will be looking at other ways to make more electricity that we are not making out of nuclear. Then we have hydroelectric. There is no growth here. This is a shrinking figure because actually we have the environmental groups that want to tear out the dams we have. They want nothing to do with damming up a waterway and using that to make electricity, so that's a figure that will continue to decline.

Now, biomass is the one that has been growing. That's wood waste. It's being used to make pellets to heat our homes. We have pellet stoves and pellet furnaces. That's the new fuel, so that's using waste wood, sawdust and trimmings that are ground up and made into pellets.

Now, biomass is also being used as topping the load on electric plants that are using coal. Because to meet air quality standards, if they use 80 percent coal and 20 percent wood waste, they can sometimes meet the air standards, depending on the coal they are burning that day. So wood waste is an add-on. Wood waste is going to be used down the road making ethanol, we believe.

But biomass is the one that's growing. We also, in the wooded areas, like my district is a big timber district, we're using wood waste to heat all of our dry kilns now that we use to dry our wood. We use to use natural gas and fuel oil for that. I shouldn't say all, but many. Because of the prices of natural gas and fuel oil, you can't hardly afford to use it anymore for that purpose. Many of the small factories where they process wood, they use the waste to heat the factory. So biomass is sort of finding its own market, especially in the areas where you have strong supplies of it.

Now, geothermal is a very good form of energy, but it's a costly investment. It's where you either drill into the water table, and then when you pump that up into your system, you take heat out of it in the wintertime, or you take coolness out of it in the summertime and send it back cooler or hotter.

Another way to do it is to put a big loop pipe system in your property. Then you get it below the frost line, where it stays at 54 degrees all the time, and you take heat out of it in the wintertime, and you take coolness out of it in the summertime. You will use a fair amount of electricity with that because there are a lot of pumps, but this has been a pretty affordable type of energy, and it's renewable. You use some amount of electricity, but not as much as you would in direct electric heat.

Now, wind and solar are the ones that we are putting an awful lot of pressure on, and everybody is talking about. Wind also has its opponents. We had a bill proposed this year by the Resources Committee that actually stated that if you found a dead bird or bat at the foot of a windmill, it was a criminal offense. Now, that language has been removed, but somebody believed that, and I also serve on a committee where one of the gentleman there raises the issue there all the time with the Fish and Wildlife Service, why they are not arresting windmill operators where they find endangered species birds or bats at the foot of the windmill, that that should be a criminal offense. I have heard that argument each year now for a number of years. It has its opponents. I am not one of them. But wind has limited application. When the wind doesn't blow, you have to have a redundant supply. That takes us back up to natural gas, because natural gas is the generation where you can turn the plant off and on quickly. That's why we historically used it for peak power in the morning and night, when we're running our factories and we are using a lot at home, that's when the greatest demand for electricity was and that's when we turned on the gas generators. When the wind doesn't blow, you turn on the gas generator. When the sun doesn't shine and you don't have solar coming, you turn on the gas generator.

Now, what I think the American people and too many Members of Congress don't understand is how small they are. Wind currently is 0.12 of a percent. Solar is 0.06 of a percent. Let's say we could double them every 3 years. This would be 0.24, and this would be 0.12. Let's say 3 more years we double it again, and then we would be 0.48 and 0.24. We are still a very small fraction and now we are already 6 years down the road. And, you know, to get to 1 percent would take decades.

So we have to realize, as good as these are, and as much as we want them to be a part of our energy supply, they are limited in the ability they can produce. So those are the facts sometimes that sort of get lost.

Now, another issue I want to mention is the new issue here, the issue that's getting a lot more attention here in this House and in the Senate is climate change. Climate change is the fear that the use of fossil fuels and putting CO_2 into the air is harming our environment and causing the surface of the Earth to warm.

Now, there are many scientists that don't agree with that. I know the sun scientist from MIT doesn't agree with that. She has a pretty strong history where when the sun hits us directly, we warm for a decade or so. Then when the sun is hitting us a glancing blow, we cool. But there are those today that are convinced that it's CO_2. That's what we breathe out. We breathe out CO_2 and we breathe in the oxygen. The plants take in CO_2 and they process oxygen that we breathe. It's that even exchange. But there are those who feel that we have too much CO_2 in the air and are really wanting to treat CO_2 as a pollutant, and they are really somewhat being successful with that, which I think is going to be harmful.

Now, I am not saying we shouldn't be observing it, I am not saying we shouldn't be working on how to sequester carbon as we use fuels, that we shouldn't be working on all those things, but I look for us to put on measures that will raise energy prices up to 30 percent or more because of having to deal with the carbon issue. The carbon issue makes it very difficult for coal to participate, and that's what we own the most of. And it makes it very difficult for petroleum. That's what we don't have a lot of but we use a lot of for our transportation system.

Then when that happens, we will be putting great pressure on natural gas, because it has no NO_X or SOx, very clean burning, and it has a third of the CO_2 of any other fossil fuel. It will move to gas if we force companies to measure how much CO_2 they are putting into the air, and it will decimate certain industries. We probably won't make lime and cement in this country. I guess what worries me is when we don't manufacture anything in America.

The current natural gas prices have caused us to lose 50 percent of the fertilizer industry in the last 2 years. The petrochemical industry is in the process of building all their new plants offshore, where natural gas is a fraction. That's another point I want to make is most Americans are not aware that our natural gas prices are the highest in the world.

How is that? Well, it's not a world price. When oil has been $80, and that's a scary figure to me, and nobody is talking about it now. It's just kind of like, well, it's $80, but natural gas prices, when we have $80 oil the whole world has $80 oil, so competitively it keeps us even.

But when natural gas prices are two, three, four, five times higher here than in other countries, it gives those countries a huge advantage. I have been promoting that we must, as a first priority, open up natural gas.

Before I go to that, I just want to mention, here is the chart that shows us our oil imports as we continue to become dependent on foreign, unstable countries.

□ 2000

And we're up here right now. This is of course old data. And we're up here right now at 66, and we're going up 2 percent a year and we'll soon be at 70 percent.

Now, is that bad? Well, a decade or so ago, when oil was much cheaper, you know, over in the 30, 20 range, and back here when it was below 20, and I remember when it was back here at 10. Now, these are the average prices per year. So during this period of time we've had $10 oil a number of times. But then in the year average, so this chart is the annual average price, so it doesn't show the $10 level. But when oil was 20 and $30 a barrel, it was much more affordable. And a lot of people said, well, we should be using their oil and saving ours. Well, we did that. Well, when you get up here to where you're at $80 oil, it seems to me that that's pretty concerning. And how do we compete as a country when we have $80 oil ongoingly and could have spikes from that?

Now, we believe that, I want to go back to this chart here. We believe it's time to open up the OCS. And our proposal opens it up for natural gas only. It's a bill that we now have 165 cosponsors of. It's called the NEED Act. And it also sets aside funds for a lot of very good purposes. But it would open up both of our coastlines and the rest of the gulf for natural gas production only.

Now, the States currently control 3 miles. We're prepared to give them, with this legislation, 50 miles. And they could open that if they chose to, but they would have to pass a law asking for it to be open. The next 50 miles would be open automatically, but they have the right, within 12 months, to pass a bill to say they don't want to produce. So we have States' rights for up to 100 miles, where now they just have it out to 3 miles. Then the second hundred miles would just be purely open.

So we believe that making natural gas available and stabilizing natural gas prices, we can preserve the petrochemical industry in this country, we can preserve the polymers and plastic industry in this country, we can keep what steel and aluminum manufacturing and bending and shaping companies we have left.

I predict that if we don't stabilize natural gas prices for home heating, for business heating, and for production of products, we will be making bricks and glass in nearby South America where gas is a buck and a quarter, when our average retail price will be 11 or $12. Those companies will go there and save millions of dollars in energy costs, and they can ship those bulky products like bricks and glass to us in a boat in a day or two. Not very far down here to South America.

We have enough competition with China and India. Their natural gas prices are way lower than ours, maybe a third of ours, and so they have not only the cheap labor advantage, we're giving them an energy advantage.

And I guess the part that I've struggled with in this Congress, Mr. Speaker, is it seems like Americans are just immune to the impacts of high energy prices. Now, this winter, as I started, when we start heating our homes, we will feel pain. The poorest among us will struggle to heat their homes this winter, especially when they live in older housing that's not as tight, doesn't have the new windows.

I found it interesting this year, I'll just step on a sidebar here for a minute. The Speaker of the House wanted us to have a less carbon imprint for the Capitol, and so she's mandated that we switch from using less coal to heat the Capitol complex and more natural gas. Well, that costs us an extra $3 million because gas is much more expensive, and it sets a precedent out there to all of our local governments and State governments and all the other departments of government that they ought to do the same. And I see universities doing it now, switching to clean natural gas, spending more money.

But what we didn't do is this building and all the buildings we work in still have single-pane windows that let the heat out or the cold in. It would seem to me that the first thing we should have done was to put modern windows in our buildings to keep the heat in and keep the cold out, because there's a huge difference between a single-pane window and a triple-pane window, whether it keeps the heat in and the cold out or the cool in in the summer time and the heat out. So windows should have been our first measure. But no, we're putting in the little curly-cue light bulbs in all our offices now, by mandate, by law. I'm not opposed to them. I have some in my house. But they unfortunately are all made in China. They're not made in this country. And so that's another part; we are mandating China products to light our facilities around here. And we're now forcing natural gas to be used instead of coal, which will cost us more but will send a precedent around the world. And if everybody, if all the governments do that, all the agencies do that, all the educational facilities do that, we'll put tremendous pressure on natural gas.

Now, our natural gas bills, I explained that and I'll just explain it again. The first 50 miles will be controlled by the State, only produced there if they pass a bill and ask to be opened up. The second 50 miles will be open, but the States have a right to close it with legislation if they can pass it and their Governor signs it, the second hundred miles would be open for natural gas only, not oil.

Now, we also have some things that we think are pretty important in this bill. And as you look there, we're going to give $150 billion of the royalties to the States. That's an incentive. So as they produce in all the coastal States, they will then have the ability to have some of those monies for their reserves, and we think that's important.

Then we have $100 billion for the government. The Federal Government will get $100 billion utilizing the resource on the Outer Continental Shelf over a period of years. And we're going to have $32 billion set aside for energy research and production, real money, not a few $100 million, but billions of dollars to do the essential research and develop the renewables that can help us in the future. And $32 billion set aside in a fund for carbon capture and sequestration research. That's what we're talking about today. Not talking about it. We would get affordable energy for Americans to heat our homes and run our businesses, and we'd get $32 billion over a period of time to figure out how to deal with the CO_2 issue, if that's our number one problem.

Now, I think affordable energy is a far bigger problem than CO_2. I know the pain that's going to be felt in this country for the home heating costs and the small business costs, but the job losses as we, and we have the potential of losing millions of jobs in America, more going to foreign countries because of our energy prices. That's the concern, because when the working man loses his chance to make a living, how does he afford to heat his home? How does he afford to have a home?

Now, we have some areas that have been wanting cleanup money for a long time, and the first one here is the Chesapeake Bay. They've wanted $20 billion, and their proposal says they need $19 billion to clean up the Chesapeake Bay, and the State's put a little bit of money, the Feds put in a little every year, but it's kind of trickling in. This would provide them over a period of time the money they need to clean up the Chesapeake Bay.

Great Lakes, the need, their studies have all shown, their organization's the same. They need $20 billion to clean up the Great Lakes. Well, this bill would provide them with the $20 billion to clean up the Great Lakes.

Then the Everglades. You know, we've been putting money in the Everglades every year. Well, this would give them $12 billion for Everglade restoration.

We've been talking about the Colorado River Basin restoration. Well, this would give them $12 billion for restoring the Colorado River Basin.

And the San Francisco Bay restoration. This would give them $12 billion for the San Francisco Bay.

Now, the issue that I always find confounding here, every year we give more and more money for LIHEAP and weatherization, and rightfully so, because the reason America has the highest energy costs in the world is Congress and the administrations that have been running our government, both parties, we have not, either party, adequately went after energy. I think my party is more on the right track than the other party, but neither party has done what we need, and that's why we're in trouble today.

And then when we're in trouble and it costs so much to heat our homes, we have to help the poor. We also have to save energy by helping the poor weatherize their homes, because they don't have the money to spend to save money. So we put $10 billion into LIHEAP and weatherization to help Americans to heat their homes.

I'm going to go back to the first chart here. World oil prices. Here we are, as I started, we're now clear up here, clear up off the chart, $80. All week long, in fact, it's been as high as $83. Have we heard much about it on television? No. Hardly mentioned. Do we hear about it in the Presidential debates? No. Has it been any special meetings here in Congress? No. Has there been any discussion in the last few weeks about the energy bills that are languishing to be considered and need to be conferenced? No. It's like it doesn't matter.

Mr. Speaker, it does matter. $80 oil. I've talked to experts in Federal agencies that have dealt with energy all their life. They told me in a private meeting that they thought $60 to $70 oil for a long period of time, or for, you know, a decent period of time would stall our economy. And then we hit $70 oil for quite a while, and then it got up around $75, and it still hasn't stalled our economy. And they said they know we're getting close to that price point. They don't know where it's at, but they don't think it's far away. And folks, when that happens, it takes a long time to come back, because here's the problem.

As we go back to the big chart that I had, I want to put it back up here. The problem that we have with energy, to open up the Outer Continental Shelf to get gas, and then maybe at some point oil on out, it's 10 years from the day you pass a bill till you have any quantity of energy. If we do new nuclear, from the day you put some new incentives in or figure out some ways to entice companies to invest or government helps invest, you're 10 years away from production. Everything we're doing, and we don't know when. We hope it's soon, but we don't know when wind and solar will be a real mark on the chart, will be percentages of our energy portfolio. There are people who think we are right up there. They've been saying that for a decade. And nobody's holding them back. They're highly subsidized.

I haven't talked about ethanol. Ethanol is the one that's happening with petroleum. You know, we now use 6.3 billion gallons of ethanol this year. There's almost as many plants in production being built as there are in production, that in a year or two will double our ethanol. And that's from corn. The price of corn has gotten high. Now, our food prices are rising, and the cost of making ethanol's very high. It's almost an energy swap. I'm not against it because it's American made, but there is some danger in putting too much of your portfolio when you're using food to make your fuel.

And the cost, what do we use to make ethanol? Natural gas. Huge amounts of natural gas. If we can break the hydrogen link, what do we use to make hydrogen? We use natural gas. Biodiesel, we use natural gas and soybeans. Ethanol, natural gas and corn. Natural gas is the one, the only one that gives us hope. It can be a bridge. Natural gas could replace a third of our auto fleet and really cut back our need for oil. But there's no push to do that. It would burn cleaner. The only problem with natural gas in vehicles is you can't drive as far. You can't have a big tank. But all your short-haul vehicles, all your taxicabs, all your small engines, all your local tractors, a lot of your construction vehicles that are nearby and can be fueled up every night, they could all be on natural gas. That's an exchange of carburetion. Our current engines will burn natural gas. And so natural gas, if it was more affordable, if we got out on the Outer Continental Shelf and produced it and we had lots of it, it's our hope till renewables grow to where they can really help us.

My concern is there's no sense of urgency here. Congress does not have a sense of urgency. The White House does not have a sense of urgency. Where do we get our oil? Eighty percent of the oil today is owned by governments, not companies, Third World countries, very few democratic governments, dictators, unstable governments, they not only own the oil, they're producing it. And when government produces, it's never efficient. It's like Mexico.

□ 2015

Mexico is loaded with energy. We actually export some gas and oil to Mexico because they just can't get out of their own way. Their government is so inefficient and so ineffective, they can't get it out of the ground and get it refined. They actually buy some from us.

The most energy we buy from any one country is Canada. Thank God, to the north of us, if Canada really produces gas and oil and they are reaching into the new fields with the oil sands and so forth, they're moving. They are an environmentally sensitive country, but they are moving forward with their energy production. And, fortunately, we benefit from that.

But to the south of us, 80 percent of the oil is owned by unstable countries. They not only own it, they're producing it, they're refining it, and they're marketing it. And what they are doing that is very troublesome is they are skimming off the profits, instead of putting it back into the business, and using it for all their social programs and for people to live wealthy life-styles, and their energy patches are often a mess. Many of them have kicked out Big Oil. Big Oil has been chased out of country after country. Their investments have been captured. I could name a whole lot of them, Nigeria, El Salvador, Russia. Country after country has nationalized their energy, chased the big boys out that actually had the expertise, and are now running their own refineries. We have 80 percent of our oil coming from countries that are not run like a business. And they are not democracies. They are not efficient. And so the supply of petroleum could decrease quickly if two or three of those countries get in any kind of trouble or would have any kind of an explosion in their major pipelines or refineries or sending stations.

Terrorism is a threat to energy. Terrorists could put this country in serious straits with little explosives in the right places. It's a scary world.

I guess the part that bothers me tonight is as we approach this season, this heating season for America, Congress ought to have on its agenda that we are going to provide affordable energy for Americans by producing adequate amounts of energy so we can bring the prices down.

Prices aren't set by big oil companies. Everyone blames them. Prices are set by the stock market. And every day they bid on what the price of natural gas is going to be, what the price of oil is going to be, what the price of fuel oil is going to be, what the price of kerosene is going to be. Those are all set by traders on the market. And if it shows there's a little shortage, they run the price up, and that helps add to the price. Fear of a shortage.

Well, we know there is an upcoming shortage of oil and gas in America. And we also know that we are doing very little. China is building a coal power plant every 5 days. They are building a nuclear plant every month. They are building the largest hydrodams known in America. They are buying up oil and gas reserves from countries whom we have historically purchased from. And I'm not going to be surprised when we pick up the paper one of these days and we read where one of the major countries that America has been buying a lot of oil from, that China has bought their whole supply. They are going to be producing oil 50 miles off the Florida coast in companionship with Cuba.

Mr. Speaker, America needs to wake Congress up. We need to wake Congress up. We need to wake this administration up. We need to have a sense of urgency that America produces the energy we need. We are still 86 percent fossil fuel, 8 percent nuclear, and 6 percent renewables, and biomass and hydroelectric are more than 5. And that leaves geothermal, wind, and solar, less than 1 percent, and 83 percent of that is geothermal.

America needs to understand the concern that is out there about having available, affordable energy. We have always taken it for granted. It is no longer going to just happen. America needs to be debating an energy policy that will bring oil and gas prices down; will take advantage of using clean coal technology, coal to liquids, coal to gas; expanding the use of clean nuclear; no CO_2; looking harder at hydroelectric; continuing to grow biomass, geothermal, wind and solar, ethanol and biodiesel as fast as we can. We can't do it quick enough, Mr. Speaker. America needs to put the pedal to the metal. We need to produce energy for Americans so they can afford to heat their homes and we can afford to run our businesses so Americans can have jobs to support their families.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DONNELLY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It is an honor to come to the floor to have the 30-Something Working Group. And as you know, we have been coming to the floor now some 4 years strong, 4½ years, bringing to light issues before the Congress and also the American people on what's happening under the Capitol dome.

We have been doing a lot of legislation recently in this 110th Congress that I think should definitely be highlighted every time we have the opportunity to do so. We have a number of pieces of legislation that are in the pipeline right now that are being sent to the White House that the President has threatened to veto. These are priorities that the American people voted for to move in a new direction; need it be in Iraq; need it be domestically; or need it be making sure that we run this government in a fiscal way, one that all Americans, Democrats, Republicans, and independents alike, would like to have.

Good government is good. And it's important that we encourage not only the passage of good pieces of legislation but also make sure that we encourage the President to do the right thing, even though he may say from time to time that he is not going to do things, that he will sign pieces of legislation like the Student Loan Reduction Act, which is so very, very important. It cuts student loan rates in half.

I want to just commend the Members here in this Chamber, especially in the majority, that pushed the President to sign that bill. I want to thank all of the college kids and students and parents and grandparents that are having to help their young people pay back their student loans and to being able to cut that interest rate in half.

I am joined tonight by two of my, and I can say this, bestest friends in Congress: Mrs. STEPHANIE TUBBS JONES, the chairwoman of the Ethics Committee and a colleague that I serve with on the Ways and Means Committee; and also my good friend TIM RYAN from Youngstown, Ohio, who is a member of the Appropriations Committee that considers himself a very important part of what we do here. As you know, Ways and Means, we find the ways and means, and he says he has appropriated to make sure it all goes to the right place, Mr. Speaker.

I guess what we usually do, and what I am going to do, without really making opening comments because we like to have a discussion, I want to allow my two colleagues here to share some of their thoughts with us. But before I do that, today, as you know, in the 30-Something Working Group, we shed light on what is happening in Iraq. We know that we have a number of our men and women that are there in harm's way. We know that we have men and women in Afghanistan and also deployed throughout the world.

But as of today, October 3, the total deaths have been 3,808. The total number of wounded in action and returning to duty within 72 hours has been 15,432. The number wounded in action and not returning to duty within 72 hours has been 12,577. The total number of wounded is 27,753.

I want to make sure, Mr. Speaker, and we want to make sure, the 30-Something Working Group, that Members know what is going on in the Middle East and that we bring this to their attention and read it into the CONGRESSIONAL RECORD so that we can every day move towards a position that would take our combat troops out of harm's way and replace them with Iraqi troops. We can provide technical support, but I think that is very important.

With that, I yield to my colleague Mrs. STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. I am so happy, Mr. Speaker, to have an opportunity to be on the floor with two of my favorite Congress people, TIM RYAN and KENDRICK MEEK. Over the past few years, these two young men have shown such great leadership in the 30-Something Working Group, and I am just proud to be counted among the 30-Something group even though all of us know I am not 30-something, though I think I manage well anyway.

It is just so significant that we have an opportunity to be here this evening to talk about an issue that is so very, very important to all of America: our children.

A child. You think about when your baby is born or before your baby is born, how important it is to you to contemplate that he or she be of good health. More important than it be a boy or a girl, it's important that they come here and you start counting, do they have all their fingers? Do they have all their toes? Is their heart working? Are their eyes open? Can they hear? Can they see? And for some parents, it becomes a difficult moment because all those wonderful things that you would hope would be the case are not.

But moving along, regardless, every parent wants their child to have access to good health care. And one of the wonderful things about this program called SCHIP, State Children's Health Insurance Program, is that it will provide health insurance for all of our children. And who could not want that?

Our President. Our President has made a decision that SCHIP is not something that he can support. Now, he has made all kinds of excuses as to why he can't support it, but the reality is that 72 percent of the American public support the State Children's Health Insurance Program. And it's not a panacea. It's more than many children have.

Now, the argument that the President would want to make is that children who don't have health insurance can go to the emergency room and get health care. Anybody can walk into the emergency room and get health care. What kind of sense does that make? One of the most expensive ways in which to deliver health care in America is the emergency room, and if any of you have been in the emergency room recently, I have. When my father was very ill, he was in the emergency room. And people were loaded. We sat for hours waiting to get X rays. There were not enough doctors, not enough nurses, not enough facilities. And the people in the emergency room do a great job. I commend them. University Hospitals is where I usually go with my dad or some member of my family. But the reality is that is not the place where we should be rendering health care.

I am going to move on because there are other people here to talk, but contemplate this: We want our children to be competitive. We want our children to be able to compete with children from China, children from Russia, children from every country in the world, and we want to deny them health care.

An unhealthy child cannot learn. An unhealthy child causes a dilemma or problems for other children in the classroom. All of you that are new parents and you take your child to day care and the first thing you know is that baby comes home with an ear infection, pink eye. It's guaranteed. You even get sick from whatever it is that baby has going to day care and brings it home to you.

We know that the children of America deserve better. We know that the children of America deserve health care coverage. And we know that all children who are required to compete in this world in America by the tests that we are giving them to be No Child Left Behind that health care is the most important thing in addition to a great education that we can give to them. The most important thing that will give them the opportunity to be successful in their childhood, in their middle age, and in their lifetime is good health care. The State Children's Health Insurance Program is the beginning of that. And it is a shame, it is a shame that we would have a President who would get partisan with an issue so important to both Democrats and Republicans and veto that legislation.

□ 2030

Mr. MEEK of Florida. You know, Madam Chair, I think it's very, very important for us to understand that the President is vetoing the legislation because he knows that his Republican colleagues here in the House and the Senate have his back, at least a number to stop us from overriding his veto. And this is something that, Mr. Speaker, we have to put the pressure on those Members. I'm going to put the pressure on in a few minutes when I get an opportunity to really share what I feel about what the President has done today. It wasn't the perfect bill, but it was the bill that was going to provide health care for children.

Mr. RYAN.

Mr. RYAN of Ohio. I agree. And there are so many different aspects for us to talk about here, but I think our friend from Cleveland has hit the nail right on the head; this is about us competing as a country. This is about us only having 300 million people in the United States, many of them poor, many of them living in your community, my community, Congressman MEEK, Congressman MURPHY, our communities. And what we're saying is, if we want these kids to be able to compete against 1.3 billion people in China, 1.2 billion people in India, you're not even going to get on a field unless you're healthy. And we're saying that this is a modest investment. This is $35 billion over 5 years. This is 41 days in Iraq. Now, when you think of it that way, and this has been the contrast of this whole debate; the President, over the past 6 years, has raised the debt limit for our country to go out and borrow money five times and increased the debt by over $3 trillion; $9 billion a week in Iraq; no end in sight; borrowed more money than every President before him combined, from China, from Japan, from the OPEC countries. And now, all of a sudden, in the early days of October he says he is going to, and he does, veto a bill that provides children's health care for a few million poor kids. Now, I know when I go back to my district and I talk to constituents, they cannot believe it.

And we have our friends on the other side, Mr. Speaker, telling us that this is socialism. It wasn't socialism when a Republican Congress in the 1990s put this law into action, signed by President Clinton. It was a Republican Congress controlled by Newt Gingrich, a Republican Congress.

Mr. MEEK of Florida. Tell the truth.

Mr. RYAN of Ohio. Mr. MEEK. So now, all of a sudden the same program that they helped create is now all of a sudden socialism because the Democrats control the Congress. And I think it's an absolute shame, shameful, that we would have Republican Members of this Congress come out here for ideological reasons to try to score some political points with their base with the blatant disregard of providing health care for all these kids.

Now, you can argue all you want, but the bottom line, Mr. MURPHY, is that there are millions of kids who will not get health care because the President all of a sudden found the courage. You know, we all went to school with people like this, they pick on the little kids. Well, the President has this big military budget. He won't shrink that. He's got all these tax cuts that the wealthiest people in our country are getting. He won't touch that. But he's going to be a big strong guy and come in and take it on the backs of these kids. Shameful, Mr. Speaker, shameful that he is willing to do this, and that the Republican Congress, the Republican Members of the House, a fringe group, enough to prevent a veto override, will help this President sustain this veto. I find it shameful that we can't take 41 days of spending in Iraq, Mr. MURPHY, and help provide some health care for these kids.

And I say this because we all know that these kids need it. I was watching Chris Matthews, and Pat Buchanan was on. And Pat Buchanan said, I think these people need to pay for it themselves. Well, if they could pay for it themselves, we wouldn't be doing this. We would be doing something else.

Mr. MEEK of Florida. Excuse me, Mr. RYAN. "These people," referring to who?

Mr. RYAN of Ohio. These kids, these families. And we should get the quote for tomorrow, we should get the quote and we should have it out here, but these kids, these families should pay for it themselves. And they can't. And so we've got to make a decision as a country whether we're okay with that, whether we're okay with them not having the wherewithal to pay, and then no one is willing to help them.

But we have made the decision, in the Democratic Caucus, and many of our friends on the Republican side, excluding the President and a small group of fringe Members on their side, that somehow they're going to stand on principle here. They sat here for 6 years and didn't squawk one time about excessive spending. The President didn't veto one bill that came from this House, Republican-controlled, and a Republican-controlled Senate, but now, all of a sudden. But the American people, and I know the people in my district, see right through it, and they understand what we're trying to do and how in the long term this will be very helpful.

I yield to my friend.

Mr. MURPHY of Connecticut. I thank my friend from Ohio.

There is delusion that's been happening here for a couple of days, and you hit a couple of nails right on the head. But there is this idea here; you mentioned what Mr. Buchanan said in the Chris Matthews' show that has been perpetuated on the House floor here for the last couple of days that they should pay for it themselves, the family, the kids, whomever it is, should pay for themselves. You know and I know that the reason we're here talking about expanding out access to 4 million new kids is because there is less private health care available today for more and more families. Families throughout this country who are doing the right thing, playing by all the rules, doing everything we've asked them to do, go out, get a job, maybe 2, maybe 3 jobs, don't have access to health care. Their employers don't offer it because the costs have gotten so high that they're crippling small and medium-size employers, so they can't get it anymore.

But here is the illusion, the idea that these kids don't get health care is an absolutely false reality. And to think that when a kid gets sick, that he doesn't end up on somebody's dime is to delude yourself. So what happens, and the President said it himself the other day when he said these kids can get health care, they can just go to the emergency room. Well, he's right, because we actually do have a system of universal health care in this country; it's just the most inhumane, inefficient system of universal health care in the world because it says to these kids, to a 6- or 7-year-old who comes down with pneumonia, who can't get to a doctor for treatment for medicine because his parents can't afford it because his parents' employer doesn't cover it, he ends up in the emergency room. He ends up getting much less efficient, more expensive care in the long run.

So for all of our fiscally conservative friends on the Republican side of the aisle who decry this as some expansion of government-run health care, this is cost-efficient health care. Getting these kids some preventative health care up front is not just the right thing to do, it's not just part of our moral obligation as a Nation to see an injured child next to us and reach out and give them a helping hand, it's part of our fiscal obligation as stewards of taxpayers' money here in the House of Representatives. We have an obligation to construct a health care system that actually spends less money rather than more money. And that's what this bill is about. It's not just about the moral obligation; it is about the fiscal obligation as well, Mr. RYAN.

Mr. RYAN of Ohio. Can you imagine? I mean, this is just what is mind boggling. It is 2007, we're a couple of months from 2008, and the President of the United States of America says to the poorest kids in our country, you can go to the emergency room.

Mr. MURPHY of Connecticut. Right.

Mr. RYAN of Ohio. I mean, are you kidding me; to not have the understanding that we would save money if we gave these kids antibiotics before they end up in the emergency room 2 weeks later with pneumonia, that that doesn't save us tens of thousands of dollars, then you have no business vetoing this bill.

Mr. MURPHY of Connecticut. Let me just throw a quick statistic to you, Mr. RYAN.

Mr. RYAN of Ohio. Throw it out there.

Mr. MURPHY of Connecticut. Do you know how much it costs to ensure a child in the SCHIP program?

Mr. RYAN of Ohio. How much?

Mr. MURPHY of Connecticut. $3.50 a day. I'm not a big coffee drinker, but I've got to imagine that 1 of those big fancy mocha grande lattes probably costs more than it costs to insure a child in this country, Mr. RYAN. That's cost efficient. That's being good stewards of the taxpayers' dollars.

Mr. RYAN of Ohio. And the question is, what does it cost if you don't pay the $3.50 a day? You're probably paying tens of thousands on the other end. And that kid is going to end up in the classroom, Mr. MEEK, with your son and your daughter and is going to end up getting them sick. Then where are we?

I yield to our friend from Cleveland. I know you had a point to make.

Mrs. JONES of Ohio. I was just going to say, I am a coffee drinker. And that $3.50 is much less——

Mr. RYAN of Ohio. And if she doesn't drink her coffee, see how grumpy she gets.

Mrs. JONES of Ohio. Oh, now, cut it out. You're getting personal out here now. But the reality is that I am a coffee drinker, and that $3.50 could go so much further if we were to invest it in the State Children's Health Insurance Program.

And the other dilemma that the President is faced with is, he is claiming about States who have been given waivers to provide health care to those other than children, but it was his administration that granted the waiver. Now, if you're mad about a waiver, then bite your own nose, smack your own face, but don't hurt children over the fact that they have been given an opportunity to have health care in America.

And the other thing I want to switch to, and I'm jumping around a little bit, is there are Republicans, there are strong-minded, good-thinking, good-hearted, smart Republicans who have voted with us on the SCHIP bill. In the Senate, 68 Senators, including 18 Republicans, voted for the bill. There are 43 Governors, including 16 Republicans, who have voted for it. In the House, 45 Republicans voted with us on this SCHIP bill. And the good thing is that they recognize the need that we have for child health insurance.

I don't know if anybody has given these quotes. Senator GRASSLEY, "The President's understanding of our bill is wrong. I urge him to reconsider his veto message." Senator ORRIN HATCH, "We're talking about kids who basically don't have coverage. I think the President had some pretty bad advice on this." Let me say that again. ORRIN HATCH said, "I think the President had some pretty bad advice on this issue." And SUSAN COLLINS, "I cannot believe the President would veto a program that benefits low-income children."

I yield.

Mr. MEEK of Florida. Thank you, Mrs. TUBBS JONES.

TIM, we used to play football once upon a time, and I remember being on the sideline as a freshman member of the football team. I used to be what they call a "headhunter." I used to break the wedge in kickoff. That's the way I got on the bus to be able to travel. And many times I would sit on the sideline and say, "Wow, the coach just let me in. I'll sack that quarterback." Well, you know, this is one of these moments. I'm so glad that I'm a Member of Congress and it's been federalized by the people of the 17th Congressional District to come up here and represent them and the American people. And I'm proud of the fact that we have passed a children's health care bill that covers children that are in need, that means families, that means a healthier America, that means better test scores, that means lower cost to State and local communities from picking up emergency room bills where they end up getting the care because they have to provide the care, but there's no way to pay for the care, then raise local taxes on the local community because of that lack of health care insurance for that uninsured child. I'm so glad that I've had the experience of walking to a CVS, Wal-Mart, whatever you want to call it, into a drugstore, and I'm glad as a Member of Congress I have witnessed mothers and fathers trying to figure out how they can stop their child from coughing and how can they prevent the sickness that is spreading in some communities based on the fact that it is financially challenged, need it be urban or rural. I'm glad I'm here to give them voice because apparently, Mr. Speaker, there are some Members in this Chamber and there are some Members in the other Chamber over in the Senate that, in my opinion, are failing to represent that side of America. One may say, well, Congressman, I understand, colleague, what have you, you're talking about those other folks, you're not talking about me. Well, guess what? I'm so glad, Mr. MURPHY, that I have health care insurance, but I didn't ask my constituents to elect me so that I could have health care insurance and they can't. That's not how this thing works. And my kids, like Mr. RYAN said, they go to school with other kids, and if those kids don't have the necessary insurance to have preventive care to head off some of the major issues that they're going to face because they're getting drugstore care, the best care that their parents can provide for them, they're going to make my child sick. So now we're back to the point of fiscal responsibility and we're back to the point of doing the right thing and good government and where I left off.

I'm glad Mrs. TUBBS JONES mentioned that this is a bipartisan bill, passed this House overwhelmingly, passed the Senate with a very good vote. Now the question comes to my Republican colleagues, because the President is not going to run for President again, and the thing about it is that we have term limits on the Presidency of the United States, and that's been carved out long before my presence here in Congress and long before my mother's presence here in Congress. But Mr. RYAN pointed something out, because I'm putting this back on the Members of the House and the Senate and the Congress, because I don't want Members going home saying, well, you know, the President, and the President this and the President that. My constituents want more than that. It's almost like when I walk into my Baptist church, they want to hear more as a Christian than 1 day Jesus Christ, he died on Calvary. They need to hear more than that. They need to hear more of a story. They need to hear more of the reason why we practice that certain religion.

Putting that aside just for a moment, our constituents have to know more about what's going on here in Washington, DC. That parent needs to know why. The President is saying socialized medicine. Well, that's what he says, that's his Potomac two-step because the average American doesn't even know what you're talking about when you say "socialized medicine." They understand health care.

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They understand being able to take their child to a doctor and the States understand, the 43 or 46 Governors that are supporting the SCHIP bill, they understand getting a block grant from the Federal Government so they can provide health care for their children.

I would like to talk a little bit about what Mr. RYAN mentioned. This President and the past Republican majority here in this House irresponsibly gave tax cuts to billionaires and millionaires and then turned around and gave unprecedented subsidies to oil companies of some $50 billion, $8 billion in lost waste, fraud and abuse of no-bid contracts in Iraq, billions of dollars for schools and roads and clinics in Iraq, stood up here teary-eyed saying, "We need to help the Iraqi people." Well, I want folks to get teary-eyed about helping American children and their families. I want them to get teary-eyed. I want them to get emotional.

When you look at this foreign debt hold, no other time in the history of this country have we ever been in the fiscal situation that this President has put us in and the Republican, thank God the minority now, has put us in in the past, and this is what we owe these foreign countries. I am going to move on because I know we have some Members here.

Here is another issue. When you look at the cost of the war and how many kids can be enrolled in Healthy Start. I am just going to use the per hour number, $13.7 million, 2,000 kids can be enrolled. And then I am going to jump up here to the 1-year cost, $120 billion for the 1-year cost, 16.7 million kids can go into Healthy Start. Now, that is just Healthy Start.

We come to the floor with the facts, not fiction. Here is the nonpartisan Congressional Research Service. I just want to make sure that all the Members are with me on this. The cost of the Iraq war is rising. Again, here are the numbers. Per second. Since I have been here talking a few seconds have passed. Per second, $3,816 is being spent per second. Do you hear the Members down here talking about wasteful spending, anything like that? Meanwhile, we are giving the Iraqi Government all kind of chances.

To further drive my point home, here it is, President Bush, Members are familiar with this, doubled the foreign-held debt. It took 42 Presidents 224 years to build up $1 trillion in foreign debt. All these Presidents, this President and his Republican colleagues here in Congress have been able to build up more than 42 presidents, 224 years of history, $1.19 trillion in debt over the last 6 years, and we have turned that around, or are trying to turn that around here.

Here they are. These are my Republican colleagues and the President of the United States. Many in this picture are my friends. But I tell you one thing: When we send this and we go to try to override the President of the United States of America and standing in the schoolhouse door not allowing kids to have health care in this country, I want to know, are you going to march down to the White House like you did when we put time limits on this war and accountability on this war to push the Iraqi Government to where they need to be to get our combat troops out of harm's way and to get their troops on the ground?

The last time, Mr. Speaker, I was on the floor was Monday with Mrs. TUBBS JONES. I walked downstairs and I don't know his name. But it was one of our people that work here in the Capitol that constantly bring the folks over from Walter Reed on what we call the "twilight tour," walking around here in the Capitol, Mr. MURPHY, and getting a tour of the Capitol. I am sorry, his name escapes me at this point. This vet was there with involuntary jerking of his right arm. As a matter of fact, I am shocked that they were even able to save his arm. It was so twisted with cuts and stitches and all those things. But he was happy to walk into this Capitol of great democracy. But guess what? He had a child, too. So we get all excited about, we are for the troops, and I am for the troops, and you are soft and I am hard and all that kind of stuff. That is rhetoric. The real bottom line comes down to, what are you going to do as a Members of Congress? Not as some sort of speech giver or note reader or whatever the case may be. What are you going to do as it relates to being a Member of Congress? Are you going to go down and stand with the President and say, "I'm with the President"? Or are you going to be with the children of the United States of America?

Mrs. TUBBS JONES and I, we have to see the Federal budget when it comes through Ways and Means before it goes to the Budget Committee and we met with the Treasury Secretary just today talking about fiscal responsibility.

I think the problem, Mr. RYAN and Mr. MURPHY, that the President has with this issue is that the American people asked for a new direction and accountability. Guess what? This SCHIP bill is paid for. We show paid for by saying pay-as-you-go. If you're going to do something, you have to show how you're going to pay for it. At least that's what they said in my house. The President, how did he rack up $1.19 trillion? He didn't worry about paying for it. He just said, let's put it on the credit card. Let's put it on the children. Let's put it on other folks.

Children have had enough abuse on the part of the past Republican majority and the President. Now we are trying to bring about accountability in health care and he doesn't want to sign the bill.

Mr. Speaker, the bottom line is, I challenge, this is not a WWF kind of experience here, but I challenge my colleagues with a straight face to come to this floor and say otherwise why we should not have health care for children. I want to make sure that Members understand, this is why we're elected, to represent the children, not special interests, not the oil companies, not somebody who said, "Well, if we spend this on that, I can't get my tax cut." It is not all about that. If we can't represent the children of the United States of America, we got a big problem. I am so glad that Speaker PELOSI, I am so glad that our leadership has said, this is what we're going to do, and that we're going to try to override the President. The bottom line is the Republican Members of this House have to join and be with us, which they are on the bill, Mr. RYAN and Mr. MURPHY, but we need more of them to override the President of the United States on this very bad veto.

Do we have issues with the SCHIP bill? Is everything in it that should be in it? Of course not. But the bottom line is children need health care and they need representation.

Mrs. JONES of Ohio. I just want to make one point and then yield to my colleagues. My colleague KENDRICK MEEK so eloquently put forth the debt that we are, as a Nation, in and you think about it from this perspective. Every child born in the United States at the time they are born are owing, owe part of the U.S. debt. They say it's now somewhere between $27,000 and $28,000. If that is a fact, why then can we not allocate $3.50 a day to health care coverage for our children? $27,000 they owe when they are born. They are entitled to $3.50 a day for good health care. It is fiscally sound and it makes great sense.

Mr. RYAN of Ohio. If I may, I think if you have to deficit-spend, if you have to borrow money because you need to make an investment, the Federal government's decision should be based on the same kind of principles that a family would base the decision on. By borrowing this money, are you going to yield more value down the line? So a business will buy a machine and go into debt so they have the machine, but they know long-term if they make enough widgets out of the machine that eventually they'll pay it off and they'll actually increase the value of the company. Families borrow money, like for school and for college because they know that they may have to borrow 20 or $30,000, but your son or daughter that has a college degree will be able to pay that back and have a higher standard of living throughout the course of their life.

So if we are borrowing money, if we are going to deficit-spend, it seems to me it would make sense that we want to invest into our own health care or education. But this President has spent and borrowed over $3 trillion, as my colleague from Miami has pointed out so eloquently. Where is the return? Where is the return on the $700 billion we have spent in Iraq? Where is the return? Lower oil prices? Lower gasoline prices? No. It has only aggravated the problem that we have in the global economy now. And when you look at what we have been trying and trying and trying to do, not with the help of very many Republicans on this particular issue, RAY LAHOOD, STEVE LATOURETTE and a lot of our friends have been very helpful with this issue. But when you look overall on what we have been trying to do, we, as Democrats since Speaker PELOSI took over, we are trying to make good investments.

We increased the minimum wage so that average people will have a few more bucks in their pocket. We made sure that we invested billions of dollars into the Pell grant so that you will have almost $1,000 more in a Pell grant in the next 5 years. We invested money that was going to the bank so that they could make a profit loaning money to students, and we took that money and we gave it to the students and reduced the interest rate that is paid for college loans from 6.8 percent to 3.4 percent, so when you go out to get a loan, the average person will save $4,400. SCHIP. These are investments into the health of our kids. Community health clinics. We put a few hundred million dollars more, starting in the CR and then in the 2008 budget so that we can open up more health clinics so that poor families who don't have health care can at least have a first stop before they go to the emergency room. They may go earlier and will start preventing.

My point is, before I yield to my friend, these are all investments, Mr. MEEK, Mrs. TUBBS JONES, Mr. MURPHY, that are going to save the taxpayer money in the long run. They are going to make this country more competitive. They will lead to a stronger, more secure America. We are entitled here. This body has proven over the last 6 years that money is going to get spent. It's either going to the oil companies as corporate welfare and subsidies, it's going to the military-industrial complex through the war, it's going in tax cuts, primarily to the top 1 percent. I am not saying that we want to tax people. I think the corporate tax needs to be fixed. There are a lot of changes that need to be made. But the overall point is, we are making investments that are going to yield value to the country and make us stronger and more unified and more prosperous as we move into the 21st century.

I yield to my friend.

Mr. MURPHY of Connecticut. It is just about the choices that you make. Who do you want to subsidize? Do you want to subsidize the oil companies and the big energy companies? Or do you want to subsidize people who are investing in renewable energy, in the energy of the next decade, the next century? That is a choice we made here in the energy bill we passed. Do you want to subsidize the banks who are doing pretty well these days? Or do you want to subsidize the students? We made the choice here in this Congress to subsidize the students instead. We are faced with a simple choice now. Do you want to continue to subsidize the military-industrial complex? Do you want to continue putting money into a war that is making this country less safe every day rather than more safe? More money into a civil, religious conflict between sectarian groups in Iraq? Or do you want to do health care for kids who have no other resources in which to get that health care.

My folks back home, to my neighbors, to my family, to the people that I get to represent here in my first term in Congress, these are real easy choices. Students over banks. Renewable energy over oil companies. Kids over a war that is going nowhere but backwards. It seems to me that we are getting more and more people on the Republican side to join us. We are getting more and more of the public. We have a list here, Mr. RYAN, Mr. MEEK and Mrs. TUBBS JONES, we have a list 270 pages long of every single potential group you can think of, 270 different groups, the Consumers Union, Denver Area Labor Federation, the Easter Seals, the Forum for Youth Investment, Greater Hartford Legal Aid, you just go down the list. Everybody out there gets this, that this is the choice you're supposed to make. But what we get here is a lot of rhetoric.

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Because, Mr. RYAN, you said at the beginning, this is more than about kids, for folks on the other side of the aisle, this is about ideology. They are having a political fight on the floor of the House of Representatives, and the kids, the 4 million kids who are going to go without health care if this bill doesn't get passed and signed, are the victims of that political choice.

I was in the Government Oversight Committee that I get to serve on the other day and we had Blackwater in front of us. We are giving them about $1 billion a year to basically form a private military in Iraq. The CEO who was before us wouldn't tell us how much he made, but he could at least tell us that it was well over $1 million.

It was about seven times as much as the commanding general in Iraq gets to preside over 160,000 troops.

One of the Republicans came out and said, you know, this is unfair. The Democrats are picking on these contractors. All of a sudden the Democrats seem to care about the money that we are spending in Iraq.

Well, you better believe we do. Somebody has to.

Mr. RYAN of Ohio. We have been caring about this for a long time, since this thing started.

Mr. MURPHY of Connecticut. Mr. RYAN, the only questions that the Republicans asked about spending money is when it benefits poor kids. That is what seems to happen here. When it is about spending money in Iraq, when it is about spending money for private military contractors in Iraq and Afghanistan, there are no questions asked. In fact, they decry people who ask questions.

But when it is about lifting up poor children out of poverty, making them healthy enough to get up on their two feet and go to school and learn, that is when the questions get asked.

Mr. RYAN of Ohio. Can I say something that I just find funny? I can't wait to hear you. When we walk out of here, Kendrick, it is the same thing. My mom will call me and Kendrick's mom will call and we will be like on the phone, and my mom will say tonight, I guarantee you, "I just love Stephanie." That is what she will say. So I have to make sure I am quick here.

But the bottom line is, we are not saying that we don't want to support the military. All of us have. Mr. MEEK and I sit on the Armed Services Committee. We are supportive. These are the kinds of things that we have to support, and we have to make sure we have a strong military.

But to your point, Mr. MURPHY, no one, no one thinks wasting money is a good thing. So it seems to me that our friends on the other side have literally become a caricature of themselves. They think that the American public, Mr. Speaker, has somehow forgotten and their brain was like a computer that was erased. Like the American people's brain over the last 6 years has been completely erased, and they don't remember the $3 trillion they borrowed, they don't remember the runup to the war, they don't remember Katrina, they don't remember the FEMA fiasco, they don't remember the passports.

These are the guys that know how to run government? They can't even distribute passports, and they are going to give us a lecture on how we need to run our government.

Ms. JONES of Ohio. Let's take President Bush's own words. He says, "I have strongly supported SCHIP as a Governor. I have done so as president. My 2008 budget proposed to increase SCHIP funding by $5 billion over 5 years."

Now, this is Bush math, because it is a 20 percent increase, according to him. But reality, according to the nonpartisan Congressional Budget Office, the President's budget for SCHIP would result in 840,000 children currently enrolled in SCHIP losing their coverage. According to CBO, due to rising health care costs, the President's increase of $5 billion for SCHIP over 5 years fails to cover the cost of simply maintaining the current SCHIP enrollment of children of 6 million. Indeed, according to CBO, over the next 5 years, the President's budget so underfunds SCHIP that it will result in 840,000 children losing their SCHIP coverage.

Even more, the number of uninsured children jumped by 600,000 in 2006, up to nearly 8.7 million children. Yet President Bush, the Bush budget does nothing to reduce the number of up insured children.

Finally, what I would just say is, it is not just us saying it. Listen to what newspapers across the country are saying.

The Washington Post editorial: "Children's health check."

Austin American Statesman editorial: "For many kids, the doctor is not in."

Atlanta Journal editorial: "Kids lose out to politics."

Chicago Tribune editorial: "A sound children's health bill, SCHIP."

New York Times: "Overcoming a veto and helping children."

The Daily News, New York: "Presidential malpractice."

Akron Beacon Journal: "SCHIP at the brink."

USA Today: "Plan to protect kids on needless veto fight."

Charlotte Observer: "Vote for healthy children."

Des Moines Register: "Don't abandoned kids needing health care."

Charleston Gazette: "Child health. Override the President.

Houston Chronicle: "Wrong priorities. Presidential veto of SCHIP expansion would place ideology over children's health."

The Republican editorial: "Bush abandoned kids on health insurance."

And the list just goes on. You don't have to believe me or Mr. MURPHY or Mr. RYAN or Mr. MEEK. The newspapers, who are supposed to be the bastion of giving us all that we need to know and independent thinkers in the world, are saying that this President is wrong, that the veto is wrong, and we need to override the veto.

I am calling on all my colleagues. My Ohio Republican colleagues, they are stepping up and I am very proud of them. But we need more across this country to step up and say that we are going to support children in this Congress.

Mr. MURPHY of Connecticut. Mrs. TUBBS JONES, I think it is important that you are focusing on the President here, because Republicans do support this. We are talking with a fringe element of the Republican Party, mainly here in the House of Representatives, who stands up against kids getting health care.

Because you look across the country, a poll came out about a week ago that said by a two to one margin, registered Republicans in this country support health care for kids. In the Senate, you have 18-plus Republicans standing up for kids' health care. Here in the House, 40-some odd Republicans are standing up for children's health.

You have a small element of the Republican Party here, enough right now to sustain the veto. You have a President who is ideologically opposed to kids getting health care. But this really has been a bipartisan effort.

So maybe we risk overgeneralizing a little bit when we talk about Republicans on this issue, because we are really talking about a segment of this party just big enough to hold this bill up, just big enough to make sure these kids don't get health care. Because across-the-board Republicans are joining Democrats who understand that this is the right thing to do.

Mr. MEEK of Florida. You know, Mr. MURPHY, I am glad that you are part of our majority-making Members that came here and gave house Democrats the majority. And the way it went on in the Senate, even though there is just one majority Member there that put the quit the Senate Democratic majority. But there is still a lot of work to be done.

As I sit here, and Mr. RYAN knows and Mrs. STEPHANIE TUBBS JONES knows, we have been on this floor before in the 108th and 109th Congress, and saying if it was about politics, we would just not come to the floor. We would allow the Republicans, and I am not generalizing, those that are in the position of standing with the President, not with the American people, that works politically for Democrats. The majority will even get greater, Mr. Speaker, if we just sat in our office or we just went to committee meetings and didn't come to the floor burning the midnight oil here tonight. But it is not about politics. It is about the country, and that is the reason we are here.

I just wanted to point one thing out. Folks get excited about the war. But you saw the $10 billion figure I had on the whole war cost for, this is a little clearer here, $10 billion right here per month. This whole child health insurance package is $35 billion over 5 years, Mr. Speaker. Five years, $35 billion. That is 3½ months of the cost of the war in Iraq. Five years versus 3½ months.

The President's action is one thing. The Republican minority allowing it to stand is another thing.

You see, I want to give the American people some homework, because I think it is important. We can't say well, you know, the President, you know, they are not going to have another opportunity to stand in judgment on some given Tuesday on the President of the United States. But they will every 2 years have an opportunity to stand in judgment of every Member of the U.S. House of Representatives. I think that is something very, very important.

Also, Mr. RYAN, you know that we have worked very hard on veterans. Mr. MURPHY, you know we have worked hard. All of us have worked hard. We have made the largest increase in VA assistance in the history of the republic. Since the VA has been created, it has received more health care assistance from this Congress than any other time, any other time in history.

Now, my mother before me who served here in the House said the thing about the House, the main thing about being elected, is bringing your experiences to the floor. I just wanted to take 2 minutes to tell you about an experience.

I have a 10-year-old and I have a 12-year-old daughter. We take pride in at least once a week riding the Mall, what we call here the Mall, from the Capitol on down to the Washington Monument on to the World War II Memorial, and we take a hard left to go over to the Jefferson Memorial on our bicycles, and we come around and we go to the Lincoln Memorial.

I just wanted for a minute for Members to realize what is going on down there at the Lincoln Memorial. You have the last outpost of Vietnam vets that are there running off a generator for power, standing there for the missing in action, raising money, selling patches, and things of that nature, who have to renew their lease every 21 days to stay there on that Mall. They have been there for years, since the Vietnam Memorial was set up.

I talk to these gentleman, my kids talk to these gentleman constantly, because they are our heroes. But they are out there showing the medication and the kind of cocktail they have to use to even deal with what happened over 20 years ago..

I think when we start looking at governance here in this house, we have got to look at it beyond what the paper is going to print the next day. We have to do what is right on behalf of the country. So when we look at 5 years, a $35 billion program, versus 3½ months of operations in Iraq, we can't help but think of good governance.

I want to put the pressure to the point where the Members here willing to stand with the President on this very bad decision in the face of uninsured children in this country, that they make sure that they understand that when folks walk in on some given Tuesday voting for representation, need it be Republican, independent, Democrat, what have you, yes, your children too, that they didn't walk in grasping the hands of the President of the United States to take some sort of talking notes from some conservative think tank, and I will let you talk about that, to talk about how they are going to deny children health care in this country.

I go back to saying nothing is perfect, but I can tell you one thing, it has to be better than what we are facing right now, the program that needs to be reauthorized and children have to have health care.

So I want my Republican colleagues that voted against this legislation for all, and as far as I am concerned, and this is my individual reason, I know people have reasons, but I think it was largely political, when you think about it, in the final analysis, I want them to feel the pressure when they step off the plane or the train or the car or whatever the case may be, and I don't care if you are Republican, independent, thinking about voting one day, 17-years-old, you are going to get your voter registration card, put the pressure on your Member of Congress on this issue.

I think it is very, very important. The bottom line is, if a Member has a problem with what I am saying, you know, it is a beautiful country. It is America. Thank God the flag is flying over the Capitol right now. I am going to say it. And I think it is important that Members understand that this is serious business.

We are down to children now. This is not about somebody walking around with a suit or something on. This is about the children of this country. Not Iraq. Mr. Speaker, time after time, Mr. RYAN, you know, Ms. JONES, Mr. MURPHY, you know, as I yield over to my friends, Members come to this floor and pound and shake and throw paper and carry on on behalf of the Iraqi children.

What about the American children? What about them? What about those individuals that are catching the school bus in the morning? What about that parent catching the early bus taking their kids to school? What about the folks that work here in this Capitol that have people that live next door to them that don't have health care? What about them? Get emotional about them. Pound and shake your fist about that.

I hope we have the kind of paradigm shift when that vote comes up to override the President of the United States, that we have some of our colleagues on the Republican side that go see the wizard; get some courage, wisdom and heart, and stand up against this President, and don't allow those individuals that I see down here that are trying to block democracy from happening coming down here from the White House saying "stick with us." Stick with who? Stick with the President, or the American children?

I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Wow. Wow. The only thing that I want to end on, and I am going to be very quick to yield for the last time to my colleagues Mr. RYAN and Mr. MURPHY, was I participated one Saturday afternoon in a program at University Hospital in my Congressional district called "healthy children." The purpose of the program was to help these children who were overweight understand the importance of choosing the right foods, the right diet and exercise.

There are so many unhealthy children in these United States. There are so many children who are suffering from type II diabetes, who are suffering from all types of conditions that could be dealt with given a strong health care opportunity, given an opportunity for their parents to have the appropriate guidance.

We cannot afford to let our children down, because when we have children who are unhealthy, who may be overweight, who are suffering from diabetes, it also leads to children who have depression, children who don't want to be here because somebody is kidding them or their self-esteem is low.

The State Children's Health Insurance Program, SCHIP, will give our children the opportunity to have a chance, have a chance to be successful in a world where you would think it would be no big deal; that it would be no big deal to say to the American public, yes, we are going to give you health care, children.

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We owe it to them. We are morally obligated as the grownups in this country. I am just so proud of my colleagues that I am here on the floor with. I am proud to be part of the 30-Something. I thank them for their leadership and their guidance.

Mr. MURPHY of Connecticut. Mr. Speaker, there are a lot of articulate folks on the floor tonight. I come back to the idea of the concept of morality. We hear a lot about that from the Republican side, from the Republican Presidential candidates.

To me, when it comes down to it, if I really am my brother's keeper, if I am really supposed to live a moral life and represent my moral obligations as a human being, there is nothing more central to that moral obligation than reaching out to a sick child, who through no fault of their own can't get access to the care that will allow them to stand up on their two feet, straighten their back, take a deep breath, and gain the same access to the apparatus of opportunity that all of us enjoy who have led much more privileged lives.

That is the moral obligation that lies at the center of everything that we do.

So I think it is going to be a proud day when we finally get over that mountain, when we finally reach that moment when we can extend health care to 4 million more children. Maybe there will be a couple more fights before we get there, but the reason we are going to spend 2 weeks in between the President's veto and the moment when we cast the vote to override it is because we know when our Republican colleagues go back home, they are going to hear cries from their constituents to live up to that obligation, to that moral and that fiscal obligation and do the right thing by their constituents. I hope that we will have a very different result.

Mr. RYAN of Ohio. I want to make one final point. Those of my friends who are in this Chamber, those people who we work with who are in the business community, when you look at this from a purely economic standpoint, what would a business person do if they were here? Would they put a little bit of the money up front and try to prevent all of these other problems from happening? Or would they say what the President said: We'll get them in the emergency room. What would a business person in 2007 do? I would guess that they would want to put the money up front.

Now as we end, because we only have a few minutes left, before I yield to my friend from Florida, I'm going to brag. Because on Saturday there was a middleweight title fight, and Kelly Pavlik from Youngstown, Ohio, is now the middleweight champion of the world, WBO/WBC. He had a rough second round. He went down, got back up, and was a little wobbly. But about half of the fans in Atlantic City were from Youngstown, from the Mahoning Valley and cheered him on. He came back and in the seventh round knocked out the champion. And he knocked him out.

We are all very proud of Kelly Pavlik. He is a great kid, 25 years old. Humble, speaks well. Just a great kid. I want to congratulate him and his family and his mom.

I have a great story. When he won a fight a fight or two ago, I called his house just to congratulate him. His mom answers and says, "Who is this?"

I said, "This is Congressman Ryan."

And she said, "Yeah, and I'm Queen Elizabeth. Who is this?"

He is a great kid, and I want to congratulate him and his mom and dad and his grandmother and his little baby daughter and Jack Loew, his trainer. Just great people who represent Youngstown, Ohio, and the Mahoning Valley very well.

Mr. MEEK of Florida. I know it is a proud moment for Ohio. I was watching a HBO special leading up to the fight. He has a daughter, and his trainer actually does blacktop.

Mr. RYAN of Ohio. Seals driveways.

Mr. MEEK of Florida. It is interesting. This guy is an everyday joe and trained Kelly from a young tender age as a boxer.

In closing, Mr. Speaker, it is always an honor to come to the floor with Mr. RYAN and Mr. MURPHY and Chairman TUBBS JONES. We are so glad to have a chairperson of a full committee on the floor with us. We're not used to that.

We look forward to continuing to come back to the floor to share with not only Members but also the American people. It was an honor addressing the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIGGINS (at the request of Mr. HOYER) for October 1 through 5 p.m. on October 3 on account of the funeral of a family friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. YARMUTH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, October 10.

Mr. POE, for 5 minutes, October 10.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, October 4.

Mr. WOLF, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 29, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 3625. To make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Lorraine C. Miller, Clerk of the House reports that on October 2, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 976. To amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, October 4, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Board of the International Fund of Ireland is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and that disbursements from the International Fund will be distributed in accordance with principles of economic justice; and will address the needs of both communities in Northern Ireland and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment, pursuant to Public Law 99-415, section 5(c); to the Committee on Foreign Affairs.

3576. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

3577. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-64, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

3578. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-35, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Eqypt for defense articles and services; to the Committee on Foreign Affairs.

3579. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export

Control Act, as amended, Transmittal No. 07-65, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3580. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 097-07); to the Committee on Foreign Affairs.

3581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Malaysia (Transmittal No. DDTC 004-07); to the Committee on Foreign Affairs.

3582. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 051-07); to the Committee on Foreign Affairs.

3583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and articles to the Government of South Korea (Transmittal No.DDTC 081-07); to the Committee on Foreign Affairs.

3584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

3585. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2006 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on Foreign Affairs.

3586. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

3587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145LR, -145XR, and -145MP Airplanes; and Model EMB-135BJ and -135LR Airplanes [Docket No. FAA-2006-24696; Directorate Identifier 2006-NM-038-AD; Amendment 39-15052; AD 2007-10-11] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2F Turboshaft Engines [Docket No. FAA-2005-22430; Directorate Identifier 2005-NE-34-AD; Amendment 39-15063; AD 2007-11-06] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28254; Directorate Identifier 2007-NM-054-AD; Amendment 39-15065; AD 2007-11-08] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28253; Directorate Identifier 2007-NM-031-AD; Amendment 39-15064; AD 2007-11-07] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-27016; Directorate Identifier 2006-NM-176-AD; Amendment 39-15066; AD 2007-11-09] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-27338; Directorate ·Identifier 2006-NM-148-AD; Amendment 39-15070; AD 2007-11-13] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24983; Directorate Identifier 2005-NM-196-AD; Amendment 39-15068; AD 2007-11-11] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-26857; Directorate Identifier 2006-NM-126-AD; Amendment 39-15069; AD 2007-11-12] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-27494; Directorate Identifier 2006-NM-269-AD; Amendment 39-15071; AD 2007-11-14] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, and Model MD-10-30F Airplanes [Docket No. FAA-2007-27340; Directorate Identifier 2006-NM-271-AD; Amendment 39-15072; AD 2007-11-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-27341; Directorate Identifier 2006-NM-272-AD; Amendment 39-15073; AD 2007-11-16] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50C Series Turbofan Engines [Docket No. FAA-2006-24171; Directorate Identifier 2006-NE-08-AD; Amendment 39-15075; AD 2007-11-18] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 501, 550, 551, S550, 560, 560XL, and 750 Airplanes [Docket No. FAA-2007-27258; Directorate Identifier 2006-NM-213-AD; Amendment 39-15074; AD 2007-11-17] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80 Series Turbofan Engines [Docket No. FAA-2006-26488; Directorate Identifier 2006-NE-43-AD; Amendment 39-15077; AD 2007-11-20] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate (TC) No. 3A20 and TC No. A24CE formerly held by Raytheon Aircraft Corporation and Beech) Models C90A, B200, B200C, B300, and B300C Airplanes [Docket No. FAA-2007-27071; Directorate Identifier 2007-CE-004-AD; Amendment 39-15084; AD 2007-12-06] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes [Docket No. FAA-2007-27708; Directorate Identifier 2007-CE-027-AD; Amendment 39-15083; AD 2007-12-05] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes [Docket No. FAA-2007-27533 Directorate Identifier 2007-CE-022-AD; Amendment 39-15102; AD 2007-12-24] (RIN:

2120-AA64) received September 18, 2007, pursuant to U.S.C. 5 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, BA, B1, B2, B3, D, and AS355E Helicopters [Docket No. FAA-2005-20863; Directorate Identifier 2004-SW-36-AD; Amendment 39-15100; AD 2007-12-22] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HS, 369HM, 500N, and OH-6A Helicopters [Docket No. 2003-SW-37-AD; Amendment 39-15101; AD 2007-12-23] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BRALEY of Iowa:

H.R. 3736. A bill to amend the Internal Revenue Code of 1986 to make permanent the election to treat combat pay as earned income for purposes of the earned income tax credit; to the Committee on Ways and Means.

By Mr. FORTUÑO (for himself, Mr. ROHRABACHER, Mr. RANGEL, Mr. HINCHEY, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. WALSH of New York, Mrs. LOWEY, Mr. ORTIZ, Ms. BORDALLO, Mr. WELLER, Ms. ROS-LEHTINEN, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 3737. A bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory; to the Committee on Science and Technology.

By Mr. GINGREY (for himself, Mr. AKIN, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. COBLE, Mr. COLE of Oklahoma, Mr. EVERETT, Mr. FEENEY, Mr. FORTUÑO, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HENSARLING, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LINDER, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. POE, and Mr. RYAN of Wisconsin):

H.R. 3738. A bill to amend the Congressional Budget Act of 1974 to set a cap on allocated funds for earmarks; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3739. A bill to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself, Mr. ENGLISH of Pennsylvania, Mr. COOPER, Mr. EMANUEL, and Mr. PETRI):

H.R. 3740. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. KLINE of Minnesota (for himself, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, Mrs. BACHMANN, Mr. WALZ of Minnesota, and Mr. ELLISON):

H.R. 3741. A bill for the relief of certain members of the First Brigade Combat Team of the 34th Infantry Division of the Army National Guard; to the Committee on Veterans' Affairs.

By Mr. WALZ of Minnesota (for himself, Mr. RAMSTAD, Mr. BISHOP of New York, Mr. ELLISON, Mr. RODRIGUEZ, Mr. OBERSTAR, Ms. SUTTON, Mr. COHEN, Mr. HALL of New York, Mr. PATRICK MURPHY of Pennsylvania, Mr. HARE, and Ms. ESHOO):

H.R. 3742. A bill to amend the Internal Revenue Code of 1986 to make permanent the use of qualified mortgage bonds to finance residences for veterans without regard to the first-time homebuyer requirement; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. CARNEY, Mr. ELLISON, and Mr. RUSH):

H.R. 3743. A bill to declare certain children's products containing lead to be banned hazardous substances; to the Committee on Energy and Commerce.

By Mr. YARMUTH:

H.R. 3744. A bill to designate the facility of the United States Postal Service located at 411 Mount Holly Road in Fairdale, Kentucky, as the "Lance Corporal Robert A. Lynch Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Mr. REHBERG):

H.J. Res. 55. A joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef; to the Committee on Agriculture.

By Mr. GORDON (for himself, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. FEENEY, and Mr. LAMPSON):

H. Con. Res. 225. Concurrent resolution honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; to the Committee on Science and Technology.

By Mr. HALL of Texas:

H. Res. 709. A resolution recognizing and honoring the 50th anniversary of the dedication of the Sam Rayburn Library and Museum on October 9, 2007, and for other purposes; to the Committee on Education and Labor.

By Mr. ISSA (for himself and Mrs. BONO):

H. Res. 710. A resolution commemorating the 125th Anniversary of the Establishment of the Pechanga Indian Reservation; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. HODES.

H.R. 60: Mr. NEUGEBAUER.

H.R. 138: Mr. DOOLITTLE and Ms. FOXX.

H.R. 211: Mr. DONNELLY.

H.R. 241: Mrs. CUBIN.

H.R. 303: Mr. UDALL of Colorado.

H.R. 383: Mr. BOREN.

H.R. 418: Mr. MCNERNEY.

H.R. 464: Mr. MURPHY of Connecticut.

H.R. 506: Mr. CONAWAY, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. KLINE of Minnesota.

H.R. 510: Mr. NEUGEBAUER.

H.R. 526: Mr. ALLEN.

H.R. 549: Ms. WASSERMAN SCHULTZ and Mr. FORTENBERRY.

H.R. 618: Mr. KNOLLENBERG.

H.R. 621: Mr. ARCURI.

H.R. 687: Mr. WEXLER.

H.R. 743: Mr. PETRI, Mr. EVERETT, Mr. HARE, Mr. GOODE, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. SCOTT of Georgia, Mr. LEWIS of California, Mr. BARRETT of South Carolina, Mrs. CAPITO, Mr. CRENSHAW, Mr. GILCHREST, Mr. HUNTER, Mr. KLINE of Minnesota, Mr. MCKEON, Mr. PETERSON of Pennsylvania, Mr. TOM DAVIS of Virginia, and Mr. DAVID DAVIS of Tennessee.

H.R. 750: Mr. TOWNS, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mr. FATTAH, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. ELLISON, and Mr. CLAY.

H.R. 758: Mr. MCCOTTER, Mr. ENGLISH of Pennsylvania, and Mr. MURTHA.

H.R. 891: Ms. MATSUI and Mr. MCGOVERN.

H.R. 962: Mr. HINCHEY.

H.R. 971: Mr. ROGERS of Kentucky.

H.R. 1043: Mr. ALTMIRE and Mr. BRALEY of Iowa.

H.R. 1076: Mrs. BLACKBURN and Mr. SMITH of Nebraska.

H.R. 1110: Mr. SHULER.

H.R. 1188: Mr. BERMAN.

H.R. 1190: Mr. CUELLAR.

H.R. 1232: Mr. CONAWAY, Mrs. BONO, and Mr. LEWIS of Kentucky.

H.R. 1236: Mr. TERRY and Mr. ROGERS of Michigan.

H.R. 1295: Mr. BARTLETT of Maryland.

H.R. 1350: Mr. LIPINSKI.

H.R. 1366: Mr. FOSSELLA.

H.R. 1421: Mr. NEUGEBAUER.

H.R. 1422: Mr. SERRANO and Mr. CLAY.

H.R. 1464: Mr. FILNER, Mr. FORTENBERRY, and Mr. LIPINSKI.

H.R. 1497: Mr. HOLDEN.

H.R. 1523: Mr. UDALL of New Mexico.

H.R. 1537: Mr. KING of New York.

H.R. 1553: Mr. LANTOS, Mr. BLUMENAUER, and Mr. CLAY.

H.R. 1560: Mr. ANDREWS, Mr. MCNERNEY, Mr. ABERCROMBIE, and Mr. SULLIVAN.

H.R. 1589: Mr. UDALL of Colorado.

H.R. 1590: Mr. LOEBSACK.

H.R. 1609: Mr. HILL and Mr. LOBIONDO.

H.R. 1619: Mr. CAMP of Michigan, Mr. STUPAK, Mr. UPTON, and Ms. SUTTON.

H.R. 1671: Ms. SOLIS.

H.R. 1738: Ms. BERKLEY.

H.R. 1772: Mr. HODES and Mr. NEUGEBAUER.

H.R. 1839: Mr. NEUGEBAUER.

H.R. 1843: Mr. COURTNEY.

H.R. 1955: Mr. POE.

H.R. 1957: Mr. LIPINSKI.

H.R. 1992: Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, and Mr. MCINTYRE.

H.R. 2017: Mr. VAN HOLLEN.

H.R. 2046: Mr. GRIJALVA.

H.R. 2049: Mr. COURTNEY, Ms. SLAUGHTER, and Ms. WASSERMAN SCHULTZ.

H.R. 2198: Mr. ARCURI.

H.R. 2204: Mr. FILNER.

H.R. 2205: Mr. KLINE of Minnesota.

H.R. 2266: Mr. CONYERS.

H.R. 2332: Mr. CAMP of Michigan, Mr. GALLEGLY, Mr. BOOZMAN, Mr. REICHERT, and Mr. TANCREDO.

H.R. 2435: Mr. BLUMENAUER.

H.R. 2464: Mr. WAXMAN and Mr. ETHERIDGE.

H.R. 2470: Mr. ALTMIRE and Mr. ALLEN.

H.R. 2489: Mr. BUTTERFIELD and Mr. KIRK.

H.R. 2508: Mrs. DRAKE.

H.R. 2550: Mr. WALSH of New York, Ms. FOXX, and Mrs. CUBIN.

H.R. 2626: Mrs. MUSGRAVE.

H.R. 2711: Mr. SESSIONS, Mr. REICHERT, Mrs. DAVIS of California, and Mr. WEXLER.

H.R. 2768: Mr. BERMAN and Mr. ARCURI.

H.R. 2769: Mr. BERMAN and Mr. ARCURI.

H.R. 2833: Mrs. MCCARTHY of New York.

H.R. 2840: Ms. MOORE of Wisconsin.

H.R. 2894: Mr. POE.

H.R. 2914: Mr. FERGUSON.

H.R. 2924: Mr. WALZ of Minnesota.

H.R. 2942: Mr. COBLE, Mr. LIPINSKI, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. PLATTS.

H.R. 2943: Mr. STUPAK.

H.R. 3010: Mr. BRADY of Pennsylvania, Mr. DOOLITTLE, and Mr. SARBANES.

H.R. 3016: Mrs. JONES of Ohio.

H.R. 3036: Mr. HONDA, Mr. BRALEY of Iowa, and Mr. FILNER.

H.R. 3045: Ms. MCCOLLUM of Minnesota, Mr. HALL of New York, Mr. WYNN, Ms. CLARKE, Mr. COURTNEY, Mr. ELLISON and Mr. PALLONE.

H.R. 3053: Mr. CUELLAR.

H.R. 3077: Mr. DAVIS of Alabama.

H.R. 3085: Ms. MATSUI.

H.R. 3119: Mr. DEFAZIO, Mrs. CHRISTENSEN, Ms. MCCOLLUM of Minnesota, and Mr. FARR.

H.R. 3133: Ms. MOORE of Wisconsin.

H.R. 3144: Mr. WALBERG.

H.R. 3148: Mr. HUNTER.

H.R. 3167: Mr. DEFAZIO, Ms. KILPATRICK, Mr. CARNEY, Mrs. NAPOLITANO, Mrs. BOYDA of Kansas, and Mr. CONYERS.

H.R. 3175: Ms. WOOLSEY.

H.R. 3195: Mr. FATTAH, Mr. ALTMIRE, Mr. RUSH, Ms. CLARKE, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. HOEKSTRA, Mr. ROSS, Ms. ESHOO, and Ms. CASTOR.

H.R. 3196: Mr. ACKERMAN, Mr. ARCURI, Mr. CROWLEY, Mr. ENGEL, Mrs. GILLIBRAND, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. REYNOLDS, Mr. SERRANO, and Mr. TOWNS.

H.R. 3219: Mr. PASCRELL and Mr. REICHERT.

H.R. 3229: Mr. MILLER of Florida, Mr. LAMBORN, Mr. ALEXANDER, Mr. SPRATT, and Mr. CONYERS.

H.R. 3249: Mr. CONYERS.

H.R. 3257: Mr. CLAY and Mr. LIPINSKI.

H.R. 3298: Mr. SALAZAR.

H.R. 3314: Mr. DOGGETT.

H.R. 3317: Mrs. CHRISTENSEN.

H.R. 3327: Ms. BORDALLO.

H.R. 3329: Mr. CONYERS.

H.R. 3331: Mr. GRIJALVA and Mr. KILDEE.

H.R. 3334: Mr. SHAYS.

H.R. 3381: Mr. GONZALEZ.

H.R. 3397: Mr. TOWNS, Ms. KILPATRICK, and Ms. LEE.

H.R. 3416: Mrs. LOWEY.

H.R. 3425: Mr. CLEAVER.

H.R. 3446: Ms. KILPATRICK.

H.R. 3453: Mr. ALTMIRE and Mr. MICHAUD.

H.R. 3481: Mr. KIRK, Ms. SHEA-PORTER, Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, and Mr. LOEBSACK.

H.R. 3487: Mr. UDALL of New Mexico.

H.R. 3495: Mr. HONDA, Mr. CLEAVER, Mr. CUMMINGS, Ms. CLARKE, Ms. RICHARDSON, Ms. WATSON, Mrs. CHRISTENSEN, and Mr. JEFFERSON.

H.R. 3498: Mr. HOLDEN.

H.R. 3508: Ms. PRYCE of Ohio, Mr. KUHL of New York, and Mr. KLINE of Minnesota.

H.R. 3512: Mr. LIPINSKI.

H.R. 3524: Mr. CLEAVER, Mr. WEXLER, and Mr. MEEK of Florida.

H.R. 3533: Ms. SCHAKOWSKY, Mr. MCINTYRE, Mr. MARKEY, Mr. RANGEL, Mr. GORDON, Mrs. DAVIS of California, Ms. SOLIS, and Mr. AL GREEN of Texas.

H.R. 3544: Mr. DAVIS of Illinois, Mr. FILNER, Mr. MCNULTY, and Mr. ENGLISH of Pennsylvania.

H.R. 3546: Mr. DEFAZIO, Mr. HODES, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. GENE GREEN of Texas.

H.R. 3547: Mr. WEINER and Mr. DAVIS of Alabama.

H.R. 3569: Mr. THOMPSON of California, Mrs. TAUSCHER, and Ms. LEE.

H.R. 3572: Mr. PAYNE and Mr. TOWNS.

H.R. 3584: Mr. BISHOP of Utah.

H.R. 3586: Mr. TERRY.

H.R. 3627: Mr. ELLSWORTH.

H.R. 3637: Mr. GRIJALVA.

H.R. 3665: Mr. TIAHRT and Mr. PLATTS.

H.R. 3674: Mr. BRADY of Pennsylvania and Ms. WATSON.

H.R. 3710: Mr. COHEN, Mr. REYES, Mr. DAVIS of Illinois, Ms. HERSETH SANDLIN, and Mr. MCGOVERN.

H.R. 3711: Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 3713: Ms. WASSERMAN SCHULTZ.

H.J. Res. 51: Mr. SERRANO and Mr. REYES.

H.J. Res. 53: Mr. GILCHREST, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, and Mr. ABERCROMBIE.

H. Con. Res. 125: Ms. BORDALLO.

H. Con. Res. 160: Mr. ADERHOLT.

H. Con. Res. 221: Mr. HALL of New York and Mr. WYNN.

H. Res. 18: Mr. SPACE.

H. Res. 185: Mr. CLEAVER.

H. Res. 227: Ms. CLARKE.

H. Res. 231: Mr. GERLACH, Mr. WALBERG, Mr. FERGUSON, Mr. MICA, Mr. HULSHOF, Mr. MCCRERY, Mr. GALLEGLY, Mr. KUHL of New York, Mr. FRELINGHUYSEN, Mr. WALSH of New York, Mr. LATOURETTE, Mr. YOUNG of Florida, Ms. PRYCE of Ohio, and Mr. CANNON.

H. Res. 310: Ms. WATSON, Mr. ACKERMAN, and Mr. CROWLEY.

H. Res. 356: Mr. ISSA.

H. Res. 457: Mr. HULSHOF.

H. Res. 542: Mr. REYNOLDS and Mr. SHIMKUS.

H. Res. 543: Mr. BARTLETT of Maryland.

H. Res. 563: Mr. PASTOR, Mrs. LOWEY, and Mr. WYNN.

H. Res. 573: Mr. DAVIS of Illinois and Ms. SHEA-PORTER.

H. Res. 576: Mr. GRIJALVA.

H. Res. 582: Ms. BORDALLO.

H. Res. 616: Mr. MCGOVERN.

H. Res. 617: Ms. BALDWIN.

H. Res. 661: Ms. DELAURO, Ms. CASTOR, and Mrs. CHRISTENSEN.

H. Res. 671: Mr. CLAY and Mr. PLATTS.

H. Res. 684: Mr. HOLDEN, Mr. WALZ of Minnesota, and Ms. MOORE of Wisconsin.

H. Res. 697: Mr. COHEN, Mr. MCCOTTER, and Mr. BRALEY of Iowa.

H. Res. 707: Mr. LEWIS of Georgia, Mr. COHEN, Ms. CORRINE BROWN of Florida, and Mr. JEFFERSON.

SENATE—*Wednesday, October 3, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, hear the cries of the needy. Listen to the voices of the lonely, sick, homeless, incarcerated, poor, and institutionalized. Incline Your ears to the pleading of those who need our love, especially the spiritually destitute. In response to these needs, stir us and the Members of this body to see Your face in the depressed, hungry, and deprived people of our world. Open our eyes to see poverty beneath diamonds of glitter or wealth of spirit beneath raiment of rags. May the work done in the Senate bring deliverance to the least, the lost, and lonely.

Lord, solve the problems of poverty of soul and purse by giving our leaders the wisdom to pursue Your purposes. Help them to remember that You answer the prayers prayed by millions, using legislative hearts and hands. In their efforts to help the hurting, inspire our lawmakers to attempt something they couldn't do without Your power.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CHAPLAIN BLACK

Mr. REID. Mr. President, those of us in the Senate do not take for granted our Chaplain. I want those who were fortunate enough to hear his prayer this morning to understand that the Chaplain of the Senate, Barry Black, is a brilliant man. He has a photographic memory. He is a great writer, as indicated by the prayer he delivered. The prayer itself says it all about what our function should be as legislators.

His mother was a great mother. He talks about her all the time. He is from Baltimore. She used to give him pennies for memorization, and even at that, I am sure she lost a lot of money because he has such a great mind. He is the only person I have dealt with over the years with a memory that is comparable to Senator BYRD who has the ability to recite things.

I want to make sure those listening to this prayer understand that we don't take this great man for granted. He is a retired admiral from the U.S. Navy, a fine man.

MEASURE PLACED ON THE CALENDAR—S. 2128

Mr. REID. It is my understanding that S. 2128 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2128) to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. This morning, following the time Senator MCCONNELL and I may use, the Senate will be in a period of morning business for an hour. The time is equally divided and controlled. The majority will control the first half; Republicans will control the final half. Following morning business, the Senate will resume consideration of H.R. 3222, the Department of Defense appropriations bill, and then conduct up to 30 minutes of debate with respect to the Graham amendment relating to emergency funding for border security. A vote in relation to that amendment will occur once the time is used or yielded back, around 11 or shortly thereafter.

I know I speak for the managers when I say that if Members have any amendments, they better get here because Senator STEVENS and Senator INOUYE won't wait. In fact, I think they will ask consent when the bill is on the floor that at a certain time, if no other amendments are offered, the only amendments in order would be those filed up to that time. Cloture was filed—not that it is necessary. We hope it isn't. I hope we can finish this bill today. I have had a short conversation this morning with the Republican leader. We are moving along. If we can finish these two bills this week, we will have done half of what we are obligated to do regarding the appropriations bills.

I think at that stage—and I told the Republican leader—we are going to start conferences on all these bills we have passed, four already, starting today. We need to be in a position where we can start sending some of these bills to the President. As I indicated, I will confer with the Republican leader as to which ones we should send out first. We need to get moving along.

We have to do everything within our ability to try to finish our work by November 16. That is not going to be easy, but we should try. As I have indicated previously, there are a lot of things left to be done prior to the Senate recessing on November 16 and work to be done prior to our recess—hopefully, tomorrow—dealing with various work we think we can do by unanimous consent. I urge Members to continue the level of cooperation we have witnessed, as we consider other appropriations bills.

I have also explained this to Senator MCCONNELL, my desires in that regard; that is, as soon as we get back, that we start to complete the Labor-HHS bill. Before we leave here this week, we are going to do a circuit judge and a number of district court judges.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

APPROPRIATIONS

Mr. McCONNELL. Mr. President, let me indicate my concurrence with the suggestions of the majority leader about moving forward. It is a good plan. We will have the maximum amount of cooperation possible on this side to move forward on appropriations bills.

BURMA

Mr. McCONNELL. Mr. President, imagine living under a brutal regime that sends out troops to shoot and kill unarmed, innocent people in the streets.

Imagine living under a regime that rewards the winner of a popular election not with political office, but house arrest.

And imagine a regime that carelessly allows the bloody and bruised body of a Buddhist monk, whose only crime was presumably to protest on behalf of peace, to float down a river.

But we don't have to use imagination, Mr. President. These horrific events are real. They are occurring now.

They are actually taking place in Burma, a country ruled by an illegitimate military junta, the State Peace and Development Council, or SPDC. And since their seizure of power, the Burmese people have seen very little peace or development.

The world was reminded of the SPDC's oppression recently as Burmese democracy activists, led by Buddhist monks, demonstrated for freedom.

The government's reaction was brutal and barbaric, like something rarely seen since the end of the Cold War. They unleashed soldiers to fire at the unarmed demonstrators, killing untold numbers.

No one can be sure of the exact number because of the secrecy in which the SPDC cloaks the entire country. Nor can we be sure how many activists the government has imprisoned.

But we do know the fate of democracy leader and Nobel Peace Prize laureate Aung San Suu Kyi, the winner of Burma's last free parliamentary elections in 1990. The SPDC has kept her under house arrest for 12 of the last 18 years.

We are reminded that such tyranny still exists in the 21st century. This despotic regime does not even pretend to seek to adhere to basic standards of human dignity.

The SPDC's reign of terror is so complete that even simply turning off the television set is an act of political courage for a Burmese citizen.

The AP reported yesterday that people in Rangoon are switching off the first 15 minutes of the government-run nightly news broadcast. It is one of the last acts of protest they have left, after the uniformed thugs and the barbed wire barricades have taken over the streets. "This is the least dangerous anti-government activity that I can take," the AP quoted one Rangoon woman, who was too afraid to reveal her name, as saying. "By doing this, I am showing that I am not listening to what the government is saying."

This Senate shares her contempt for the SPDC's empty words. Listen to how one SPDC ambassador explained events in Burma since the crackdown:

"As all are aware, things have calmed down. We are able to bring normalization to the situation."

Such a description, Mr. President, reminds me of the ancient Roman dictum, "They made a desert, and then called it peace."

Just because the protests have been ruthlessly suppressed, and Burma is fading from the pages of Western newspapers, does not mean the value of Burma's pro-democracy cause has diminished.

On the contrary, now more than ever, America and our allies must continue to press the members of the U.N. Security Council for a strong resolution against the Burmese regime.

And here in Washington, DC we're going to leave our televisions turned on, and continue to help in any way we can to support these brave people's cries for freedom.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I was assured that I would be given more time than that. Let that be resolved.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

ACCOUNTABILITY IN IRAQ

Mr. ROCKEFELLER. Mr. President, the calendar has just turned to October. The long-awaited month of September has passed. Why September? September, the month of the Petraeus report, was to be the month of accountability for Iraq, for its Government, and a time for accountability of the President's policy in Iraq. Instead, the result of the long-awaited month of September is that we are, once again, staying the course, as the President would have us do. We were not able to change course through the Defense authorization bill which passed yesterday, though many of us tried. Our efforts to change the mission away from deep involvement in Iraq's civil war and toward a more narrow focus on fighting al-Qaida failed, by a narrow margin, but failed. Efforts to enforce the transition with the power of the purse came up short as well.

Tragically, for well over 4 years into this war, at a time when the Army chief of staff is sounding the alarm about readiness of our Army, the Senate was not even able to provide our troops and their families with predictable deployment schedules—a stunning week. This is far less than the American people expect from us, when they elected us to do far more. Over the next few months, I implore my colleagues to use this time well and to think deeply about what our commitment in Iraq means to our future and the world. I especially want my colleagues and the American people to think about what might happen if there is another attack on the United States, which is always a possibility. The fact there has not been says there has been some interdiction and a lot of good luck, and al-Qaida takes its time in planning what it really cares about.

What if that attack has nothing to do with Iraq? What if the next attack is the result of planning and plotting from al-Qaida and its terrorist affiliates who live in a safe haven on the Pakistani border? Will we regret that we did not do more to force the President to focus on the real threat facing this country—the only threat which wants to take us down in any way, shape, or form, which is possible?

We cannot continue to repeat the same mistakes over and over. It is past time for a thorough understanding of how we got to be mired in Iraq's civil war, and why we must get out of it.

I am often reminded of a prescient quote from Sandra Mackey in her book, "The Reckoning: Iraq and the Legacy of Saddam Hussein," which was written, incidentally, before the war began.

Her book posed the central question: Would a future Iraq without Saddam Hussein be even more unstable and more problematic for the security of the United States itself?

Mackey did what this administration failed to do prior to the war and continues to fail to do today. She studied the historical, religious, ethnic, and political landscape that produced Iraq and the combination of the above factors that produced Saddam Hussein's dictatorship and allowed it to be sustained. She did her homework on the background and the nature of the country and the people and the ebb and the flow of the forces that have worked there for 1,500 years.

She predicted that we would pay a great price for our ignorance and utter lack of understanding of Iraq as a country.

She wrote in her book, looking back to the first gulf war, and now the future:

> Then, in August of 1990, when Iraq invaded Kuwait, the media turned its pages and air time over to Saddam Hussein.

Just say the word "Saddam," and you had people's attention, at least for a few moments.

> Ever since, it has been Hussein, not Iraq, on whom Americans and their [civilian] leaders have riveted their attention. But the time is fast approaching when the United States, for a series of perilous reasons, will be forced to look beyond Hussein to Iraq itself. That is when all Americans will pay the price for what has been a long night of ignorance about the land between the rivers.

That being the Tigris and the Euphrates.

What a horrible price it is: 3,800 brave men and women killed; nearly 28,000 wounded, maimed, and scarred—most mentally and/or physically for the rest of their lives. Families have been torn apart. Divorce and suicide rates are climbing rapidly. Last year, 99 of our soldiers committed suicide, which is the highest rate since the Army started keeping records on that 26 years ago.

The war has cost us as a people and our security so dearly in lives, resources, our standing around the world, our sense of ourselves, our self-esteem, and our moral authority.

It tears my heart out that our troops are dying every day and suffering from these horrific wounds which are the new property of the recent years because of the White House's misguided policies from which it will not move.

So I ask, why must we remain bogged down in Iraq—at such great cost—when there is a far greater threat that we must face and are not facing? Instead of focusing our resources on Iraq's civil war, we should be focusing all of our efforts on the elimination of al-Qaida, and, incidentally, doing something called protecting the American homeland, which seems to be casually handled in budget and in action.

We must finally understand the fundamental fact that our brave and highly skilled soldiers cannot resolve Iraq's internal political, social, and religious fights—there is no argument about that—particularly when enormous majorities of these people—98 percent of Sunni Arabs and 84 percent of Shia—want our forces to leave the country. That is more than a hint.

This is not defeat. It is not surrender. It is not retreat. It is simply getting a grip on the problems we face.

The reality is, it is not our fight. We cannot contribute there. There is very little we can do to affect it, if anything. Iraq is chaotic and violent because of deep-seated, centuries-old disputes that have nothing to do with us. It will likely remain chaotic and violent for the long foreseeable future, whether our military is involved in their dispute or whether it is not involved. It will not make any difference.

We had an open intelligence hearing in which a number of experts, Arabists came and told us that, in fact, America is marginal to what is going on over there. It is all about Sunnis and Shias and Kurds, and about their ancient fights going all the way back to the death of Muhammad. So this sectarian war has nothing to do at all with the United States, and it has nothing to do with our true enemy, al-Qaida, which has only latched on to the sectarian competition to take advantage of our own mistaken involvement in it.

The only thing that can change the course of Iraq is the Iraqi people and their leaders, and only if they can make dramatic changes in the way they view one another. I do not think that day will come. That is this Senator's opinion. We have examples of people getting along on a temporary basis when there are lots of troops around, other things, but that is not in their nature. It is not in the nature of that part of the world. We like to think it is because that is our nature. But it is not their nature.

There is, however, a vital strategic and tactical role for our military, and that is eliminating al-Qaida. But it first requires understanding that global terrorism inspired by al-Qaida is a different problem from sectarian violence between Sunni and Shia. That is what you have to understand first—very simple, very plain. Our present policy continues to follow al-Qaida's playbook by conflating these two problems to create one single-minded "enemy," thereby tying several different strands of violence into a single tangled knot. We must untie this knot and address these issues separately. And we must recognize that our involvement with Iraq is drastically diminishing our ability to do anything about al-Qaida.

The war against al-Qaida and affiliated terrorists has two key components, in this Senator's point of view: a tactical component—which is tracking, catching, and killing terrorists and disrupting their plots—and a strategic component—which is addressing the circumstances that produce terrorists and countering the ideology that drives them.

Our war in Iraq diverts our military and intelligence resources from the tactical component—it is very clear that al-Qaida is gaining strength along with the Taliban in Afghanistan because we moved a lot of people out to fight a war that we had no business being in, and so we suffered where we originally were about to be strong—and it limits the amount of money available to address poverty and evolution of governments in the Muslim world.

But perhaps the most damaging effect of the war in Iraq is the war of ideology. The Intelligence Committee has held several hearings this year looking at the role of ideology in the struggle against violent extremism. There is plenty of evidence, including unclassified intelligence assessments, that al-Qaida has successfully exploited the war in Iraq to recruit and train a new generation of terrorists—thanks to us. We have made that a possibility for them. Civilian leadership has handed them that golden gift, and they have made good use of it.

But there is longer term damage the war in Iraq is doing to our counterterrorism efforts. It is making it impossible for us to make any progress in the war of ideas throughout the Muslim world. It is clear that winning this part of the war is the only way we will have an effect in the long term on this kind of instability and chaos.

Al-Qaida wants us to stay in Iraq. As I said, we are following their game plan faithfully because our presence validates everything about their message of Westerners trying to dominate Muslims and occupy their lands—all of which is sacred to them. As long as we are there, voices of moderation toward the West will be drowned out.

The bottom line is this: Continued U.S. involvement in Iraq is in al-Qaida's interest, not America's. The longer we stay mired in Iraq, the stronger al-Qaida will grow.

Again, declassified intelligence reports and a broad spectrum of experts have noted al-Qaida is as strong as any other time since 9/11—this day—and growing stronger.

President Bush says we should not allow Iraq to become "a safe-haven from which they could launch new attacks on our country." Yet the President has already allowed al-Qaida to create a safe haven, a huge safe haven on the Pakistani border. That situation is deteriorating on a daily basis, and it allows al-Qaida to continue to plan deadly attacks. And, believe me, that is their purpose for existing and living, and that is what they want from us. We have given them what they want from us.

Our struggle to eliminate global terrorism may remain a mystery to our President, but it must not remain a mystery to us in the Congress and to the American people. We do have a responsibility to act. Whether history looks kindly on this Congress or not is not really so important. But we must take every single serious measure available to force the President to face reality and refocus America's mission in that part of the world.

We have created deep and profound sadness and left thousands of people sitting in wheelchairs for the rest of their lives with shards of steel through their bodies that cannot be removed by surgeons. So they sit in wheelchairs in agony for the rest of their lives. They cannot take them out because they are too close to organs, arteries, so they sit in agony, probably a great number of them wishing they had just simply been killed.

I will end that part and simply say that I would also like to remind the President of the United States that signing the CHIP bill won't change anything in Iraq, but it may have a whole lot to do with changing young people in America in the way they grow up, what their opportunities are, and their sense of optimism and commitment to public service and to the good of our country.

Mr. NELSON of Florida. Mr. President, would the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wanted to ask the Senator a question, but first I want to thank him for his very thoughtful and almost scholarly exposition of an examination of the situation in which we find ourselves in Iraq. I thank him for the service to his country, first in State government, rising to the position of Governor of his State, and now these many years as the Senator from West Virginia.

The question I want to ask the Senator is, in his statement about the antipathy between Sunnis and Shiites—and he noted the historical antipathy as it goes back, he said, to the time of Muhammad. Indeed, we saw that first erupt from—I guess it was Muhammad's grandson at the Battle of Karbala in 680 A.D., and as a result of the murder—or the defeat of the grandson at that point, it was that group that was defeated that went on, out of revenge, to become the Shiites—a minority among all Muslims but nevertheless one that was potent and built on revenge. Is this the understanding of history the Senator from West Virginia recalls in his statement and why it is so difficult for us as an outside power to come in, in the middle of that sectarian strife, and try to bring about reconciliation?

Mr. ROCKEFELLER. Mr. President, the Senator from Florida, as usual, is correct. I thank him for his kind comments; he is not quite so correct about that.

But, yes, that is very much the case. It is simply an example of why it is that America—why intelligence is the spear, the tip of the spear, and that we never do anything ever again without listening to our intelligence—not to Chalabi, not to Richard Perle, but to our intelligence—which told us all of these things, which told us what would happen, timidly at first but more boldly later on.

We just live in a different world. We are homesteaders. I have always felt that way.

After the industrial revolution, the East got sort of flooded up with folks who had come from other places, and they went out West with the Gold Rush and the land rush, they got their 10 square acres and built their houses and picket fences and went about educating their children and doing good things but paying very little attention to the rest of the world because there was no apparent reason to do so. We had never been attacked since 1812, and that was marginal, and 1941 had not arrived. This awakened us in many ways, but, in fact, it really didn't. Conscription for World War II passed the Congress, I believe—or one House of the Congress—I believe by one vote, after Pearl Harbor. We go over and we fight just wars, and then we come back and we disarm.

It is not in our nature to know about the rest of the world. There is not a profound curiosity factor that pulls us, now that we are very much a part of the world, to understand what is going on in other parts of the world and in specific countries where there happens to be a threat of people who have come to see us as greedy, hate our green lawns and picket fences, and think that our view of life and morality is way off. They are very serious about that. We slough it aside, but they are very serious about that.

So how we thought we could somehow do this, come in and mediate something which had been going on I would say since the death of Muhammad in 632—but that doesn't matter; it is a question of how his succession would be carried out. That has lasted ever since. The British and French came in and created a place called Iraq, but the tribal people who kept living all through those years there were always the same and their habits were always the same, and, in fact, it is true throughout most of the rest of the world, if you go to the Philippines, if you go to many places—revenge, tribal loyalties, as opposed to central government loyalties. I have never been convinced that a constitution or a parliament means a whit to the people of Iraq. It meant everything to us because it is sort of the definition of democracy on the rise, but I don't think it made any difference to them at all.

So we misread because we don't read, we don't read and we don't study, we don't go, we don't learn languages because we don't think we have to, and we have not had to because the world has been very simple—the Soviet soldiers in uniform versus American soldiers in uniform, our various planes, tanks, and all the rest of it, but then a red phone on each side to try to calm things down. The world is no longer simple. Everybody looks like everybody else in very dangerous places.

When we entered into Iraq, it was without thought, it was without study. The decision was more or less made within 2 or 3 days of 9/11, which, when you think about it, is rather silly. So there was no real understanding of Iraq, even as there is no real understanding of Iran today, no understanding of North Korea. There is a superficial understanding, the dramatic parts—nuclear this, something else that, starvation that. But who are they?

Why is it that North Korea and South Korea—44 million in the south, 22 million in the north—that amongst all of those people, 66 million people, there are only 400 surnames—"Nelson" being a surname, "Rockefeller" being a surname—there are only 400 surnames. The world is mixed and varied.

Japan disappeared for 250 years during the Tokugawa era. Nobody could get in, nobody could get out. That was just 150 years ago, and they still bear some of that with them. Do we understand that? I don't think we do. They are a democracy. Are they? They were handed their Constitution by GEN Douglas MacArthur, and except for a period of 3 months—and I was there during those 3 months—in the last 60 years, one party has controlled the country in its entirety.

So there are many things to understand in this world, but among those places we did not understand and still do not are the vicissitudes of Iraq, the Sunni and the Shiites, each of them bearing within them many layers of competition, revenge, family feuds, all the rest of it.

Mr. NELSON of Florida. Mr. President, the Senate has just witnessed one of the most insightful analyses by the chairman of the Senate Intelligence Committee on the present-day changes on planet Earth and how the United States should adapt to it by virtue of the fact of recounting history. This Senator is grateful to his chairman for that statement.

Mr. ROCKEFELLER. I thank the Senator.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 222, S. 1538.

The ACTING PRESIDENT pro tempore.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1538) to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel level adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

Sec. 106. Development and acquisition program.

Sec. 107. Availability to public of certain intelligence funding information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.

Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.

Sec. 305. Modification of availability of funds for different intelligence activities.

Sec. 306. Increase in penalties for disclosure of undercover intelligence officers and agents.

Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 308. Public Interest Declassification Board.

Sec. 309. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.

Sec. 310. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

Sec. 311. Terms of service of Program Manager for the Information Sharing Environment and the Information Sharing Council.

Sec. 312. Improvement of notification of Congress regarding intelligence activities of the United States Government.

Sec. 313. Additional limitation on availability of funds for intelligence and intelligence-related activities.

Sec. 314. Vulnerability assessments of major systems.

Sec. 315. Annual personnel level assessments for the intelligence community.

Sec. 316. Business enterprise architecture and business system modernization for the intelligence community.

Sec. 317. Reports on the acquisition of major systems.

Sec. 318. Excessive cost growth of major systems.

Sec. 319. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.

Sec. 320. Submittal to Congress of certain President's Daily Briefs on Iraq.

Sec. 321. National intelligence estimate on global climate change.

Sec. 322. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.

Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.

Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.

Sec. 404. Additional administrative authority of the Director of National Intelligence.

Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.

Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.

Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.

Sec. 408. Title of Chief Information Officer of the Intelligence Community.

Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.

Sec. 410. Inspector General of the Intelligence Community.

Sec. 411. Leadership and location of certain offices and officials.

Sec. 412. National Space Intelligence Office.

Sec. 413. Operational files in the Office of the Director of National Intelligence.

Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.

Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.

Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.

Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.

Sec. 423. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.

Sec. 425. Availability of the Executive Summary of the report on Central Intelligence Agency accountability regarding the terrorist attacks of September 11, 2001.

Sec. 426. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.

Sec. 432. Codification of authorities of National Security Agency protective personnel.

Sec. 433. Inspector general matters.

Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.

Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.

Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.

Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Technical amendments to the National Security Act of 1947.

Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.

Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 507. Technical amendments to the Executive Schedule.

Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.

Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex. The funds as so transferred shall be available without fiscal year limitation.

SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2008 the aggregate amount of appropriations requested by the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking "receiving compensation under the Senior Intelligence Service pay schedule at the rate" and inserting "who is at the Senior Intelligence Service rank".

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 308. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking "If requested" and inserting the following:

"(1) IN GENERAL.—If requested"; and

(B) by adding at the end the following:

"(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

"(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations."; and

(2) in section 710(b), by striking "8 years after the date of the enactment of this Act" and inserting "on December 31, 2012".

SEC. 309. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 310. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than September 1, 2007, the Director of National Intelligence shall submit to the [congressional intelligence committees] *appropriate committees of Congress* a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109-148) and related provisions of the Military Commissions Act of 2006 (Public Law 109-366).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd-1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the [congressional intelligence committees] *appropriate committees of Congress* about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

[(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.]

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "element of the intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 311. TERMS OF SERVICE OF PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT AND THE INFORMATION SHARING COUNCIL.

Section 1016 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 6 U.S.C. 485) is amended—

(1) in subsection (f)(1), by striking "during the two-year period beginning on the date of designation under this paragraph unless sooner" and inserting "until"; and

(2) in subsection (g)(1), by striking "during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner" and inserting "until".

SEC. 312. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) NOTICE ON INFORMATION NOT DISCLOSED.—

"(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(b) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.".

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 313. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. 314. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

"VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

"SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

"(1) identify applicable vulnerabilities;

"(2) define exploitation potential;

"(3) examine the system's potential effectiveness;

"(4) determine overall vulnerability; and

"(5) make recommendations for risk reduction.

"(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

"(A) periodically throughout the life-span of the major system;

"(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

"(C) upon the request of a congressional intelligence committee.

"(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

"(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

"(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

"(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

"(e) DEFINITIONS.—In this section:

"(1) The term 'items of supply'—

"(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

"(B) does not include packaging or labeling associated with shipment or identification of items.

"(2) The term 'major system' has the meaning given that term in section 506A(e).

"(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

"Sec. 506B. Vulnerability assessments of major systems.".

SEC. 315. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 314, is further amended by inserting after section 506B, as added by section 314(a), the following new section:

"ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

"SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

"(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

"(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

"(1) The personnel costs for the upcoming fiscal year.

"(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

"(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

"(4) The number of personnel positions requested for the upcoming fiscal year.

"(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

"(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

"(7) The number and costs of contractors funded by the element for the upcoming fiscal year.

"(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the costs of contractors of the current fiscal year.

"(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

"(10) A written justification for the requested personnel and contractor levels.

"(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

"(A) internal infrastructure to support the requested personnel and contractor levels;

"(B) training resources to support the requested personnel levels; and

"(C) funding to support the administrative and operational activities of the requested personnel levels.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 314(b), is further amended by inserting after the item relating to section 506B, as added by section 314(b), the following new item:

"Sec. 506C. Annual personnel levels assessment for the intelligence community.".

SEC. 316. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 314 and 315, is further amended by inserting after section 506C, as added by section 315(a), the following new section:

"INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

"SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

"(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

"(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

"(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

"(A) will have a total cost in excess of $1,000,000; and

"(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

"(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

"(A) complies with the enterprise architecture under subsection (b); or

"(B) is necessary—

"(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

"(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

"(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

"(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

"(2) The enterprise architecture under paragraph (1) shall include the following:

"(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

"(i) comply with all Federal accounting, financial management, and reporting requirements;

"(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

"(iii) integrate budget, accounting, and program information and systems; and

"(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

"(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

"(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

"(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

"(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

"(2) The investment review process under paragraph (1) shall—

"(A) meet the requirements of section 11312 of title 40, United States Code; and

"(B) specifically set forth the responsibilities of the approval authority under such review process.

"(3) The investment review process under paragraph (1) shall include the following elements:

"(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

"(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

"(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

"(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

"(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

"(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

"(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

"(1) An identification of each intelligence community business system for which funding is proposed in such budget.

"(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

"(A) funds for current services to operate and maintain such system; and

"(B) funds for business systems modernization identified for each specific appropriation.

"(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

"(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

"(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

"(2) The Committee shall—

"(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

"(B) review and approve any major update of—

"(i) the enterprise architecture developed under subsection (b); and

"(ii) any plans for an intelligence community business systems modernization;

"(C) manage cross-domain integration consistent with such enterprise architecture;

"(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

"(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

"(F) carry out such other duties as the Director shall specify.

"(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

"(h) RELATION TO DEFENSE BUSINESS SYSTEMS ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION REQUIREMENTS.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

"(i) RELATION TO CLINGER-COHEN ACT.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

"(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

"(j) REPORTS.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

"(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

"(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

"(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

"(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

"(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

"(k) DEFINITIONS.—In this section:

"(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

"(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

"(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

"(4) The term 'intelligence community business system modernization' means—

"(A) the acquisition or development of a new intelligence community business system; or

"(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

"(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 314 and 315, is further amended by inserting after the item relating to section 506C, as added by section 315(b) the following new item:

"Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.".

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 317. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 314 through 316, is further amended by inserting after section 506D, as added by section 316(a)(1), the following new section:

"REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

"SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

"(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

"(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

"(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

"(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

"(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

"(4) A full life-cycle cost analysis for such system.

"(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

"(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

"(7) The significant contracts or subcontracts related to the major system.

"(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

"(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

"(d) DEFINITIONS.—In this section:

"(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

"(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

"(3) The term 'major system', has the meaning given that term in section 506A(e).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 314 through 316, is further amended by inserting after the item relating to section 506D, as added by section 316(a)(2), the following new item:

"Sec. 506E. Reports on the acquisition of major systems.".

SEC. 318. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 314 through 317, is further amended by inserting after section 506E, as added by section 317(a), the following new section:

"EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

"SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

"(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

"(B) The notification required by subparagraph (A) shall include—

"(i) an independent cost estimate;

"(ii) the date on which the determination covered by such notification was made;

"(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

"(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

"(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

"(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

"(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

"(viii) the completion status of such major system expressed as the percentage—

"(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

"(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

"(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

"(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

"(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

"(i) the acquisition of such major system is essential to the national security;

"(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

"(b) COST INCREASES OF AT LEAST 40 PERCENT.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

"(A) the acquisition of such major system is essential to the national security;

"(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

"(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

"(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

"(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

"(d) DEFINITIONS.—In this section:

"(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

"(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

"(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

"(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

"(5) The term 'major system' has the meaning given that term in section 506A(e).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 314 through 317 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 317(b), the following new item:

"Sec. 506F. Excessive cost growth of major systems.".

SEC. 319. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—That section is further amended by adding at the end the following new subsection:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 and not previously submitted in a report under subsection (a).".

SEC. 320. SUBMITTAL TO CONGRESS OF CERTAIN PRESIDENT'S DAILY BRIEFS ON IRAQ.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the congressional intelligence committees any President's Daily Brief (PDB), or any portion of a President's Daily Brief, of the Director of Central Intelligence during the period beginning on January 20, 1997, and ending on March 19, 2003, that refers to Iraq or otherwise addresses Iraq in any fashion.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 321. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) DUPLICATION.—If the Director of National Intelligence determines that a National Intelligence Estimate, or other formal, coordinated intelligence product that meets the procedural requirements of a National Intelligence Estimate, has been prepared that includes the content required by subsection (b) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by subsection (a).

SEC. 322. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION CONCERN.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking "114(c)" and inserting "114(b)".

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "2004," and inserting "2004 (50 U.S.C. 403 note),"; and

(B) by striking the period at the end and inserting a semicolon and "and"; and

(3) by inserting after paragraph (3), the following new paragraph:

"(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.".

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

"(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary or if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

"(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

"(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.".

SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, *or* the Chief Information Officer of the Intelligence Community[, or the head of any element of the intelligence community]".

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

"(A) National intelligence centers established by the Director under section 119B.

"(B) Boards, commissions, councils, committees, and similar groups that are established—

"(i) for a term of not more than 2 years; and

"(ii) by the Director.

"(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 404 of this Act, is further amended by adding at the end the following new subsections:

"(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

"(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

"(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

"(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

"(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

"(2) Authority under this subsection may be granted or exercised—

"(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

"(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

"(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

"(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

"(v) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

"(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

"(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

"(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

"(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

"(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

"(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

"(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.".

SEC. 406. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) by striking "WITH" and inserting "OF HEADQUARTERS WITH HEADQUARTERS OF";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

"(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) FORM.—The report under paragraph (1) may be submitted in classified form.

SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 103H. (a) IN GENERAL.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

"(b) ELEMENTS.—(1) The Reserve shall consist of the following elements:

"(A) Amounts authorized to be appropriated to the Reserve.

"(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

"(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

"(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

"(d) AVAILABILITY OF FUNDS.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

"(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

"(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

"(ii) 15 calendar days elapses after the date of such notification.

"(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

"(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

"(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.".

(b) APPLICABILITY.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.".

SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 409 of this Act, is further amended by inserting after section 103H the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

"(B) to prevent and detect fraud and abuse in such matters;

“(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

“(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

“(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

“(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

“(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

“(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

“(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event that the Inspectors General are unable to resolve the question with assistance of that Forum, the Inspectors General shall submit the question to the Director of National Intelligence for resolution. *In the event of a dispute between an Inspector General within the Department of Defense and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the Secretary of Defense for resolution.*

“(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector

General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. *The Inspector General of the Intelligence Community shall provide that portion of the report involving components of the Department of Defense to the Secretary of Defense simultaneously with submission of the report to the Director of National Intelligence.*

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. *The Director shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that portion of the report involving components of the Department of Defense simultaneously with submission of the report to the congressional intelligence committees.*

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

"(B) The Director shall transmit to the [congressional intelligence committees] *congressional intelligence committees, and as appropriate the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives relating to matters within the Department of Defense*, each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

"Sec. 103I. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"NATIONAL SPACE INTELLIGENCE OFFICE

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

"(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Office.".

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

"(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

"(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

"(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

"(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

"(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

"(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

"(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

"(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

"(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

"(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.

"(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

"(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

"(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

"(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

"(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

"(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

"(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

"(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

"(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

"(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

"(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

"(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

"(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

"(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

"(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

"(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

"(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

"Sec. 706. Operational files in the Office of the Director of National Intelligence.".

SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) maintained by the Office of the Director of National Intelligence; or".

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

"(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

"(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

"(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

"(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (f)".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by adding at the end the following new subparagraph:

"(J) The Deputy Director of the Central Intelligence Agency.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i-1) is amended by striking "the Director of the Central Intelligence Agency,".

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking "Executive Director" and inserting "Associate Deputy Director";

(2) in subclause (II), by striking "Deputy Director for Operations" and inserting "Director of the National Clandestine Service"; and

(3) in subclause (IV), by striking "Deputy Director for Administration" and inserting "Director for Support".

SEC. 425. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than September 1, 2007, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SEC. 426. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"SEC. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in a provision as follows and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)" and inserting "authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).".

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(A) Section 704(c)(2)(B).
(B) Section 706(b)(2).
(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking "the Director of Central Intelligence, as head of the intelligence community," and inserting "the Director of National Intelligence".

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

Mr. ROCKEFELLER. Mr. President, the Senate is poised to take action today that is more than two years overdue. Today we will pass the Fiscal Year 2008 Intelligence Authorization bill.

For the first 27 years after Congress created the intelligence oversight committees, the annual authorization bill was considered absolute-must-pass legislation. Its importance to our national security was obvious to all. But in 2005 and 2006, the bills reported out of the Senate Intelligence Committee were never even brought before the Senate for consideration. I still cannot explain the reasons this happened, but thanks to hard work of the committee and the support of the majority leader, Senator REID, we are about to correct that failing.

The Intelligence Authorization bill is the tool the Congress uses to provide direction for the execution of some of the most sensitive and important national security programs conducted by the U.S. Government. This year's bill contains provisions, including specific requests from the Director of National Intelligence, intended to improve the work of the intelligence community.

These provisions provide greater flexibility and authority to the DNI; require greater accountability from the intelligence community and its managers; improve the mechanisms for conducting oversight of intelligence programs; and reform intelligence program acquisition procedures.

Let me take a few minutes to provide my colleagues with more detail on the provisions in each of these areas.

The most significant reform of the intelligence community since its inseption in 1947 was the creation of the director of National Intelligence. With 2 ½ years of experience behind us, we have begun identifying ways to bolster the DNI's efforts to better coordinate the 16 different elements of the intelligence community. Starting with personnel authority, this bill uses a more flexible approach to authorize personnel levels and also gives the DNI the ability to exceed those ceilings by as much as 5 percent.

Because control of the budget is a key tool for the DNI, the bill changes reprogramming requirements to make it easier to address emerging needs, authorizes the DNI to use interagency funding to establish national intelligence centers, and establishes a contingency fund for the DNI, to react to emergencies or unforeseen opportunities. The bill also enables the DNI to fund information-sharing efforts that span across the intelligence community. Finally, it repeals several unneeded and burdensome reporting requirements.

As it increases the authority of the DNI, the bill also improves oversight of the intelligence community. The bill creates a strong, independent inspector general for the intelligence community, confirmed by the Senate, within the office of the DNI, and establishes statutory inspectors general at the NSA, NRO, DIA and NGA. The bill also gives the Congress more oversight of the major intelligence agencies by requiring Senate confirmation of the directors of the NSA, NRO and NGA and establishing a Senate-confirmed deputy director for the CIA. And as we increase the DNI's flexibility to manage personnel, we require an annual assessment of personnel levels across the intelligence community to include a statement that those levels are supported by adequate infrastructure, training and funding, and a review of the appropriate use of contractors.

The committee has been concerned that intelligence failures and programmatic blunders too often occur without anyone in a position of responsibility being held accountable. The bill gives the DNI the authority to conduct accountability reviews across the intelligence community if he deems it necessary or if requested by Congress. It also improves financial management by requiring a variety of actions related to the production of auditable financial statements—a standard most intelligence agencies cannot currently meet and an issue the committee has focused on for several years.

The final major theme in the bill is the reform of the acquisition process. The bill requires a vulnerability assessment for all major acquisition programs, and attempts to curb the profligate cost overruns and schedule delays we have witnessed in recent years by creating an annual reporting system on all major intelligence community acquisitions similar to the Nunn-McCurdy statute for defense acquisitions.

In addition to these legislative provisions, the bill is accompanied by a classified annex that includes specific budget recommendations. The budgets are necessarily classified, but any Senator wishing to review them has had that opportunity. The committee budget recommendations include a substantial increase for advanced research and development programs. The classified annex also includes language directing the intelligence community to restructure its strategy for acquiring imagery intelligence systems.

All of these provisions, in the public bill and the classified annex, are important to ensuring that the intelligence community has the authority and resources it needs to protect this country, and that there are mechanisms in place for appropriate oversight of these very sensitive programs.

Before I conclude I would be remiss if I did not mention the people who worked so hard to get this bill to this point. First and foremost among those is my incredibly dedicated vice chairman, Senator KIT BOND. He has been tireless in his efforts to identify and remove obstacles to the bill's passage. We would not have gotten here today without that effort. His commitment to real oversight, conducted in a bipartisan way, represents a return to the way the committee had operated for most of its history.

Next let me thank the members of the staff who played such a key role in preparing the bill and the annex and who have worked many hours on this task. First, the committee staff director, Andy Johnson, has implemented the committee's aggressive oversight agenda and has led the staff with true professionalism. I rely heavily on his counsel. His counterpart on the minority side, Louis Tucker, has not just supported Vice Chairman BOND but has made an enormous contribution to the success of our efforts so far this year. The general counsel, Mike Davidson, and minority counsel, Jack Livingston, have been extraordinarily meticulous in drafting the legislative language that makes up the public bill. The committee is lucky to have them both. The budget director, Lorenzo Goco, did a superb job in putting together the classified annex. And as chairmen have been doing for the past 20 years, I give a special thanks to our chief clerk Kathleen McGhee for making everything on the committee work.

I look forward to the passage of this bill and the swift completion of a conference with the House so that we can enact a bill to help secure this nation from its enemies.

Mr. President, at this time I ask unanimous consent that the committee-reported amendments—which Senator BOND is about to say some words to and which he had an enormous amount to do with—be agreed to, the amendment at the desk be considered and agreed to; that the bill, as amended, be read three times; that the Intelligence Committee be then discharged from consideration of H.R. 2082, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 1538, as amended, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; that S. 1538 be returned to the calendar, and any statements be printed at the appropriate place in the RECORD without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. No objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 3160) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill, (H.R. 2082), as amended, was ordered to a third reading, was read the third time, and passed.

Mr. ROCKEFELLER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, has the time for the majority side expired?

The ACTING PRESIDENT pro tempore. There is 51 seconds remaining. I don't see anyone seeking recognition, so the Senator from Missouri is recognized.

Mr. BOND. I thank the Chair. Most of all, I thank my chairman, Senator ROCKEFELLER. I thank the chairman of the committee and all of the members of the committee to be able to pass this very important intelligence authorization bill. We have had a 3-year hiatus with no intelligence authorization bill. This came despite multiple attempts on the Senate floor. Today, we see, fortunately, the end of that cycle with the passage of the fiscal year 2008 intelligence authorization bill.

Passing this bill is important and noteworthy because it is one of the committee's most important tools in providing strong congressional oversight of the intelligence activities the American people expect and deserve. This bill we have just passed contains important provisions that would improve the effectiveness of our intelligence agencies, most of which were requested by the intelligence community. It is not a perfect bill, and there are a few things in it that I may not totally agree with, but overall this bill will benefit the intelligence community and marks the important reassertion of congressional oversight over our intelligence agencies and operations.

I commend Chairman ROCKEFELLER for all of his hard work and the diplomacy, skill, and patience in putting together the managers' amendment that brought us to the floor today. In particular, we worked very hard to keep the bill clean and to strip it of challengeable and politically charged amendments, things that would have drawn objections from this side and the other side. Several Senators on both sides of the aisle had to give until it hurt to reach agreements, and I thank them for their flexibility and cooperation. We cannot get this bill done or any bill done in this Senate without bipartisan cooperation. With this bill, the chairman and I and our committee are making a great step forward in returning the work of the Intelligence Committee to nonpartisan oversight and away from the politics that have weakened it over the past few years. We have limited the bill to just those provisions that had strong bipartisan support. Chairman ROCKEFELLER and I were also able to get a number of good-government positions into our bill that will improve the effectiveness of our intelligence agencies.

Having said that, my colleagues should know that the chairman and I will fight very hard to keep this agreement in conference.

If the House were to put in political amendments or other problematic amendments which the Senate would not support, I will not support the bill. Intelligence should be conducted behind closed doors. When we talk about our intelligence matters openly in other committees or on this floor, we hamper our intelligence ability.

I asked the current Director of the Central Intelligence Agency at his confirmation hearing about 16 months ago: How badly have the disclosures of our most sensitive intelligence methods hurt our ability to deal with terrorists? He ruefully said: We are now applying the Darwinian theory to terrorists. We are only capturing the dumb ones.

Every time we talk in public about how we capture information, it gives a roadmap to the terrorists to know exactly how to avoid being intercepted. Unfortunately, there have in recent days been more examples of such disclosures.

But back to this bill. This bill provides for the empowerment of the Director of National Intelligence to conduct accountability reviews of the individual elements of the intelligence community in relation to significant failures or deficiencies.

This provision will encourage the intelligence community to address their own internal failures or inefficiencies—something they have been reluctant to do on their own. In the event that they are reluctant or unable to do so, this amendment gives the DNI the authority he needs to step in and conduct his own reviews, authority the Director of National Intelligence currently does not have.

The Intelligence authorization bill also contains a wide range of other important provisions that will improve the efficiency and accountability of the intelligence community, while at the same time providing the DNI with additional authority and flexibility, including creation of a strong, independent inspector general for the intelligence community; additional authorities for the DNI to improve information sharing in the intelligence community; measures to protect the cover of our clandestine intelligence officers; and measures to address excessive cost growth in major acquisition programs—a real problem we have seen in recent years.

The intelligence community has now gone 2 years without the detailed guidance from the Congress that only this Intelligence authorization bill can provide. I hope we can move this bill expeditiously through a conference with the House to correct that situation.

We must do a better job of asserting congressional oversight of the intelligence community, and 1 of the best ways to accomplish that goal is to pass the annual Intelligence authorization bill. I am proud to announce that today we have done that.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes.

Mr. BOND. Mr. President, I want to talk more broadly about the war on terror and say it is with pleasure that we see the President's policy of bringing back troops home when they complete their mission successfully. Return on success is working. Marines are coming home after having pacified Al Anbar Province and turned the responsibility for maintaining security over to the Iraqi security forces. I know about that personally and it is working. The marines are coming home. We know they are coming home because there was a story this morning on television about how marines were held up for about 2½ hours by the TSA at one of the places they landed in the United States. They refused to allow the marines to go into the terminal because I guess they provided some kind of threat. In any event, the marines are now coming back to face additional challenges—not just the challenges of the TSA that we all undergo, but, regrettably, too many of them have mental health problems, TBI and PTSD, and in the Defense authorization bill we have passed provisions to assist the wounded warriors coming home. But they have been successful, and return on success means al-Qaida is no longer able to exercise control over Al Anbar.

For those who think this is a diversion in the battle in the war on terror, all they have to do is listen to the leaders, Osama bin Laden and Zawihiri, who have said the headquarters of the caliphate from which they are going to conduct worldwide operations is the land between the two rivers. That is, of course, Iraq. If they win there, they are stronger, and they will establish their headquarters there.

The intelligence community leaders, in January of this year, spoke in open session before the Intelligence Committee. They said if we withdraw before we have established relative peace and stability in the area—in other words, if we withdraw on a political timetable dictated by this body—there will be chaos. Three things will happen. There will be increased killing among Shia and Sunni, genocide and bloodshed. Two, that will bring in the other states in the region to protect their coreligionists, and we will see the potential of a regionwide sectarian war. Three, most frighteningly, al-Qaida will establish the safe haven they have sought in Al Anbar and elsewhere from which to embolden their efforts and attack the United States and United States persons abroad, and our allies.

All you have to do to get an idea of the effectiveness of our new counterinsurgency efforts, led by General Petraeus, is to pay attention to what was found in the pocket of Abu al-Tunisi, the Tunisian al-Qaida leader in Iraq who was responsible for bringing foreign fighters into Iraq—the ones from Iran, Syria, Yemen, and others, with all of the resources they had. Al-Tunisi had written letters to his leader, saying: I am suffering. They are strangling us. I cannot get support.

We have hurt them and we have hurt them badly. Yes, al-Qaida is a threat, but al-Qaida is not basing that threat from Iraq. Their leaders are probably in the mountains of Pakistan or Afghanistan. I can assure you we are doing everything we can—and we obviously cannot discuss what we are doing—to capture and kill those leaders. Right now, we have taken advantage and the counterinsurgency strategy is working. I commend our troops and General Petraeus.

I thank the Chair and I yield the floor.

Mr. ROCKEFELLER. Will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROCKEFELLER. Mr. President, we worked together on this, and I ask unanimous consent to have 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from West Virginia is recognized for 2 minutes.

Mr. DURBIN. Mr. President, my understanding is that the Republican side is going to extend its request for morning business.

Mr. CORNYN. Mr. President, I intend to ask unanimous consent that the time spent on the Intel bill not be deducted from our time.

Mr. DURBIN. The Senator from Missouri spoke for approximately 10 minutes, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority side be given 10 additional minutes in morning business, 2 of those to be allocated to the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, does that include 10 minutes for my colleague from Texas? I will ask for 10 additional minutes for the minority side, which may have other subjects to talk about.

Mr. DURBIN. Reserving the right to object. I was protecting your side for the 30 minutes initially allocated.

Mr. BOND. In that case, I withdraw my request.

The ACTING PRESIDENT pro tempore. Is the request there would be an additional 10 minutes on the Republican side?

Mr. DURBIN. It is my understanding that 30 minutes was allocated to the Republican side for morning business. The Senator from Missouri spoke for approximately 10 minutes on an issue and asked that that not be deducted from the Republican morning business time. I am happy to acknowledge that, and I ask that we be given 10 minutes, 2 of which will be given to the Senator from West Virginia. So that protects those still here for the 30 minutes originally allocated for Republican morning business.

The ACTING PRESIDENT pro tempore. Without objection, the time will be so adjusted.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the Chair and I thank the Senator from Illinois.

All I wanted to say is that I think the unanimous consent agreement which has been reached is the start. I want to use every fiber in my body to thank the distinguished vice chairman, Senator CHRISTOPHER BOND, from Missouri, for the enormous role he played in making this happen. It was objected to only a few days ago. It was cleared last night, and I think it exemplified the partnership the Senator from Missouri and myself are trying to bring to the Intelligence Committee. This is an example of our work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, parliamentary inquiry: Is it now the appropriate time for us to begin our 30-minute allocation for morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. There is additional time on the Democratic side, but nobody is seeking recognition.

Mr. CORNYN. I thank the Chair. I ask unanimous consent that following my remarks for up to 10 minutes, Senator BENNETT be recognized for up to 10 minutes, and then Senator KYL be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAXES

Mr. CORNYN. Mr. President, more than 1 month ago, I spoke on the floor regarding the need for the Senate to confirm Jim Nussle as the head of the Office of Management and Budget and about my constituents' concerns that are regularly voiced to me about the runaway Federal spending in Washington, DC, and its impact on their ability to earn a living or run a business, and their concern about the direction of the economy for the future if the Federal Government continues to occupy more and more space when it comes to their hard-earned tax dollars.

I mentioned my fear that the tax-and-spend season was upon us here in Washington, DC, and there seemed to be some early indications that some of the progress we have made as a result of progrowth, low-tax policies was going to be reversed under the new management in Washington.

In my State of Texas, to give you a snapshot, unemployment is near its lowest level in 30 years, while more than a quarter of a million new jobs have been created over the past year. That is out of the 8.3 million new jobs created in this economy since August of 2003. Instead of talking about how we can preserve these hard-won gains for the American people and my constituents back home in Texas, we hear more and more talk about raising taxes and expanding the size of the Federal Government. Instead of talking about how can we help support and nurture the entrepreneurial spirit in America, we are hearing more folks talking about how can we grow the bureaucracy and Federal programs and the size of the Federal Government.

Unfortunately, we are beginning to see a trend when it comes to raising taxes. Yesterday's suggestion by some members of the House is a disturbing example of that. Yesterday, the chairman of the House Appropriations Committee unveiled a proposal that would require taxpayers to add anywhere from 2 percent to a 15-percent surcharge to their income tax bill.

In the Senate, the majority leader declared that nothing should be off the table. I am glad to see that the Speaker of the House of Representatives quickly voiced her disagreement with this tax surcharge proposed by Congressman OBEY. His proposal would amount to an annual tax increase of $150 billion a year, or 3 quarters of a trillion dollars over the next 5 years—a bad idea, in my view.

At the same time, with this chart, I will document some of the proposals that have been made, because it helps to see them in 1 place and add them up because you only then begin to understand the full impact of these discrete proposals that are being made, all of which would result in increased taxes.

First, the budget that was passed earlier this year, of course, is where the Federal Government says how much it intends to spend and where that money is supposed to come from.

The disturbing thing to me was that it contemplated the spending levels in that budget that passed—without my support, by the way—contemplated an increase of $916 billion in additional revenue. The problem is, my concern is, frankly, that the revenue they are talking about—in other words, increased tax revenue—would come from not making the tax relief we passed in 2001 and 2003 permanent. In other words, it would result in a huge tax increase if allowed to go into effect without actually having Congress vote on increasing taxes by the mere expiration of those taxes.

Then there are some who say we want to tax the rich and don't worry about it because we are only going to tax the rich. I ask how many times we have heard that before. The alternative minimum tax is the latest example. We know that from roughly 4 million taxpayers who will be hit by this so-called alternative minimum tax this year. According to the Wall Street Journal, that number in 2007 could soar to 23 million Americans, from 4 million to 23 million Americans. In other words, the tendency all too often of the Federal Government is once a tax is created to see that tax expand and grow and to gobble up more and more taxpayers' dollars.

Certainly, that is the case where we see new Government programs created to provide for a larger and larger Government which, of course, has to be paid for, and guess where that money comes from. It comes from the beleaguered American taxpayers.

In a counterintuitive mood, this second provision of $70 billion, actually rather than tax the rich, what my colleagues on the other side of the aisle who recently voted for this new State children's health insurance expansion of 140 percent over the current program, they have actually targeted a regressive tobacco tax to fund expansion of Washington-run health care.

The President has vetoed the so-called SCHIP bill not because any of us disagree about the core mission of the SCHIP program, which is to provide health coverage for low-income kids, but the fact is that program has been hijacked and used as a Trojan horse to take an additional step, a huge incremental step toward a Washington-run health care system, which I believe is bad for the American people.

Three things I can say about Washington-controlled health care: No. 1 is, free health care isn't free because it is going to have to be paid for by the American people. No. 2, we can say Washington-controlled health care will be inevitably bureaucratic and some bureaucrat will be deciding what kind of health care you get and what kind of health care you don't get. And No. 3, we can be assured the way the Federal Government will control cost, to the extent it can, in this new program will be as a result of rationing and deciding who gets access to care and who does not, and that means more care programs, as we see currently underway in Canada, where people have to wait months and years for the kind of diagnostic care and treatment they get in a matter of days in America.

The third item, $11.4 billion, my colleagues on the other side of the aisle have proposed a massive increase on energy producers in the United States. We recently had a so-called Energy bill on the floor. The only thing was it didn't produce 1 drop of additional energy. What we saw happen was a proposal that actually would have increased taxes on domestic energy producers which would have made us more dependent on imported energy, something we have all said is a bad idea. We know it is a bad idea for us to be as dependent as we are on imported energy. So why in the world would we want to raise taxes and increase the burden on domestic producers in a way that would make us more dependent on that imported energy?

We see there are additional proposals about which we have heard: $6.1 billion in additional taxes on oil produced in the Gulf of Mexico, additional taxes on investing and creating jobs in America by foreign businesses that want to invest in the United States, that we benefit from, that actually creates jobs here, but our friends on the other side of the aisle have proposed an increased tax on that as well. We can see the other proposals that have been made.

This is a disturbing chart, at least to me. When we look at the cost for the average American taxpayer and how many days a week they have to work to pay their Federal taxes, that will invariably go up. Right now, American taxpayers have to work 79 days out of the 365 days in the year to pay Uncle Sam, to pay their taxes. That is more than 1 out of every 5 days of the year, and that is more than the average that taxpayers will spend on food, housing, health care or any other category.

Of course, working parents face challenges every day when it comes to making sure their children get what they need and deserve in terms of health care and education. So why would Congress continue to increase and add to their burden by increasing taxes?

I ask: Is this how Washington should be working for the American taxpayer? To me the answer is clearly no. We should not force American citizens to work even more days each year for Uncle Sam. I am sad to say, disappointed to say that the tax-and-spend season is indeed upon us in Washington, DC.

Our country faces a number of challenges when it comes to the war on terror, making health care more accessible to more Americans, and making sure we remain competitive in a global economy. But it seems that every day that passes, some spend their time thinking about more ways to raise taxes and grow the size of Government. I wish we would reconsider and not do that.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Utah is recognized for 10 minutes.

IRAQ

Mr. BENNETT. Mr. President, last week a group of us, both Senators and Members of the House, Republicans and Democrats, had the opportunity to sit down with Frederick Kagan, who is a fellow at the American Enterprise Institute, and listen to his comments about where we are with respect to Iraq.

At the end of that very illuminating session, he gave us each a copy of a new report that he has authored called "No Middle Way, The Challenge of Exit Strategies from Iraq." The report is too long for me to ask consent that it be printed in the RECORD, but I recommend it to all my colleagues. It is one of the most thorough and thoughtful examinations of where we are in Iraq I have seen. I will be quoting from it, but I wish to make a few observations about the situation in Iraq before I do.

The Iraq debate seems to be mired down in arguments about past decisions and whether they were right. These kinds of arguments are useful, and they are particularly useful in the hands of historians who are reviewing an entire situation from a vantage point of years afterward, but they are not necessarily that valuable as we are addressing the question of what do we do now.

If I can play the historian for a moment and give examples of how we have entered into conflicts and seen the situation on the ground change and, therefore, strategies change, let me go back to the Revolutionary War. At the time of the Revolutionary War, the original strategies the Commander in Chief, George Washington, applied didn't work. Indeed, the Continental Army was defeated again and again and again by the British troops, and Washington was forced to acknowledge that his original strategic decisions were the wrong ones. This did not mean we lost the war because Washington adjusted to the conditions on the ground, adopted new strategies, and ended up winning the war.

In the Civil War, when Abraham Lincoln made the decision to provision Fort Sumter, he did not understand how long the war would last, how difficult it would be, how much life and treasure it would claim. He was forced to change again and again in reaction to the results that came from the battlefield.

In Iraq, we made some decisions based on intelligence at the time which have proved to be wrong. Spending our time in this Chamber arguing over those decisions instead of recognizing how conditions have changed on the ground becomes a self-defeating exercise.

As I look at the decisions that were made prior to the decision to go into Iraq, the one that strikes me as being the most significant was our failure to understand the degree to which Saddam Hussein had destroyed that country, not just physically, not just in terms of its infrastructure but psychologically.

We believed there were Iraqis who could step forward and lead a resurgence of that country if we simply freed them from the heavy hand of Saddam Hussein. That was a false belief. We found Iraqis so shattered by 37 years of one of the most brutal dictatorships we have ever seen that the leadership vacuum was huge. For us now to spend our time saying, well, we made the mistake, therefore we have to cure the mistake by getting out, is to ignore the conditions on the ground that have evolved as a result of getting into the war in the first place.

Mr. Kagan makes the point that there is no middle way. We are trying to find a middle way in these Chambers. There are those who say the only way is to withdraw immediately, and there are others who say, no, the only way is to stay the course. That phrase has been hackneyed; it doesn't work anymore. So it is natural for many of us to say: Let's find some middle way. Let's stay in there somewhat, but let's eliminate a good portion of the American footprint in Iraq and see if that doesn't help us get out without absolute withdrawal.

Mr. Kagan makes the point that the conditions on the ground rule out such a middle way. I find his arguments persuasive, and I would like to share some of them with my colleagues today.

He looks not at the question of did Saddam Hussein have anything to do with 9/11, a question we hear debated a great deal. He says: Is al-Qaida engaged now in Iraq? The answer is overwhelmingly yes. Whether al-Qaida and Saddam Hussein had any ties prior to our invasion in Iraq is now irrelevant. Al-Qaida is in Iraq. Al-Qaida is a major player in Iraq.

There are those who say Iran is the major threat, and we should be looking at Iran. He points out that Iran is very much involved in Iraq at the present time. These are the conditions on the ground. We are not debating 9/11. We are not debating the U.N. resolutions. We are debating conditions on the ground that very much involve both al-Qaida and Iran. So those are the conditions to which we need to pay attention.

If I may quote from Mr. Kagan's report, he says:

> A precipitous American withdrawal from Iraq will likely be portrayed in the region as a defeat for the United States and as a victory for Iran. Arab states are already concerned about the growth in Iranian power and pretensions in the region, but few have the capability to do more than complain. The Saudis and the Gulf states are no match for Iran militarily and would almost certainly seek an accommodation with Tehran rather than allowing themselves to be drawn into a major confrontation.

That is a very interesting thing to contemplate as you look ahead—Iran expanding its power in the region, making some kind of accommodation with the Saudis and the other Gulf States in order to consolidate its power. Is that something America wants to look forward to?

He goes on:

> A possible side effect of the U.S. withdrawal is the establishment of Iranian hegemony in the Middle East. Tehran certainly seeks a predominant position in southern Iraq, including Baghdad, and it would be in a position to put great pressure on Saudi Arabia and the Gulf States in the absence of a large American presence in the region following a visible U.S. defeat. That pressure might include efforts to deny the U.S. the use of bases or to support Iranian initiatives in the region and in the nuclear realm. The perception of an American defeat at the hands of Iran is likely to fuel seismic shifts in the politics of the Middle East, none of them to our advantage.

We are having a great debate about what to do about Iran. We are showing great concern about the possibility of Iran getting a nuclear weapon. The new President of France, Mr. Sarkozy, has talked about the unacceptability of Iran having a nuclear weapon, even to the point of suggesting that military options should be on the table. Military options with respect to an Iranian nuclear weapon, if it comes to that, will undoubtedly involve more American troops and more American treasure than are currently at stake in Iraq.

In the conclusion section of Mr. Kagan's report, he says:

> It is simply not possible to design a militarily feasible plan to draw down U.S. forces dramatically and on a rapid timeline that still permits the accomplishment of America's vital interests in Iraq and the region. The CNAS report—

The report he discusses in the group that tries to find a middle way—

> has raised the extremely important question of devising a sound plan for transitioning to an advisory role, and this question deserves a great deal of careful study in the months ahead. But now is the time to start thinking about that transition, not to start implementing it prematurely.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. Kagan concludes:

> Any plan that requires a withdrawal based on a timeline, rather than conditions on the ground, is likely to lead to failure. The notion that imposing timelines would somehow force the Iraqi government to "do the right thing" and thereby resolve the problems in the country is always presented without any evidence. It is the logical argument without substantiation that appears to be contradicted by past precedent and by facts on the ground. It is a mirage that some people cling to as a way of convincing themselves and others that an action likely to lead to complete failure in Iraq will instead lead to at least partial success. As the president and Congress deliberate on the best way ahead for the United States and Iraq, therefore, the choices are quite stark. Either the United States can continue its efforts to establish security while improving the capabilities of the ISF or it can abandon those efforts, withdraw, and allow Iraq to sink into chaos where terrorists can flourish.

I urge all Members of the Senate to pay attention to the wisdom of Mr. Kagan's report.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wished to, first of all, echo the comments of my colleague from Utah. Fred Kagan is an expert, and what he had to say in that report and in his subsequent summaries of it is something all our colleagues should be familiar with because he makes the very clear point that, as this mission is working, right now is not the time to change the mission and go back to what it was prior to General Petraeus's arrival on the scene.

Yet we still have Members of this body and the other body trying to undercut the Petraeus plan in one way or another. The most recent effort to do this is one which is especially distressing. Let me give a little bit of background.

First, I wish to note that our Democratic colleagues have not taken very long to reestablish their reputation—well deserved—as the tax-and-spend party, as my colleague from Texas pointed out earlier. Now that the Democratic Party is in control of the Congress, the agenda is very clear. But yesterday, the chairman of the House Appropriations Committee went a step too far because he proposed a new tax on every American. This one, ostensibly, to fund the war.

Now, there are a lot of different excuses for raising taxes, as my colleague from Texas pointed out a while ago, but I don't think we need a new tax. If we did, our Democratic colleagues would not be proposing $23 billion in more spending than the President proposed in his budget. In other words, if a lack of revenue is the problem, then let us not keep spending more than has been proposed in the budget. The tax-and-spend priorities of the Democratic majority are very clear.

No, the real reason for Chairman OBEY's plan to raise more taxes is to change our strategy in Iraq, and that is very clear from his own comments. Along with the tax he proposed, in fact, he announced he would not allow his committee to move forward with the bill the President has requested to fund the troops in Iraq.

This is not the Defense authorization or Defense appropriations bill, which funds the Pentagon and all the military activities over the course of next year. No, this is the money for the troops who are fighting right now in Iraq. As I said, the chairman made it very clear that was precisely what he intended. In fact, quoting from a Wall Street Journal article today, he said:

> Choosing not to move legislation is our strongest card at this point.

Well, this is not a card game, and you shouldn't be playing with the lives of our troops by cutting off their funding while they are out in the field. If you wish to make a policy point that we should change our strategy in Iraq, change our mission, there are ways to do it without cutting off the funds while the troops are out there trying to perform the mission we have sent them to perform.

I thought the comment of my colleague from New Mexico, Senator DOMENICI, as reported in the Washington Times in a story this morning, was charitable and interesting.

> Senator PETE V. DOMENICI, New Mexico Republican, said Mr. OBEY's threat to block war funds was pretty gutsy. But I don't see how it would work. In the end, you have to feed the soldiers.

That is the point. You can cut back Pentagon funding, you can try to pass resolutions that call for a change in strategy, but at the end of the day, you have to feed the soldiers. You can't refuse to send the money to Iraq while the troops are there or you are literally pulling out the rug from under the troops.

My colleague, Senator GRAHAM from South Carolina, put it this way:

> The plan to starve the troops of funds would be cheered by America's enemies. This would be a blessing to al-Qaida, which is getting its brains beat out in Iraq.

I remember when Bob Dole ran for the Presidency, and he was trying to make some pretty important points and people didn't appear to be listening to him. At 1 point, he said: Where is the outrage? And that is the question I ask here. Where is the outrage of pulling the rug out from under our troops while they are in theater trying to do what we have sent them there to do?

This is not just bad policy, it represents a failure to support the troops. Everybody around here says: Well, we all support the troops, we disagree with the policy of being in Iraq. Now we have come to the point where we are going to try to change that policy by not supporting the troops? I don't think this is good policy. I don't think it is fair to the troops whom we have sent into harm's way, and it is consistent, as I said before, with this whole tax-and-spend ideology.

Try to change policy by withdrawing support for the troops but raise taxes on the American taxpayer? It makes no sense at all, unless you put it in the context with where the Democratic leadership has been going now for some time with respect to the Iraq war. Let me go back a little and quote from an article yesterday in the Associated Press.

> Hoping the political landscape changes in coming months, Democratic leaders say they will renew their fight when Congress considers the money Bush wants in war funding.

Well, it didn't take long for that to come true. The Associated Press noted:

> The difficulty facing Democrats in the Iraq debate: They lack the votes to pass legislation ordering troops home and are divided on whether to cut money for combat.

I might say the Speaker of the House has already announced her opposition to this new tax plan. Democrats are indeed divided. But for those who are in authority to refuse to move the legislation forward, and who talk about it in terms of it is the best card I have to play, have the ability to stop the funding at the very time that the troops need the money in the field.

Progress in Iraq, obviously, has been widely reported. An editorial today in Investors Business Daily says:

> The new strategy being implemented by General Petraeus seems to have worked extraordinarily well. Al-Qaida has been backpedaling furiously.

So right at the time the strategy is working, we are going to pull the money out? It makes no sense.

The Washington Post reports today:

> The numbers of U.S. soldiers and Iraqi civilians reported killed across the country last month fell to their lowest levels in more than a year, a sharp decrease in violent deaths that American military officials attribute in part to the thousands of additional soldiers who have arrived here this year.

And the New York Times today notes:

> The number of violent civilian deaths in Iraq dropped precipitously in September compared with the previous month.

So at a time when the strategy of General Petraeus is working, our friends on the other side of the aisle are deciding to pull the funding so we can no longer continue the operation. That makes no sense at all. But it does fit in with this larger strategy, as I said, to find any way they can to change the course in the war.

Let me conclude with this point. It is now October 3, past the beginning of the fiscal year on October 1, and yet the Democratic majority has not passed 1 single appropriations bill to the President for his signature to fund the government next year. It appears to me there is a reason for this.

The Associated Press noted the following in an article on September 30:

> The most basic job of Congress is to pass the bills that pay the costs of running the government. After criticizing the Republicans for falling down on the job last year, Democrats are now the ones stumbling.

And Roll Call had an editorial 3 days before, and I quote from part of it:

> Senate Democrats complain that Republican obstructionism and President Bush's veto threats against nine House-passed bills caused this year's delay. But the arguments don't hold water.
>
> Instead, it appears likely that the Democrats' failure to pass these spending bills is part of the plan designed to create a giant Omnibus appropriations bill which will tie very directly into their tax-and-spend policies.

According to an editorial today in Congressional Quarterly:

> Democrats may be planning to use a widely supported veterans' bill as the vehicle for their additional spending. Frustrated veterans' groups are trying to pressure Congress to quickly pass a veterans' and military construction bill and not use it as a vehicle for an omnibus measure.

Now, this wouldn't be the first time this kind of game has been played, but especially if it is on the Veterans and Military Construction bill, or if it is the Defense authorization bill that was held up for so long, and now the measure to try to fund the troops in Iraq, there is a very disturbing pattern here. Playing games with money for veterans and the military in order to get more taxes and spending? That is wrong. It is wrong. The American people need to know that at the very time when General Petraeus's strategy is showing very positive results in Iraq, it is the Democratic plan, at least in the House of Representatives, to hold up that funding, not because there is a lack of money, not because we need a tax increase to fund it but in order to try to change the course of the President's strategy.

That is playing games with the money the troops need in the field. Again, as Senator DOMENICI said, it is a pretty gutsy move, but in the end, it would not work because you have to feed the soldiers.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Nine minutes.

Mr. DURBIN. Nine minutes.

Mr. President, I yield whatever time the Senator from Massachusetts would like.

The PRESIDING OFFICER. The Senator from Massachusetts.

CHIP VETO

Mr. KENNEDY. Mr. President, a few minutes ago the President of the United States vetoed the children's health insurance legislation that has reflected the bipartisan support of the Members of the House of Representatives and the Senate and which has the support of children, families, and Americans all over.

How could the President of the United States possibly veto this legislation? How could the President be so misinformed about the needs of these children? I think this is probably the most inexplicable veto in the history of the country. It is incomprehensible, it is intolerable, and it is unacceptable.

Democrats pleaded with Members of the Republican Party to give us their help and their support so we could pass this legislation. Now we have that opportunity. The ball is in our court. We can do something about it. This is a defining issue, not only about children but also about the values of this country. So I hope Democrats and Republicans alike will come together and say children ought to come first in the United States.

This is a value issue, it is a family issue, and it is something that demands action, and I hope we will override this veto.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. DURBIN. Mr. President, I ask to be yielded 3 minutes and to give the remaining time to the Senator from Washington after I have completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is a strange thing when the President of the United States uses his veto pen. He does it so rarely. He has only used it on two issues. Once, when we tried to change the policy on the war in Iraq and tried to bring our troops home in a responsible manner, the President vetoed it. The second was on stem cell research. When we tried to open up this opportunity for medical research to save lives and spare suffering for American families, the President vetoed it—not once but twice. Today, the President used his veto pen for the fourth time. Unlike other vetoes, there were no television cameras, no reporters, no announcements made. Quietly, in his office, the President signed the veto of the children's health insurance measure.

This children's health insurance measure is a program that has been in business for 10 years. It is a successful program, and it has strong bipartisan support in Congress. We started this program because 15 million kids in America did not have health insurance. They were not the poorest kids. The poorest kids have coverage under Medicaid. They were not the fortunate children, those who were lucky enough to have health insurance through their parents. They were the ones caught in the middle, the kids of working parents who make such a low wage and have so few benefits they cannot provide health insurance for their kids.

So when President Bush vetoed this bill, why did he veto it? In a short, one-sentence statement he said: It was a middle-class entitlement.

I would say to the President: Isn't it about time someone stood up for the middle class in this country? To argue that a couple making $60,000 a year, without health insurance where they go to work, can spend $800 or $900 a month on health insurance and not feel that pain in their budget tells me the President or his advisers are out of touch with America.

When I go home to Illinois, and our colleagues go home to their States, the first thing you hear about is health insurance. You know what it is—people say: We don't have it where we work, and we cannot afford to buy it. We have health insurance, but it doesn't cover enough. Those are the realities of family life in America, and the President's veto today tells me he is out of touch with the real issues challenging middle-class working families in America.

Fortunately, we have put together a bipartisan bill. With the leadership of Senator CHUCK GRASSLEY of Iowa and ORRIN HATCH of Utah on the Republican side, MAX BAUCUS on the Democrat side, and Senator KENNEDY of Massachusetts, we have a compromise bipartisan bill. It is paid for. It does not add to the deficit. A tobacco tax on cigarettes and other tobacco products will pay for health insurance, so we will move from 6.6 million kids covered to 10 million kids, over 5 years, moving toward the goal of all children in America having health insurance.

The President's veto today tells me he doesn't share our goal that every American, every family, should have health insurance that they can count on and afford. It tells me the President is not in touch with the real life of middle-class working families struggling to make ends meet, struggling to pay for college, struggling to make sure their kids have health insurance.

This is an opportunity for Congress to come together, the House and the Senate on a bipartisan basis, to say to the President: Pay close attention to America. America needs a helping hand, and working-class, middle-class families need an opportunity for health insurance that they can afford for their children.

I urge my colleagues on both sides, let's continue this effort on behalf of these families to provide affordable health insurance for kids across our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time remains?

The PRESIDING OFFICER. There remains 3½ minutes.

Ms. CANTWELL. Mr. President, the President is turning a deaf ear to the crying needs of millions of American children by vetoing the Children's Health Insurance Program. The President claims this is an inefficient use of Federal dollars, but nothing could be further from the truth. When a family goes without health insurance, it means going without regular checkups, children missing more school than other children, and children waiting until the emergency room is the only answer.

It means we don't catch ailments like ear infections and cavities and diabetes and asthma. It means treatable conditions are more likely to spiral out of control. And it means American taxpayers are spending billions of dollars for uncompensated care instead of spending money up front to provide continuity of care.

It is not more efficient to veto this bill. With better coverage, we can treat things like fevers and injuries and infections before they turn into something far worse. We can catch chronic illnesses earlier and help children manage their conditions. We can save American taxpayers' dollars.

But the President is turning a deaf ear to over 3.8 million Americans who simply cannot afford health insurance. How could they? Mr. President, are your budget analysts just numb to the fact that Americans are seeing higher and higher costs of health insurance? Are you choosing to ignore the fact that health insurance premiums grew by 78 percent since 2001, while wages only grew 19 percent? Are you choosing to ignore that nearly half of the increase of uninsured children in America in the last several years occurred among those between 200 percent and 400 percent of the poverty line? That means more Americans are falling into the category of not being able to cover health insurance.

Are you ignoring the fact that record numbers of businesses are dropping health insurance for their employees? That means a family with $41,000 trying to find health insurance could end up having to pay 30 percent of their annual income. What American family can afford to pay 30 percent of their income to find health insurance? American families are being squeezed out of health insurance, and the President of the United States is turning a deaf ear to the crying health care needs of our children. All we are doing is paying the bill later.

The President should not be so heartless when it comes to the children of America. I know my colleagues are working shoulder to shoulder, Democrats and Republicans, trying to stop the President's veto. I hope my colleagues in the House of Representatives will have the courage to stand up to the President. But be assured that Republicans and Democrats in the Senate will continue this measure in whatever ways we can on behalf of America's children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3222, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Graham amendment No. 3117, to improve the security of United States borders.

Gregg amendment No. 3119 (to amendment No. 3117), to change the effective date.

Sanders amendment No. 3130, to increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by $10,000,000.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that Senator ALLARD be recognized to call up his amendment and to speak briefly on it, and then to set aside that amendment, to consider the Graham amendment, debate that, and to have that disposed of by a vote.

Following that, an amendment by Senator FEINGOLD will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3146

Mr. ALLARD. Mr. President, I call up amendment No. 3146 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 3146.

Mr. ALLARD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, up to $5,000,000 for the Missile Defense Space Experimentation Center)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE, up to $5,000,000 may be available for the Missile Defense Space Experimentation Center (MDSEC) (PE #0603895C).

Mr. ALLARD. Mr. President, my amendment designates $5 million, the amount requested by the Pentagon, for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration Operations Center, on Schriever Air Force Base in Colorado Springs, CO.

This amendment is sponsored by myself and Senator SALAZAR. This concludes my comments to this particular point. I thank the chair and the ranking member for allowing me to make this amendment pending before the Senate.

Yesterday I explained in full the details of this amendment.

Mr. INOUYE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. There will be 30 minutes equally divided with respect to the Graham amendment at this time.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I understand that we can now begin the 30 minutes of debate running up to the vote on the Graham-Kyl amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3117

Mr. KYL. Let me start by offering a few comments about why this amendment is important. But, first, to put it into context, we have made a lot of progress. We have come a long way toward securing the border and stopping the problem of illegal entry into our country. But we have a long way to go.

This amendment is designed to continue the progress that we have been making with funding that is necessary for that. Just to put a little context here, for example, in 1994 we had 4,000 Border Patrol agents for the entire border. We now have over 15,000. But we still know there are way too many incursions into the United States and more Border Patrol will help to end that.

We gave the Department of Homeland Security an extra $1.2 billion to pay for those Border Patrol agents, as well as fencing and vehicle barriers, detention space, and the like.

Secretary Chertoff just visited my State of Arizona last week. And he reports in addition to the Border Patrol hiring that I mentioned and the addition of some detention space they are on track to complete 70 miles of fencing by the end of this year. With the additional money this amendment will provide for next year, they will be able to complete at least 371 miles of fencing along the entire Mexican border.

This is not just a fence. Some people say: Well, if you build a 10-foot-high fence, they will come in with an 11-foot ladder. That is a cute refrain, but the reality is, this fencing I have seen built down on the Barry Goldwater Gunnery Range just east of Yuma is double fencing. They have to have a very heavy pile driver to drive these steel beams into the ground and attach steel flanges to the side. You cannot get through there. Now lizards and critters can get through, so from an environmental standpoint, it is actually a good thing, but people cannot get through. And, importantly, that, combined with vehicle barriers, which are also large railroad tie-type structures put into the ground to prevent vehicles from coming across, is particularly important because it is the vehicles that bring the drugs. Of course, they can bring larger numbers of immigrants. But the reality is, where you have vehicles, most likely you have weapons and you have drugs. And, of course, where that is involved, you are putting in danger the lives of our Border Patrol and other Federal officers and making it more likely that the value of the contraband coming across is going to be significant, thus driving these smugglers into more desperate measures to protect it.

Violence across the entire southern border has increased significantly. With the double fencing, there is a road in between. And the point of fencing is to slow down those who might find a way to get over the fence. The reality is, with additional vehicles, with additional Border Patrol, and this kind of fencing, what you can create is a situation where, by the time someone may have gotten over the first fence, the sensors and the cameras will have alerted Border Patrol, and they are stationed at close enough intervals that on the road in between, Border Patrol can get to the site and pick up the illegal entrants. So that is why this kind of fencing is so important.

As I said, with the money that is provided in this amendment that is before us right now, we will be able to complete at least 370 miles of fencing along the southern border by the end of next year.

We need additional detention space. In Del Rio, TX, in Yuma, AZ, there are programs already that apprehend illegal immigrants. When they have been apprehended more than once, they are put into detention immediately. Now, about 85 percent of the illegal immigrants just want to come here to work. The other 15 percent are criminals, and some are very serious criminals. You need to detain them.

But it is also helpful to detain those who have come across repeatedly to find work. Why? They cannot afford 60 days in jail where they are not providing for their families. And it is a great incentive for them to decide not to cross the border anymore because if they are going to get put in jail, then they are not going to be able to provide the money to their families that they came across here in the first instance to provide.

So those programs have reduced the immigration in those areas dramatically. But we need more detention spaces for this particular kind of detention. Again, this $3 billion will help to provide that. It can help to provide more prosecutors and public defenders and judges because once you have detention, of course, you also may have criminal trials and you may need to have the entire chain of the criminal justice system funded.

In addition, this funding that we will be providing in this amendment will help to improve the verification system that employers are required to use, the so-called E-Verify system, to make sure it is operating accurately at full capacity.

This is particularly important in my State because, frustrated by the lack of action by the Federal Government to have a good system, our State passed a law that will provide serious sanctions on employers who hire illegal immigrants. But they have to rely on the Federal system to make that determination. It is not, right now, in the best of shape. It needs to be improved. The capacity is there, but the ability to determine valid identity is not. So money in this bill will help to get the Federal system into a position that States could rely on in order to enforce their own State laws against hiring illegal immigrants.

So there is much more that this $3 billion provides. But I wanted to thank my colleague, Senator GRAHAM, for his work in making sure, whether it is on the Department of Homeland Security bill or this bill, we make sure, one way or the other, that we will have the funding to continue to work to secure the border and to make sure that we can stop the illegal immigration into this country that has created so many problems for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise in support of the Graham amendment. I am proud to be a cosponsor of the amendment. I want to echo what the distinguished Senator from Arizona just said about the border in his State.

I want to talk about the importance of this from two perspectives. One is the reality of what is now beginning to work along our border because of the construction of walls. In the Yuma sector, at San Luis in Arizona, where I went earlier this year, watching the construction of the wall and watching the change of practice that is now taking place, you know, people rise and fall to expectations. If there is no expectation of consequence, then people are going to come across the border easily. Quite frankly, in Yuma and San Luis that is exactly what was going on a year ago.

But the interventions by the Border Patrol since the wall, the construction of the fence that has taken place, have dropped dramatically. Those interventions mean there are less people coming across illegally and more of those people coming across legally.

The wall is a deterrent but, most importantly, it funnels those who do want to cross our border in a legal and manageable way. I always point out San Diego, CA as the perfect example. We have an example right now of a wall and access to the United States that works and has worked for decades. There is a 16-lane highway in San Diego that comes into the United States and goes out. Through that passage, people and commerce pass every day. There is a bridge above the passage on the American border, and there are agents in each row of the cars as they come through. There are detectors for radiation, for illegal drugs, there are dogs, and arrests are made every day. The reason those cars flow and the reason it is respected is because on both sides of San Diego, there are two parallel walls with cameras, border security agents, and the only way to come into the United States is the lawful way. So if you picture for a second the high-density population areas of the southwestern United States with borders with Mexico, such as Yuma and San Luis, you can have the same type of thing there that happens in San Diego—a free passage that is legal, defensible, safe, and secure. Border Patrol agents can actually concentrate on the area of passage rather than trying to be every place at once on a border that is wide open and has no deterrent.

We have serious problems in enforcement. Our States are reacting to problems of illegal immigration. Our businesses are reacting to the problems of illegal immigration. Yet we have given them no relief. We can't validate our documents for businesses that hire people or tell them whether they are legal. We are within 18 months of finally digitizing all vital records of all States which will give us a way to end Social Security fraud. But we need to step on the accelerator. We need to see to it that respect for the laws of the United States is replete. We need to see to it that we have done the things as the Federal Government to allow our State governments to function and manage this country and manage employment and manage our aliens who come here legally.

I commend Senator GRAHAM on his continuing hard work on the issue of border enforcement and enforcement of immigration laws. I urge each Member of the Senate to adopt the Graham amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank both of my colleagues for speaking on the amendment. Senator KYL knows as much about this issue as anyone I have ever met. Senator ISAKSON has made it a point to educate himself. He has been to the border several times and was instrumental in trying to find a comprehensive approach, which fell last time, to ensure that the border would be secure before anything else happened. We are building off his work, basically. The $3 billion we have available in this amendment is designated as an emergency, an oft-used term around here when it comes to spending money. But I can assure everyone that securing our border is a national emergency, because it is a national security problem not to be able to control who comes into your country. The $3 billion appropriations in this amendment will allow us to complete projects already designated and to build out border security in a way never known before.

I hope it is a confidence builder. The goal of the amendment is prove to the public that Congress is very serious about securing the border, and we are putting money on the table that has never been there before. We are sort of prepaying the cost of border security as a statement by the Congress to the American people that we are very serious about securing our border. This is one piece of the puzzle. Fencing is part of it, additional border security, Border Patrol agents, more bed space to keep people who have been caught coming across the border illegally. It will create a deterrent. It all works together. The verifying of employment, the magnet that draws people to our country is employment, jobs. We are trying to find a way to verify who is here legally so our employers will be able to tell, if someone is applying for a job, their legal status. Right now that is difficult to do. This $3 billion is an emergency appropriations, properly designated, that will fundamentally change border security for the better. It will put money on the table that is needed, help build a fence that is needed, hire more Border Patrol guards who are needed, create more bed spaces to house people who have broken the laws—all is needed as part of the puzzle. This by itself will not solve the immigration problem, but it is a start. For people who want border security first, this is a recognition that we have listened to you. We understand what you are saying. We are putting money aside to make sure we secure the border.

Mr. TESTER. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. I certainly will. I want to get to the point on both borders, but I will yield to my friend Senator TESTER.

Mr. TESTER. Could the Senator clarify how these dollars will be used? Can they be used on the northern border as far as personnel and technological equipment?

Mr. GRAHAM. I thank the Senator for his question. That is correct. They can be. It is our intent that the money in this amendment is not specifically for the southern border but should be used to improve staffing and technology deployment on the entire border, including the Canadian border. It can be used for those purposes. I know the Senator has been very insistent that these funds be allocated to all of our border security needs, including our northern border, and they will be. I appreciate his efforts to make that a reality.

Mr. TESTER. I thank the Senator.

I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. In conclusion, this has drawn bipartisan support in the past, 89 to 1. I expect it will do the same now. There is a lot of division in the Nation over the war and many other issues, but we have come together along the lines that for America to be secure, we have to control who comes into our country. This amendment will provide funds that are missing today to allow us to secure both borders and deal with our employment problems. It is a good first step, but it is only a first step. I appreciate all my colleagues rallying around the idea.

One last comment to the chairman. I don't know if people have been watching a PBS show called "The War." It is a documentary by Ken Burns. I have been riveted every night watching the story of World War II told through the eyes of those who lived it from four communities across the country—I believe Sacramento, CA, a small town in Minnesota, Mobile, AL, and Waterbury, CT. The documentary has been trying to explain to my generation and others what it was like to live and fight during World War II. One of the people showcased in that documentary was Senator INOUYE. I wanted to say for the record that I have never been more proud to call him my friend, and I would hope every American, particularly young Americans, will get a chance to see this documentary about World War II and what that generation went through to secure our freedom. There is much to be learned from his sacrifice. I end this debate about the challenges of my time, of our time regarding border security, to let America know that there was a time in the past where this country rallied together, pushed the ball up the hill, and secured victory against some very vicious enemies. I hope we can recapture that spirit. This amendment is offered in the spirit of trying to bring the country together to secure our Nation from a broken immigration system.

But to Senator INOUYE, he has my undying respect and gratitude for his service to our Nation. And for all those who fought in that war and served here at home and made the outcome possible, well done.

Mr. VOINOVICH. Mr. President, as a senior member of the Homeland Security and Governmental Affairs Committee, I rise today to speak in opposition to the Graham amendment to provide an additional $3 billion in emergency spending for the Department of Homeland Security.

I want to make clear that I agree with my colleagues that we must secure our borders and provide the resources to do it. Let me remind my colleagues that the Department's overall budget has grown more than 150 percent since its creation. Of that total, border security and immigration enforcement represents approximately one-third of the Department's annual spending.

In 2007, Congress provided $12.1 billion in funding for border security. For 2008, the President budget requested $13.5 billion for border security, a 12-percent increase over the amount appropriated for fiscal year 2007. The $13.5 billion that Secretary Chertoff requested from Congress was what he felt was needed to continue the Department's efforts to secure our borders. The Senate Homeland Security Appropriations Committee provided a total of $14.9 billion for border security in its mark of the fiscal year 2008 Homeland Security appropriations bill, a 23-percent increase over the amount appropriated for fiscal year 2007 and a 10-percent increase over the President's budget request for fiscal year 2008.

Earlier this year, the Senate voted in favor of a similar amendment to the fiscal year 2008 Homeland Security appropriations bill. The Senate provided a total of $17.9 billion in funding for border security and immigration enforcement, a 48-percent increase over the amount appropriated for fiscal year 2007. Because Congress failed to complete action on any of the appropriations bills, this funding remains in limbo.

The Federal Government continues to spend more than it brings in and this amendment continues that practice. If we decide we absolutely need to spend $3 billion on something—and I support adequately funding border security—then we need to either raise more revenue or cut other spending to pay for it.

Thus, I urge my colleagues to oppose the Graham amendment.

● Mr. MCCAIN. Mr. President, I am pleased to join Senator GRAHAM, along with Senators GREGG, MCCONNELL, VITTER, CORKER, KYL, DOMENICI, CHAMBLISS, CORNYN, SUNUNU, SPECTER, ISAKSON and TESTER, in sponsoring this important amendment. This amendment would set aside $3 billion in emergency funding to help better secure our nation's borders.

We are facing a crisis on our southern border. Every day, hundreds of people sneak across our borders, many through the State of Arizona. While the majority of these individuals are coming here to look for work, some of these illegal border crossers are criminals and people intending to do our Nation harm. The current situation is a national security crisis and we must take action to address it.

The amendment Senator GRAHAM has offered would designate $3 billion in emergency funding to establish operational control of our international land borders. These funds would be used to hire more full-time border patrol agents as well as install double layer permanent fencing and vehicle barriers. The amendment also calls for the instillation of unmanned aerial vehicles, ground-based sensors, and cameras. In order to deter further illegal immigration, the amendment directs funds to be used to continue the Department of Homeland Security's, DHS, efforts to end "catch-and release" programs. If an immigrant knows he will face mandatory incarceration if caught crossing the border, that immigrant may not choose to take that risk. Also, through this amendment, funds would be made available to reimburse state and localities for costs related to cooperative agreements they have entered into with DHS that allows them to assist in the efforts to identify and deport illegal immigrants. The funds made available by this amendment would provide on-the-ground, real time assets that will help DHS to secure our Nation's borders in a 21st century way.

The final piece of the Graham amendment would address the need to improve the employment eligibility verification system by directing $60 million to be set aside to enhance the ability of employers to verify employment eligibility. Without an effective, accurate, and accessible employment verification system undocumented immigrants will continue to be hired because they will never truly have to prove that they are legally allowed to work. We need to do away with the archaic paper-based system and utilize technology in a way that allows employers to instantaneously know if the person standing before them is who they say they are and whether or not that person can be hired legally. We must improve this system to help the government to prosecute unscrupulous employers and ensure that they are hiring and employing legal workers.

The measures outlined and funded in the Graham amendment are critical to our border security efforts and I urge my colleagues to support its adoption.●

I yield the floor.

The PRESIDING OFFICER. Time has expired.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank Mr. GRAHAM for his generous remarks.

In the spirit of expediting the process before us, I yield back the remainder of my time.

AMENDMENT NO. 3119, WITHDRAWN

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, amendment No. 3119 is withdrawn.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am extremely pleased the Senate is about to adopt Senator GRAHAM's border security amendment to this bill, and I am proud to be a cosponsor.

We got the message earlier this year: Americans want a strong and secure border. Now we will be sending them a $3 billion down payment on it.

The border is our first line of defense. The Graham amendment is intended to make sure we don't lose sight of that, and our adoption of it proves we haven't.

Thanks to this amendment, we'll soon have thousands more agents patrolling the border; 300 miles of vehicle barriers; and 105 ground-based radar cameras.

We will finish hundreds of miles of fencing we already promised to build, and we will have the funds to remove and detain potentially dangerous illegal immigrants for overstaying their visas and illegally reentering the country.

To Republicans, it is simple: There is no defense without a strong border first. I think most Americans agree.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to Graham amendment No. 3117.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NAYS—1

Voinovich

NOT VOTING—4

McCain
Obama
Specter
Warner

The amendment (No. 3117) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized to offer an amendment.

Mr. FEINGOLD. Mr. President, without objection, I yield briefly to the Senator from Delaware.

Mr. BIDEN. Mr. President, I say to the managers, I am going to ask to introduce an amendment. I am not going to ask for it to be considered now. I only want to lay it down.

I ask unanimous consent that the pending amendment be set aside to call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, if I could say to the distinguished chairman of the Foreign Relations Committee, we are trying to work toward the end of this bill. I am wondering, do you want votes on these two amendments?

Mr. BIDEN. One I think will be worked out and the other one I wish to talk with the Chair about whether I would ask for a vote. I may ask for a vote.

Mr. REID. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, can we do it in the regular order?

Mr. BIDEN. My friend is accommodating my schedule. I am going to allow us to move on rather than come back after he speaks. That is all. It is an accommodation of my schedule; nothing beyond that.

Mr. STEVENS. The amendment will be pending, right?

Mr. BIDEN. I assume unanimous consent will be asked to move off that amendment and back on to the business of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might ask what the Feingold amendment is and how long he expects to take, and whether he expects to vote on that amendment.

Mr. FEINGOLD. Mr. President, the amendment is very similar to the previous Feingold amendment relating to the Iraq war and using the power of the purse to terminate our involvement there. I believe there will be a unanimous consent request made to have an hour on each side for the debate.

Mr. BAUCUS. Mr. President, further reserving, I wonder—and this is a bit of an imposition—if I could ask unanimous consent to speak on the SCHIP override vote 5 minutes preceding the Senator offering his amendment.

Mr. FEINGOLD. Mr. President, I have no objection to deferring our consideration of the amendment so the Senator from Montana can speak for 5 minutes.

Mr. BAUCUS. I deeply appreciate it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. STEVENS. I did not hear the request.

The PRESIDING OFFICER. The Senator from Montana wishes 5 minutes to speak.

Mr. BAUCUS. Five minutes on the Children's Health Insurance Program override—5 minutes—and then go back to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank my colleagues.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

AMENDMENTS NOS. 3167 AND 3142

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3167, for himself and Mr. NELSON of Florida, and an amendment numbered 3142.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3167

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, $4,000,000 for MARK V replacement research)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

AMENDMENT NO. 3142

(Purpose: To provide an additional $23,600,000,000 for Other Procurement, Army, for the procurement of Mine Resistant Ambush Protected vehicles and to designate the amount an emergency requirement)

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by $23,600,000,000, with the amount of the increase to be available for the procurement of Mine Resistant Ambush Protected (MRAP) vehicles: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. BIDEN. Mr. President, I ask unanimous consent to add Senators GRAHAM, CASEY, and SANDERS as cosponsors of amendment No. 3142.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I thank my colleagues for their courtesy.

Mr. President amendment No. 3142 is very simple. It provides the $23.6 billion in funding needed to replace every Army up-armored HMMWV in Iraq with a mine resistant ambush protected, or MRAP, vehicle.

It is exactly the same thing we did on the authorization bill that was passed Monday night.

Our commanders in the field tell us that MRAPs will reduce casualties by 67 to 80 percent.

The lead commander on the ground in Iraq, LTG Ray Odierno told us months ago that he wanted to replace each of the Army's approximately 18,000 up-armored HMMWVs in Iraq with an MRAP.

Instead of adjusting the requirement immediately, the Pentagon has taken its time to study this issue. They originally agreed that the Army should get 380 MRAPs. That was in December 2006.

Then, in March of this year, they agreed to 2,500.

In August, they added a few more and agreed to 2,726 for the Army.

This month, they have agreed that the general needs a little over half of what he asked for—10,000. Slowly they are getting there.

We have seen this movie before with the body armor and with the up-armored HMMWVs. Until Congress insisted that the better protection be fielded to all those in Iraq, it was not.

So, today, we are insisting that the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

To be honest, I cannot understand why it is taking so long to agree to replace them all. It makes no sense. We know how effective these vehicles can be.

Just last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested at Aberdeen with 300 pounds of explosives below them and they survived.

Are we only supposed to care about the tactical advice of our commanders in the field when it is cheap?

I don't think that is what the American people or our military men and women expect from us.

I know some will say that it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not?

This is basically a modified truck. With real leadership and a national level commitment, America can certainly make this happen. I believe in the "can-do" spirit and deep patriotism of our businesses. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the front line.

But I also know that we have to do our part. In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed upfront.

Contractors and subcontractors can only expand their capacity if we are clear on what we need and that we will fully fund it.

This amendment allows us to do that.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down.

Once we provide the full funding, American businesses must step up and get it done and the Pentagon must manage the program aggressively and attentively and the President must make it clear that this is a national priority.

But we have no chance of making all of the needed vehicles, as quickly as possible, if we fund the program bit by bit, in fits and starts. We must do our part.

Once again, I ask my colleagues to weigh their options.

Do we do our best to save American lives, knowing that the only downside is the possible need to reprogram funding at the end of the year? Or do we care more about some unknown total wartime funding limit than those lives?

We have an obligation to provide the best possible protection to each and every military man and woman while they are in the line of fire. If these vehicles can reduce American casualties by two-thirds or more, how can we do anything else? I agree with the Commandant of the Marine Corps, GEN James Conway when he said, "Anything less is immoral."

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

BACK TO WORK FOR CHILDREN

Mr. BAUCUS. Mr. President, I thank all of my colleagues for their indulgence.

It was with sadness and frustration and even anger that I learned of the President's veto of the Children's Health Insurance Program. I am sad, because I am thinking first and foremost of the children without health coverage today. Those children could have had health coverage tomorrow had the President signed this bill. For now, thanks to his veto, these children will continue to go without doctors' visits. They will go without the medicines they need to stay healthy.

I have frustration, because we worked for months on a bipartisan Children's Health Insurance Program agreement in the Senate. The House wisely adopted it. It was passed by an overwhelming margin. It deserved better consideration by the President of the United States.

Instead, the carefully crafted compromise that we sent to the White House became the subject of a campaign of misinformation. That campaign was designed to obscure the true help for families contained in our bill, and that is frustrating.

There is anger as well, because that is what so many parents in my own State of Montana and all across this country are feeling, and are right to feel today. There is anger because working families are not getting what they deserve. The pain of not being able to provide reliable health care for a child has to be excruciating. The President has the power to end that pain for millions of parents today. Congress gave him the chance to help children get the health care they need, but the President said no.

It has to make hard-working parents angry. They have a right to be angry—for a minute—but then we have to get back to work for America's children.

The President has allowed politics to obscure the good that the Children's Health Insurance Program does for low-income, uninsured American children. And he has allowed ideology to obscure the good that this bill could do for millions more.

We must take a different path. We cannot allow anger to get in the way of the work that must be done. There is too much at stake for our children.

Regardless of the administration's objections, these are still the facts. Our Children's Health Insurance Program Reauthorization Act already does what the President has asked:

It focuses coverage on the lowest income children—the original mission of CHIP. More than 9 out of 10 kids served by CHIP are in families earning less than twice the poverty level; it keeps CHIP for children by curbing and even eliminating adult coverage; and it takes great pains to reach children who are without insurance—not those who already have coverage. Our bill gives States incentives to find the low-income kids already eligible for CHIP.

We worked hard to craft a responsible bill, because we know the good that CHIP has done; and we will not give up on enacting it into law, because we see how much more good CHIP can do.

After months of cooperation, Republicans and Democrats, the Senate and the House must work together again to override this ill-considered veto. A poll released just yesterday says that nearly out three out of four Americans support the approach in our bill.

How can the President turn a blind eye to those who need this bill the most? How can he deny them what they need more than anything: to be healthy? How can he look into a mother's eye and say that he supports CHIP, while at the same time his hand strikes it down?

CHIP is the right answer for thousands of children in Montana and millions across the country. They need health coverage and care today. So here in the Senate, we will do our part to override this veto. We are going to make the case to more colleagues who should support this bill. We're going to bring together those who value kids over politics. We will vote for America's children. We will seek to end the sadness, frustration, and anger that so many families must feel over this veto. We will tell them that the help and hope of the Children's Health Insurance Program is still possible for their own children.

Mr. President, we are not finished working for America's children.

Ms. STABENOW. Will the Senator yield for a question?

Mr. BAUCUS. Yes.

Ms. STABENOW. I rise with a brief question. I wish to say we would not be at this point, we would not have this bipartisan majority without the work of the Senator from Montana and Senators GRASSLEY, HATCH, and ROCKEFELLER. The chairman has been the person who reminds us every day that it is about the children.

Isn't it true that we do, in fact, believe we have wonderful bipartisan support, enough to override a Presidential veto here and in the House of Representatives?

Mr. BAUCUS. I say to my good friend from Michigan, it is strongly bipartisan. It was enacted first in 1997 as a bipartisan program. People love it, and it worked well. The legislation we passed in the Senate, and that which passed the House, is an extension to help a few more low-income uninsured kids. It is very important and very much bipartisan.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I ask unanimous consent that there be 120 minutes for debate with respect to the Feingold amendment, with the time equally divided and controlled between Senators FEINGOLD and INOUYE or their designees; that no amendment be in order to the amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment; that the amendment must receive 60 votes to be agreed to, and if the amendment doesn't achieve that threshold, then it be withdrawn; that if it receives that threshold, then it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. It is the Biden amendment No. 3142.

AMENDMENT NO. 3164

Mr. FEINGOLD. Mr. President, I ask unanimous consent to set aside that amendment and call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3164.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To safely redeploy United States troops from Iraq)

At the end of title VIII, add the following:

SEC. 8107. (a) USE OF FUNDS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to the obligation or expenditure of funds for the following, as authorized by law:

(1) To conduct operations against al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I am offering this amendment with Majority Leader HARRY REID, and Senators LEAHY, DODD, KERRY, BOXER, WHITEHOUSE, KENNEDY, HARKIN, SANDERS, WYDEN, SCHUMER, and DURBIN. I appreciate the support of the Senate Democratic leadership and so many of my colleagues for this amendment.

The amendment we are offering is simple—it would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008, with narrow exceptions. It is very similar to the amendment that we offered last month, so I won't take up too much time explaining what it does. I do, however, want to explain why the Senate should take up this issue again, so soon after we last considered it.

Some of my colleagues like to call Iraq "the central front in the war on terror." But they don't spend as much time talking about the other areas where al-Qaida and its affiliates are operating, nor do they recognize that the administration's singular focus on Iraq is depriving those other areas of the attention and resources they need.

Take Afghanistan, for example, where an already weak government is grappling with a resurgence of the Taliban and rising instability. Reports indicate that there has been a 20 to 25 percent increase in Taliban attacks in recent months. Because this administration seems blind to the threats to our national security outside of Iraq, Afghanistan has been relegated to the back burner for far too long, at grave cost to our national security.

Last week, President Bush met with Afghan President Hamid Karzai in New York City, on the sidelines of the U.N. General Assembly opening session, but according to news reports he made no mention of the Taliban's resurgence. That's a pretty big omission. After all, it was the Taliban that supported bin Laden and provided him and his associates with sanctuary in the run up to 9/11, and shortly thereafter. President Bush was right to take us to war in Afghanistan. That was a war focused on those who attacked us on 9/11 and on the government that provided a safe haven to al-Qaida.

But with the 2003 invasion of Iraq we have been significantly distracted and the war in Afghanistan, once the main show, now has a supporting role, at best. As a result, al-Qaida has protected, rebuilt, and strengthened its safe haven in the Pakistan-Afghanistan border region. You only have to look at the front page of today's Washington Post—and see the headline "Pakistan Losing Fight Against Taliban and Al-Qaeda"—to realize how dangerous this situation is to our national security.

We have taken our eye off the ball, Mr. President. The war in Iraq has shifted our focus and our resources. We are focused on al-Qaida in Iraq—an al Qaida affiliate that didn't exist before the war—rather than on al-Qaida's safe haven along the Afghanistan-Pakistan border.

In Afghanistan, the absence of adequate security and development has led to increased disillusionment with the national government, which has in turn resulted in increasing civilian support for the re-emerging Taliban. It goes without question that the vast majority of Afghans have no desire to return to the Taliban era, but the inability of President Karzai to extend control outside the capital has meant that much of the Afghan population suffers from pervasive fear and instability. We may see Afghanistan once again engulfed by chaos, lawlessness, and possibly extremism.

As long as Bin Laden and his reconstituted al-Qaida leadership remain at large, Afghanistan's future can not be separated from our own national security. But with our myopic focus on Iraq—and so many of our brave troops stuck in the middle of that misguided war—we have lost sight of our priorities. Mr. President, we are attempting to help stabilize and develop Afghanistan "on the cheap," and that just isn't good enough.

Afghanistan is teetering on the edge. Pockets of insecurity across the nation are becoming strongholds for anti-government insurgents who are, in turn, exploiting the local population to support their anti-western agenda. This problem is compounded by the dearth of sufficient international ground troops, which has coincided with coalition forces using increased air attacks against insurgents. Those attacks carry a greater risk of civilian casualties, undermining our support among the populace. Although the majority of attacks on civilians are perpetrated by the Taliban and other insurgent groups, the lack of ground troops is seriously undermining our efforts in Afghanistan.

We also face instability and insurgent attacks in Iraq, of course. But unlike in Iraq, where 165,000 U.S. troops are stuck in a civil war that requires a political solution, in Afghanistan we are fighting with far fewer troops to protect and advance the political progress of the Afghan people. Our troops accomplished their mission in Iraq when they took out Saddam Hussein—maintaining a massive troop presence in that country just fuels anti-Americanism and serves as a recruitment tool for terrorists. We have not accomplished our mission in Afghanistan—denying a safe haven to those who aided and abetted the 9/11 attacks.

Instead of seeing the big picture—instead of placing Iraq in the context of a comprehensive and global campaign against a ruthless enemy, al Qaida—this administration persists in the tragic mistake it made over 4 years ago when it took the country to war in Iraq. That war has led to the deaths of more than 3,700 Americans and perhaps as many as 1 million Iraqi civilians. It has deepened instability throughout the Middle East, and it has undermined the international support and cooperation we need to defeat al-Qaida.

Mr. President, the war in Iraq is not making us safer; it is making us more vulnerable. It is stretching our military to the breaking point and inflaming tensions and anti-American sentiment in an important and volatile part of the world. It is playing into the hands of our enemies, as even the State Department recognized when it said that the war in Iraq is "used as a rallying cry for radicalization and extremist activity in neighboring countries."

It would be easy to put all the blame on the administration, but Congress is complicit, too. With the Defense appropriations bill before us, we have another chance to end our complicity and reverse this President's intractable policy. Finally, we can listen to the American people, save American lives, and protect our Nation's security by redeploying our troops from Iraq.

I understand that some Members of Congress do not want to have this debate now, on this bill. They would rather keep the Defense Appropriations bill "clean" and postpone Iraq debates until we take up the supplemental. I respect their views, but I disagree. Like it or not, this is, in part, an Iraq bill. It isn't possible to completely separate war funding from regular DOD funding, Mr. President. In fact, this bill pays for a significant part of our operations in Iraq. It is therefore appropriate and responsible that we attach language bringing that war to a close.

That is why I am again offering an amendment with Majority Leader HARRY REID to effectively bring the war to an end. Our amendment is very similar to the amendment we introduced last month to the Defense authorization bill. It would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, with our troops safely out of Iraq, funding for the war would be ended, with narrow exceptions for troops to do the following: provide security for U.S. Government personnel and infrastructure; train the Iraqi Security Forces, ISF, and conduct operations against al-Qaida and affiliates.

In order to make clear that our legislation will protect the troops, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need "to ensure, maintain, or improve their safety and security." I hope we won't be hearing any more phony arguments about troops on the battlefield somehow not getting the supplies they need. It is false, phony, and it is a red herring and should not be used on the floor of the Senate.

Passing this amendment will not deny our troops a single bullet or meal.

It will simply result in their safe redeployment out of Iraq. When I chaired a Judiciary Committee hearing earlier this year on Congress's power of the purse, Walter Dellinger of Duke Law School testified about my proposal. This is what he said:

> There would not be one penny less for salary for the troops. There would not be one penny less for benefits of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or support. Those troops would simply be redeployed to other areas where the Armed Forces are utilized.

The Feingold-Reid amendment is a safe and responsible use of Congress's power of the purse. It is the path we took in 1993 when, in the aftermath of the "Black Hawk Down" incident, the Senate overwhelmingly approved an amendment to the Defense appropriations bill that set a funding deadline for U.S. troop deployments in Somalia. Seventy-six Senators voted for that amendment, sponsored by the current senior Senator from West Virginia. And many of these Senators are still in this body, such as Senators COCHRAN, DOMENICI, HUTCHISON, LUGAR, MCCONNELL, SPECTER, STEVENS, and WARNER. They recognized that this was an entirely appropriate way to safely redeploy U.S. troops. With their support, the amendment was enacted, and the troops came home from Somalia before that deadline.

In order to avoid a rule XVI point of order, this amendment is slightly different than the version we offered last month. The new amendment only covers funds in the 2008 Defense appropriations bill, and it omits the first two sections of the old Feingold-Reid amendment which required the President to transition the mission and to begin redeployment within 90 days. In addition, the exceptions for operations against al-Qaida and for training the ISF are less detailed and restrictive than they were before. But the intent is the same. After consulting with the parliamentarians, we have made these changes to ensure we are not blocked from getting a vote. The heart of Feingold-Reid—the requirement that our troops be redeployed by June 30, 2008—remains.

Some of my colleagues will oppose this amendment. That is their right. But I hope they will not do so on the grounds that we should keep the Defense appropriations bill clean, or that a brief debate and vote on this amendment will somehow delay that bill. Passing a defense spending bill without even discussing the most important national defense and national security issue facing our country is simply irresponsible. As long as our troops are fighting and dying for a war that doesn't make sense, as long as the American people are calling out for an end to this tragedy, as long as the administration and its supporters press ahead with their misguided strategy, we have a responsibility to debate and vote on this issue again and again and again.

By enacting Feingold-Reid, we can refocus on our top national security priority—waging a global campaign against al-Qaida and its affiliates. We can refocus on developing a comprehensive strategy for dealing with deteriorating conditions in Afghanistan that link together the policies and programs needed to establish a viable state there, and we can focus on the other areas around the world, from North Africa to Southeast Asia, where al-Qaida and its affiliates are operating.

The war in Iraq is the wrong war. It is overstretching our military and undermining our national security. It is time for the war to end. I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we turn again to the Feingold-Reid amendment. I have cosponsored this amendment in the past, and I am happy to do so again today. This amendment is another chance for us to show real leadership by forging a responsible and binding path out of the quagmire in which we find ourselves in Iraq.

In just a few short months, we will be starting the sixth year of this war. We just watched the series on television, the wonderful piece that Ken Burns produced of that war, a terrible, difficult war. It was long over by the time we engaged in this war—a war that fought the world, the Far East, Europe, Africa, the South Pacific. And here we are soon to start the 6th year of this war, and we are in a war that has been fought in an area the size of the State of California.

This amendment puts before us a binding national policy, a strategy that Democrats and some courageous Republicans have advocated for months. I don't agree with my friend from Nebraska, CHUCK HAGEL, on a lot of issues, but I say that his leadership, leading Democrats, Republicans, and Independents, on this war issue is one of the most courageous political acts I have seen. I have told him so. I believe it. So there are Republicans who have joined in this effort, and I admire every one of them.

We are asking for a strategy that is the best path for the people of the United States and Iraq. It is a path. This legislation changes our fundamental mission away from policing a civil war, reduces our large combat footprint, and focuses on those missions which are in the national security interests of the United States.

It exercises congressional powers that we have within the Constitution—powers to limit funding after June 1 of next year well into the sixth year of the war—to counterterrorism, force protection, and targeted training of Iraqi forces.

This amendment recognizes we have strong interests in Iraq and the Middle East, but it does not permit the open-ended role of the United States in a civil war.

Nearly all experts agree that 6 years after our country was attacked on 9/11, the President's preoccupation with Iraq has not made America any more secure. Afghanistan is under attack. We need more forces there, not less. We cannot send them because we are bogged down in Iraq. The Taliban is attacking us with drug cultivation and trafficking at the highest level in years.

Pakistan's tribal border areas have become an increasingly alarming safe haven where bin Laden and a new generation of al-Qaida affiliated terrorists remain free to plot terrorist attacks.

As we all know, Iraq is mired, I repeat, in a civil war, an intractable civil war with no political reconciliation in sight. It is long past time for meaningless resolutions and minor policy tweaks. We need a major change of course in Iraq, one that responsibly brings our troops home, rebuilds the readiness of our military, and returns our focus on fighting a real war on terror against bin Laden and his al-Qaida network.

I urge my colleagues to support this responsible and long overdue legislation. I think Senator FEINGOLD and I are not aware of how votes have been taken on this issue in the past, but we want others to step forward and do what we believe is right. It is time to chart a course out of Iraq and return our forces to the real and growing threats we face throughout the world.

Yesterday, the House of Representatives passed the Tanner bill with overwhelming bipartisan support. This legislation would require the President to provide Congress with reports within 60 days of the administration's plans for drawing the war to a close.

Is this a step in the right direction? Some say so. We know the administration failed from the very beginning and repeatedly thereafter to adequately plan for the war in Iraq. We know the President took us to war without a plan for peace. Since then, his administration has resisted any attempts to examine his failures or to consider broad changes to his strategy in Iraq. The White House stubbornly refused to take on all the detailed planning that those changes would require. There is no sign that this shortsighted administering of the war will end.

If Congress does not act, the administration is bound to repeat the same mistakes—finishing the Iraq war as irresponsibly as it was started. The administration should begin planning for the end of the war and the redeployment of our troops, and Congress should expect this to be made available for oversight and examination.

Some of my colleagues would like to see the Senate take up the legislation that passed the House yesterday. It is within their rights. It is legislating on an appropriations bill, and in a conversation I had with one of my colleagues who indicated they might offer it, the two managers said they will raise a point of order.

I am not one for more reports. I think we need more than reports. But I admire those people who proffered this amendment that was adopted overwhelmingly in a bipartisan vote. I hope we can get those who believe the war has gone on too long, and we need a change, to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope the Senate will complete action on this bill today. The Senators from Hawaii and Alaska have worked in a bipartisan manner to determine how to provide the resources necessary to sustain the operations of the Department of Defense while providing the capability to meet future threats. It is worth noting that this bill was reported by the Appropriations Committee by a unanimous vote. The bill does not attempt to force controversial policy changes that would trigger a veto by the President. The bill fully supports our military by providing increases in end strength for the Army and Marine Corps. It supports military health care reforms, and it provides needed funds to replace or repair and maintain aging and heavily used equipment.

Our military is providing trained and equipped forces to sustain multiple fronts on the global war on terrorism, while at the same time transitioning the force to meet future threats. Our military leaders need these resources in a timely manner if they are to succeed.

It is particularly critical that we complete action on the Defense appropriations bill as soon as possible to support our men and women in uniform and the civil servants who work with them. We need to complete action on this Defense appropriations bill so we can go to conference with the House and deliver a bill as soon as possible to the President.

While the continuing resolution we passed last week contains some bridge funding to support the troops through November 16, it is not adequate for the longer term.

The President submitted a fiscal year 2008 war supplemental request in February. Last week, in our Appropriations Committee hearing, Secretary of Defense Gates made clear the need for this additional funding. We should not delay action on providing supplemental funding until next year. It is simply unacceptable.

The fact is, we have tens of thousands of American men and women in Iraq, Afghanistan, and around the world performing the mission that our Government has assigned to them. The new fiscal year has already begun. We should not cause uncertainty or hardship for our Armed Forces or try to change American policy in Iraq by starving our troops of needed resources. Let's get on with it and provide our men and women in uniform the resources they need to perform that mission successfully.

Mr. President, I suggest the absence of a quorum. I withhold that request.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 40½ minutes remaining.

Mr. FEINGOLD. Mr. President, let me say quickly, before I turn to the Senator from Connecticut, how much I admire the Senator from Mississippi. We have worked closely. His response to our amendment is about the need to move on and pass the Defense appropriations bill. Obviously, this is not getting in the way of doing that. We immediately agreed to a 2-hour time agreement. This is perfectly reasonable in light of the fact that this is the biggest military situation we have had in decades in this country. So it seems like a very minor thing to spend 2 hours on this amendment. We have a time agreement, so in no way will this be preventing us from moving forward to passage of the Defense appropriations bill.

I now turn to my colleague and very strong supporter on these efforts, the Senator from Connecticut, and yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my friend and colleague from Wisconsin. I, once again, express my gratitude to him for raising this issue, as he has on numerous occasions in the past. It is no surprise whatsoever that he would do so again on this very critical piece of legislation.

Let me say that my friend from Mississippi, for whom I have the highest regard and respect, has a job to do to get this bill out. We understand that as well. But I would underscore the points made by the Senator from Wisconsin. There is no other more important issue, I would posit, than the one which is the subject of this amendment: that is, the continued military involvement in Iraq and the important question of our increased safety and security, and the possibility of Iraq reaching some reconciliation with its political and religious leaders. Is there still a rationale for our continued presence there, as posited by those in favor of this policy?

I would argue that there is not. This subject matter is about as critical as it gets for this body to debate. In fact, one may make the case that debating two hours on an amendment such as this is hardly adequate time when you consider what is at stake, not just in terms of contemporary issues, but the long-term security interests of our country. Those interests are going to be affected and, I would argue, adversely affected by a policy that raises serious questions.

Last month, I came to the floor of this body to speak in favor of a similar amendment offered by the Senator of Wisconsin, along with Senator REID. It was, I am convinced, a sensible plan for ending our disastrous policy in Iraq. The reasons for doing so are so crystal clear to the public; they hardly need rehearsing here, but for the sake of those who may not have followed it, let me summarize those arguments briefly. I would ask my colleagues to forgive me for being redundant, but I find the following exchange that occurred just a few days ago so astounding and so telling of the folly of this conflict that it bears repeating.

It comes from 2 full days of testimony before Congress by General Petraeus. Let me say that I have tremendous admiration for General Petraeus. I don't know him personally, but I admire his service to our country. It has been a distinguished service. Others have had difficulty with it. I don't. He is not the architect of policy; as a senior military official, he is asked to execute policy. So if people are upset about policy, their opposition should be toward those who create the policy, not those we ask to carry it out.

There was an exchange between Senator WARNER of Virginia and General Petraeus before the Senate Armed Services Committee that I thought was incredible in its simplicity and directness, and I admire General Petraeus for his candor and honesty in answering the question Senator WARNER posed to him. It was maybe the most direct and serious question raised in all those hearings, and it goes to the heart of all this debate.

The question to the General from Senator WARNER was the following:

> Do you feel that the war in Iraq is making America safer?

A very simple question—not any more complicated than that. General Petraeus said:

> I believe that this is indeed the best course of action to achieve our objectives in Iraq.

Senator WARNER followed up with:

> Does it make America safer?

General Petraeus's answer was:

> I don't know, actually.

I don't know. I don't know, actually. To the families of the 3,808 men and women who have lost their lives, this is cold comfort indeed, that the commanding general has not even convinced himself that this war serves our security.

That is the fundamental issue, Mr. President. The basic question we must ask ourselves in matters such as these, first and foremost: Does this policy make us safer, more secure, less vulnerable, less isolated in the world? If you don't know the answer to that—and I suspect even the general may have some serious doubts about it or he wouldn't have been as candidly vague in his answer here—we must reexamine whether it is in our interest to pursue that policy. Frankly, I think there are overwhelming numbers of us here who have, at the very least, serious doubts about this tactic—and that is what it is; it is not a strategy but a tactic—to achieve our greater security and safety. If your answer to that question is no, as it is for me and I think for many others, the evidence is overwhelming here that we are turning Iraq into a Petri dish for jihadists and terrorists.

We have every other nation packing its bags and leaving. So this coalition of the willing is evaporating. Every other issue we are grappling with internationally is seen through the prism of Iraq. Whether it is Darfur, Latin America, Asia, or whatever else the issue is, it is all seen through that prism. So not only does it affect the outcome in Iraq, it is affecting every other consideration in which this Nation is involved. For anyone who believes we are safer, more secure, less vulnerable, less isolated as a result of pursuing this policy, I have serious reservations, as I believe General Petraeus did in his answer to our colleague. The consensus is strong and growing, I believe, that our current course has failed to make Iraq safe and make America safer—that it is, in fact, making this country less safe and so must change dramatically.

The Constitution does not give us the power to sit here and decide on a day-to-day, hourly basis how to manage the affairs of the Pentagon, and rightfully so. Five hundred and thirty-five Members of Congress with disparate political views cannot sit here and dictate on a day-to-day basis how this ought to be managed. We are given one power, one overwhelming power: the power of the purse. That is what makes this body unique. So I think that any other exhausting legislative language dictating how this conflict ought to be managed, with all due respect to its authors, is not well placed. We have 1 responsibility: To decide, yes or no, this is a matter which deserves the continued appropriation of America's money, its tax money, to finance it. That is the question. You either believe it is or it isn't.

So the amendment being offered by Senator FEINGOLD goes to the very heart of the power this body has when it comes to the matter of Iraq and whether we fund it. If you believe we should go forward, that we are safer, more secure, then you have an obligation to fund it. If you believe it is not doing that, then you have a commensurate obligation, and that is to say enough is enough and to stop. That is our judgment, our job, to make that decision. I am not suggesting that it is not a pleasant one.

General Petraeus can be relatively agnostic on the issue. He is a general; it is his job to be agnostic, except in the confines of private conversation. But we don't have that luxury to be agnostic on these questions. We were elected to do a job, to represent our constituencies and, in a broader sense, the people at large, and we have to decide whether the continued investment of their tax dollars is worthy of this cause. I don't believe it is.

I believe the time has come—and long ago—for us to come up with a different policy that would offer Iraq more hope and our own interests in the region a far greater prospect for stability, a policy that would reestablish our presence and our moral authority in the world when it comes to the myriad other issues we must grapple with as a people.

What more could possibly happen to quell the violence between and among Iraq's Sunnis and Shiites to end this civil war?

Conversely, how much more do we sacrifice in the absence of a reconciliation which has not happened?

We all know the honest answers to those questions. And knowing them, it seems evident the administration's last-ditch supporters here are selling us little more than a policy of blind faith. Do the President's supporters think this can go on forever, or are they simply planning for it to go on until the end of the President's term and then hand it off to someone else? Will they come to this floor and claim we are invulnerable?

If General Petraeus does not know, actually—his honest answer to Senator WARNER's question—whether this war is making us safer, let's ask another question: Is this war endangering our security?

So the choice we face—and I believe it is a choice—is a clear one. It doesn't make it a painless one. In fact, I haven't been part of a more painful debate in all my years in this body, considering the length it has gone on. But to govern is to make such choices, even—especially—when they are painful. Our choice not between victory and defeat, which has never been the issue from the very outset, even though the strongest advocates of this policy have always argued that. The issue was never the victory or defeat of our military in Iraq. It was always to create the space and opportunity for reconciliation, a positive political conclusion in Iraq.

The choice is either trying to end Iraq's civil war through the use of military force, or demanding that Iraq's political leaders take responsibility through solving their civil conflict through the only means possible—through reconciliation and compromise.

Yet we are now going into nearly the fifth year, and even with the pleadings of an American President, the Vice President, senior military people, and Lord knows how many Members of Congress, of both political parties—even as recently as a few weeks ago—the political leadership of that country has not taken advantage. It has not found compromise.

If you argue that the surge has created space, it certainly hasn't created a reconciliation. It doesn't seem anyone is able to persuade the political leadership of that country to do what all of us understand they must do, and that is to decide whether they want to be a country and work with each other, despite their differences. No one yet has succeeded in that effort. And I don't believe it is likely to happen if we continue the policy we are following.

So I believe the American people are far ahead of us on this issue. They have made their choice. It now seems to be our job, our solemn responsibility, to turn those choices into facts.

This is precisely what the Feingold amendment does, by cutting off funds from all combat operations in Iraq after June 30 of next year, with four exceptions: counterterrorism operations, protecting government personnel and infrastructure, training the Iraqi security forces, and force protection.

If all of the reasons for supporting this amendment aren't compelling enough, I might add another as well. Almost 5 years into the occupation of Iraq, the administration continues to ask us to fund the war through supplemental funding bills. It is simply astonishing to me to think that President Bush, hasn't figured out by now what this war costs on a regular basis. He ought to fund it through the regular, long-standing budget process and not hide its true cost from the American people by continuing to ask for supplemental funding, sinking this Nation further and further into a several-trillion-dollar debt.

Mr. President, let's be under no illusions as to what all Defense authorization and appropriations bills are supporting. They are supporting the continuation of our troop presence in Iraq. We cannot artificially separate a Defense funding bill from an Iraq supplemental bill. This is an Iraq bill, have no doubts about it.

This legislation is what will make our continued military occupation of Iraq go forward for many months to come—and this amendment is our chance to stop it. I would argue it is probably the last one until maybe sometime next year, when another supplemental bill comes up, and then we will be talking about 2009 and beyond. So we are already committing ourselves into the next decade of this century.

Moments arrive, Mr. President, and this is such a moment. Moments come and then they pass, and speeches are given later about what we wished we had done, or what we wish we had known—statements that will have no value whatsoever. We tolerate a mistake once, not twice, when it comes to this policy. This is the moment, this is the hour, this is the 2 hours we have to debate: 120 minutes is what we get to debate a policy that is costing us billions of dollars and thousands of lives and disrupting, I believe, very profoundly and seriously, the leadership of our country in world affairs.

So I urge my colleagues in the remaining moments of this debate to give Senator FEINGOLD a chance here and that we support this particular effort. Let us rise to this opportunity while we have it. Let us ensure now, while we have the chance, that all of our combat troops are out of Iraq by next summer.

Our men and women in uniform have served there with bravery, devotion, sacrifice, and incredible distinction, but there is nothing they can do now to bring about the political reconciliation Iraq so desperately needs. The choice belongs to the people of Iraq and their political and religious leaders. And no further shedding of American blood can make that choice come faster or come out right. I urge my colleagues to support the Feingold amendment and bring an end to this disastrous engagement in a desperate land.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to thank the Senator from Connecticut for his very strong voice in support of our amendment and in support of ending this mistaken war. I really do appreciate it, and I thank him for his help on this and hope for a strong showing on the floor of the Senate on this.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum and ask unanimous consent that the time during the quorum be equally charged on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 4 minutes, if I may, on the manager's time on the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I assume this will not come out of the time we have on this side.

The PRESIDING OFFICER. It is being counted on the Republican side.

Mr. ALEXANDER. That is correct. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, over the last several days, the Nation has watched Ken Burns' film on World War II. As I mentioned on the floor earlier, it is likely to take its place along with the series on "Roots," along with Ken Burns' own film on the Civil War, along with Super Bowls, as a part of our collective memory.

I saw a preview of Mr. Burns' film about 2 months ago at the Library of Congress. My wife and I went there with some others. He showed it. We got a sense of how remarkable it was.

He said that it represented the time in our history when our country pulled together more than at any other time. Of course, all of us have seen how that ability to pull together, to be one as a Nation, prepared us for so many great accomplishments over the past half century—great universities, great military power, producing nearly a third of all the wealth in the world for 5 percent of the world's people.

It also produced an era that is instructive to us on how well we as a country do when we work together. I think it is fitting this bill is on the floor at the time Ken Burns' film is on television. It is fitting because this war has been one that has divided us. We have not been able to unite on it, although I strongly believe we should speak with a single voice on it, and have said so by sponsoring—along with Senator SALAZAR and 15 other Senators—legislation that would give us a chance to do that by implementing the recommendations of the Baker-Hamilton Iraq Study Group.

But I am not here today to argue the importance of what I believe the Baker-Hamilton recommendations offer us. I simply want to note it is appropriate that the pending bill is being managed by Senator INOUYE and Senator STEVENS. Senator INOUYE is pictured numerous times during his service with the 442nd Division, which fought bravely in Europe during World War II. His heroism in that war won him the Congressional Medal of Honor. He was a Japanese American. Japanese Americans were, as the film reminds us, quarantined, reviled, discriminated against, but there he was, risking his life and limb to win the Congressional Medal of Honor.

He was in the same hospital in Italy that our former Majority Leader Bob Dole was in. They were wounded about the same time, and they served here together in the Senate for many years.

Then, on the other side of the aisle, the bill manager on the Republican side, is Senator TED STEVENS of Alaska. He was also in that war. He flew the first plane to land in Beijing after World War II ended. Senator STEVENS was a member of the Flying Tigers, who are prominently mentioned in the film.

A group of us Senators were in China last year, in a delegation led by Senator INOUYE and Senator STEVENS. They were received with enormous respect because the Chinese remember Senator STEVENS' contribution to their country, and they know, of course, of Senator INOUYE's heroism and leadership.

I think it is appropriate, at a time when we are debating Defense appropriations, when we are considering the motto "E Pluribus Unum," how we take this magnificent diversity in this country and make it one Nation, that we have the debate on this bill led on this floor by two men of that greatest generation, Senator INOUYE and Senator STEVENS. It is appropriate that they be managing this bill.

I thought it important for us to acknowledge that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that we go back to the quorum call and, when we do so, the time be evenly divided between the sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCT SAFETY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our manufacturers, to our small businesses.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that can harm them, that, in some cases, can actually kill them.

Ohio's Ashland University Chemistry Professor Jeff Weidenhamer recently tested 22 Halloween products for lead. Three products tested were found to contain high lead levels.

Acceptable levels of lead, according to the Consumer Product Safety Commission, are 600 parts per million. A Halloween Frankenstein cup, presumably a cup that ends up in a child's hand, contained 39,000—not 600—39,000 parts per million.

Both Professor Weidenhamer and I have sent letters to the CPSC demanding action. Exposure to lead can affect almost every organ in the body, especially the central nervous system. Lead is especially toxic to the brains of developing young children.

In the last century, we made gains in combating health and safety issues. Whether it was the FDA banning red dye No. 2 or chloroform in medicines or it was banning lead in paint, the Government created a structure, a safety net that makes it harder for unsafe products to reach consumers.

That safety net is unraveling before our eyes. The safety net secured to keep our families safe from lead is being systematically dismantled by our Nation's failed trade policies. Our trade rules encourage unsafe imports, our gap-ridden food and product inspection system lets those imports into the country, our lax requirements for importers let those products stay on the shelves, and our foot dragging on requiring country-of-origin labeling leaves consumers in the dark.

It is a lethal combination. From pet food to toothpaste, from auto tires to kids toys, the daily news highlights the consequences of lacksidasical import rules and "less is less" import oversight.

Countries such as China lack the basic protections we take for granted. Given the well-known dangers of lead, particularly for young children, we banned it from products such as gasoline and paint decades ago. With the total lack of protections in our trade policy, we are importing not just the goods from those countries, but we are importing the lax safety standards of those countries.

If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, then we should not be surprised to find lead paint in our toys and contaminants and toxins in our toothpaste and our dog food.

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-regulated goods into the United States, to our child's bedrooms and our kitchen tables.

Unfortunately, trade deals put limits on the safety standards we can require for imports and how much we can even inspect imports. Our trade policy should prevent these problems, not invite them.

Now the President wants new trade agreements with Peru, Panama, with Colombia, and South Korea, all based on the same failed trade model. FDA inspectors have rejected seafood imports from Peru and Panama, major seafood suppliers to the United States.

Yet the current trade agreements, as written, limit food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

More of the same in our trade policy will mean exactly that, more contaminated imports and more recalls. We need a new approach to trade policy and to import safety. We need to write trade laws that encourage quality imports not dangerous ones. We need to empower consumers with full information about the projects they are purchasing.

It is time for a new direction in our trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. Everyone agrees on one thing: We want more trade, we want more trade with countries around the world. But first we must protect the safety of our children and the health of our families.

Mr. President, I ask unanimous consent the time remaining be equally charged.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to our cosponsor on this issue, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment on this Defense appropriations bill goes to the most important single foreign policy issue facing America: If this is a bill about spending for the military, this may be the most important single amendment we could consider.

Senator FEINGOLD and Senator HARRY REID have brought this amendment to the floor. It has been discussed before. It is an amendment which goes to the very fundamental question: When will we start bringing American troops home from Iraq?

The President, of course, and his administration have been reluctant to even suggest that possibility will come. I think the President went so far as to say that of the 160,000 troops or more in Iraq, perhaps 5,000 or so will be home by Christmas.

At that rate, of course, this President will leave office with almost the same number as we have today, risking their lives in the heat of combat in Iraq. Many of us remember the beginning of this war and how the American people were misled into this war. The American people were told that weapons of mass destruction threatened the United States, threatened our allies such as Israel, threatened the stability in the world.

We were given chapter and verse and detailed descriptions of biological weapons and chemical weapons and nuclear weapons. We were told Saddam Hussein had arsenals of these weapons. He had reached a point where he had so little credibility we would not even send in international observers, we knew it, they were there, and it was time to take him out.

Then obviously we were told about his reign as the leader in Iraq, nothing short of barbaric, gassing his own people, killing innocent people, ruling with an iron fist. All true. There was always the suspicion and the suggestion that somehow or another Saddam Hussein of Iraq had something to do with 9/11, that terrible tragedy we faced in the United States.

What happened? After the invasion, our great military, in a matter of weeks, took control of the country, searched it far and wide to find weapons of mass destruction and found nothing. To this day, the 5th year of this war, no evidence whatsoever of any of those weapons, one of the real main reasons we were told we had to go to war.

Saddam Hussein eventually was arrested, executed by his own people, still not a shred of evidence that he had anything to do with 9/11. The American people were misled into this war. There we sit as a Nation, not only with our reputation in the world at stake and on the line every single day, not only at the expense of allies who stood with us in fighting against the terrorism of 9/11, but more importantly, at the expense of 160,000 American lives of our men and women in uniform who are there at this very moment risking their lives for this President's failed foreign policy.

They are loyal and courageous people. I think we all understand the great debt we will always owe them and their families for what they have done. But what Senator FEINGOLD has said is it is time now for this Senate to stand up and say, unequivocally: These troops need to start coming home in a responsible way. Not all at once. That would be dangerous and foolhardy. Senator FEINGOLD does not suggest that.

What he suggests is that by June 30 of next year we will be in a position to redeploy our troops, keeping troops in the field in Iraq for specific reasons: To fight al-Qaida and other affiliated international terrorist organizations, provide security for Americans and our American Government, to provide training for Iraqi security forces, training equipment and other materials to the members of the U.S. Armed Forces—a much different mission. I will tell you, if you take an honest look at our military today, we have pushed these fine men and women and their families to the absolute limit. It is time for us to start bringing them home.

Three thousand eight hundred and five of our best and bravest have died; 30,000 seriously injured; 10,000 with amputations, traumatic brain injuries, and terribly burns. That will be a burden for a lifetime. That is the reality of this war. That is the reality of this amendment. This is not another idle debate, this debate goes to these men and women and their families and our Nation, a Nation misled into a war, a Nation which will spend 3 quarters of a trillion dollars on this war, if the President has his way, a Nation which understands the invasion was brought about by misrepresentations, misrepresentation of reality on the ground.

We owe it to our soldiers, we owe it to our Nation, and we owe it to future generations to start bringing an end to this war. It is time once again for the Iraqis to accept the responsibility for their own future, to put together a government that can govern, a defense force that can defend, and a nation that wants to be a nation

If they cannot do that, we cannot send enough soldiers to make that happen. It has to be led by the Iraqi people, and they will never accept that responsibility as long as they can lean on the strength, the military strength of the United States.

I hope my colleagues, many of whom have dismissed this kind of amendment and said: We cannot get into this conversation until maybe next spring, we will reflect on the reality by next spring, hundreds more American soldiers will die by next spring, thousands of American soldiers will be seriously injured by next spring, billions of dollars will be spent on this war. It should be spent in America.

A strong America begins at home. This President, with his war budget, has taken away the vital services, education, health care for our children, medical research. Time and again, we find we cannot do the basics for America because this President is hellbent to stay in this war until January 20, 2009, when he walks out the door on his way back to Crawford, TX. That is unacceptable. I thank Senator FEINGOLD and Senator REID for giving us this choice today, a choice to change the course once and for all, to change the policy and move America in the right direction in Iraq.

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of the Feingold-Reid amendment.

I strongly support our troops, but I strongly oppose the war.

Our military has served nobly in Iraq and done everything we have asked them to do. But they are now caught in a quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future, so that we can bring our troops back home to America.

As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral. We are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and is putting our troops at greater risk.

Our policy in Iraq continues to exact a devastating toll. Nearly 4,000 American troops have died, and 30,000 have been injured. The toll on Iraqis is immense. Tens of thousands of Iraqis have been killed or injured, and more than 4 million Iraqis have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

Now the President wants to use the supplemental spending bill to pour hundreds of billions of dollars more into the black hole that our policy in Iraq has become. It is wrong for Congress to continue to write a blank check to the President for the war. It is obvious that President Bush intends to drag this process out month after month, year after year, so that he can hand his Iraqi policy off to the next President.

It is time to put the brakes on this madness. We have to change our policy now. Until we do, our troops will continue shedding their blood in the streets of Baghdad other parts of Iraq, and our national security will remain at risk.

This amendment makes the change we so urgently need. It sets a clear timeline for the safe and orderly withdrawal of our troops, and it requires most of them to come home in 9 months.

It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. The Iraqis need to take responsibility for their own future, resolve their political differences, and enable our troops to come home. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so, can we add the urgency that is so clearly necessary for them to end their differences.

We can't allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor, when he knows that thousands more of the courageous members of our Armed Forces will be wounded or die because of it and when every day this misguided war goes on, our service men and women and their families continue to shoulder the burden and pay the price.

I urge my colleagues to support this amendment.

I yield the floor, and I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Wisconsin has 6½ minutes; the Senator from Hawaii has 45 minutes.

Mr. FEINGOLD. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, my colleague JOHN MCCAIN cannot be here today. He has a statement with respect to the Feingold amendment that I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I join my colleague Senator MCCAIN in opposing the amendment and wish to read three paragraphs of his statement, and then the rest of it will be in the RECORD for all to see:

> Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.
>
> The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.
>
> The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?
>
> That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

Those are the first three paragraphs of the statement from Senator MCCAIN. I join him in opposing the amendment and express his regret at not being able to be here for this debate.

EXHIBIT 1

AMENDMENT NO. 3164 TO THE DOD APPROPRIATIONS ACT FOR FY 2008: CUTOFF OF FUNDS FOR IRAQ

(Statement of Senator John McCain, October 3, 2007)

Mr. MCCAIN. Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.

The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good Nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

We see today that, after nearly 4 years of mismanaged war, the situation on the ground in Iraq is showing demonstrable signs of progress. The final reinforcements needed to implement General Petraeus' new counterinsurgency plan have been in place for over 3 months and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both houses and in countless interviews. The number two U.S. commander in Iraq, LTG

Ray Odierno, has said that the seven-and-a-half-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day. His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one third of Baghdad's 507 districts were under insurgent control. Today, he said, "only five to six districts can be called hot areas."

None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus' contention that American and Iraqi forces have achieved substantial progress under their new strategy.

The road in Iraq remains, as it always has been, long and hard. The Maliki government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the United States Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, Mr. President, then we will fail for certain.

Let us make no mistake about the costs of such an American failure in Iraq. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

In his testimony before the Armed Services Committee in September, General Petraeus referred to an August Defense Intelligence Agency report that stated, " . . . a rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al Qaeda-Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethnosectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran."

Those are the likely consequences of a precipitous withdrawal, and I hope that the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should this amendment become law, and U.S. troops begin withdrawing, do they believe that Iraq will become more or less stable? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or ever likelier? That al Qaeda will find it easier to gather, plan, and carry out attacks from Iraqi soil, or that our withdrawal will somehow make this less likely?

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Last month, General Jim Jones testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course: ". . . a precipitous departure which results in a failed state in Iraq," he said, "will have a significant boost in the numbers of extremists, jihadists . . . in the world, who will believe that they will have toppled the major power on Earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas."

Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safehavens and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of the Iranian president, who said: "The political power of the occupiers is collapsing rapidly . . . Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap." If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian dominated Middle East that is roiled by wider regional war and riddled with terrorist safehavens.

The supporters of this amendment respond that they do not by any means intend to cede the battlefield to al Qaeda; on the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out "operations against al Qaeda and affiliated international terrorist organizations." But such a provision draws a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target "terrorists," but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi Army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an IED in the road? Must he check for an al Qaeda identity card before responding?

The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try and make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al Qaeda's strategy—which is to incite sectarian violence. Our military commanders say that trying to artificially separate counterterrorism from counterinsurgency will not succeed, and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the past 4 years. We should not, and must not, return to such a disastrous course.

The strategy that General Petraeus has put into place—a traditional counterinsurgency strategy that emphasizes protecting the population, which gets our troops out of the bases and into the areas they are trying to protect, and which supplies sufficient force levels to carry out the mission—that strategy is the correct one. It has become clear by now that we cannot set a date for withdrawal without setting a date for surrender.

Mr. President, this fight is about Iraq but not about Iraq alone. It is greater than that and more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all of the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

Consider just one final statement from the August National Intelligence Estimate. It reads:

"We assess that changing the mission of the Coalition forces from a primarily counterinsurgency and stabilization role to a primary combat support role for Iraqi forces and counterterrorist operations to prevent AQI from establishing a safehaven would erode any security gains achieved thus far."

Should we pass this amendment, we would erode the security gains that our brave men and women have fought so hard to achieve and embark on the road of surrender. For the sake of American interests, our national values, the future of Iraq and the stability of the Middle East, we must not send our country down this disastrous course. All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic. I urge my colleagues to vote no on the Feingold amendment.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask unanimous consent that the remaining time I have be reserved for further debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like 5 minutes, if that is possible, to speak against the Feingold-Reid amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. To my dear friend from Wisconsin, Russ Feingold, I appreciate his passion. I know he is acting on his beliefs. We need more of that. I disagree with him fairly dramatically about the consequences of his proposal. As I understand it, it would stop funding in many areas of military operations that are ongoing in

Iraq now and, by using funding, restrict the mission in a way that would be ill-advised for our own national security interests.

The biggest winner of a change in mission through restricted funding would be Iran. The Iranian regime is actively involved in trying to kill American servicemembers to drive us out. Their biggest fear in Iran is to have a functional democratic representative government in Iraq on their border that would create problems for the way they run their own country. They are not going to stand on the sideline and watch Iraq be transformed into a representative form of government without a fight. They have chosen to be involved in militia groups with the goal of killing Americans. The goal is to create casualties and break the will of the American people so we will leave Iraq.

In terms of al-Qaida, the biggest loser of the surge militarily has been al-Qaida. They have been diminished because of a new way of confronting this enemy where we get out behind the walls. We live with the Iraqi Army and police forces. We are taking the fight to al-Qaida, and we have been able to marginalize and diminish their presence.

This amendment would embolden an enemy that is literally on the mat. It would send the wrong message to Iran at a time when they need to hear something different than America is going to leave. They need to hear the message that America is going to stand behind the forces in Iraq to create a stable Iraq. The last thing this Congress should do is create a change in mission through funding that will undercut an operation that has produced results on the security front never known before.

Under the rules of engagement, how do you determine who al-Qaida is with any certainty over there?

So the idea of restricting the military mission against the advice of General Petraeus seems to me to be ill-advised. The Congress has a robust role in time of war. But at the end of the day, we have to make a decision: Whose advice are we going to follow in terms of military strategy: General Petraeus and his colleagues or are we going to try to rewrite the mission based on what we think is best on the ground militarily?

I think it would be a huge mistake for this Congress to adopt this amendment because it would be welcome news in Tehran. It would be seen by a very oppressive regime that, America is going to leave Iraq, and they would be the big beneficiary of what would be left behind, which would be a chaotic situation.

Does Iran want chaos in Iraq? To some extent. Does Iran want a representative government in Iraq? Absolutely not. They are going to do everything within their power to make sure that does not happen. It is in our national security interest to make sure it does.

Al-Qaida has been diminished greatly from the surge. If this amendment was adopted, it would be cheered on by al-Qaida operatives—we are back in the fight because we know when America is going to leave. We know when the mission is going to be changed.

So I would argue this amendment comes at the worst possible time for American national security interests, and it is ill-advised in concept and impossible to execute.

I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for engaging in debate in the respectful and substantive way he has done so. We agree on many issues but not on this one.

Let me, in the very brief time I have, respond to a couple things he said. First, just an observation. He asked: How, under my amendment, are we going to determine who al-Qaida is in Iraq?

Well, I guess I ask the question: How are we doing it now? Presumably, we are identifying our enemy and attacking them. We are not just attacking them indiscriminately.

He said: How in the world are we going to determine who al-Qaida is? I certainly hope we have some kind of a way to do that now. I am very puzzled by that argument.

But the broader point of this issue is this: The heart of the argument of the Senator from South Carolina is that somehow having a timetable and withdrawing from this mistake in Iraq is going to help both al-Qaida and Iran. I would say it is just the opposite. The situation in Iraq is ideal for al-Qaida. It is sapping our military strength in Iraq and throughout the world at the same time that al-Qaida, according to our own public National Intelligence Estimate, is reinvigorating itself in Pakistan, in Afghanistan, and around the world. So it is just the opposite.

Continuing this involvement in Iraq that we have right now completely plays into the hands of those who attacked us on 9/11.

Now, the Senator from South Carolina poses the notion that somehow Iran would be pleased to see us leave Iraq. Well, I am sure that is true eventually. But at this point it is actually ideal for Iran. They are expanding their influence, and we are taking the hits. We are taking the hits in terms of casualties, we are taking the hits financially, and they do not have to go in and invade or try to control Iraq.

So actually it is the status quo that benefits Iran. It is perfect for them, and they are showing it every day. So it is just the opposite. Two of the most problematic enemies we have—Iran, in the form of a country that is very difficult for us, and al-Qaida, in terms of a terrorist organization—they benefit from our mistake of indefinitely continuing this involvement in Iraq. I believe that is the national security analysis that is most appropriate. That is why I offer this amendment in the spirit of national security, not simply in the spirit of trying to bring our troops out of Iraq.

Mr. President, I reserve the remainder of my time and ask unanimous consent, again, that my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to voice my opposition to this measure, not because I do not agree with the goal sought by this Feingold amendment; I agree with it. However, it was the decision of the leadership of the committee that matters that can be appropriately debated in the Iraq supplemental appropriations bill should be debated there.

I believe if we open the door to the Feingold amendment, then I am in no position to suggest we oppose other appropriate measures for the supplemental. Therefore, reluctantly, but forcefully, I must say I hope my colleagues will support me in opposing this measure.

I thank you, sir.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I just want to say to the Senator from Hawaii, through the Chair, how much I respect him. I understand why he has to take this approach on this particular attempt to offer this amendment. The fact is, this great Senator, this war hero, has supported us on this amendment in other contexts. He is in agreement with us.

He has a responsibility on this bill that I respect. But what greater statement that we are on the right track in terms of wanting to have a reasonable withdrawal from Iraq than the fact that this great Senator has been supportive. So I thank him. Of course, I hope people will vote with me on this amendment, but I completely understand his reason for taking this approach on this particular bill.

I reserve the remainder of my time.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, what time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 21½ minutes remaining.

Mr. INOUYE. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wisconsin has 2½ minutes remaining.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, many of my colleagues have expressed serious concerns about the war in Iraq. I would say now is the time to put those concerns into action. We have the power and the responsibility to end a war that is hurting our troops, our fiscal situation, and our national security.

By voting for the Feingold-Reid amendment today, we can safely redeploy our troops from Iraq. I understand the bill's managers would rather not address Iraq on their bill. That is their decision. But I note this amendment has the strong support of the Democratic leadership. So I thank Senator REID for his support and leadership.

I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3164 offered by the Senator from Wisconsin.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 68, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—28

Akaka
Biden
Boxer
Brown
Byrd
Cantwell
Cardin
Clinton
Dodd
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Murray
Reid
Rockefeller
Sanders
Schumer
Stabenow
Whitehouse
Wyden

NAYS—68

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb

NOT VOTING—4

McCain
Obama
Specter
Warner

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 28, the nays are 68. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

Mr. INOUYE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. CARPER. Mr. President, if there is no pending business before the Senate, I wish to be recognized to speak for a few minutes on the State Children's Health Insurance Program, which we call affectionately SCHIP. I was privileged to be chairman of the National Governors Association in the late nineties, when Governors and a lot of other folks negotiated with the Congress and the Clinton administration to create the State Children's Health Insurance Program. I am pleased—as I know a lot of people are in this country—to see all of the good it has done.

We know that in America today we have roughly 45 million Americans who have no health care coverage. It is like a quilt that fits over a bed, if you will, and the quilt has different patches to it. One of the big patches on the quilt providing health care coverage to a lot of Americans is employer-provided coverage, another is Medicare, and then there is Medicaid for low-income folks. Another piece of the quilt would be the federally funded community health centers; and another piece might be veterans health care, or DOD health care. Altogether, they add up to provide enough to cover 85 percent of the American populace that needs health care coverage. For the folks who are not covered, a large part of the 15 percent who have no coverage is people who live with families where somebody works every day, every week. The problem for those families is they don't have employer-provided health care coverage or enough disposable income to pay their share of that employer-provided coverage, and they end up doing without.

Most of those people still get health care eventually. That health care coverage comes too frequently in an emergency room of a hospital in their community. When somebody gets sick enough, that is where they go to get care.

My colleague in the chair and I are both familiar with the tragedy this year where a young boy in Maryland, I think, had a problem with a tooth that abscessed, and he ended up going into the hospital through the emergency room and being hospitalized for an extended period of time. The cost of the health care he received was in the hundreds of thousands of dollars. The greater cost is that he died; he lost his life. Another tragedy was in the case of a young man who was eligible for SCHIP and his family didn't know it. It is almost like the old question: If a tree falls in the forest and there is nobody there to hear it, is there a noise? If you have a benefit such as SCHIP or Medicaid and a family doesn't know they are eligible, is there a benefit? I am tempted to say there probably is not.

A lot of people in this country who ought to be eligible for this program, who could be eligible for the program, would be if the President had not vetoed the legislation we passed. I listened to Senator GRASSLEY talk about the President's veto. I admire him a great deal and the way he stood up, stood tall on this issue, along with Senator BAUCUS and others, to craft the expansion of this program. That speaks volumes about Senator GRASSLEY and his care for young people.

Among the criticism we hear of this expansion of this program is that it is more of a government fix for our health care woes in America. The coverage that most kids have under the SCHIP program is not provided by the Government. They actually go to a private program and it is provided through any one of a variety of programs. We also hear that this is more Government spending. This is actually Government spending where we pay for it. We have an offset here, and not everybody likes it, but it is an increase in the tax on tobacco, cigarettes, where we raise enough money to offset the cost of this program over the next 5 years.

Here is a chart. For the Children's Health Insurance Program, the cost over the next 5 years is about $35 billion. We raise the money to pay for it, and we are required to under the rules, which is a good thing. Our pay-go procedures require that. We have to come up with an offset to pay for that so it is deficit neutral. So this $35 billion is paid for. It doesn't make the deficit bigger and it provides health care coverage for about 4 million more kids. They will have a chance to have a primary health care home. They will not have to look for health care coverage in an emergency room of a hospital. They will not end up spending days or weeks or longer in a hospital as an inpatient trying to get better from something that could have been caught early on by a primary care physician.

A good comparison here is the SCHIP program expansion is paid for—the $35 billion is fully paid for. There will be no increase in the deficit. Compare that to what the President is asking for an increase in spending with respect to the war in Iraq. The President is going to ask for additional money in the weeks ahead; he will ask us to appropriate $197 billion to pay for our involvement in Iraq and Afghanistan for roughly the next year. It is not paid for. It is not offset by cuts in spending someplace else. It is not offset by increases in revenue somewhere else. That will be $197 billion in extra debt.

Some people think we can run up these deficits and we will print the paper to pay for them. We don't. We borrow money from folks all over this country—from investors, and from investors all over the world.

Some of those investors crop up in unlikely places. Our debt now to China is in the hundreds of billions of dollars and growing. We owe a fair amount of money to folks in South Korea. A lot of debt is held by the Japanese. You kind of wonder sometimes when you consider our inability to push back hard on the Chinese for currency manipulation and other issues such as the quality of the products, their lack of respect for patent rights and intellectual property rights, it is hard for us to push back when these people are holding hundreds of billions of dollars of our paper, money we owe them, because they have helped to fund programs for which we have not had the moral courage or fiscal discipline to raise the money to pay for ourselves.

We have a choice. The President is faced with a choice. He is asked on the one hand to increase the debt by almost $200 billion to support the wars in Iraq and Afghanistan but not to pay for it, to basically put that burden on our kids and say, someday you will have the opportunity to pay this debt, and to compare that with the SCHIP program which is not cheap, but over the next 5 years, $35 billion, $7 billion a year to provide health care coverage for 4 million children who otherwise would not have it. But the difference is, it is paid for. We actually raise the money to pay for this program.

I said to a group of people yesterday, among the words that are most used around here, "reform" is one of them. We hear a lot about reform in almost everything about which we talk. Another thing we talk about around here is bipartisan—bipartisan this or bipartisan that. This is a place where sometimes bipartisan, a lot of times—the underlying appropriations bill on the floor today is actually a bipartisan bill, but we don't always see that.

SCHIP, the expansion of the Children's Health Insurance Program, is about as bipartisan an effort as we can mount around here, especially when the administration has been fighting us tooth and nail. Again, to our Republican colleagues who stood up and joined a number of our Democrats, including Senator BAUCUS, chairman of the Finance Committee, I say: Good for you. Not just good for you because it is an example, a tangible example of bipartisan cooperation, but good for you because you put the concerns of our children ahead of those other issues and you are willing to pay for something we want to have.

Mr. President, in Delaware, we believe that programs worth having, for Government to pay for them, whether it is transportation, education, health care, programs worth having we ought to pay for. If we are not willing to pay for them, we shouldn't have as much of them as we otherwise would have. We have taken this principle and embodied this proposal under SCHIP.

I am proud of the stand we have taken and the House has taken. I am very disappointed in the decision the President has reached.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, we have all seen recent news reports about security contractors in Iraq, specifically stories about Blackwater, a private company, which is under contract with the Department of Defense and the Department of State, perhaps other agencies, to provide security guards for American personnel and others who are in combat zones. There have been a lot of questions raised about questionable conduct and lack of oversight and a lot of questions about accountability. We need answers.

Last week, Secretary Gates of the Department of Defense, a man whom I respect, testified before the Appropriations Committee about the needs of the Department of Defense. I asked him a series of basic questions about these security contractors: How many contractor personnel are on the ground? Who is there? How long have they been there? What oversight is in place? Who is in charge? I wanted to know who has oversight of these contractors and how the people are authorized to use deadly force, how they are held accountable for their actions. The Secretary's response was he didn't know.

The amendment I filed and hope to offer sets aside funding for the inspector general of the Department of Defense to find some answers. The amendment asks for a report that documents how much we are spending on private security contractors and how many people work for them.

The report also details the Department of Defense oversight role and the scope of authority of military commanders over private security contractors.

Finally, we need to know the basics. What laws govern the conduct of these contractors? What rules of engagement govern their activities? How is it possible we are in the 5th year of this war and still don't have these questions answered? Six years into the war in Afghanistan, and we still don't know for certain what the standards are.

The incident a few weeks ago in which Blackwater employees were involved in the deaths of eight Iraqi civilians raised a lot of questions. In response, let me recount what we have learned.

Since 2005, according to Government investigations, Blackwater has been involved in at least 195 "escalation of force" incidents; that is, situations in which Blackwater employees fired shots. That is an average of 1.4 shooting incidents per week.

In over 80 percent of these incidents since 2005, Blackwater's own reports document either casualties or property damage.

We have learned in one case the Iraqi casualty was shot in the head. In another, a Blackwater employee tried to cover up a shooting that killed an innocent bystander.

Perhaps the most disturbing incident that has come to light is the point-blank shooting of a security guard by a Blackwater employee in an off-duty confrontation. The Blackwater employee is reported to have been intoxicated and was fumbling with his weapon after the shooting.

Here is how the New York Times described the company's response:

> The acting ambassador at the United States Embassy in Baghdad suggested that Blackwater apologize for the shooting and pay the dead Iraqi man's family $250,000, lest the Iraqi government bar Blackwater from working there, the report said. Blackwater eventually paid the family $15,000, according to the report, after an embassy diplomatic security official complained that the "crazy sums" proposed by the ambassador could encourage Iraqis to try to "get killed by our guys to financially guarantee their family's future."

So who has oversight of these security contractors? Whom do they answer to in Iraq and Afghanistan? What is their relationship to the military?

The old Coalition Provisional Authority under Mr. Bremer, who received a Gold Medal from President Bush, exempted security contractors from Iraqi law, and whether they are liable under U.S. law is murky at best.

If Blackwater employees are accountable under U.S. law, why hasn't there been 1 investigation or prosecution? Not a single Blackwater employee has been prosecuted. In fact, in the case of the drunken employee who killed the bodyguard of the Vice President, he was quickly spirited out of the country, apparently with our Government's blessing, to protect him from the Iraqis.

Stories such as these do not make the United States look good in the eyes of the Iraqis, in the eyes of the world, and, frankly, in the eyes of most fair-minded American citizens. The number of shootings, the amount of Iraqis killed and wounded, the amount of property damage done—all of it suggests there needs to be a legitimate investigation.

I am not going to castigate every private security contractor in Iraq and Afghanistan. I have met some of them. Many of them are brave, dedicated, professional individuals who risk their lives to protect those whom they are charged to protect. Many are honest and dedicated. But the purpose of the amendment is to demand accountability. Private security contractors have to play by the rules—somebody's rules. If they don't, we as a government have to act.

These private security contractors are part of America's face in Iraq. This is a struggle to win the hearts and minds of those people and to create a peaceful society. Every time there is a reckless or illegitimate shooting of an Iraqi civilian, we take one step back from achieving that important goal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 3166

Mr. REID. Mr. President, I ask that the pending amendment be set aside so that I may offer an amendment on behalf of Senator BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 3166.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Operation and Maintenance, Defense-Wide, $5,000,000 for the program of the National Military Family Association known as Operation Purple)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as "Operation Purple".

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENTS NOS. 3144 AND 3145 EN BLOC

Mr. KYL. Mr. President, I ask unanimous consent to send two amendments to the desk and lay aside the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. The first amendment is No. 3144 and the second one is No. 3145.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes amendments numbered 3144 and 3145 en bloc.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3144

(Purpose: To make available from within amounts already appropriated in the Bill for Research, Development, Test, and Evaluation, Defense-Wide $10,000,000 for the Space Test Bed)

At the end of title VIII, add the following:

SEC. 8107. Of the amounts appropriated or other otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $10,000,000 may be available for Program Element 0603895C for the Space Test Bed.

AMENDMENT NO. 3145

(Purpose: To make available from Procurement, Defense-Wide, $7,000,000 for the Insider Threat program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

Mr. KYL. These will be pending separately, not together.

The ACTING PRESIDENT pro tempore. Without objection, they will be considered separately.

Mr. KYL. Mr. President, I will be happy to speak. I believe the Senator from Delaware was going to speak. If he wants to speak now, I will be happy to defer to him.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Kyl amendment No. 3145.

Mr. BIDEN. May I make an inquiry to the Senator from Arizona, is his amendment going to require a vote?

Mr. KYL. Mr. President, I hope both of these amendments can be worked out, but we haven't been able to work the first one out yet. I will not take very long, but I understood the Senator from Delaware was here and prepared to talk about his amendment. I am happy to defer to him and discuss mine later.

Mr. BIDEN. I thank the Senator very much. I would like to take advantage of that offer. President Talabani is in the Foreign Relations Committee at the moment. It would accommodate nicely my schedule.

AMENDMENT NO. 3142

Mr. President, I ask unanimous consent that the Biden amendment on MRAPs be called back up. It was the pending business until it was laid aside.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The amendment now pending is the Biden amendment No. 3142.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I say to my good friends, Senator INOUYE and Senator STEVENS, there are no two more seasoned or devoted Senators to protecting the military and our fighting men and women. I know my amendment with regard to so-called MRAPs, mine-resistant vehicles, is an inconvenience, and I am not being facetious when I say that. I know that my friend—and I don't have a closer friend in the Senate than Senator INOUYE—supports the essence of what I am proposing, but there has been an attempt, understandably, to have all amendments that could be related in any way to Iraq placed on the supplemental. This amendment will be placed on the supplemental. But the truth is, we are not likely to get to the supplemental until January.

I know one of the Democratic leaders, Senator DURBIN, is in the Chamber. He may know better than I if that is accurate, but that is my understanding. In this place, you have to have, as they say, a horse to ride. You have to have a vehicle to be able to attach something important that you support so that it will get some consideration.

The amendment I am proposing today is one that calls for a significant increase in the production of mine-resistant vehicles. I know I sound like a broken record to many of my colleagues since I started raising it last spring. This amendment is very simple, and it is costly. It provides the $23.6 billion needed to replace every Army up-armored HMMWV vehicle in Iraq with a Mine Resistant Ambush Protected vehicle, so-called MRAPs.

It is exactly the same thing we did on the authorization bill that passed Monday night. Our commanders in the field told us as recently as 2 weeks ago—I met with some of those commanders, Marine commanders in Ramadi, and took a ride in a new mine-resistant vehicle. I also sat in an up-armored HMMWVs—so the Marines, from the two-star general to the sergeant who drove various vehicles, could make a point to me about how different they are.

They showed me a photograph of a roadside bomb having struck one of the new vehicles—that is a Cougar, which is one size of the up-armored mine-resistant vehicles and it showed where on, I believe, August 28, in that same city, a roadside bomb had exploded, 250 pounds of explosives. And it literally blew this vehicle, which is many times the weight of the largest SUV any American drives in this country—I don't know the exact weight, but it is close to 38,000 pounds fully loaded—it blew it so high up in the air that it literally brought down the telephone wires. The wheels got caught in the telephone wires. A standard telephone pole, I don't know, are they 20, 25 feet, maybe more, maybe less? It blew the vehicle so high into the air it literally brought down the telephone wires. And when it hit, the vehicle, probably in an area the circumference of this Chamber, the pieces were spread all around the landscape. The engine would have been over by the Republican cloakroom, the drivetrain would have been over by the exit door on the Democratic side back toward the marble room, the axle would be sitting up by the Democratic cloakroom, and right in the middle of the Senate floor would be the cabin of the vehicle.

There were seven soldiers in that vehicle. Had that been an up-armored HMMWV, everyone would be dead. Not one of those soldiers died. Not one. They suffered severe concussions, four of them, but that was the worst of their injuries. And one of those young sergeants, as the brass went through showing me this and I got into vehicles and we drove and so on and so forth—we are now inside Ramadi—as I am getting out and leaving, one of those young soldiers was exuberant. First, he saluted me and said: Sir, as Senator REED, a West Point graduate, is accustomed to having been done to him in the old days and even now—and then he became emotional in his thanks for that vehicle, thanking us for insisting on building them. It is truly a lifesaving vehicle.

Now, our commanders in the field tell us these Mine Resistant Ambush Protective vehicles are going to reduce casualties by 67 to 80 percent. That is the range, 67 to 80 percent. Put it another way, had they been riding around in these vehicles since we knew they were needed, we would have over a thousand fewer dead and over 10,000 fewer seriously wounded, literally, because over 70 percent of all the deaths and casualties are caused by IEDs, or roadside bombs. When I found out about how good these vehicles are last year in Iraq and then again in testimony the beginning of this calendar year, and then when a whistleblower came to me telling me commanders in the field had asked for these in February of 2005, I was dumbfounded as to why we weren't building them. With the great help of everyone on this floor, I think the vote was 97 to 0, we accelerated production by adding $1.5 billion to last year's wartime funding bill.

The lead commander on the ground in Iraq is Lieutenant General Odierno, and he told us 6 months ago that he wanted to replace the Army's approximately 18,000 up-armored HMMWVs with these new Mine Resistant vehicles. Instead of adjusting the requirement immediately, the Pentagon has taken time to study the issue. They originally agreed the Army should get 380—380—of these vehicles. That was in December of 2006. Then, in March of this year, after the Commandant of the Marine Corps said it was his highest moral priority to get his folks in 3,700 of these vehicles, they agreed to increase the number to 2,500 for the Army. In August, they added a few more and agreed to 2,726 for the Army. This month, they agreed that the general needs a little over half of what he asked for—10,000 of these vehicles.

Slowly we are getting there. But we have seen this movie before, Mr. President, with the body armor, with the up-armored HMMWVs. Until the Congress insisted that the better protection be fielded for all of those troops in Iraq, it was not. The catalyst came from here. We insisted. Remember just several years ago how many kids we were sending into battle without the proper body armor and how many National Guard units we were sending over who were not adequately equipped and how initially the military was threatening to discipline young women and men who were taking sheets of metal to put on the vehicles they drove on convoys ferrying equipment from the gulf all the way up into Baghdad? They were putting these sheets of steel on the sides of their doors and the bottom. They were threatened with being disciplined.

We have very short memories here. Very short memories. But in the meantime, a lot of people die. Some would have died inevitably, but a lot—a lot—would not have. So today we are insisting the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

Now, to be honest, I can't understand why it is taking so long to agree to replace all these vehicles. It makes no sense. We know how effective these vehicles are. We surely can't be making an economic argument. Surely there is no one here who is going to say we can't afford to protect these troops with the technology we know—we know—we know—will protect these troops. Surely no one is going to make that argument.

Last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested in Aberdeen with 300 pounds of explosives below them—300 pounds—and they survive. Are we only supposed to care about the tactical judgement of the commanders in the field when it is cheap? I don't think that is what the American people think we are doing for our military. Our military men and women have a right to expect a lot more from us.

I know some say it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not? Imagine President Roosevelt, in the middle of World War II—and this war has lasted longer than World War II—having said: You know, we need to get X number more fighter aircraft over in theater. We need to have more landing craft for D-Day. But you know what. The present system just won't be able to build them all. We just can't do it. Can you imagine that being said? Can you fathom that being said?

I don't get it. I don't get it. Are we saying that we cannot mobilize, through the President of the United States and the weight of the United States Congress, the construction of vehicles that we know will save lives; that we know will reduce critical injuries? You are as dead in Baghdad as you were on Normandy Beach. You are as dead in Baghdad as you were on Normandy Beach. And the pain of the family of that fallen angel is not one bit different than the heroism we celebrate today in the Ken Burns documentary series on the Greatest Generation from World War II. There is no difference. There is no distinction. The pain is as searing. So I ask you all a question: Can you imagine during that war the Congress and the President saying: I don't think we can get this done?

Mr. President, this is basically a modified truck. With real leadership and a national level commitment, America can certainly make this happen. I believe that the can-do spirit and deep patriotism of our business men and women is as profound as it was back in the year 1942 or 1945. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the frontline. But we have to do our part.

In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed up front. Contractors and subcontractors can only expand their capacity if we are clear on what we need and what we are prepared to fund. This amendment allows us to do that. It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down. Said another way, we are finally getting these production lines up and running. There are five companies, some relatively small, that, based on contracts, have gone out and hired 200, 500, 1,000 more people. They have expanded their facilities to build these vehicles alone. But they can only expand to the degree to which they know they have a contract.

We funded these MRAPs in the last supplemental and the Continuing Resolution to the point that we are not going to be able to build any more of them by the time March comes along if we do not have money in this bill. We are not going to be able to build any more. If we wait until the supplemental to let these contracts, we will have a hiatus of 2 to 4 to 6 months where they shut down these lines. These are not mom-and-pop operations, but they are also not General Motors, Chrysler, Ford, Toyota, or any other major automobile manufacturer. So this is about how many more months in delay getting these vehicles are we going to cause by not putting all of the funding in this appropriations bill. My amendment provides all of the funding needed. That is what my amendment will do.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill will not cause production to shut down. Once we provide the full funding, American business must step up and get the job done, the Pentagon must manage the program aggressively and attentively, and the President is going to have to make it clear this is a national priority. But we have no chance of making all these needed vehicles as quickly as possible if we fund that program bit by bit, in fits and starts.

Once again, I ask my colleagues to weigh their options. Do we do our best to save American lives, knowing the only downside is the possible need to reprogram funding at the end of the year; or do we care more about the unknown total wartime funding limit than we care about these lives? I know every one of my colleagues would do anything in their power to increase the possibility that we reduce casualties. Well, here is the way to do it.

It seems to me that certain things are a matter of sacred honor and exceed anything having to do with budgets. We can argue the national interest is better protected and our physical security is better protected by building X, Y, or Z weapon system, and we can argue whether our failing to build it is going to affect the lives of the American people. That is a very fundamentally different issue than knowing you have something, that if you physically place an American soldier in that vehicle, you will increase by 60 to 80 percent the chance of that man or woman living, and yet not doing it. That is a different deal. This is not your ordinary appropriations program. It is a little bit like the ultimate body armor.

Would anybody here, if we knew that by spending X dollars more we could increase the life expectancy of every soldier by providing the right body armor in the theater, would we not do it, no matter what it cost? Well, this is a form of body armor, a form of body armor that we know, if it is possessed, is going to reduce the cause of over 70 percent of the casualties in theater. If these vehicles can reduce American casualties by two-thirds or more, I don't know how we can do anything else.

I agree with the Commandant of the Marine Corps, GEN James Conway, when he said: "Anything less is immoral." Let me say it again: "Anything less is immoral."

So I urge my colleagues to support this amendment, and I ask for the yeas and nays on this vote when the appropriate time comes. I ask for them now, so that we know when the amendment is called up we get a vote.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be.

Mr. BIDEN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, there is no question that these vehicles, the MRAPs, save lives. The committee is well aware of that, and we concur with that. That is why, Mr. President, to date, Congress has provided nearly $11 billion for the rapid production and fielding of 8,000 MRAP vehicles.

As a result, there are now 435 MRAPs fielded in the theater, and by Memorial Day 2008 we will have fielded 8,000 MRAPs.

Believe me, we are doing everything possible to ensure the Department has sufficient funds to continue this production of MRAPs. On Monday, this week, in the short-term continuing resolution, we provided another additional $5.2 billion exclusively for MRAPs. Providing a specific appropriation in a continuing resolution is extremely unusual and demonstrates the commitment of the Congress, and in particular the Appropriations Committee, to ensure that all the funding that is necessary for MRAPs will be provided to the Department of Defense.

The vehicles manufactured with these funds will be produced in March and April of 2008 and fielded in the theater by Memorial Day 2008.

We are aware there is a remaining fiscal year 2008 requirement for $11.5 billion for MRAPs, even though the administration has not yet requested any funding. The additional $11.5 billion would fully fund the new increased program requirement of 15,274 vehicles, including 10,000 MRAPs for the Army.

The Department of Defense is seeking this $11.5 billion by November 15 in order to avoid a break in production. This is very important. We anticipate addressing this in the upcoming supplemental. But if it is not completed by November 15, it will be in the next continuing resolution.

The vehicles produced and procured with these funds would be produced by May through September 2008, approximately at a rate of 1,200 vehicles a month. This additional $11.5 billion for MRAP fully funds the program requirement in fiscal year 2008 and saturates the industrial base through the end of 2008—September 2008. Any funding provided in addition to the requirement of $11.5 billion, would be for vehicles that would not be produced—and I repeat—would not be produced until fiscal year 2009, and many vehicles would not be fielded in the theater until that spring, summer, and fall of 2009.

I believe many of us believe our troop presence in Iraq will be significantly reduced by then.

Mr. BIDEN. Mr. President, will the Senator yield? I may be able to step away from this if—I think I heard my friend correctly. Did I hear him say that if in fact it is not clear that we are going to be able to prevent this gap in the shutdown of the line, that by November the Senator is saying the committee would have a continuing resolution that included the specific money?

Mr. INOUYE. That is $11.5 billion.

Mr. BIDEN. Then, if I understand this correctly, I think my friend and the Senator from Alaska are doing exactly what I asked for. My only worry is that, A, we make a commitment to the total of 23,000 in the supplemental, a commitment that would get us to 23,000; and, B, we do not have to wait until January. Because if that is the case, these small operations will have needed a 3- to 6-month lead time, once they get a contract, to keep the line going. But what I hear my friend saying is that we would, in November, if it didn't look like the supplemental was going to happen, we in November would fill that gap so there would not be a shutdown in these lines. Is that what my friend is saying?

Mr. INOUYE. I will give you my word, sir.

Mr. BIDEN. That is good enough for me. I am happy to withdraw the amendment. I have never known the Senator from Hawaii or the Senator from Alaska, when they gave their word, to do anything—do anything but that. The supplemental we are going to revisit in January, that has the additional money to get us to 23,000. What my friend is saying here is that $11.48 billion would be in any continuing resolution if we did not get to that?

Mr. INOUYE. That is $11.5 billion.

Mr. BIDEN. It is $11.5 billion.

AMENDMENT NO. 3142 WITHDRAWN

Mr. President, I would obviously prefer that it be put here. But I tell you, if there has ever been appropriate use of the expression someone's word is "as good as gold," it is about my friend from Hawaii. I am happy to withdraw the amendment.

Mr. INOUYE. You are very kind, sir. Thank you very much.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 3129

Mr. DURBIN. Mr. President, I have been notified by both sides that my Amendment No. 3129, the Troops to Nurse Teachers Program to enhance the nurse recruitment goals for the military and civilian side, has been accepted, and unless there is some objection, I ask this amendment now be called up and by voice vote accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. STEVENS. Mr. President, reserving the right to object, I thought we were going to have a package of these amendments.

I will not object, but I do think it should have been in a package. I hope we get a package here so we do not do them one by one. I do not object.

The PRESIDING OFFICER. There is no objection. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 3129.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Military Personnel $3,000,000 for a pilot program on troops to nurse teachers)

At the end of title VIII, add the following:

SEC. 8107. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, ARMY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, NAVY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, AIR FORCE", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

Mr. DURBIN. Mr. President, we are engaged in one of the longest conflicts in American history, and the need for qualified nurses in military medical facilities is increasing.

Unfortunately, the military faces the same difficulty recruiting and retaining nurses that civilian medical facilities are facing.

Neither the Army nor the Air Force has met nurse recruitment goals since the 1990s. In 2004, the Navy Nurse Corps fell 32 percent below its recruitment target, while the Air Force missed its nurse recruitment target by 30 percent.

The Army, Navy and Air Force each have a 10 percent shortage of nurses, with shortages reaching nearly 40 percent in some critical specialties.

Civilian hospitals face similar challenges. According to the American College of Healthcare Executives, 72 percent of hospitals experienced a nursing shortage in 2004.

In 2000, the U.S. Department of Health and Human Service, HHS, found that this country was 110,000 nurses short of the number necessary to adequately provide quality health care for both the civilian and military sector. By 2005, the shortage had doubled to 219,000. By 2020, we will be more than 1 million nurses short of what we need for quality health care—a grave problem for military health care as well as the nation at large.

One of the major factors contributing to the nursing shortage is the shortage of teachers at schools of nursing. According to the American Association of Colleges of Nursing, last year nursing schools across the nation denied admission to over 40,000 qualified applicants primarily because there were not enough faculty members to teach the students. Just in Illinois, 2,000 qualified student applicants were turned away from schools of nursing because there were not enough teachers.

The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year.

Mr. President, 71 percent of the schools reported vacancies on their faculty. An additional 15 percent said they were fully staffed, but still needed more faculty to handle the number of students who want to be trained.

The military recruits nurses from the same source as doctors and hospitals: civilian nursing schools. Unless we address the lack of faculty, the shortage of nurses will only worsen.

My amendment to the Defense appropriations bill provides $3 million to begin a Troops to Nurse Teachers program that will help develop nurse faculty to address this national shortage.

My proposal is based on a successful Department of Defense program called "Troops to Teachers," which helps address the shortages of math, science and special education teachers in high-poverty schools, and helps military personnel transition to second careers in teaching.

Today, Troops to Teachers is operating in 30 States and has supplied more than 8,000 new educators since the program's inception in 1995.

The Troops to Nurse Teachers Program seeks to address the nursing shortage in the different branches of the military while tapping into the existing knowledge and expertise of military nurses.

The goals of the Troops to Nurse Teachers program are twofold. First, the program will increase the number of nurse faculty members so nursing schools can expand enrollment and ease the ongoing shortage. both in the civilian and military sectors. Second, the Troops to Nurse Teachers program will help military personnel make successful transitions to second careers in teaching, similar to Troops to Teachers.

The program offers incentives to nurses transitioning from the military to become full-time nurse faculty members, while providing the military a new recruitment tool and advertising agent.

For service members who already hold a master's or Ph.D. in nursing or a related field, the military will provide career placement assistance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition.

Officers who have been involved in nursing during their military service are eligible for scholarships to become nurse educators. In exchange, recipients of scholarships agree to teach at a school of nursing for 3 years.

Active military nurses can complete a 2-year tour of duty at a civilian using school to train the next generation of nurses. In exchange, the nurse officer can agree to serve longer in the military or the College of Nursing can offer scholarships to nursing students who commit to enlisting in the military.

Retired nurse officers can accept appointments as full-time faculty at accredited school of nursing, without giving up their full retired pay.

This amendment is supported by 20 nursing organizations, including: American Association of Colleges of Nursing, American Organization of Nurse Executives, American Nurses Association, National League for Nursing, American College of Nurse Practitioners, and the American Association of Nurse Anesthetists.

The Office of the Secretary of Defense, both Personnel and Recruitment and Health Affairs, support the program, as do the Nurse Corps of the Departments of the Army, Navy, and Air Force.

With the aging of the baby boom generation and the long-term needs of our growing number of wounded veterans, the military and civilian health care systems will need qualified nurses more than ever.

The Troops to Nurse Teacher program will help to alleviate the shortage of nurse faculty and ultimately help make more nurses available for both civilian and military medical facilities.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3129) was agreed to.

Mr. DURBIN. Mr. President, I thank the Senator from Alaska and Hawaii for their cooperation.

I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I talked with the managers. I ask unanimous consent to speak for 3 minutes as in morning business and then at the conclusion of my remarks that my colleague, Senator WHITEHOUSE, be recognized immediately after me so we can pay tribute to a State legislator and friend who passed away in Rhode Island.

Mr. STEVENS. Reserving the right to object, and I do not object, will the Senators tell us some timeframe?

Mr. REED. I anticipate it will not be more than 5 minutes for myself and Mr. WHITEHOUSE. That will be more than enough.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED and Mr. WHITEHOUSE are printed in today's RECORD under "Morning Business.")

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3144

Mr. DORGAN. Mr. President, I take the floor to speak in opposition to an amendment that is now pending, amendment No. 3144, offered by my colleagues, Senator KYL, Senator SESSIONS, and Senator THUNE.

This amendment will add $10 million to be available for a program called the Space Test Bed. The space test bed is not a particularly great description of what it does, but that is the description of the program. I want to describe why I believe it would be a huge mistake for us to approve the amendment.

First, let me say it deals with missile defense. There is about $8½ billion in the bill, the underlying bill, for missile defense programs, $8½ billion.

We are, even now, buying and deploying national missile defense interceptors that have never been tested against realistic targets, such as targets with decoys and multiple warheads. We will, I think, continue to see, as we have seen before, dramatic cost overruns and test failures.

I recognize the newspaper today, the New York Times, I believe, has a story that says: Missile defense system is up and running.

That is because they apparently had a successful test last week. It hit a target. But it is not the kind of target that would be expected in a real missile attack, were we to have a missile attack. And despite the fact that we are rushing headlong to deploy this missile defense system to essentially create a catcher's mitt for intercontinental ballistic warheads, you find a catcher's mitt, except it is not as simple as a catcher's mitt. This is about hitting a bullet with a bullet.

Now, we have spent a massive amount of money on this, over $100 billion so far. Contrast that with the needs that go unmet here at home.

But to go to the amendment that has been offered, on the space test bed. It is a program to investigate the utility and the feasibility of space-based missile defense systems to complement the ground-based ballistic missile defense system.

In other words, the program would begin to weaponize space. The idea is you can destroy a missile from a system orbiting in space. This program is designed to develop a space-based kill vehicle and to develop command, control, and battle management, communications structures for space-based missile defense.

I am not talking about ground interceptors, I am talking about space-based missile defense, and about eventually launching a number of interceptors from space to test them against the ballistics missiles.

Let me describe what has happened to this proposal. Both the authorizing committee in the House and the Senate have rejected it. Neither Appropriations Committee has accepted this proposal to spend $10 million. In fact, both Appropriations Committees, as I understand it, have explicitly rejected spending this $10 million.

There is no authorization for this program. Does anybody here recall having a debate about an authorization to proceed with a space-based missile program? It has not been authorized.

The disappointing thing about this debate—and we have had this before in the Senate—is this: If you take a threat meter, and look at what are the greatest threats to our country—and, yes, there is such a thing as a threat meter. Our intelligence folks have it. They have it over in the Department of Defense. If you evaluate what are the greatest threats to our country—well, let's think of some threats. An intercontinental ballistic missile with a nuclear warhead. Is that a threat? Yes, sure could be. They exist. Russia has a lot, China has some, a few countries have them.

But we are told the most likely threat to this country comes from rogue nations and terrorist groups. Does anybody think they are going to launch an attack against this country with an intercontinental ballistic missile? Not likely at all.

Yes, the threat meter would show that the lowest possible threat to our country at this point is an intercontinental ballistic missile aimed at our country. A much greater threat than the threat of an intercontinental ballistic missile at 14,000 miles an hour aimed at an American city, a much greater potential threat that almost everyone will admit is a greater threat, is a ship pulling up to the dock of a major American port at 3 miles an hour—not 14,000 miles an hour, 3 miles an hour—with a container on it that might include a nuclear weapon or weapons of mass destruction sent here by a terrorist set to detonate in a major American city.

Contrast, if you will, what we spend to defend against that proposition, that much greater threat, as opposed to the billions and billions, well over $100 billion we have now spent for one of the least likely threats. I am not suggesting missile defense is irrelevant; it is not. We should work on missile defense. But once we put in place a star-spangled, gold-plated ballistic missile defense system, then we will understand that a much greater threat than a ballistic missile is going to be a cruise missile traveling low to the ground at a lower speed, and then we will decide: Well, I guess this catcher mitt we have developed for over $100 billion cannot defend against that, and yet that is a much greater likely threat to our country.

My only point is this: We are spending a lot of money on missile defense. It is money that well could be used in other areas to protect against much greater threats on the threat meter against this country. But as much as we are spending, it is not enough for some. My colleague comes to the floor and says: We need $10 million more, because we need to begin this process of weaponizing space, believing, apparently, that space belongs to us exclusively. It does not.

My hope would be that in a world in which we have thousands, yes, thousands of nuclear weapons—the best guess is perhaps 20,000, perhaps 30,000 theater and strategic nuclear weapons, the loss of one of which to a terror organization will be a catastrophe for the world. In a world in which we have thousands of these weapons, it seems to me that part of our responsibility as a country is to provide international leadership, moving to try to, No. 1, prevent the spread of nuclear weapons to others, and, No. 2, to reduce the number of nuclear weapons that exist in this world. Only then will we feel that perhaps at some point we will eliminate the capability of someone to detonate another nuclear weapon. You know it has been many decades since a nuclear weapon has been detonated against humans. We hope it never happens again. We used nuclear weapons in Japan. There were many casualties who were not soldiers. But, it ended the war. There was great debate about that. But we have, as a country, tried in every way possible to make sure that nuclear weapons have not been used again.

So rather than have an amendment saying, let's spend $10 million to see if we can ramp up some kind of a space-based test module so we can weaponize space, would it not be much nicer if we could actually bring to the floor of the Senate and debate once again the issue of this Senate ratifying the comprehensive test ban treaty. Do you realize that has never been ratified by this country? One of our leadership responsibilities, I think, ought to be to ratify that treaty. We tried some years ago. Guess what. It lost because of people who apparently did not think we have the responsibility to lead the world away from the use of nuclear weapons, away from the testing of nuclear weapons, to lead in a way that prevents others from achieving nuclear weapons, and to begin to reduce the number of nuclear weapons we have in this country.

This issue, this amendment, is not about all of that. It is about one additional piece of the nuclear weapon puzzle and the defense systems that some want to create.

All of us want defense against those kinds of things that would attack this country or do harm to this country, and that includes defenses against missiles. But, as I said, we have spent over $100 billion. We now have a system that, while we are told it has been deployed, has not ever been tested against a realistic threat. And it is a defense against the least likely threat against this country.

But to go one step further and decide that what we want to do is create a space test bed to eventually develop a space kill vehicle, and to about $300 million between now and 2013 on the program, makes no sense to me at all. It has not been authorized. It has been explicitly rejected by the Appropriations Committees for both the House and the Senate. In my judgment, it would be a giant step in the wrong direction, sending a signal to the world that this country is going to embark unilaterally on something that is, in my judgment, very dangerous to our efforts at nonproliferation and stopping the spread of nuclear weapons and finally beginning to end that arms race.

Those are the reasons I strongly oppose the amendment that has been filed, amendment No. 3144. I hope if there is, in fact, a vote on it, the Senate will express itself similarly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator was correct in noting that this amendment was not authorized in the authorizing committees. Accordingly, it was not considered or debated in the Appropriations Committee. Unfortunately, we are not here to fully explain what it all entails. However, we have been advised that this proposal may be the first step toward a program that was rejected many years ago, the so-called Star Wars program of the late President Reagan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3144

Mr. KYL. Mr. President, I rise to speak on an amendment I offered a little bit earlier this afternoon, No. 3144. This amendment has been mischaracterized and, unfortunately, is obviously misunderstood. It happens to be in the missile defense part of the budget. I would be happy to have it included in a different part of the budget if it would make it clearer to people that it is not solely a missile defense program. In fact, in my view, the key value of a space-based test bed is not its ability to enhance missile defense but its unique ability to protect our satellites against a very significant threat posed to them at this time.

My colleague from North Dakota talked about a threatometer—hypothetical, perhaps, but a rational way to examine prioritization for defense spending. If there is a relatively low-level threat, we might want to set a lower priority in funding to protect against it than a threat that is of higher possibility. By the same token, if almost everything you do in military activity is dependent on one thing and that one thing is vulnerable, you obviously want to protect that one thing. That is the priority we are not attaching to the defense of our satellites in space, which are critical, vital, of immeasurable importance, not just to everything our military does but a great deal of our economic activity as well. It is the ability to defend our space assets from attacks either on the ground or in space that the space-based test bed is significantly designed to do research work on.

Let us understand, the space-based test bed is merely a research tool to understand concepts that are first developed terrestrially on the ground and, if proof of concept is suggested as potentially valuable, lift it into space to see whether it works there as well, to see whether maybe a defensive system cán be devised to protect our satellites in space or to provide protection against intercontinental ballistic missile attack and, if so, to have a program developed and designed and then researched and ultimately perhaps produced and finally deployed, all of which is years down the road.

All we are talking about is a proof of concepts basic research program of only $10 million in cost. To have it zeroed out because of some belief that we don't need to spend any more on missile defense misses the point.

Let me go back to what I was talking about. I received a briefing 2 days ago, a highly classified briefing that, frankly, scares me to death. But there is enough we can talk about that is unclassified to make the point. As I said, almost everything we do in military fighting these days in one way or another depends upon our satellites. Our troops communicating with each other, the Air Force dropping a bomb on a precise location, doing intelligence surveillance, the GPS system which is installed in virtually everything we do now—all of these things are reliant on satellites. That is not to mention all the communications and financial transactions and all of the other things we depend upon every day, every communication device—almost every. I shouldn't say "every," but most of the communications devices we have, whether they are used in the military or in our private lives, the means of sending signals to do things back and forth, the airplanes that fly through the sky—we could go on and on about our society's dependence today on communication from satellites. We have to protect those satellites.

There are a lot of ways of attacking them. They are all relatively cheap. It is called asymmetrical warfare because a country that may not be able to beat us on the battlefield with tanks and planes and submarines and so on knows all it has to do is literally pick up the sand and throw it in our eyes and then we can't fight, no matter how big and strong we are. That is what they do if they knock out our satellite system.

How do you do that? There are a lot of different ways. The Chinese recently demonstrated to us a brute force way. They simply sent a missile up and blew up a satellite. They did that to one of their old weather satellites. It left a lot of debris in the sky. There are laser technologies to lase the satellite, which can be done from the ground but more effectively, if you can, from space because there you don't have the air disruptions to divert the laser beam. You have directed energy. You have radio kinds of jamming or electronic jamming. This can be done either from the Earth or in the sky or, frankly, from space. Doesn't it make sense for us to have the capability to stop the destruction of our satellite system on the first day of a war where we rely upon all of that to do what we need to do?

Let me take a hypothetical. I don't mean to disparage any particular nation by engaging in a little bit of hypothetical war-gaming here, but it has been no secret that the Chinese Government would like to see Taiwan reunited, in their view—in any event, brought within the Chinese Government sphere. Both the Chinese military and the American military, as well as the Japanese and Taiwanese and others, have developed weaponry that would be useful in any kind of conflict that might evolve in that situation. But it is very clear that the Chinese have thought about how to keep the United States out of such a war for at least 2 or 3 days, giving them the time they would need to actually take over Taiwan. How do you do that? Well, we won't discuss all the ways it could be done, but the Chinese have developed certain weapons that would be problematic for the United States to deal with, one of which is an ability to attack our electronics and our satellites. Right now, we have very little in the way of defense against that. What the space-based test bed concept would do is begin to give us an understanding of what might be possible for part of that defense.

That is not the end of it. We still would have to protect against something like a jammer from the Earth or perhaps a laser from the Earth. But to the extent that a missile launched from the Earth against one of our satellites would pose a threat, space-based test bed research might be able to find a way to stop that. To the extent that it is a Chinese satellite in space, for example, we might be able to find a way to stop it.

It seems to me to make no sense to say that on a threat which may not be the most likely threat in the case of everyday happening but which would be absolutely devastatingly destructive if it ever happened—and it is not hard to postulate a situation in which it could happen—to say we are not going to spend any money on defending our satellites makes no sense to me.

I have heard that one of the reasons some groups are opposed to this is their fear that somehow or other we are going to weaponize space. Let's deal with that right now. First, an intercontinental ballistic missile against the United States or against one of our satellites is a weapon in space. We are not weaponizing space if we try to defend against that. That is a ludicrous argument. We wait until somebody else fires an ICBM against us and then we decide we better defend against that, and if we can somehow get something up into the atmosphere, well, that is a weapon in space, but it is probably a pretty good idea to stop their weapon in space. If we send up an interceptor missile, that is a weapon in space.

Suppose the Chinese decide, instead of destroying one of their weather satellites, they are going to destroy some of our satellites that provide the means of communication and the means of directing weapons and the means of identifying the battlefield and of surveilling it, they are going to destroy some of our satellites by sending up a missile that has already destroyed one of theirs, so it is clearly capable of doing so. Let's say we have found that we can, by using this test bed, provide maneuverability of our satellite so it can move out of the way, or we have found that we can actually add to it a defensive kind of laser or a defensive kind of jamming device that prevents the Chinese missile from actually hitting or destroying the satellite. Why wouldn't we want to do that even if it has some kind of a little steel ball in it that—because of the vacuum in space, it doesn't take a lot of force to get something moving at a very high rate of speed. You could eject that steel ball and have it intercept a missile that is coming up toward the satellite in order to destroy the missile before it can destroy our satellite. What is wrong with thinking about solving the problem?

We are not talking about developing anything. We are not talking about deploying anything. In fact, before you even do more research in space, it would have to be confirmed in concept on the ground. Is there such a fear of defending ourselves that we don't even want to think about how to do it in a situation where it would be critical to an attack against us? I don't understand the argument against this.

Let me make a couple other points. The deputy commander of STRATCOM said in testimony before the House Armed Services Committee last year:

> Space capabilities have revolutionized the way we fight today.

He went on to describe a variety of ways in which this is true. I have talked about some of them. I have noted that in the civil sphere, satellites enable our ATMs, the financial markets, our truck fleet management. I just met with the CEO of the largest trucking company in the United States, Swift Trucking. He said they have GPS satellite on every one of their trucks. They can tell exactly where every one of their trucks is at any given time, and this enables them to manage their fuel mileage so they are environmentally good. They don't exceed the speed limit. They can get them to the destination by the shortest route. All of this is done by satellite, as are credit card validations. Our first responders rely significantly on this. The next generation of air traffic control, I mentioned before. I could go on and on.

The general's point is that it is not just in military activity but our civilian life as well. But he makes the point that with regard to the military, loss of our space capabilities would be devastating to our military.

I mentioned China, but countries such as Iran and Libya have also attacked satellites in recent years, as have other countries. I mentioned jamming, direct descent antisatellite weapons, directed energy, laser weapons—all of these have been proven, at least conceptually. Over 20 nations now have ballistic missiles, and under the right circumstances, these can destroy satellites. They can also come through the atmosphere carrying a weapon and blow it up over American soil or they can create an electromagnetic pulse explosion in the atmosphere which would also explode electronics. Since the year 2002, there have been an average of 90 foreign ballistic missile launches per year. Last year, there were 100. This is not a theoretical concept; this is a capability many countries have and have tested.

Obviously, if we are trying to defend against a ballistic missile threat, having some capability in space could be very helpful. We would have to have the debate about weaponizing space at a future time, if a proof of concept through the space-based test bed were ever developed. That is a fight we could have. I would be happy at that point to engage my colleague, who has talked a little bit about that political issue, but it is very premature to talk about that in the context of what we are trying to do here today.

I mentioned the Iranians. They have a Shahab-3 missile with a range of 1,300 kilometers and another one with a range of 1,900 kilometers. According to our intelligence community, they could have long-range capability in just a few more years. This could evolve into any of the kinds of threats I just mentioned a little bit ago.

So what this space bed does is explore the survivability, affordability, the deployability, and the operability of the different types of capabilities that could be based in space. As I said, it begins with the terrestrial proof-of-concept stage that would take several years to complete. It would be years before orbital testing would even be considered, and the Congress will have all of that time to debate whether we want to move forward with any of these things. But at least we would be doing so with knowledge, with facts, with data, and not merely speculation.

Some fear that in one way or another the program might morph into something we do not want it to morph into. We cannot engage in that informed debate today. What this program would do is enable us to engage in that informed debate.

After one more comment, I will ask unanimous consent to have a letter printed in the RECORD dated July 6 of this year by GEN Henry Obering that talks about the need for the space test bed and describes at least what its capabilities would be, at least in the context of missile defense.

The last thing I want to do is I want to go back to the Chinese because they are among the countries that have demonstrated the most interest in taking out our satellites.

A Chinese military analyst recently wrote that space is "the U.S. Military's 'Soft Ribs', A Strategic Weakness" and that "for countries that can never win a war with the U.S. by using the method of tanks and planes, attacking the U.S. space system may be an irresistible and most tempting choice."

We already cut significant parts of our space program. The space tracking and surveillance satellites were cut $55 million under the SASC bill and $59 million by the Armed Services Committee bill. There is a classified program that exists that was further cut, and the Defense Department's Space Radar Program was cut significantly. The defense committee cut $200 million from the TSAT Program, which is a communications satellite for military communications traffic.

But General Obering has said the space test bed "is a proving ground for concepts and integrated technologies. . . . Exploration of alternative implementation architectures is a critical part of the Space Test Bed. . . . Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support."

So that is why we should not zero out this program. A very modest $10 million investment could help us begin a process of deciding whether concepts are worth pursuing. Given the fact that our satellites are almost absolutely vulnerable to a variety of different kinds of attacks, I ask whether my colleagues are willing to vote against a mere $10 million to begin the basic research to see whether there are not some ways we might want to eventually pursue to protect those satellites.

I hope my colleagues will seriously consider this amendment.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
MISSILE DEFENSE AGENCY,
Washington, DC, July 6, 2007.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your June 28, 2007, letter requesting my thoughts on the decision by the Senate Armed Services Committee to zero out funding for the Space Test Bed. I appreciate the opportunity to respond to your concerns.

Space-based missile defenses—as one tier in an architecture of mutually reinforcing layers—could provide on-demand, near global access to ballistic missile threats, free from the obstacles of geography, strategic warning time, or the politics of international basing. Space-based defenses would apply early pressure on launches from land or sea, depriving adversaries of free rides into midcourse with increasingly advanced countermeasures.

The Space Test Bed is not an acquisition program for space-based missile defenses. It is a proving ground for concepts and integrated technologies that might someday enable a space-based layer in the BMDS should the data indicate feasibility (survivable, affordable, deployable, operable) and if future policy decisions permit. Exploration of alternative implementation architectures is a critical part of the Space Test Bed.

The Missile Defense Agency can determine technical and operational feasibility in the Space Test Bed. Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support.

Network Centric Operations, combined with in-hand lightweight Kill Vehicle components and high performance liquid propulsion, are at the heart of high speed, low mass, highly maneuverable access to targets in their boost and post boost phases of flight. This reference concept exploits an infrastructure of communications, sensors and fire control utilities that are already in place or under development to support global terrestrial engagement. Space Test Bed efforts will use this concept as the point of departure.

The centerpiece of the Space Test Bed is a terrestrial Proof of Concept phase. Proof of Concept does not validate a specific design, but is instead a functional proof of feasibility. In the Space Test Bed, critical operational and technical issues are resolved on the ground to the maximum extent possible. Orbital testing—conducted only after notification to Congress as required—would occur in the years beyond the terrestrial Proof of Concept to resolve the limited subset of space basing issues that would otherwise be irresolvable.

Fiscal Year 2008 Space Test Bed funding of $10 million is intended to identify alternative architectural options for a space-based missile defense layer and to set the stage for subsequent experimentation and demonstrations. Fiscal Year 2008 activities address the following questions:

What are the essential components and interfaces of a space-based missile defense layer and how does the space layer fit into the BMDS? What is the concept of operations and what are the detection-to-intercept functional timelines? What is the payoff to the BMDS of a global, on-demand, early intercept layer?

How much would a space-based missile defense layer cost, including lift, ground segment support, and period replenishment of the constellation?

How susceptible would a space layer be to countermeasures? In particular, can a space-based layer survive against a determined effort to suppress the defense, to include direct ascent or co-orbital ASATs and nuclear detonations in space?

What are the critical technical and operational issues that must be resolved by analysis, experimentation, demonstration, and fundamental engineering data collection in the Space Test Bed? Beyond Fiscal Year 2008, what activities would be most appropriate to the resolution of each issue? What components and subassemblies would have to be procured? What instrumentation would be required? What facilities and range support might be needed?

The Space Test Bed is designed to assess the feasibility of a space-based missile defense layer against the day when one might actually be needed. It is not a crash effort designed to produce answers by an arbitrary date and will be purposely designed to support the policy debate with real data and concrete assessments of capability.

Please contact Mr. Timothy Coy, Director for Legislative Affairs, if you have any additional questions.

Sincerely,

HENRY A. OBERING III,
Lieutenant General, USAF, Director.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to speak in favor of the Kyl amendment, but I do not want to step in front of the speaking order. I wonder what the speaking order might be?

The PRESIDING OFFICER. There is no order.

Mr. ALLARD. Mr. President, I think the Senator from North Dakota was here before me.

I ask the Senator, does he want to speak?

Mr. DORGAN. Mr. President, I did speak prior to Senator KYL. I would like to speak for about 5 minutes in response, but I will be happy to wait.

Mr. ALLARD. No. I say to the Senator, go ahead and speak. Then I will follow.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. SALAZAR. Mr. President, will my friend from North Dakota yield?

I am just trying to get some order here in terms of the sequencing. I understand the Senator from North Dakota wants to go for about 5 minutes. I was wondering how long my friend from Colorado might want to speak.

Mr. ALLARD. Mr. President, I request 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order be, then, that following Senator DORGAN and his comments and Senator ALLARD and his comments, Senator MENENDEZ be recognized to offer an amendment, and following that, I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Mr. President, reserving the right to object, I just ask if folks would be willing to amend that unanimous consent request slightly to allow me to offer an amendment following all of that and to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, I certainly respect the views of my colleague from Arizona. He and I have had these discussions before. I do not come to the floor suggesting there are not a wide range of threats against our country. I recognize there must be a general who would support this program. You show me any program in the Pentagon, and I will show you four or five generals who are involved in it and whose careers are attached to it in many ways. It is why many programs continue long after they perhaps should.

But with respect to this issue of the use of space, my colleague, when he began his statement, said this: The space test bed program is not solely—"not solely"—for the purpose of developing a space-based kill vehicle for missile defense. I respect that. But most people understand this space-based test bed is, in the longer term, being developed for a space-based kill vehicle and for space-based missile defense.

Yes, it would have satellite capability and antisatellite capability, for that matter, which will cause some real consternation around the world, in my judgment. But I wonder what would happen if today on the floor of the Senate we were here and we read in the newspaper that the Chinese or the Russians—either—have just passed legislation embarking on a project to develop a space test bed which can be used for the purposes of ballistic missile defense or, perhaps, antisatellite operations? We would have people on the floor of the Senate having an apoplectic seizure: The Chinese or the Russians are trying to weaponize space. How dare they?

Yet we are being told we need to proceed with a program that is not authorized, a program that is not appropriated in either the House or the Senate, because it is just research. The problem is, I have seen this "just research" sort of thing go on with all of these programs and projects. We know where this "just research" is leading to. The "just research" is the desire of some to develop a space-based antimissile program. It is not enough to have a ground-based system; they want to put it in space.

I am just telling you this: Do you think the rest of the world is going to sit by and say: OK, that is all right. Just stick a test bed up there. Do a little research. Then put a kill vehicle up there. That will be all right. It won't bother us very much.

Look, we have thousands of nuclear weapons. We have nuclear delivery vehicles all around the world. I am, frankly, at this moment much less concerned about a delivery vehicle that is traveling 14,000 miles an hour than I am a rusty Yugo car sitting at a dock in New York City with a smuggled small-yield nuclear weapon from the Russian arsenal in it. That is what I am concerned about.

Look at the threat meter against this country—and, yes, there is really a threat meter. People have evaluated: What are the greatest threats and what are the lesser threats? Look at the threat meter and evaluate what the greatest threats are against this country. Those are the threats we are spending the least amount of money defending America against. Yet we spend over $100 billion for ground-based interceptors in the national missile defense program as it has morphed into other programs to protect against an intercontinental ballistic missile.

We are told the great threat against our country comes now from rogue nations and from terrorist organizations. Does anybody really think a rogue nation or a terrorist group is going to attack us with an ICBM? Isn't it more likely, isn't it increasingly likely the threat will come in other ways? And isn't it true we are responding to that with much less money? We are responding to the lesser threat with more money, the greatest threat with less money. I do not understand that.

My colleague indicated that laser technology, for example, is more effective against a satellite if it is space-based laser technology.

So we put up a test bed, do a little research, put some technology up there with laser capability, and so do the Chinese and so do the Russians. Now you have 2 other systems up there much more effectively able to knock down a satellite. Wouldn't it be much smarter for all three of us to decide we are not going to weaponize space, we are not going to take an arms race to space?

That is why I say we have responsibilities in the world as a leader, the preeminent nuclear power in the world. We have responsibilities to decide this has to be an international discussion. I believe our greatest responsibility right now as a country is to lead in the direction of deciding we are going to try to reduce the number of nuclear weapons, prevent other countries from getting nuclear weapons, and try to shut down this potential to move weapons into space. That ought to be our responsibility. That is what will make this a safer world.

So my hope is we will defeat this amendment. I think this is a program which has justifiably been ignored by the authorizing committees and the money for which has been deleted by the appropriations committees. I appreciate very much the work of the appropriations committees to delete the $10 million that has been requested for the space test bed. I think that is the right choice for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise in support of the amendment of my good friend from Arizona to restore funding to the Missile Defense Agency's space test bed program.

The committee currently provides no funding to the program in this bill. Cutting this program will eliminate the ability to identify alternative architectural options for the space-based missile defense layer that sets the stage for any and all subsequent experimentations and demonstrations.

I do not think this issue is as simple as my colleague from North Dakota mentioned. I think that no matter what we do, our adversaries will continue to try to figure out ways to disable our space capabilities. If we do not watch it, we are going to find ourselves on the short end. I do not think it speaks well for the future of this country.

Think of the assets we have in space. It is not all related to missile defense. Think of our telecommunications systems, our telephone systems. Think of our systems where we are doing mapping from out in space, for example. The fact is, this country is building more and more of its infrastructure on the concept of some sort of interaction with assets in space. We need to be prepared to defend those assets.

This is not something we can deal with at the last minute. We need to be thinking: Where are our vulnerabilities going to be 15, 20 years down the road? Because you just cannot click your fingers and decide you are going to have all the technology there and the assets you need. We need to prepare today to begin to think about our vulnerabilities and prepare for those potential risks we may be faced with in the future. I do not think we can ignore the fact that China set up a missile and destroyed a satellite in space. What do you think the message is there? That is happening no matter what we do. We have a lot of assets in space, some of it is defense related, some of it is not. But it is this test bed that will help us develop the technology that will allow us to protect those vital assets we have.

Essentially, by rejecting this amendment, we would be choosing to cut the legs out from underneath the program of missile defense and delaying the possibilities of reaching future missile defense superiority. But I think it is more than that. Cutting off funding to the space test bed now is the first step of a new direction for MDA that moves away from exploring the future interceptions in space.

Supporting Senator KYL's amendment to restore the program at $10 million is not an unending commitment to achieving a space-based missile defense system, but it allows a study of concepts and integrated technologies that will someday, perhaps, enable a greater space-based layer in the ballistic missile defense system. But it is more than just that; it is protecting our other space systems and continuing to refine and develop those capabilities. Without funding our space programs, I think we are limiting our future national security options and we are putting our assets in space at risk.

On a broader scale, I am concerned that the rejection of this amendment would serve as a precedent in future years to provide further cuts to missile defense programs. Obviously, we are no longer involved in the Cold War, which prompted the creation of our missile defense programs, but we now face new threats from enemies who are anxious for our demise.

As we all know, last July, I will reiterate, North Korea tested an intercontinental ballistic missile that they had hoped could reach the United States. Iran is also testing ICBMs and is projected to have the ability to reach continental Europe and potentially the United States by 2015. Certainly, I do not need to reiterate the comments Iran's President directed at our Nation and Israel.

The Space Test Bed is a study for technology that could protect us in the future, and a space-based system that protects our satellites and our space assets, and it enables us to have that protection. Cutting off funding for this study and ignoring this future threat is simply irresponsible, in my mind.

General Obering, regarding last week's missile test, asked the question:

> Does the system work? The answer is yes to that.

General Obering also said:

> Is it going to work against more complex threats in the future? We believe it will.

That is his opinion. I think we have more to be concerned about than just missile defense. Obviously, I am a strong proponent of that and everybody knows where I come from and how essential I think that is to protecting this country and assuring the security of this country in future years. But even more important, we have to be working on this technology to protect our other space assets that we have flying around up in the sky that are helping us with telecommunications, helping us with the GPS, which we have become more and more reliant on, and other infrastructure that we have been developing.

So I hope the rest of the Senators will join me in supporting the Kyl amendment. I don't think we can continue to ignore the threat to our assets in outer space, and that is why I rise to support the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, after discussing this matter with the Senator from Arizona, I have had my staff do some research. The following may be of interest to the Senate: This bill has fully funded the President's budget request for space-based and space-surveilling satellite systems; for example, in the Air Force research and development alone, in excess of $585 million. We have funded above the President's request in the Air Force research and development; for example, $15 million for space situational awareness programs, $5 million for space control test capabilities, and $7 million for the RAIDRS program, a total of $27 million.

I cite this so we will not get the impression that we are not funding anything for space and satellite defense, et cetera.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

Mr. MENENDEZ. Madam President, I ask unanimous consent to call up amendment No. 3198.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. SALAZAR, proposes an amendment numbered 3198.

Mr. MENENDEZ. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3198

(Purpose: To authorize the expenditure of funds appropriated under subsection (b) of the Border Security First Act of 2007 to address any border security issue, including security at the northern border)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated under subsection (b) of the Border Security First Act of 2007 may be used to address northern border fencing as well, wherever the greatest security needs are.

Mr. MENENDEZ. Madam President, I offer this amendment with my colleague, Senator SALAZAR from Colorado, because we both feel passionately about the security of our country.

Earlier this afternoon the Senate voted on an amendment to provide funding to create greater security along the border between the United States and Mexico. I voted for that amendment because I recognize we certainly have to do more to protect our borders and, more importantly, because it had monies for employer verification efforts as well. At the same time, I recognize it is simply not enough. It was not enough because it made no mention—no mention—of our northern border or the significant security threat that it presents. That is why Senator SALAZAR and I are offering this amendment—to ensure that the northern border receives the same care and attention as does the southern border.

Last week, the Government Accountability Office released a report detailing the serious vulnerabilities of the northern border between Canada and the United States. Shortly thereafter, I came before this body to talk about those vulnerabilities, and I had hoped to raise awareness about this largely ignored problem. What I may not have accomplished last week I hope to accomplish today by offering this amendment.

With all due respect, I question this body's almost single-minded focus on the southern border. Personally, I am sick and tired of voting on amendment after amendment to build a fence between us and Mexico, amendment after amendment sending more Border Patrol agents to the south, amendment after amendment focusing on the gaps in our southern border, without—without—the same attention and the same concern directed toward our northern border.

Last week, the Government Accountability Office reported that given the current state of the northern border, almost anyone could enter our country undetected carrying radioactive material or any other illegal and dangerous substance. Almost anyone could bring chemical or biological weapons into our country across the northern border. That is simply unacceptable. But what is more unacceptable and what is more shocking to me is that this body continues to ignore these findings and instead focuses, as it did today, almost unilaterally on building a fence to separate us from our southern neighbors.

Now, what did the previous amendment have to say about the northern border with Canada? What did it have to say about the current gaps that could allow a terrorist to waltz right in and detonate chemical or biological weapons? Absolutely nothing. That is why we are here today. We are here today to make sure we take care of our northern border, and that we make it just as safe and as secure as our border to the south. We either protect the Nation as a whole or we have not protected the Nation at all.

The problems of the northern border, by the way, are not new. In fact, the 9/11 Commission noted that in 1999, there was one single agent on the northern border for every 13.25 miles. They compared this to the southern border which had one agent every quarter of a mile. So in one case, we have an agent for every 13.25 miles, and in the other case we have an agent for every quarter of a mile. Sadly, however, not much has improved since the 9/11 Commission pointed that out. In fact, currently only 965 agents out of a total of 13,488 agents are stationed in the north—only 7 percent. Such numbers are ludicrous when we consider that our northern border spans over 5,525 miles and is almost three times as large as the 1,993-mile southern border, 3 to 1 odds. That is exactly why the 9/11 Commission specifically recommended that the border between Canada and the United States be strengthened and that immigration controls be tightened.

Now, it doesn't take a rocket scientist to figure out that if you put 13,000, or a little less than 13,000, border agents in one part of the country and you put 965 in another part of the country, and I want to do damage to the country, where am I going to come through? Where I have to face almost 13,000 agents in a third of the space or where I have to face 965 agents in three times the space? Of course, those agents work on a rotational system, so it is not that they are all out there at the same time. So it is a third of those people who are out there at any given time. It doesn't take a rocket scientist to figure how you do harm.

Even before the 9/11 Commission issued its report, the Office of the Inspector General found serious problems with the security of the northern border. In 2000, the Office of the Inspector General found that Border Patrol agents in northern border sectors experienced more—more—organized criminal activity than agents in the southwest—more organized criminal activity than agents in the southwest. It found that illegal activity in the north was facilitated by the open nature of the border, the unpatrolled waterways, and the vast stretches of wilderness with little enforcement present. It noted that a severe lack of resources prevented the Border Patrol from truly knowing even the extent of the problem.

Sound familiar? It should, because nothing has really changed. Last week, MSNBC had video clips of people crossing the northern border of Canada with bags in their hands, with impunity, totally unobstructed, unprotected.

Make no mistake about it. Northern border security is a serious problem. It has been a serious problem in the past, and it continues to be a serious problem. Just over the last several years, nearly 69,000 individuals have been apprehended crossing over the northern border. That doesn't include the thousands and thousands who cross without apprehension.

Let me remind my colleagues about the millennium bomber. In 1999, the millennium bomber, Ahmed Ressam, crossed the northern border with Canada intending to kill as many American citizens in cold blood as possible. While we eventually stopped Ahmed Ressam from carrying out his plans, we have not addressed the problem that allowed him to enter the United States in the first place.

We simply cannot afford to ignore the problem of our northern border. And we will not, if we pass our amendment; we will be able to address that serious concern. Our amendment ensures that the $3 billion appropriated under Senator GRAHAM's amendment is also available for use on the northern border, wherever the greatest security needs are.

So we urge our colleagues to support this amendment. Trying to secure our Nation by focusing on only 1 of 2 borders is a recipe for disaster. We either protect the entire country, or we end up protecting none of it. This amendment guarantees we protect the entire country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I rise today to speak on behalf of amendment No. 3198 offered by my good friend and colleague, Senator MENENDEZ and myself. It is a very simple amendment that addresses 1 of the largest national security issues of our time. It is an amendment which in its simplicity says a lot, but it is, nonetheless, short. It says that amounts appropriated under this section of the bill, for the Border Security First Act of 2007, may be used to address northern border fencing as well, wherever the greatest security needs are.

Let me say that again. It says: May be used to address northern border fencing as well, wherever the greatest security needs are. It is a simple amendment and one which I hope colleagues on both sides of the aisle join in and support its inclusion in this Defense appropriations bill.

I want to step back just for one second and refresh our recollections on debates we have had on the issue of the overhaul of our immigration laws in our country. I think there was broad agreement that we needed to do 3 things in that particular overhaul. We needed, first of all, to secure the borders of America, to secure the borders of this country. Secondly, we needed to move forward and be serious about being a Nation of laws and making sure we were enforcing our laws in America, that we honor the rule of law in this country. Thirdly, we needed to deal with the realistic solution to the economic and moral issues which are a part of the issue of immigration which still so affects our country.

We were not able to get that done, so the reality of it is that today we have a system which is still in chaos, a system which is in disorder, and we continue to have our national security compromised. We have broken borders in this country which must be fixed. So the amendment offered earlier today, which I proudly supported, offered by my friend, Senator GRAHAM, was an important amendment because what it does is it invests in one of the issues that we need to address with respect to immigration, and that is border security.

It is border security. I supported that amendment in the same way we supported that concept as we moved forward in our debate over immigration reform. What is unfair, frankly, about what we are doing today is focusing only on 1 border—only on the southern border. There is a great disparity in terms of the kinds of resources we are putting into the protection of the southern border and almost nothing in the northern border. That disparity makes no sense whatsoever when one considers the challenge we face from a national security point of view.

When one considers the fact that the border between Canada and the United States is almost 12,000 miles long—11,986 miles—and there are only 972 Border Patrol agents, and when you consider that number in comparison to what we now have on the border with Mexico, where we have a 1,900-mile border, with almost 12,000 Border Patrol officers, and we have a border that is much longer in the North, for every Border Patrol officer we have in the North, we have 12 in the South to guard a much smaller border.

So the question for us has to be: Are we deploying our resources to where the greatest vulnerabilities are? The GAO, at the request of Senator GRASSLEY and Senator BAUCUS, reported to the Finance Committee in the last several weeks about the vulnerabilities they found on the northern border. They have found, through the investigators at the GAO, that there were people who could come across from Canada into the United States without ever being stopped, with radioactive materials being a part of what could be placed in those duffle bags the agents were carrying across the border. They were able to come across time and time again without anybody ever catching them.

One of the questions I asked the Border Patrol agent was: What is it that the Border Patrol office does in terms of using its resources? He said: We put them where the greatest vulnerabilities are. I would say when we look at the issue of national security, we ought to be putting the resources where the greatest vulnerabilities are. There are resources, yes, we ought to be putting on the southern border, and we have done that. But we cannot ignore the reality of the northern border—the reality that there are 12,000 miles, most of which is now unguarded, where people can come across the border into the United States with impunity and bring with them weapons that would do harm to Americans on American soil.

So this amendment goes a long way toward addressing that issue by saying that the money allocated here for border security should, in fact, be used where those greatest vulnerabilities are.

I will end by simply stating that even in the days after 9/11, when people were looking at the issue of terrorism in the United States, it was the Canadian intelligence service that made the finding that there were international terrorist organizations active in Canada; in making that finding, they were recognizing that one of the things they needed to do for national security was to be much more vigilant with respect to terrorism in Canada. We know that since that time, we have been infiltrated in this country by a terrorist who attempted to come across the border, Ahmed Rasam, an Algerian terrorist, who came into the United States, going into Washington, with approximately 100 pounds of explosives in his trunk. With 100 pounds of explosives in his trunk, he was headed to Los Angeles International Airport. That came from the northern border.

I urge my colleagues to support the Menendez amendment No. 3198 in the interest of making sure we are securing our borders and that we are moving forward with national security that makes sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3141

Mr. VITTER. Madam President, I call up amendment No. 3141.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for Mr. SESSIONS, for himself and Mr. NELSON of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG, proposes an amendment numbered 3141.

The amendment is as follows:

(Purpose: To enhance United States sea-based missile defense capabilities)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM–3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM–3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

Mr. VITTER. Madam President, I ask unanimous consent that Senators BAYH and LINCOLN be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I present this amendment on behalf of Senator SESSIONS, the lead author, as well as many coauthors, including myself, from both sides of the aisle. Senator NELSON of Florida will speak, and Senator KYL, and Senators LIEBERMAN, INHOFE, PRYOR, LAUTENBERG, BAYH, and LINCOLN.

Clearly, this is a very bipartisan initiative and, I believe, a very important one. This amendment would make available an additional $75 million for the Aegis ballistic missile defense system. That is a very important sea-based component of what will hopefully be a multilayered approach to missile defense—to defend our country, as well as our interests and allies around the world.

That money would come from an existing larger pot of funds already in the legislation, already available, for missile defense more generally. Specifically, $20 million of that money could be used to increase the production rate of the SM–3 interceptor; $45 million could be used for long-lead production of an additional 15 SM–3 missiles; and $10 million can be used to accelerate the development of the Aegis BMD Signal Processor and Open Architecture software for the Aegis BMD system. They are all very important components to the overall Aegis system and moving forward with this sea-based component of our missile defense.

This amount that would be made available under the amendment is precisely tied to the amount and the activity authorized in our National Defense Authorization Act—the chairman's mark of that—which passed the Senate on Monday. Similar increases for this proven capability were also included in the House Defense authorization and appropriations bill—a clear indication that this is a broad, bipartisan priority, a very important priority in terms of our overall missile defense network.

The additional funding that could be made available by this amendment would increase the production rate of the SM–3 missile interceptor, which is carried aboard Aegis destroyers and cruisers. There are about two dozen of these missiles in the inventory today, and this number is expected to rise to 132 by the end of 2013, which is not nearly enough to keep pace with the threat. That threat is very real and it is growing. That has been identified and documented by our military leaders.

In fact, they said there is a need to nearly double the number of planned interceptors. To be sure, North Korea alone deploys 600 short-range ballistic missiles and 200 medium-range ballistic missiles that can reach U.S. forces in Japan, South Korea, Okinawa, and Guam. Similarly, Iran deploys scores of short- and medium-range ballistic missiles and, of course, both entities are developing longer range systems that could target Europe or even the United States.

I believe this is very important. We need a multilayered approach to missile defense. We need to accelerate the development of that, and this Aegis system, which is sea-based, is a very important part of that. It is important to do it; it is important to send the message loud and clear to our allies and enemies around the world that we are doing it.

In closing, I thank Senator SESSIONS for his leadership and also Senator NELSON of Florida, who will speak very soon, and all the other bipartisan cosponsors of this important amendment.

I ask unanimous consent, first—because he approached me first—for Senator KYL to have up to 5 minutes to respond to other debate on the Senate floor and then, immediately after that, Senator NELSON of Florida to speak for an appropriate time on this Sessions-Nelson amendment No. 3141.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 3144

Mr. KYL. Madam President, I wish to respond to four quick points made in reference to my amendment, which is amendment No. 3144. First, the chairman of the committee, the Senator from Hawaii, said we have funded many space programs, and he mentioned the Space Tracking and Surveillance System and Space Situational Awareness Programs. That is true, except that they cut $55 million out of the STSS Program. The key point is that those are situational awareness and tracking programs, not defensive programs. There is zero in here for the defense space test research program. That is what I am talking about—not situational awareness and tracking but an actual Defense research program.

Secondly, the Senator from North Dakota first responded to my argument and the fact that I had quoted General Obering's support by saying he is not surprised that the Kyl amendment is supported by a general, that they usually are because their careers depend upon programs. Frankly, I am astounded by this ad hominem attack. Let's attack the substance of the program, not the general who supports it. We cannot trust our generals? Is that what is being said? We ask them to devise ways of protecting us from attack, and that is the thanks they get.

Let's turn to the substance of the argument. Two primary points were made by the Senator from North Dakota. First of all, because the space-based test bed program could evolve into a space-based missile defense, regardless of its other benefits for satellite protection, we should not fund the program. Well, my first reaction is, God forbid that we would develop a program to defend us from intercontinental ballistic missiles. We would not want to do that. Of course, the point is there are years of decisionmaking between the time that a space-based test bed program evolves into concepts and potential programs and the research evolves into specific proposals and the time that the Senate would ever vote on them.

Does the Senator have such a lack of confidence in his ability to stop such a horrible thing—space-based defenses—that he is not even willing to allow a program to be funded to develop conceptual programs to defend our satellites in space, which presumably we all favor?

Finally, the last argument was, well, the nations of the world would be better to get together and have an agreement not to develop weapons in space. There are two answers to that. First of all, what is a Chinese missile flying through space to hit a satellite called? That is what they did. As the Senator from Florida and I discussed the other day, that they left a lot of space debris is a problem in the wake of that attack. What is a missile flying through space to hit another country's satellite called? Is that a weapon in space? Are we so afraid of defending our satellite assets that we don't want to defend against a satellite killer missile from a country coming up from the ground into space that hits our satellite? Would we not want to defend it from space?

That is a ludicrous argument. I don't believe we are going to get the countries of the world together to join in a treaty to have them forget programs that they have already been developing—the Chinese in this particular case—because they want to have an asymmetric way of destroying our satellites.

The bottom line is this: The United States better get serious about defending our eyes and ears in space and now the satellites that direct so much of our military activity. Other countries have the ability to turn off the light. They know where the switch is. In times of war, we cannot be blind and deaf and be denied our space assets. And yet virtually by turning off the switch, other countries have that capability. Isn't it about time we begin the first steps of developing a capability against that?

I note, by the way, that the $10 million program out of a budget for missile defense of over $8 billion is hardly enough to color general Obering's claims that this would be a good program for us to begin research on.

I hope my colleagues, when this amendment is voted on, will think about the future, will think about the fact that they have plenty of opportunities to stop a program should it ever evolve into a space-based missile defense program. If they want to stop that, stop that, but don't use that as an argument to stop research on a satellite protection program.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wish to respond to the Senator from Arizona. Yes, the Chinese ASAT test is a threat and is particularly a threat because it could knock out our satellites, and it has left a lot of debris up there that can destroy everybody's satellites if there is a collision.

If I could get the attention of the Senator from Arizona, I say to him if what he wants to do is to protect our space assets, there are other parts of the defense budget to which it should be addressed instead of the national missile defense part of the budget. There is a part that is handled under the strategic command called space situational awareness that would be more appropriate to address the issue of protecting our space assets. Most of that is highly classified and cannot be discussed here.

By the Senator from Arizona wanting to put this amendment into the part about national missile defense, it takes us back to the old idea of star wars and the starting of weaponization of space.

I suggest to the Senator that we can work this out, but it is not going to be able to be done right here in a few minutes on the floor, given the classified nature of a number of these programs.

I urge the Senator, if his intention truly is the protection of space assets, for us to consider those other programs that are now in development and not to take his amendment to a vote, which this Senator would then have to oppose.

I yield to the Senator for his response and any questions without yielding the floor.

Mr. KYL. Madam President, I was going to suggest that, and I appreciate the Senator's comments. I am aware of the situational awareness programs. The point I was trying to make earlier in response to the distinguished chairman of the committee is this is not a situational awareness program. This is a program that could actually result in the development of defenses for our satellites, a lot of different potential concepts.

The concepts that would protect the satellites from space, of course, are different potentially from the concepts that would protect them from the ground.

I am happy to have a different line in the budget, if that is going to solve the problem. But what I don't want to do is to have the money allocated simply for tracking or surveillance or situational awareness as opposed to researching development of potential defenses.

I wonder if my colleague will respond.

Mr. NELSON of Florida. Madam President, by the Senator from Arizona wanting to put this as a part of a proposed space test bed, that is clearly understood, and that is why all four of the Armed Services and Appropriations Committee bills eliminated this $10 million for the proposed space test bed because that is the initial step toward deploying space-based interceptors for missile defense. So everybody understands what that means, the space test bed is intended to deploy weapons in space. If that is not the Senator's intention, then we ought to look to this space situational awareness which is the question of us protecting assets in space.

Mr. KYL. Madam President, if I may respond to the Senator, part of defending a satellite against an attack is being aware the attack is pending, is about to happen, or is happening. But if all you know is that I am being attacked and you are not capable of defending yourself, the knowledge you are being attacked is of little use. So this is not a matter of surveillance or situational awareness; it is a matter of developing defenses.

I guess I would put this question to my colleague: As an abstract principle, would my colleague favor or oppose the concept of a space-based defense of satellites of the United States that have military uses, in other words, a defense that would be perhaps based on the satellite itself to jam signals as some weapon homes in or that would create some kind of effective shield of electromagnetic pulse or other kind of electronic defense or even a kinetic kind of defense for the satellite if it is under attack, perhaps some kind of shielding against a laser attack? In other words, all different kinds of attacks that might come.

As a hypothetical matter, would my colleague not agree that it would be very useful and appropriate, even if those defensive capabilities are located in space, for us to be able to protect our satellites in that way or would my colleague consider those to be space-based weapons that are impermissible?

Mr. NELSON of Florida. Madam President, I want to be careful in what I say because under some highly classified programs, this Senator simply cannot discuss these matters. If the Senator wants to press his amendment to a vote, this Senator suggests he is not going to have the votes, and if what he is saying is he wants to protect space assets, there are programs that are being developed in this country to do exactly that. And that is all this Senator can say.

Mr. KYL. Madam President, let me say, first, I am aware of what is being done to protect our assets, and we don't, as has been said before on the floor of this Chamber, have defenses for our satellites in space today by an attack by another country. We have to work in this area. The space-based test bed is one of the places in which we could develop proof of concept that could be effective both for our satellites and, yes, also for an attack by a hostile missile because that is where this program started, it is in the missile defense budget. But that doesn't mean if I drop this amendment, for example, as the Senator is suggesting I do, that, therefore, we can forget about the need to protect our satellites because everything is taken care of. We have a need to develop concepts which include the ability to test, first, terrestrially and then in space, proof of concept that would provide for defenses, that would both protect satellites and protect against a hostile missile attack.

For the life of me, I don't see why my colleague can so confidently predict that my amendment will not have the votes to be adopted simply because on down the road many years from now it is theoretically possible that a concept would be developed to protect against a hostile missile attack with some kind of a space-based program.

Mr. NELSON of Florida. Madam President, I wish to say—and all I am allowed to say—and let me tell the Senator I don't think he has read into all of the programs—if he would so like to be, then he ought to pursue this discussion not in this open forum.

I will further say the proposed space test bed in a missile defense program is a missile defense program, not a space asset protection program that the Senator from Arizona is saying it is. Therein lies the difference.

If he is going to insist on pressing his question—somewhere out here we have to have some mutual trust and understanding. I cannot satisfy the Senator by virtue of me being limited in what I can tell him in this open session. So I will leave it up to the Senator as to whether he wants to press his amendment.

Madam President, I need to speak on the other amendment, on Senator VITTER's and my amendment.

I yield the floor for the purpose of the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the debate suggests very strongly that there is much uncertainty in this amendment. Therefore, I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3144 WITHDRAWN

Mr. STEVENS. Madam President, I ask unanimous consent that amendment No. 3144 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. REID. Madam President, I appreciate that very much. As when I announced this bill, I indicated we had two of our most senior Members managing it, with great experience, and here is an indication of what I was talking about. This is a time when these two men understand this bill more than anyone else, because they have managed it for so many years. I appreciate their management on this, and we hope to be drawing this bill to a close.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. REID. Madam President, one of the privileges I have as majority leader is the opportunity to welcome, on rare occasion, fellow legislators from various places. Today, we are fortunate to have legislators from the European Parliament who are here as part of a regular transatlantic legislative dialog. It is very important. This is a tradition that started in 1972 and has continued every year since.

The current delegation includes members of the Parliament from the newest European Union countries of Romania, Bulgaria, Estonia, as well as from the founding members of Italy, France, the Netherlands, and Germany. We are pleased as well to see colleagues from the United Kingdom, Ireland, Spain, the Czech Republic, Poland, Portugal, and Finland.

The European Parliament today has 727 members who sit in 9 different political groups, not by country, representing the entire political spectrum of Europe from left to right. They work in more than 20 languages, representing 450 million people who elect the Parliament in free and democratic elections every 5 years.

It wasn't very long ago that some of these nations represented by our colleagues here today broke free from totalitarian communism. Now they are participating in the European Union as full and equal members, enjoying the benefits of growing market economies and stable democratic governments under the rule of law.

Madam President, I ask unanimous consent to have printed in the RECORD the names of our colleagues from the European Parliament.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE UNITED STATES

63rd EP/US Congress Interparliamentary Meeting, Transatlantic Legislators Dialogue (3–8 October 2007, Washington, DC and Nevada)

Mr. Evans Jonathan, Chairman, PPE–DE, United Kingdom; Mr. Hamon Benoît, Vice-Chairman, PSE, France; Mr. Belder Bastiaan, IND/DEM, Netherlands; Mr. Burke Colm, PPE–DE, Irlande; Mr. Cercas Alejandro, PSE, Spain; Ms. Cretu Corina, PSE, Romania; Mr. Crowley Brian, UEN, Ireland; Ms. Descamps Marie-Hélène, PPE–DE, France; Mr. Duchon Petr, PPE–DE, Czech Republic; Mr. Fatuzzo Carlo, PPE–DE, Italy; Mr. Giertych Maciej Marian, NI, Poland; Ms. Gomes Ana Maria, PSE, Portugal; Ms. Iacob-Ridzi Monica Maria, PPE–DE, Romania; Ms. In't Veld Sophie, ALDE, Netherlands; Ms. Jäätteenmäki Anneli, ALDE, Finland; Mr. Kuhne Helmut, PSE, Germany; Ms. Mikko Marianne, PSE, Estonia; Mr. Millán Mon Francisco José, PPE–DE, Spain; Mr. Nicholson James, PPE–DE, United Kingdom; Ms. Quisthoudt-Rowohl Godelieve, PPE–DE, Germany; Mr. Skinner Peter, PSE, United Kingdom; Mr. Tatarella Salvatore, UEN, Italy; Ms. Zdravkova Dushana Panayotova, PPE–DE, Bulgaria.

Mr. REID. I would advise Senators that our colleagues from the European Parliament are available now to meet on the floor for the next few minutes. I welcome them.

I would announce also, every time I meet a foreign dignitary, I say to them—because they go to Dallas and New York, Chicago, and L.A.—that they never go to Nevada. Well, tomorrow they are headed for Las Vegas.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:55 p.m., recessed until 5:04 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the new Chairman of the Joint Chiefs of Staff, Admiral Mike G. Mullen, has made a statement to our American soldiers, sailors, airmen, marines and their families. I was privileged to get a copy of this, and I think it is the type of letter every Member of the Senate should be allowed to read. So I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To America's Soldiers, Sailors, Airmen, Marines and your families, I am honored today to begin my term as Chairman of the Joint Chiefs of Staff. As I do, allow me to thank you for your service at this critical time in our Nation's history.

Whether you serve in Baghdad or Bagram, Kabul or Kuwait—whether you find yourself at sea in the Pacific, flying support missions over Europe, on the ground in Africa, or working every day at stateside bases—you are making a difference and so is every person in your family. Your service matters. And I do not take it for granted.

The world is a dangerous place. The hundreds of thousands of you who have deployed since September 11th—many of you more than once—already know that. You've stood up to those dangers. You have lost friends to them. You may even have lost some of yourself to them. The dangers of this new and uncertain era have hit you and the people you love squarely in the gut. I will not lose sight of that.

Nor should any of us lose sight of the need to continue serving. The enemies we face, from radical jihadists to regional powers with nuclear ambitions, directly and irrefutably threaten our vital national interests. They threaten our very way of life.

You stand between these dangers and the American people. You are the sentinels of freedom. You signed up, took an oath, made a promise to defend something larger than yourselves. And then you went out and did it. I am grateful and honored, to be able to serve alongside you.

The law says my main job is to advise the President, the Secretary of Defense and the National Security Council on issues of military readiness and capabilities. I will do that. But, I also see myself as your representative to those same leaders, an advocate for what matters to you and your families—your voice in the policies, programs, and processes that affect our National security. I will not forget the impact my decisions have on you.

I will remember that you, too, comprise a great generation of patriots, and that among you are combat veterans with battlefield experience that many at my level have never and will never endure. I will tap that experience. I want to make sure we learn from it.

I am not interested in planning to fight the last war, but neither am I interested in ignoring the valuable lessons we continue to learn from this one. It would be foolish to dismiss the knowledge you have gained. I will not do that.

I know the wars in Iraq and Afghanistan are taking a toll on you and your families. They are taking a toll on our equipment, our systems, and our ability to train as well. I worry, quite frankly, that they are taking a toll on our readiness for other threats in other places.

But that does not mean our struggles there are not important. They most certainly are important. They are vital.

To the degree the wars in Iraq and Afghanistan contribute to or detract from a stable, secure Middle East, they bear a direct effect on the security of the United States. That is why my number one priority will be developing a comprehensive strategy to defend our National interests in the region.

Next on my list is resetting, reconstituting, and revitalizing our Armed Forces, especially the Army and Marine Corps. I believe our ground forces are the center of gravity for the all-volunteer force and that we need to make sure that force is correctly shaped and sized, trained, and equipped to defend the Nation.

Finally, I intend to properly balance global strategic risk. We must stay mindful of our many global security commitments and of the core warfighting capabilities, resources, and partnerships required to conduct operations across the full spectrum of peace and conflict. The demands of current operations, however great, should not dominate our training exercises, education curricula, and readiness programs.

The conflicts in Iraq and Afghanistan will one day end. We must be ready for who and what comes after.

There is much to do. The speed of war, the pace of change, is too great for any of us to manage it alone. I need your help, your ideas, and your input. Whenever I travel to the field and to the fleet, I expect you to tell me what's on your mind. Tell me what you think. I need your constant feedback. I can't succeed—we can't succeed—without it.

You made a promise to defend this country. Let me make one to you: I will listen to you. I will learn from you. And I will endeavor to lead always with your best interest at heart. The way I see it, that is my job now.

M. G. MULLEN,
Admiral, U.S. Navy.

AMENDMENT NO. 3141

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to pick up on the earlier debate on the Sessions-Nelson amendment, No. 3141, that was offered by Senator VITTER, and just say I do not think this will be controversial because it is bringing the appropriations bill in conformance with exactly the provision that is in the Defense authorization bill on the Aegis BMD Program with an additional $75 million. This Aegis system has extraordinary effectiveness and promise, going after weapons, particularly in the boost phase. It is a sea-based system.

I want to explain what it does and why it is important.

In the Senate Armed Services Committee fiscal year 2008 Defense authorization bill that was recently adopted by the Senate, there is an authorization for an additional $75 million for the Aegis BMD program, in addition to authorizing the full budget request for the Aegis BMD program. That increased funding authorization came from our committee markup of the budget request, which was initiated in the subcommittee that handles missile defense.

I have the honor to serve as the chairman of the Armed Services Subcommittee on Strategic Forces, and I am pleased to have Senator SESSIONS as the ranking member of that subcommittee. For the Armed Services Committee markup of the Defense authorization bill, our Strategic Forces Subcommittee prepared a proposal for the portion of the defense budget within our jurisdiction, which includes ballistic missile defense.

The subcommittee proposal included an additional $75 million for the Aegis BMD program, which was allocated as follows: $20 million for an increase in the production rate of the interceptor missile for the Aegis BMD system, known as the Standard Missile-3, or SM-3); $45 million for long lead of an additional 15 SM-3 interceptors; and $10 million to accelerate development of computer software for the Aegis system.

This amendment mirrors exactly the additional funding authorized by the Armed Services Committee, and approved by the Senate this last Monday. It recognizes that the Aegis BMD system provides an important capability against the existing threats by short- and medium-range ballistic missiles to our forward deployed forces overseas. It also recognizes that the President's budget request did not provide enough funds for this capability. So we are proposing to add more funding to build additional near-term and effective capability against existing threats.

Last year, when Senator SESSIONS was the chairman of the Subcommittee on Strategic Forces, the subcommittee initiated legislation to make it U.S. policy that our priority in missile defense should be on effective near-term capabilities. That legislation was later enacted into law and is now our national policy. This amendment would take an important step to implement that policy.

The Aegis BMD system has had an impressive development and testing program, with a commendable track record of successful and operationally realistic testing. I would note that the Navy is a critical component of the success of this system, since it has operated the Aegis weapon system and its standard missile variants for many years on its ships. The Navy has ensured that this missile defense capability works well with its existing systems and procedures, as is necessary to ensure the system would work in real-world combat operations.

I would note that the Aegis BMD system is planned to improve its capability significantly over the coming years, especially with a larger and faster interceptor we are developing cooperatively with Japan. The improved version of the Aegis BMD system is expected to be able to defend against intermediate-range missiles and some long-range missiles, as well.

This amendment does what I believe the administration should have done. It would place greater emphasis and greater resources into an effective, near-term capability to defend our forward deployed forces, as well as our allies and friends overseas, against existing and near-term threats.

I urge support for this amendment.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENTS NOS. 3153, AS MODIFIED; 3162, 3152, 3127, 3155, AS MODIFIED; 3173, EN BLOC

Mr. INOUYE. I ask unanimous consent that the following list of amendments be adopted. It has been cleared by both sides: Senate amendment No. 3153, as modified, by Senators GREGG and SUNUNU, regarding the Advanced Decision Kill Weapon System; amendment No. 3162, for Senators LEVIN and STABENOW, regarding advanced automotive technology; amendment No. 3152, for Senators SMITH and HARKIN, regarding the Minuteman Digitalization Demonstration Program; amendment No. 3127, for Senator BROWN, regarding the high altitude airship; amendment No. 3155, as modified, for Senators DOMENICI and BINGAMAN, regarding mid-infrared advanced chemical lasers; amendment No. 3173, for Senators BINGAMAN and DOMENICI, regarding sunlight beam directors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were considered and agreed to, as follows:

AMENDMENT NO. 3153, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $6,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

AMENDMENT NO. 3162

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $6,000,000 for Advanced Automotive Technology)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

AMENDMENT NO. 3152

(Purpose: To make available from Operation and Maintenance, Army National Guard, $2,000,000 for the Minuteman Digitization Demonstration Program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

AMENDMENT NO. 3127

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, up to $1,000,000 for the High Altitude Airship Program)

At the end of title VIII, add following:

SEC. 8107. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

AMENDMENT NO. 3155, AS MODIFIED

At the appropriate place, insert the following:

SEC. . Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $3,750,000 may be available for a Mid-Infrared Advanced Chemical Laser at the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3173

(Purpose: To make available from Research Development Test and Evaluation, Army, $3,750,000 for a High Energy Laser Systems Test Facility Sea Light Beam Director)

At the appropriate place insert the following:

SEC. . Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,750,000 may be available for a Sea Light Beam Director at the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3162

Mr. LEVIN. Mr. President, earlier this afternoon, the Senate unanimously adopted an amendment offered by myself and Senator STABENOW to increase the budget of the Army's National Automotive Center by $6 million.

The National Automotive Center, NAC, part of the U.S. Army Tank-Automotive Research, Development, and Engineering Center, works to support and leverage advancements by the automotive industry to improve military ground vehicles. The funds provided by our amendment will allow the NAC to help meet current and future automotive technology needs.

These funds will support the development of new technologies that are critical to the success of the Future Combat Systems program and will help our military to meet the fuel efficiency goals that have been set by the Department of Defense, while improving the safety of military ground vehicles.

I am pleased that the Senate adopted our amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3206

Mr. INOUYE. Mr. President, on behalf of the leadership of the Senate, Senators REID and McCONNELL, I say to the desk the following amendment and ask for its immediate consideration and that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. REID and Mr. McCONNELL, proposes an amendment numbered 3206.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment is as follows:

(Purpose: To make technical corrections to Public Law 110–81)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.".

The amendment, (No. 3206) was agreed to.

AMENDMENTS NOS. 3204, 3116, 3182, 3135, AS MODIFIED; 3177, 3163, 3176, 3136, 3175, 3137 EN BLOC

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that managers' package No. 3 be considered and agreed to. It consists of the following: amendment No. 3204, for Senator SUNUNU, regarding harbor surveilling applications; amendment No. 3116, for Senator McCASKILL, regarding a Web site link for the DOD Inspector General; amendment No. 3182, for Senator COLEMAN, regarding the Laser Perimeter Awareness System; amendment No. 3135, as modified, for Senator KENNEDY, regarding high temperature superconductor motors; amendment No. 3177, for Senator INHOFE, regarding Ground Warfare Acoustical Combat Systems; amendment No. 3163, for Senator HARKIN, regarding MSOGs for F–15 aircraft; amendment No. 3176, for Senators HUTCHISON and CORNYN, regarding the improvement of barriers at the border; amendment No. 3136, for Senator LANDRIEU, regarding the Cyberspace Innovation Center; amendment No. 3175, for Senator BENNETT, regarding Internet observer threat mitigation tools; amendment No. 3137, for Senators OBAMA, COBURN, and REID of Nevada, regarding the Federal tax liability certifications.

I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to.

The amendments are as follows:

AMENDMENT NO. 3204

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $1,000,000 for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

AMENDMENT NO. 3116

(Purpose: To require the establishment on the Internet website of the Department of Defense of a link to the Office of Inspector General of the Department of Defense)

At the end of title VIII, add the following:

SEC. 8107. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

AMENDMENT NO. 3182

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $5,000,000 for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

AMENDMENT NO. 3135, AS MODIFIED

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

AMENDMENT NO. 3177

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $1,200,000 for Ground Warfare Acoustical Combat System of netted sensors)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

AMENDMENT NO. 3163

(Purpose: To make available from Aircraft Procurement, Air Force, $5,000,000 for the retrofit of upgraded Molecular Sieve Oxygen Generation Systems into F–15C/D fighter aircraft)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

AMENDMENT NO. 3176

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

AMENDMENT NO. 3136

(Purpose: to make available from Operation and Maintenance, Air Force, $4,000,000 for the 8th Air Force Cyberspace Innovation Center at Barksdale Air Force Base, Louisiana)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

AMENDMENT NO. 3175

(Purpose: To make available from Intelligence Community Management Account, $5,000,000 for Internet Observer and Inner View insider threat mitigation tools)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

AMENDMENT NO. 3137

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Mr. INOUYE. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment in question is the Vitter amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I request the clerk make us a list of pending amendments, amendments that have been qualified as pending on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3130, 3167, 3145, AND 3141

Mr. INOUYE. Mr. President, I am pleased to announce that the following amendments have been cleared by the leadership of both sides and we are ready to consider them en bloc: First, 3130, 3167, 3145, and 3141. I ask unanimous consent they be considered en bloc and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3130, 3167, 3145, and 3141) were agreed to.

Mr. INOUYE. Mr. President, I move to reconsider.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3144

Mr. DORGAN. Mr. President, I have a couple of minutes of comment. I know Senator KYL withdrew his amendment. But I do want to have the RECORD corrected, because I was listening to part of the debate when I was back in my office. I think it is important to have an accurate RECORD.

My colleague from Arizona indicated that the space-based test bed program which I oppose is not a program that would primarily be a space-based missile defense program. He said it is about protecting satellites. That the space test bed is about protecting satellites. That is what my colleague was saying.

Let me read the unclassified portion of the Pentagon budget justification for the program.

> The space test bed is being explored as a potential solution to enhance ballistic missile defense.

I guess you can come to the floor and say: Well, that is not what it is. But you probably would have to ask the Pentagon to cut out this page from its budget justification book.

I want the RECORD to reflect something that is half way accurate. All of us understand what that program was intended to be. This is what the Defense Department says it was intended to be. So when I come to the floor and talk about why this program ought not proceed, it is not authorized, it has not been funded in either the House or Senate appropriations bills and, besides, it is a program that will eventually weaponize space by putting ballistic missile defense interceptors in space, I have the facts on my side.

Then to have someone say: Well, that is not what it was. Gosh, you must not understand it, Mr. DORGAN. Well, I am sorry; I do understand it. So does the Pentagon. They say again:

> The Space Test Bed is being explored as a potential solution to enhance ballistic missile defense capability in the future.

I went to a small school, but I can understand this. And I read fairly fast. There is not a lot of reading on this page. So I wanted the RECORD to reflect what is accurate about the issue of the space test bed.

I think this country has an enormous responsibility with the question of nuclear weapons, stopping the spread of nuclear weapons, attempting to find ways to reduce the number of nuclear weapons and delivery vehicles to protect this country in dozens of different ways against threats that exist against our country.

I think it would be a profound mistake for this Congress to decide, without authorization, with very little debate, to begin funding a program that eventually will provide weapons in space. We would be apoplectic if we believed a program existed or was begun today in the Duma or in China, because we would believe it would be a threatening approach for them to weaponize space. I think they would view the same with activities we would undertake.

My hope is we can work with others in the world with respect to nonproliferation and with respect to protecting all of us from those who would be aggressive in our future.

By the way, my colleague suggested, because I said you can almost always find a general to support a program at the Pentagon—that I denigrated generals. My point was not to denigrate generals. But every program that exists, and every idea, has sponsors and support. You show me a program, I will show you a number of people who are involved in that program, believe in that program, and want that program to move. It is the generals and colonels and captains and lieutenants, and that is the way the system works.

Now, I promised I was going to compliment the manager and the ranking member. I did it before, but let me do it again. This is a big piece of legislation, hard to put together, and not easy to manage. But they have been on the floor now for some while trying to move this legislation through. Much of it is very important for this country. I hope we can move to final passage in an expedited way.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3198

Mr. LEAHY. Mr. President, I call up amendment No. 3198.

The PRESIDING OFFICER. The amendment is pending.

Mr. LEAHY. I make a point of order that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. LEAHY. I thank the Chair.

While I have the floor, I understand my good friend, the Senator from New Jersey, is concerned. There appears not to be parity between the northern border and the southern border. I share his concern about some of the issues of racism that have been floated into the debate regarding our southern border. I think he would admit that there are differences between the northern border and the southern border. We are blessed to have friends on both our northern and southern borders. The failure of the administration to take a truly bipartisan approach to comprehensive immigration reform and the failure of this body to go forward and work its way all the way through to a final immigration bill reflects some of the problems we have.

The way to solve them is not to close the border to a historic neighbor on the longest unguarded frontier in the world, one of our largest trading partners. We already have policies of this administration that are about to cost us hundreds of billions of dollars in jobs in the United States, which do nothing to enhance our security, with the cockamamie idea from the State Department and the Department of Homeland Security requiring passports to cross between Canada and the United States. This will do very little to improve our security. Instead of working with Senators on both sides of the aisle to find a way where we could have safe, easy transfer between the two countries, keep commerce going, especially after this administration has so badly handled our economy that our dollar has slipped dramatically, the administration wants to hastily implement ill-conceived barriers to cross-border travel. We seem to want to poke our thumb in the eye of a good neighbor.

I do not fault the Senator from New Jersey for his amendment. I understand the reason he does it. As he can well understand, I disagree with the idea of a fence along the Canadian border, just as I voted against erecting a fence along the southern border last year. I wish we could show some sense in real immigration policy with our southern border. It is a fault in this country to pretend we don't have illegal immigrants looking for a better life and to think that we are going to solve the problem by denying them access to social programs, deny their children access to our schools, deny them access to assistance with food, deny them access to health care, and to threaten prosecution of our churches if they show their respect for the commandments and actually want to help the least among us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the views of my distinguished colleague from Vermont. I particularly appreciate his support for comprehensive immigration reform for which he has been a champion. However, I must take the opportunity to note that the underlying amendment Senator SALAZAR and I were addressing, for which no point of order was raised against and which, in essence, was adopted by the Senate, goes to the very heart of this issue.

As a matter of fact, there was a colloquy between Senator TESTER and Senator GRAHAM that basically said to some degree that, in fact, the resources Senator GRAHAM had in his amendment, adopted by the Senate, could go to the northern border. What Senator SALAZAR and I want to make clear is that, in fact, either we protect all of the country or we protect none of it.

Mr. LEAHY. Will the Senator yield for a question?

Mr. MENENDEZ. I am happy to.

Mr. LEAHY. I want to make sure: The Senator would have been within his rights to have made a point of order against the Graham amendment had he wanted to; is that correct?

Mr. MENENDEZ. Unfortunately, I didn't have notice of it before it was called up for a vote; otherwise, I would have had the opportunity.

Mr. LEAHY. I had heard about an hour before the vote that we were having it.

Mr. MENENDEZ. I would note for the Senator, however, that his concern was in the underlying Graham amendment as well. So here we are, where we as a body consistently pursue one course of action on one part of the U.S. border, and on the other border we actually say it is quite different. The reality is, some of us on this issue believe there has to be some consistency because, if not, some of us believe either it is about securing the country or it is not. If it is about securing the country, you can't secure one border and say the other border is free for people to cross undetected, as has been well documented by the Government Accountability Office, by the 9/11 Commission, and by the fact that the millennium bomber came through, and a host of other things. Either we are going to have security, which means north and south, or we are not going to have security. If it is only about the southern border, then it is about a lot more than security. It is about who happens to be crossing we don't like. What is the color of their skin? What is their ethnicity? Why is that such a threat when the only real terrorist threat we have ever had came through the northern border?

This Senator, for one, intends to ensure moving forward that as we have other appropriations bills, I will make it my business to be on the Senate floor to raise points of order because either it is about securing all of the country or it is about securing none of it.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3146 WITHDRAWN

Mr. INOUYE. Mr. President, with the approval of Senator ALLARD, I ask unanimous consent that amendment No. 3146 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. That is the Allard amendment?

The PRESIDING OFFICER. The Allard amendment.

Mr. ALLARD. Mr. President: I want to speak at this point with Senators INOUYE and STEVENS on the amendment offered by Senator SALAZAR and myself designating $5 million—the amount requested by the Pentagon and previously approved by the House—for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration and Operations Center on Schriever Air Force Base in Colorado Springs, CO. May I ask, are the chairman and ranking member of the Defense Subcommittee aware of the potentially valuable work proposed for this center?

Mr. INOUYE. I am.

Mr. STEVENS. I am as well, and I note that this amendment was submitted yesterday—coincidentally on the day when it became obvious that our Nation's missile defense system is, according to today's New York Times, "up and running."

Mr. ALLARD. Exactly. We hear frequent mention on this floor about the other, non-Iraq dangers facing this country, and our national missile defense system is designed to deal with some of the most worrisome of those threats—an accidental or rogue nation launch of ballistic nuclear weapons against our country. I am sure the chairman and ranking member agree on the value of this system, and that a system as technologically complex as this one requires constant analysis, demonstration, and integration?

Mr. INOUYE. Certainly.

Mr. STEVENS. Yes.

Mr. ALLARD. I further, then, suggest that the Missile Defense Space Experimentation Center fulfills this role, and also supports advanced technology and algorithm development, and other mission areas such as space situation awareness, technical intelligence, and battle space characterization.

The MDSEC facility buildout began in fiscal year 2006 and continued through fiscal year 2007 under the STSS program. As the MDSEC supports multiple satellite operations and experiments, the fiscal year 2008 request of $5 million is contained within the MDA Space Program Element. The MDSEC provides the Missile Defense Agency a common support infrastructure and connectivity to the BMDS for the two satellites to be launched in 2008. It will also integrate space data in support of the missile defense mission such as ongoing experiments using Defense Support Program data for missile defense, planned experiments with data from MDA and other defense and national security systems. MDSEC further supports mission integration of space-based missile track—boost and midcourse phases—sensor and weapons cueing via C2BMC, features and discrimination, kill and impact point assessments into C2BMC, Aegis, terminal high altitude area defense—THAAD—global missile defense—GMD—and other non-MDA mission areas to include space situation awareness, technical intelligence, and battle space characterization.

I believe the mission and task for the MDSEC require our support and I urge the distinguished chairman and ranking member of this committee to give their full support to this program.

Mr. INOUYE. I pledge to my friend from Colorado that when we sit down to discuss this matter with the House I will continue to support the ballistic missile defense system. Let me assure you, as well, that we will carefully examine the merits of the programs at the MDSEC and the unique capabilities of the MDIOC when we have our conference negotiations with the House.

Mr. STEVENS. I concur.

Mr. ALLARD. I thank you both.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. INOUYE. Madam President, I yield to the Senator from Alaska.

Mr. STEVENS. Madam President, I call up Senate amendment No. 3166.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 3207 TO AMENDMENT NO. 3166

Mr. STEVENS. I send an amendment to the desk and ask for its consideration. It is an amendment to this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3207 to amendment No. 3166.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3207 TO AMENDMENT NO. 3166

On page 1 of Amendment 3166, after line 7 insert the following:

"Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed servicemembers.

"Such report shall identify: the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians; alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed servicemembers; support networks beyond educational settings that have been effective in addressing the needs of children of deployed servicemembers, to include summer and after-school recreational, sports and cultural activities; programs which can be accessed without charge to military families; gaps in services for minor dependent children of deployed personnel, and; opportunities for expanding public and private partnerships in support of such programs.

"Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to congressional defense committees.

"Plan Required:

"Not later than 60 days after submission of the report required by this section. the Secretary shall submit a plan to the congressional defense committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations. as required by this section."

Mr. STEVENS. Madam President, I would say to the Senate that this is an addition to the Boxer amendment that does not affect the Boxer amendment per se.

I ask unanimous consent that the amendment to the amendment be agreed to.

Mr. INOUYE. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3207) was agreed to.

The amendment (No. 3166), as amended, was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, I ask unanimous consent to be listed as a cosponsor of the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, to my knowledge, the Senator from Alabama is here now for his amendment. The Sessions amendment is the last amendment that I know of on this side. Does the Senator from Hawaii have additional amendments on his side?

Mr. INOUYE. No.

Mr. STEVENS. We would be prepared to enter into an agreement that there be no further amendments.

Mr. INOUYE. I ask unanimous consent that the Sessions amendment be the last one considered.

Ms. STABENOW. Madam President, I would ask for a moment before making that final decision to talk to the chairman about an amendment. It is the amendment you have in front of you, but I came down to speak to the chairman about that. So I wonder if we might take a moment to consider the Sessions amendment and allow me to have just a moment before that decision is made.

Mr. STEVENS. So we will proceed at this time with the Sessions amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3192

Mr. SESSIONS. Madam President, I call up amendment No. 3192.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3192.

Mr. SESSIONS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3192

(Purpose: To fund Operation Jump Start, the deployment of National Guard personnel, to the southern border, through September 30, 2008)

On page 114, lines 6 and 7, strike “$22,445,227,000: *Provided*,” and insert “$23,239,227,000: *Provided*, That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,”.

Mr. SESSIONS. Madam President, I ask unanimous consent that Senators DOMENICI, DOLE, and ENSIGN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, it is unfortunate and sad, I think, that the Senate—and I would say the administration—has made a decision to prematurely draw down the National Guard presence at the southern border. That is an unwise event, and it signals uncertainty about our commitment to completing the lawful strategy we have for immigration at our border.

It is not impossible for us to create a lawful system of immigration, but we have to do some things. We have allowed unlawfulness to continue for an extraordinary amount of time, to the extent that it is going to take us some effort now to reestablish a rule of law. But the whole world will be better off and everyone who wants to come to our country will be better off if they know what the rules are, how to apply, and have an understanding that their competitors who would like to come here are not going to be allowed to come illegally and then be rewarded by amnesty while they wait in line to come lawfully.

So the amendment I have offered will fully fund Operation Jump Start at its original level—the 6,000 National Guard troops—through the end of fiscal year 2008. Currently, the Department of Defense has plans only to keep 3,000 at the border instead of the full 6,000 who were to be deployed through 2008. Furthermore, Operation Jump Start is actually now scheduled to end completely on July 1, 2008. So the increased funding provided for here—and I do believe it is an emergency and it is a legitimate emergency expenditure to create lawfulness at our border, which will protect the national security of the United States—this increased funding will be needed to do these things: keep Operation Jump Start at the deployment level that has been so successful and keep Operation Jump Start running until this time next year.

On May 15, 2006, President Bush announced Operation Jump Start, which was the employment of up to 6,000 National Guard members to the southern land border. According to Operation Jump Start Year 1 Review, its intent was to provide:

> An immediate means to enhance border enforcement operations while Border Patrol increased its own internal enforcement resources through hiring additional Border Patrol agents, mission support personnel, and procuring and applying new technology and infrastructure.

It goes on to say:

> OJS is providing interim support as Border Patrol recruits, hires, and trains 6,000 additional Border Patrol agents by the end of calendar year 2008—

End of calendar year 2008; that is December of 2008.

My amendment would simply carry the strength of the National Guard through September 30, 2008, the fiscal year. That is important because we are facing a rather substantial drawdown without this amendment.

So deployments began on June 15, 2006, to give us a bit of a background. By August 2006, an average of 5,677 National Guard personnel were deployed. By June 2007—that is June of this year—an average of 5,759 were deployed.

Since the beginning, on the border, the National Guard has supported the Department of Homeland Security by providing, among other things, the following skills: construction of tactical infrastructure; that is, fencing, roads, and lighting and those kinds of things that are really critical if we are serious about making sure people just don't walk across our border. You have to have those things. We made some progress in that regard, although, in truth, we should have made more. They are involved in fence repair, welding, and facility maintenance. Many of these are engineer Guard units with a lot of capabilities in this area. They provide vehicle and fleet maintenance. Many of these are transportation units that are skilled at fleet maintenance. Entry identification teams, surveillance and reconnaissance teams, law enforcement communication assistance, intelligence analysis—we have a lot of those capabilities in the National Guard.

So I would say they are not being utilized on a daily basis to patrol the border and make arrests. We decided that would not be what they are deployed for. But they are really providing a lot of capability that frees up a limited number of Border Patrol agents to be the front-line troops, to go out and make the arrests and do the day-to-day work that has to be done.

The success of the operation is undeniable. By early December of 2006, just 6 months after the deployment began, Robert Gilbert, the chief Border Patrol agent for the Border Patrol's El Paso sector, stated:

> Jointly, we are making a definite impact on the border. The professionalism and dedication and training the Guard units have brought to our mission and our fight, the way they have made it their mission and their fight, is more than we expected.

That same month, the Chief of the National Guard Bureau, LTG Steve Blum, stated:

> I was here 2½ months ago and things that I didn't think would be possible in a year have already been accomplished. Infrastructure is up, fencing is up, roads are built, lighting is up, and apprehensions are down.

Those aren't just words. The success of Operation Jump Start is tangible.

According to the Year 1 Review:

> Force multiplication has allowed more Border Patrol agents to remain in the enforcement mode, not the support mode. The additional manpower has allowed DHS to return 563 agents to frontline positions. The result is referred to as "badges back to the border."

The Guard presence has added 337 miles of expanded border surveillance capabilities along the southwest border. Guard personnel provide 6,500 hours of camera monitoring. Somebody has to monitor the cameras. There is no doubt that an electronic fence, as some have said, is not a worthless idea. You can use cameras and electronic technology to enhance our capabilities at the border, but in the high-traffic areas, it is not a question of seeing people, it is a question of how you can detain them if they are coming illegally. So I think we made progress there with the help of the National Guard.

Guard personnel have assisted in apprehending more than 10 percent of the aliens apprehended during the past year—a total of 84,878 apprehensions. Overall, apprehensions of illegal immigrants trying to cross the border are down by 25 percent. What most experts conclude that means is that an estimated 25 percent fewer illegal immigrants are attempting to cross. The Guard's presence is, in fact, having a deterrent effect.

With the help of the National Guard, marijuana seizures are up 22 percent. The Guard was responsible for seizing 201,000 pounds of marijuana at the border.

As a matter of fact, when we talk about security and the need to do something about openness and illegality at our border, we have to consider drugs to be a big part of that. Guard personnel have assisted in the seizure of 4,783 pounds of cocaine, 703 vehicles, and $60,000 in currency. So this is an important matter in the success we are having.

The Guard presence has produced sizable gains in critically needed tactical infrastructure along the border. They have already repaired 428 miles of roads. You have to have roads if you are going to be effective in maintaining a border. And 16 miles of all-weather roads have been repaired and maintained. They have installed 58 miles of vehicle barriers. At least it prohibits people from driving into our country loaded with drugs or illegal items.

They have constructed 18.2 miles of fencing, which is a disappointing number. After all that we funded in this Congress, which was 700 miles of fencing, we have only 18 miles completed. We voted for it. We talked about it. We go back home and tell our constituents we have done it. The President says we are doing it. The Secretary of Homeland Security says we are doing it. We have not accomplished much, but the Guard has played a role by using their engineering capability. Frankly, if they had been focused more on actual barriers, they probably would have accomplished more.

The real reason is the way we planned this out has been very slow in development, in terms of building our fencing. In fact, we are informed that the fencing numbers are improving right now; that miles of fencing are appearing and coming much more rapidly on line than before. If you examine the situation closely, you will see there appears to be a move afoot to draw this out and end up with far less fencing than the Congress contemplated both with our authorization and appropriations bills.

The Department of Homeland Security indicates that the Guard's presence will have an even greater impact on tactical infrastructure over the next year:

> The deployments will be focused on providing a greater residual value by raising the percentage of troops that are working on tactical infrastructure projects. This infrastructure will greatly enhance the ability of the men and women of the border patrol to access the border and be more effective in the enforcement efforts for many years to come.

OK. What they are saying is they have projected in the coming months that the Guard is going to be even more effective because they will be providing a greater residual value by raising the percentage of troops working on infrastructure projects. Now, there are people who don't want infrastructure at the border, and they would like to bring the troops home, I suppose, before that happens. That would be a big mistake.

The National Guard is helping the border to save lives. In the last year, they have rescued 91 people—illegal aliens—in the area who were in desperate trouble for lack of water or being lost. They rescued them. Now, this is what has happened. Despite the proven success of the program, the operation is scheduled to stop by next July. Troops are already being reduced. By the end of July, troops were down to 4,500; that is July of 2007. By the end of August of this year, troops were down to 3,500. So it dropped even more. Today, only 3,000 personnel are on Operation Jump Start orders, and, of those, only 2,300 are actually at the border.

So already there has been a drawdown of more than half of the National Guard personnel, and not communicating that to the American people is leaving us in a difficult situation, I suggest. The National Guard was supposed to fill the gap until 6,000 new Border Patrol agents could be recruited, hired, trained, and stationed at the border. That goal has only been accomplished halfway. Only 3,000 new agents have joined the 1,000 who were on the border when President Bush announced Operation Jump Start. The National Guard is assisting in fence and other critical infrastructure construction.

The Secure Fence Act that we passed mandated that the Department of Homeland Security construct more than 700 miles of new fencing. The administration's goal apparently is not to do that. Apparently it is to just complete 300 miles by the end of the whole next year, 2008. So with 2 years of authorization and funding, they will have only completed less than half of the fencing. To date, only 70 new miles have been constructed, for a total of 145 miles of fencing on the border. That is not the kind of signal we need to be sending.

The reason that is important is because it has a psychological impact, as well as an actual apprehension impact. What about alien apprehensions? To date, alien apprehensions on the border are down 25 percent. While this is positive, because it indicates the attempts at crossings are likely down by 25 percent as well, the job is certainly not finished. The year before that, we arrested 1 million people at the border. Can you imagine that? One million people were arrested at the border. It is not an exaggeration to say that it is a wide-open, lawless area that needs attention from our Government. If we don't give it, we are breaking faith with the American people because we have said we are going to fix that, we are going to do something about it. We just haven't.

I have to tell you there are some people who really don't care about it. They talk about it, but they don't care. We have some progress; 25 percent is a lot. It is not insignificant. But if we really got that fencing up and built, if we kept the National Guard down at the border, if we broaden the Border Patrol and motivate them to be as effective as they possibly could be, I absolutely believe—absolutely believe—we can reach a tipping point where the whole world begins to say the border of the United States is no longer wide open; that you can get in trouble going across there. Most people are getting caught. It is an entirely different place, so maybe we better not try it this time. Maybe somebody suggested we can do that, but that is not a good idea. But for the last 20 years-plus, it has been a well-known fact worldwide that you can just walk across our border, if you have very much initiative, and be successful at it. If they catch you, nothing ever happens.

Now, I will conclude by noting that, according to the year review of Operation Jump Start:

> OJS is one of the many enforcement initiatives employed to expand enforcement capabilities to gain better operational control along the Southwest border. OJS, combined with other initiatives, such as Operation Streamline, Zero Tolerance, Arizona Border

Control Initiative, and the Expedited Removal Program, has resulted in a cumulative, positive impact on current levels of border control.

Good news. A positive impact. What it should do is give us encouragement. If we will just follow through, expand what we are doing, adjust to the changing tactics of those who want to enter illegally, and do it with will and determination and a positive attitude, we can make a difference. We can end this open border, end the illegality that has made the immigration system a mockery of law and an embarrassment to our people.

Operation Jump Start is a proven success. It is a critical component of our strategy. Guardsmen are filling critical law enforcement roles. They are building fencing and infrastructure and interdicting narcotics and conducting surveillance and reconnaissance; and, by the way, a substantial majority of our cocaine and methamphetamines, for that matter, are coming into our country through Mexico. I talk to law enforcement officers in Alabama all the time. They say we used to get a lot out of Miami and south Florida. Now it is all coming across the Mexican border. So we have a law enforcement interest in this also.

There is no reason Operation Jump Start should end this June. At a minimum, it should be extended until all 6,000 Border Patrol agents are on duty. The way we have been going, we authorize it and say we are going to add 6,000 Border Patrol agents, and they don't get added, if you want to know the truth. We have seen that happen time and time again. They said we were going to continue this Operation Jump Start and the National Guard, but we have already reduced our Guard personnel by more than half. That adds credibility problems with the American people. No wonder they are suspicious about what we are doing here. This amendment will provide the needed funding to keep Operation Jump Start at its original capacity, 6,000 Guard personnel, instead of what they have planned now. It makes no sense to the American people to say we found something that is effective, that is beginning to work to reduce the illegality we are facing, but we are stopping the program before the job is done. The border is not yet secure. It is too early to end this program. We need to step it up, and I think we will be in a position to have greater progress than anyone can imagine.

Madam President, to sum up, the good news is we have made some progress, but we have not really begun to get to finishing up. If we get the fencing up and keep our Guard there full-time and get our new Border Patrol agents up and we move to ending the catch-and-release and adopt the Texas plan, where individuals are prosecuted for violating the laws by entering illegally—that has reduced border crossings in that area by 45 percent or more—and if we can do other things like that, this will work and we can make good progress.

The problem is, I think some are not desirous of us being successful. Everything that tends to work seems to be delayed and slowed down and undermined. If we move forward, we can send a message to the world that our National Guard is there, our troops are there, the Border Patrol has been increased, we are building barriers, and you are not going to get in easily anymore, so you better wait in line and come here lawfully, and the whole country will be better off. This amendment will be a big part of doing that.

I yield the floor.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. What is the pending amendment?

The PRESIDING OFFICER. The Sessions amendment is the pending amendment.

Mr. SESSIONS. Madam President, I ask that amendment be accepted by voice vote.

Mr. STEVENS. We agree.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3192) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3131

Mr. INOUYE. Madam President, I send to the desk an amendment in behalf of Senator STABENOW and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Ms. STABENOW, proposes an amendment numbered 3131.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $4,000,000 for the Virtual Systems Integrated Laboratory-Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory–Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

Mr. INOUYE. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 3131) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STRYKER BRIGADE COMBAT TEAMS

Mr. SMITH. Madam President, I rise to enter into a colloquy with my good friend, the Senior Senator from Hawaii, chairman of the Senate Defense Appropriations Subcommittee, Mr. INOUYE, ranking member of the Senate Defense Appropriations Subcommittee, Senator STEVENS, and my colleague from Oregon, Senator WYDEN, regarding the need for additional Stryker Brigade Combat Teams in our Army National Guard.

Mr. INOUYE. I would be happy to discuss this important issue with the Senators from Oregon.

Mr. SMITH. Sir, we have all watched with pride the bravery of our men and women in uniform as they defend freedom around the world. We are particularly proud of the members of the National Guard, who fight side-by-side with active duty forces. These guards men and women deserve the same protection and equipment as the active force with which they stand shoulder to shoulder. In combat operations, the Stryker vehicle has performed exceptionally and proven itself to be a superior fighting vehicle that protects the precious lives of our servicemembers. I would like to express my strong support for our guards men and women and ask that the Army ensure that funding for additional Stryker vehicles with the intent of forming a second Stryker Bridge Combat Team for the National Guard figures prominently in immediate planning.

Mr. WYDEN. I would like to join my colleague from Oregon in recognizing the Guard soldiers who leave their community to fight for their country. And I agree that they deserve the best equipment available, including the Stryker vehicles. I think it is also important to point out that in the hands of the Guard the Stryker vehicles would also be used during domestic disaster situations as well as combat overseas. Our citizen soldiers deserve the same equipment as the active duty Army, and I too hope that the Army will see the wisdom of establishing a Stryker Brigade Combat Team for the National Guard.

Mr. INOUYE. I thank the Senators from Oregon for unwavering support of our men and women in the Army National Guard. We all recognize and are deeply grateful for the service that the National Guard has provided in domestic disasters and international conflict. It is well-documented that the Stryker brigades have indeed performed exceptionally in Iraq. The House has added over $1 billion for Strykers. Your and your colleagues' views on Strykers for the Guard are noted and will be taken into consideration as we enter into conference.

Mr. STEVENS. I wish to echo my colleague's support for the men and women in the National Guard. I am extremely grateful for their service and dedication to our country. I reiterate my colleague's sentiment that we will take into consideration our colleague's views on a Stryker Brigade for the National Guard.

IMPROVED ENGINEERING DESIGN PROCESS

Ms. COLLINS. Madam President, I rise to express my support for a program sponsored by the U.S. Navy, which will significantly streamline the process for planning and executing repair and modernization of our submarine fleet at our naval shipyards. The Improved Engineering Design Process uses advanced 3-D digital scanning techniques to accurately capture the "as is" layout of specific ship spaces that will be impacted in the repair process. These digital 3-D images can then be easily shared to allow collaboration among our public shipyards to facilitate greater efficiency in planning and executing repairs and modernization. Because of the high operating tempo of our fleet, it is essential that we find ways to accomplish these repairs faster and return our submarines to operational readiness more quickly. I understand that implementation of this process in our public shipyards has the potential to produce annual savings of $30 million. I ask the distinguished ranking member of the Appropriations Committee if he would agree such a program should be further developed and implemented as quickly as possible?

Mr. STEVENS. The project described by the Senator from Maine appears to have great merit. Savings of this magnitude are especially important at a time when our resources are stretched very thinly.

Ms. COLLINS. The distinguished ranking member makes a very important point regarding the need for pursuing initiatives of this kind so that our scarce dollars can go further. I understand that the Navy believes strongly in the merits of this program and has considered this program for inclusion in future budget requests. I encourage the Navy to not only include it in its budget request, but to also identify existing funds that may be applied to keeping this program moving forward. In addition, I ask the committee ranking member to join me in encouraging the Navy to continue supporting this critical program and, if possible, to identify potential fiscal year 2008 funds that could be made available as we finalize those budget deliberations. I thank the Senator for his interest in and support for this important initiative.

Mr. STEVENS. I thank the Senator from Maine for bringing this important program to my attention.

HAWKLINK

Mr. CHAMBLISS. Madam President, along with my colleagues from Georgia, Senator ISAKSON, and Florida, Senator MARTINEZ, I rise to address the issue of funding for a key common data link system which will provide sensor connectivity for the Navy's MH-60R light airborne multipurpose, LAMPS, helicopters with ships in our Navy's carrier battle groups. I want to express my sincere appreciation to Chairman INOUYE for his willingness to consider our concerns regarding this vital program. The MH-60R LAMPS helicopter provides the fleet's primary capability to detect, identify, and destroy surface and subsurface threats to the carrier battle group. Essential air-to-ship sensor connectivity will be provided by CDL Hawklink, a high-speed, air-to-ship, common data link—CDL—compliant, digital data link that transmits tactical, video, radar, acoustic, IFF, and raw sensor data from MH-60R helicopters to host surface ships. CDL Hawklink will provide a significant improvement over current capabilities and will greatly improve fleet interoperable communications, dramatically enhance transmission of threat identification and targeting data for shipboard analysis, and replace current hardware facing critical obsolescence and parts non-availability.

The Navy requested $31.8 million for this shipboard equipment for fiscal year 2008. While the House bill would provide full funding, the Senate bill would cut $9.6 million from the request. I understand the committee cut the request due to excessive cost growth. While we agree that this is a reasonable basis for the committee to make such cuts, Senator ISAKSON, Senator MARTINEZ, and I have asked Chairman INOUYE to consider some of the reasons for the cost growth and the detrimental impact such a cut would have on this important program.

Mr. ISAKSON. I thank my colleagues, Senator CHAMBLISS and Senator MARTINEZ, for their work on this issue, as well as Chairman INOUYE for his consideration and willingness to work with us to restore full funding for this critical program. This is an important program for the Navy and the Department of Defense. The proposed reduction of $9.6 million equates to a 30-percent reduction to the Navy's request. A funding reduction of this magnitude will result in a quantity reduction of seven of the 10 data link units intended to be procured in fiscal year 2008. A quantity reduction of this magnitude will significantly increase the average unit cost for these units and drive up costs to the total program. The initial operational capability for the program would also be delayed for at least 1 year, negatively impacting the integration of the MH-60R helicopter with the Carrier Strike Group. I appreciate the committee's consideration, and I, along with my colleagues, appreciate very much the chairman's willingness to work with us to restore funding for this essential program in conference.

Mr. MARTINEZ. I wish to join my friends and colleagues from Georgia in supporting funding for the LAMPS MK III procurement line at the full authorized level of $31.8 million. This vital program, which the Senate Armed Services Committee on which Senator CHAMBLISS and I serve, fully authorized the President's request, brings needed capability to the pilots and crews of the MH-60 aircraft and the carrier battle groups with which they work. Mr. Chairman, I thank you and your committee for your hard work on this crucial spending bill and ask that as you go to conference with the House you consider our support and the support of the Navy and administration for this important program.

Again, I thank my colleagues from Georgia as well as Chairman INOUYE and Senator STEVENS for their time and hard work.

Mr. INOUYE. I appreciate very much the diligent work of these three Senators in researching this important issue regarding the critical air-to-ship sensor connectivity within our Navy's carrier battle groups and bringing it to my attention. I appreciate that they understand the rationale for the reduction in funding we have proposed for this program, and I have listened carefully to their description of the impacts that such a reduction might cause in the program. I assure my friends, Senator CHAMBLISS, Senator ISAKSON, and Senator MARTINEZ, that I will continue to examine this program carefully as we proceed to conference.

Mr. CHAMBLISS. I thank the chairman for his generous consideration of our concerns, and I also thank my colleagues for their hard work on this issue. Senator INOUYE is one of the great heroes of our country and continues to earn our highest respect and admiration every day here in the Senate. It is a privilege and an honor to work with him on these important issues.

Mr. ISAKSON. I join my colleagues in expressing our sincere appreciation to Chairman INOUYE for his willingness to address our concerns. We all appreciate his great service to our Nation—as a courageous soldier and a great Senator as well.

Mr. MARTINEZ. I thank my colleagues for their work on this issue and

Chairman INOUYE for listening to our concerns. We all appreciate his commitment to our Nation.

BATTLEFIELD SURVEILLANCE AND MANAGEMENT RADAR SYSTEM

Mr. DODD. Madam President, I rise today to discuss the need to continue development of a vital next-generation battlefield surveillance and management radar system. Battlefield surveillance and management is more important than ever for the safety and effectiveness of our military, engaged in a variety of combat operations. With the advent of increasingly difficult-to-track targets, new technology is critically important to keep pace with expanding threats to our men and women in uniform. Indeed, U.S. technology should be honed to detect threats such as cruise missiles, rockets, as well as slow moving land based targets common on the battlefield in counterterrorism operations.

Mr. INOUYE. I thank the Senator from Connecticut for raising this important issue and for his recent letter informing me of the criticality of this program.

Mr. DODD. As the distinguished chairman of the Defense Appropriations Subcommittee knows, production of the Joint Surveillance and Target Attack Radar aircraft, or JSTARS—our Nation's principal platform for performing these vital missions—was canceled in 2003, with its last delivery occurring in 2005. The E–10 multisensor command and control aircraft was intended to replace this platform, but that too was canceled last year. Fortunately, after constructive discussions with the Department of Defense, the Pentagon agreed to continue developing the high-tech sensor and radar technologies that were being designed to outfit the E–10, the multiplatform radar technology insertion program, or MP–RTIP. Unfortunately, the Department of Defense would only commit to developing the system via supplemental appropriations instead of the standard Defense budgeting process. I remain concerned that such an uncertain funding strategy could jeopardize our Nation's ability to develop the critical tools our military needs to maintain modern intelligence, surveillance, and reconnaissance capabilities.

Mr. LIEBERMAN. I thank my colleagues for bringing up this critical matter. The threats that our troops face on the battlefield continue to grow. We, and they, are fortunate that they have JSTARS and its radar to give them a critical edge. JSTARS has proven its value on the battlefield many times, beginning with Desert Storm when it was rushed to the field to give our commanders an unprecedented view of the battlefield. Since then, every warfighting commander that has testified before us has said that JSTARS is absolutely essential to success. Indeed, as the senior Senator from Connecticut has pointed out, the cancellation of the E–10 means that JSTARS will remain essential for years to come. But the radar on JSTARS is aging at the same time that the battlefield is getting more complex and threats harder to detect. Fortunately, MP–RTIP can be available to put on JSTARS. I believe we must move quickly to develop a version of MP–RTIP and install it on our JSTARS aircraft to give our commanders and soldiers the absolute best capability that we can. In fact, the Pentagon acknowledged in its most recent Quadrennial Defense Review the critical importance of the United States improving its ability to detect incoming cruise missiles and slow-moving ground vehicles. Current technologies such as JSTARS are simply inadequate to track small airborne targets that may easily be used to attack our forces with little warning and with horrible effect.

Mr. DODD. I would like to add to my distinguished colleague from Connecticut's remarks. While our troops deserve nothing less than the best equipment, it is also essential that we maintain the ability to domestically produce this type of advanced technology. I am convinced that failure to support MP–RTIPs continued advancement would result in a devastating loss to our domestic industrial base, essential for producing this type of crucial radar technology. Additionally, it would seem as though we had wasted the $1 billion already invested in this vital program. Now is not the time to forgo dominance in the realm of battlefield surveillance and management—and that is precisely what would happen if we ended domestic production of this vital system.

Mr. INOUYE. I thank the Senators from Connecticut for bringing this issue before us today. I assure you that I will examine this program carefully as the committee reviews the supplemental appropriations bill.

Mr. DODD. I thank the chairman for his leadership on this important issue.

PATRIOT MISSILES

Mr. KENNEDY. Mr. President, I would like to engage in a brief colloquy with my good friend from Hawaii, Senator INOUYE, on Patriot missiles. It is my understanding that the Patriot missile is the Army's only fielded air and missile defense capability. With only 13 total deployable battalions in the force, the Army operational and personnel capacity to respond to the needs of the combatant commanders is severely stressed.

Mr. INOUYE. I thank the Senator for raising this very important issue. As the Senator knows, I am a strong supporter of the Patriot.

Mr. KENNEDY. Your support is well known and very much appreciated. This year is a very active year for Patriot—the Patriot pure fleet effort will upgrade three tactical battalions from the PAC–2 to the PAC–3 configuration and the Patriot "Grow the Army" effort to upgrade two nontactical battalions of Patriot equipment from the PAC–2 to the PAC–3 configuration, and purchase the remaining new equipment for stand-up of these battalions.

It is my understanding that the funding for this effort is a little complicated. The Army requested $208 for the Patriot pure fleet effort and $294 million in the amended fiscal year 2008 President's budget request to fund the activation and equipping of the first additional battalion fiscal year 2008 with the second in fiscal year 2010. This fiscal year 2008 funding is critical to this schedule to procure long lead materials to prevent slip into fiscal year 2012 and beyond. I understand that providing these funds in fiscal year 2008 avoids almost $100 million in costs. And if that funding is provided, the plan for Patriot pure fleet and the "Grow the Army" initiative is executable and not ahead of the need to establish the two additional battalions. I believe that fully funding the Army's amended request in fiscal year 2008 is in the best interests of the taxpayer and will avoid almost $100 million in costs if the Army can award all this work under one contract.

I strongly support conforming the Senate bill to the House mark, which included the $294 million for the "Grow the Army" effort.

Mr. INOUYE. I thank the Senator. As the Senator surely knows, we fully funded the Patriot pure fleet effort, one of the Army's top priorities in the past 2 years. We will certainly consider the additional information provided as we conference the bill.

UNMANNED AERIAL VEHICLE

Mr. BAYH. Madam. President, I wish to engage in a colloquy with the esteemed Senator from Hawaii in order to speak about the important role medium to high altitude unmanned aerial vehicles, UAVs, play in operations across the world today. We are concerned that the DOD is simply not fielding enough of these systems. Despite constant increases in procurement and assurance from the Department that they are working to address this requirement, medium to high altitude UAVs remain a low density high demand asset.

Mr. INOUYE. I thank the Senator from Indiana for raising this important issue and agree with my good friend that improving our intelligence, surveillance, and reconnaissance capabilities is a critical issue for our military today.

Mr. BAYH. As my chairman is already fully aware, today's counterinsurgency and counterterror operations remain intelligence driven. The ultimate success of so many of our military's missions depends on the effectiveness of our intelligence capabilities. Truly, each and every single operation has an intelligence component.

I do not believe that these assets can ever replace people or the human intelligence they produce, but they remain highly valuable given their limited footprint and ability to collect data across multiple spectrums. Simply put, they are force multipliers. Systems like the Predator, Reaper, and Sky Warrior have long loiter times and an ability to strike immediately. Further, they do not have to wait on the arrival of other manned assets before engaging a target, which is something that we cannot currently duplicate.

I have visited Iraq and Afghanistan, where I was told over and again the importance of these ISR assets. Further, during a recent Armed Services hearing, I was able to question our new Special Operations Commander, Admiral Olson, about medium to high altitude UAV requirements. He told the committee that there is currently a 30 UAV orbit requirement in CENTCOM. However, we only have 12 orbits available today. I find this unacceptable.

In both major theaters of operation, we have been told how difficult it can be to have constant surveillance of suspected enemy hideouts. Given that insurgents are nearly always local, these hideouts and safe havens can often be in the midst of innocent bystanders and be difficult to observe covertly. Having eyes on a site to provide the target discrimination our commanders need is invaluable.

No matter how long American forces remain in either theater, I strongly believe that some of the last assets to leave will be ISR collection in nature. Medium to high altitude UAVs do just that, and I ask that my colleague from Hawaii look to address this significant shortfall in the upcoming fiscal year 2008 supplemental appropriations bill.

Mr. INOUYE. I can assure the junior Member from Indiana that my committee will examine this program carefully and give this request all due consideration as the committee reviews the supplemental appropriations bill. I thank my colleague for his concern and leadership on this important issue.

Mr. BAYH. And I thank my colleague from Hawaii for his continued dedication to the men and women who serve in our Armed Forces.

ARMY R & D—FED

Mr. LEVIN. I would like to enter into a colloquy with my friend from Hawaii, the Chairman of the Defense Appropriations Subcommittee, Senator INOUYE.

The bill before us includes two significant cuts to the President's budget request in the area of Army research and development on combat vehicle and automotive technology. The House-passed version of this bill and both the House and Senate-passed versions of the National Defense Authorization Act do not include these cuts.

The first cut of $10 million eliminated funding for a fuel efficiency ground vehicle demonstrator, FED. This program is scheduled to be a 3-year effort by the ground vehicle experts at the U.S. Army Tank-Automotive Research, Development, and Engineering Center to develop a tactical ground vehicle that is significantly lighter and more fuel efficient than current high mobility multipurpose wheeled vehicles, HMMWVs. Specifically, this program will focus on the overall design of the vehicle as well as components including hybrid electric propulsion systems, fuel cells, advanced batteries, and new armor solutions.

This project is key to advancing technologies that will allow the Department of Defense to meet the fuel efficiency goals it has established. Additionally, this project is complementary to the development of the new joint light tactical vehicle and will provide an opportunity to demonstrate a number of new technologies, including on-board power solutions, that can be spun into the vehicle as its development moves forward. Lastly, this project provides the opportunity to test technologies that will give our military new capabilities, including silent overwatch and mobile power sources on the battlefield.

The second cut of $14.215 million eliminated funding for future combat systems, FCS, science and technology activities in the area of robotics. FCS is the Army's only major transformation project, and we must remain committed to this program. These funds would be used to support the development of electronics and control systems for unmanned ground vehicles that will eventually be integrated into the FCS network. Without these funds, the Army will not have the ability to build a large scale unmanned ground vehicle demonstrator to test new robotics technologies.

These funds are critical to advancing and testing new robotics technologies so they can be rapidly deployed to our warfighters around the world. Cutting these funds will reduce the Army's ability to develop and test robotics technologies needed by our troops and increase the risk that they will not be available for rapid transition into the hands of warfighters.

I am sure my colleague would agree that we should do more, not less, to achieve increased fuel efficiency in our military ground vehicles and more rapidly mature the capabilities of unmanned ground vehicle technologies.

Mr. INOUYE. My colleague from Michigan raises some important points. Reducing fuel consumption in the field is an urgent need of our military. It will not only reduce costs but also reduce the risk to our troops because fewer fuel deliveries will need to be made to dangerous areas.

I also agree that future combat systems, and especially the new robotics technologies it will bring, are critically important to our troops. These technologies will continue to play an important role in the transition of our military to a more mobile, lethal, and effective force.

I commit to my colleague from Michigan that the committee will reevaluate the cuts he has highlighted when the bill goes to conference with the House.

Mr. CONRAD. Madam President, I rise to offer for the RECORD, the Budget Committee's official scoring of H.R. 3222, the Department of Defense Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides $459.3 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of $312.2 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $476 billion.

The Senate-reported bill is at its section 302(b) allocation for budget authority and $3 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

[Spending comparisons—Senate Reported Bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	459,332	0	459,332
Outlays	475,977	0	475,977
Senate 302(b) allocation:			
Budget Authority	....	....	459,332
Outlays	....	....	475,980
House-passed bill:			
Budget Authority	459,319	13	459,332
Outlays	473,026	53	473,079
President's Request:			
Budget Authority	462,879	0	462,879
Outlays	477,836	8	477,844
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority	....	....	0
Outlays	....	....	−3
House-passed bill:			
Budget Authority	13	−13	0
Outlays	2,951	−53	2,898
President's Request:			
Budget Authority	−3,547	0	−3,547
Outlays	−1,859	−8	−1,867

• Mr. McCAIN. Madam President, the Defense Appropriations Act for Fiscal Year 2008 is one of the most important of the appropriations measures that we will consider this year. This legislation will provide critical funding for the men and women in our Armed Forces who, at this very moment, are in harm's way. Because we must continue to support them, I support the passage of this bill, but I have serious concerns over the earmarks contained in the committee report accompanying this bill.

The bill reported out of committee appropriates over $448 billion. This is more than $3.5 billion below the President's request and, notably, does not include any additional funds for ongoing operations in Iraq and Afghanistan. As is the case with so many of the appropriations bills that come to the floor, the report accompanying it contains numerous earmarks that were neither requested nor authorized, to the tune of over $5 billion. During a time of war, we should be making every effort to support the President's budget request instead of slashing it and then adding earmarks for favored projects.

Every day, we ask the brave men and women who fight for freedom on behalf of our great Nation, and their families, to make sacrifices. They sacrifice in Iraq, Afghanistan, and elsewhere throughout the globe. We in the Congress should exercise some degree of self-restraint and sacrifice, as well.

Let me mention a few of the add-ons that were included in the bill's accompanying report: $2 million for a project involving brown tree snakes; a total of $3 million for an electronic futures trading program; $2 million for research on high-pressure microwave processing for meals-ready-to-eat; $2 million for the Marines to buy boot socks cushioned with merino wool; $2 million to buy extended cold-weather gloves for the Army; $2 million for research on a technology that extracts pure water from the air; $2 million for research on a multispectral fingerprint device; $4 million to study the Northern Lights; $6.5 million for small instrument development for Magdalena Ridge Observatory; and $10 million for Eielson Utilidors.

Once again, there are also many earmarks that may be for worthy causes, but there is no compelling national defense reason for these items to be funded through this legislation. These earmarks include $150 million for a peer-reviewed breast cancer research program; $80 million for a similar prostate cancer research program; $10 million for ovarian cancer research; $27.5 million for the Hawaii Federal Health Care Network; $10 million to a program called Ceros, for river and oceanic research; $6.1 million for research on a new engine called homopolar hybrid drive; $2 million for research into putting humans into a state similar to hibernation so they can be kept alive long enough for doctors to administer treatments; and $3 million for research for a 2D-3D face-recognition system.

As we are engaged fully in the global war on terror, it is imperative that we get the most out of each and every defense dollar. The money that is being diverted to projects like the ones I have mentioned could instead be used for body armor or other critical needs to protect our troops and help win the war on terror. The earmarks I have mentioned are just a small sampling of the many unrequested earmarks that fill the accompanying report. These earmarks are draining our precious resources and are not vital to our long-term national security. I strongly encourage the Federal agencies affected to use their judgement to ensure they are not allocating resources to projects that are not legislatively mandated or authorized but rather, are merely the wish lists of the committee.

In the report accompanying the bill, there are several authorizing provisions, which by their nature have no place in an appropriations vehicle, including language directing the Air Force to provide funding to continue the operation of the 36th Rescue Flight assigned to Fairchild AFB in Washington State and a provision requiring funding for Naval archeology programs in the Lake Champlain Basin.

Similarly, in the bill, a provision directs the Air Force to complete upgrades and additions to Alaskan range infrastructure and training areas, as well as at Hickman AFB in Hawaii. A similar provision calls for $3 million to be spent on upgrades and maintenance at the Pacific Missile Range Facility. Another provision prohibits the disestablishment of the 53rd Weather Reconnaissance Squadron in Mississippi.

Some of these authorizing provisions are outside of the scope of defense policy, including language providing for the Navy to transfer up to $20 million to the Interior Department for any expenses associated with the construction of the USS Arizona Memorial Museum and Visitors Center.

I would also like to discuss the "Buy America" restrictions that cost the Department of Defense and the American taxpayers. Like in previous appropriations bills, this year's bill imposes a number of "Buy America" restrictions. For example, the bill would prevent the Defense Department's purchase of particular welded shipboard anchor and mooring chain; carbon alloy or armor steel plate; ball and roller bearings, unless they are manufactured in the United States. It would put similar restrictions on the Department's buying public vessels, food, certain textile materials, particular Navy supply ships, as well as its purchase of coal as a fuel source for certain military installations in Germany. Another "Buy America" provision prohibits the Department's buying any supercomputer that is not manufactured in the United States.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of policies as protectionist. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions, such as those contained in this bill, could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

I have no doubt that some of these provisions may be important while others are questionable at best. What is important is that we follow the authorization process and restrain ourselves from using appropriations bills to authorize projects on this bill that have not been requested by the Department of Defense, nor approved by the authorizing committee.

Mr. President, there can be no doubt that this legislation is very important to the ultimate success of our ongoing war on terror. Yet I believe it is important to point out to the American taxpayer where some of their money is going and some of it is not going to projects that have anything to do with our defense.●

Mr. CARDIN. Madam. President, I rise today to express my support for H.R. 3222, the fiscal year 2008 Department of Defense Appropriations bill. We have no greater obligation as elected officials, than to take care of our troops and their families who have sacrificed on our behalf. I am proud to support my colleagues on the Appropriations Committee who have crafted a bill that sets the right priorities for our military and our country by providing critical equipment and training, strengthening military health care for our troops and their families, and giving our military families the pay raise they deserve.

The legislation before us today provides over $1 billion more for National Guard equipment than the administration requested. This funding is critical, not only to support National Guard troops who are fighting for our country overseas but to the Guard's ability to protect us here at home. National Guard units across the country have been giving up the great majority of their equipment to units headed to Iraq and Afghanistan. The resulting shortages were felt just recently in Greenburg, KS, when that town was flattened by a tornado. Kansas Governor Kathleen Sebelius said the State's response was hampered because much of the equipment usually positioned around the State to respond to emergencies was in Iraq.

While Maryland does not face the same threat of tornadoes, my home State, like every State, has its own unique challenges. Maryland must be prepared to respond not only to hurricanes and severe snow storms but to attacks against Federal assets in the national capital region. After the mobilization of several Maryland Guard units to Iraq, the Guard has said it is without the necessary equipment to provide the robust response that Marylanders and the rest of our Nation expect. H.R. 3222 takes action to address this critical shortfall in my State and every State.

This important bill provides military personnel 3.5 percent pay raise, half a percent more than the administration requested. President Bush has threatened to veto this bill over the 0.5 percent additional increase stating that the "[t]roops don't need bigger pay raises." Well, I disagree.

The 3 percent raise would be enough to keep pace with the average increase in private sector wages last year. The 3.5 percent raise is enough to not just match the private sector but to slightly close the estimated 4 percent gap that remains between average military and private sector raises. This gap hurts recruiting and retention for our All-Volunteer Force and is not a handicap our military should shoulder when the war effort has forced the military to increase its overall size at the same time it has depressed recruiting efforts.

H.R. 3222 makes care for our mentally and physically wounded military men and women a priority. The legislation adds $948.9 million above the President's request for military health care, totaling $23.5 billion. Of the $23.5 billion, $486 million was added to reverse planned cuts to military hospitals.

In addition, H.R. 3222 provides significant funds to develop treatments for the signature injuries of the wars in Iraq and Afghanistan including brain injury and loss of limbs. Uncontrolled internal or external hemorrhage is the foremost preventable cause of death in the prehospital period for military combat trauma. Some 50 percent of the deaths our troops have suffered in Iraq and Afghanistan could have been prevented if better products were available to control bleeding.

The measure provides $73 million to fund programs authorized in the Senate-passed Dignified Treatment of Wounded Warrior Act. The Wounded Warriors bill addresses the urgent medical needs of wounded servicemembers, especially those suffering from post-traumatic stress disorder and traumatic brain injuries.

I am particularly proud that H.R. 3222 funds promising techniques being pioneered in Maryland to develop bandages that are capable of stopping severe bleeding in the field and limb and tissue transplants that are viable over the many years we hope our young wounded warriors will live after returning home from war.

H.R. 3222 places a premium not only on providing our troops the equipment they need to avoid injury in the first place but to develop better technology going forward. The legislation provides $75.4 billion, $268.9 million above the administration's request for research, development, test, and evaluation of new technologies. Some money will go to folks in Maryland developing methods of detecting explosives at a greater distance as well as hybrid and alternative fuel source engines. These engines not only reduce our dependence on oil and decrease emissions; they reduce the need to ship fuel along supply routes in Iraq and Afghanistan that have been a point of vulnerability for our forces.

Today, I am proud to be part of a body that is meeting its obligations to our troops, their families, and our military as an institution. I applaud Senators BYRD, COCHRAN, INOUYE, and STEVENS and my other colleagues on the Appropriations Committee for their excellent work and look forward to quick passage of this critical legislation.

Mr. INOUYE. Madam President, I ask unanimous consent that no further amendments be in order and that the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I wish to take a moment to say that my wife and I watched closely Ken Burns' production of "The War" or, as Katharine Phillips Singer from Mobile, called it, "The Wah." Some of the people we know there have enjoyed and been so impressed with the remarks of Senator INOUYE as he was interviewed about his experiences during World War II. His heroism and commitment to America was demonstrated in so many different ways in that program. He spoke so eloquently and so insightfully about the nature of war, the difficulty and brutality of war. I think not only did he affirm the courageousness of our soldiers, but he gives us cause to look for ways to avoid such events in the future. It is worth noting.

Hopefully, that whole production will be seen around the country and more people will get a better picture of the enormity, the breadth, the commitment our Nation gave during that decisive period in our history.

Senator STEVENS also, of course, was a person who served courageously in that conflict. It is an honor for me today to be with these two fine patriots as we apparently move to final passage of this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I thank the Senator from Alabama for his generous remarks. I thank him very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there will be no more rollcall votes tonight. We received permission from both sides to voice vote the matter that is now before the Senate.

Mr. STEVENS. Madam President, I ask unanimous consent that Senator KYL be added as cosponsor to amendment No. 3192.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that the Senate proceed to vote on passage of the bill, that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with the subcommittee appointed as conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is on the passage of the bill, as amended.

The bill (H.R. 3222), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUYE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON as conferees on the part of the Senate.

Mr. AKAKA. Mr. President, today, I was pleased to support the fiscal year 2008 Defense Appropriations Act. I would like to thank the Chairman of the Defense Appropriations Subcommittee, my good friend and colleague from Hawaii, Senator INOUYE and Ranking Member STEVENS for their leadership in managing this bill with such impartiality and expediency. Not only does this bill fully support the facility, training and equipment requirements of our men and women in uniform, but it also provides a much needed increase in funds for military health over the President's budget request to ensure that members of our Armed Forces receive the care that they deserve. As chairman of the Veteran's Affairs Committee, I strongly supported the additional inclusion of $73 million to fund the programs authorized in the Dignified Treatment of Wounded Warrior Act which addresses shortfalls in the care provided to our injured or ill soldiers.

I also applaud the inclusion in this bill of a provision which recognizes the dedication and sacrifices made by both the members of our Armed Forces and their civilian counterparts by providing a 3.5 percent increase in basic pay for all servicemembers and civilian personnel, a 0.5 percent increase above the President's request. I was also pleased to support the addition of $1 billion to properly equip the National Guard and Reserve forces who risk their lives to defend our nation.

As this bill moves toward conference I will continue to work with my colleagues in both the Senate and the House to ensure that our military members and their families have the resources they need and the support they have earned.

TRIBUTE TO PAUL CROWLEY

Mr. REED. Mr. President, I rise today, joined by my friend, Senator WHITEHOUSE, to recognize the life of Paul Crowley, a Rhode Island State Representative who distinguished himself with an extraordinary career as a business leader and particularly as a civic leader in the State of Rhode Island.

Paul passed away on September 24, 2007, after serving nearly 27 years as a member of the Rhode Island General Assembly. Indeed, I had the privilege and pleasure of serving with Paul years ago. He was a friend to me. He was a source of wise counsel, and he was someone who was universally admired for his commitment, particularly his commitment to children.

Paul's passion was to try to reform the educational system of Rhode Island. He brought that passion with him every day to the State House in Providence. He was someone who was unafraid of taking on anybody when it came to helping children perform better in school. It was not confrontation for the sake of confrontation; it was constructive, robust debate—always with the focus on improving the opportunities for children to learn in our State so they can take those skills and build strong families, a strong community, and a great nation.

Paul is a contemporary. He was born, as I was, in 1949. He graduated from the University of Rhode Island in 1973 and was first elected as a Democrat from Newport in 1981. In the intervening years he has, more than any one person in Rhode Island, profoundly shaped education policy for our State. As I said, he took it upon himself with a passion, with a commitment, with a sense that this country is all about opportunity, and the greatest engine of opportunity for Americans is a good public education.

He was an unstinting advocate. He was someone who understood the nature of the educational process. He worked ceaselessly, tirelessly, and he bore the frustrations of public service with a sense of purpose. At the end of his career, he could look back at profound changes for the better in the educational system of Rhode Island.

He was way ahead of his time in terms of emphasizing school accountability, standards-based reform, and measuring student progress. Years before these ideas were embraced and supported at the Federal level, Paul was talking about them at the State level and led a State-wide reform effort. He was committed to making sure education was available for all our citizens, regardless of race, background, or income; that they would have access to a high-quality public education as a foundation to higher education.

He was also an advocate for career and technical education, understanding that one size does not fit all; that the essence of education is finding the talent in that child and giving that child the opportunity to use that talent. For many, it is career and technical education.

He understood that in this new global economy, Americans could not stand pat when it came to education. They had to be better than they were before, better than the rest of the world. He fought for that vigorously and tirelessly.

He was someone who understood it very well and every day gave his all so every child in our State would have a better chance to make the progress that is the essence of this country and seize all its opportunities.

Paul's greatest passion was for his family, Diana, and their 3 children, Meredith, Matthew, and Edward. In his family, he has a reflection of all the values he stood for, honesty, decency, integrity, effort, success and community spirit—reaching out to help others. All of these good people do it every day. They are inspired and sustained by his example.

Also high among his cherished ideals was his Irish heritage. Paul looked like a map of Ireland, with a shock of white hair and his ruddy complexion and his great Irish tenor voice. He would sing Irish ballads with his musical group, and he would remind us all of the great poets of Ireland and the great dreamers of Ireland. But similar to many of them, he transformed the songs, the poems, and the dreams into real action.

Today we come to this floor to praise him, to thank him, to let his family know what they already know. He has won the esteem and the love of his neighbors in Rhode Island, richly deserved for a life well spent serving others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am pleased to rise today to join my distinguished senior Senator JACK REED in remembering a great Rhode Islander, Representative Paul Crowley, of Newport. With his passing early last week, the "Ocean State" lost not only a champion for our children and powerful advocate for Newport, the city he loved, but a friend and mentor for many of us who served and worked with him. In a place such as Rhode Island, a loss like that of Paul touches us personally as well as politically.

So together with Senator REED, I wish to share briefly with the Senate the Paul Crowley I know.

Paul was a Newporter heart and soul, a lifelong resident of the fifth ward and a warm and generous host at Laforge Casino Restaurant, long owned by his family. He loved his old city and worked tirelessly to strengthen its economy and bring new vitality to its proud history.

Paul's role in founding the Newport County Convention and Visitors Bureau helped make Newport a world-class destination, and he led efforts to build a sister city relationship that endures today, between Newport and Kinsale, Ireland.

A loyal member of the Ancient Order of Hibernians and former Grand Marshal of the Newport St. Patrick's Day Parade, Paul treasured his Irish heritage. He loved his family, his native city, and his ancestral Ireland, I think in that order.

Paul was a deeply respected leader. In 27 consecutive years of service in our General Assembly, his work as deputy chair of the Rhode Island House Finance Committee, among many other posts, cemented Paul's reputation as a hard worker, an honest broker, and a skilled negotiator.

Paul relentlessly dedicated those skills to improving education in Rhode Island. He believed Rhode Island children deserved the best education and he never compromised that commitment. He pushed schools and teachers to take responsibility for their students' successes and failures, and he pushed the State to ensure that schools improved, from accountability measures to State aid for poorer districts.

Paul was particularly focused on middle schools, a concern he and I shared.

His legislative deeds are the shoulders on which education reform in Rhode Island will stand for a generation. Paul was a friend especially to Senator REED's colleague and mine in our delegation, PATRICK KENNEDY. Paul befriended PATRICK when they both served together in the General Assembly. I know Paul watched with great pride as PATRICK rose first in the Rhode Island House of Representatives, and later in Congress, where he has earned the great honor and responsibility now of serving on the House Appropriations Committee.

Paul will be so deeply missed. Hearts all over Rhode Island go out to Paul's family—his wife Diana, his daughter Meredith, his sons Matthew and Edward, and his entire family.

I join Senator REED in offering my condolences, on behalf also of Sandra, my wife, who worked with Paul in the legislature and who was so fond of him.

Newport, the city Paul loved, and the Ocean State, whose people he served unselfishly and with great integrity, are lessened today because he is no longer with us.

Paul, may the road rise up to meet you, and the wind be always at your back. May the sun shine warm upon your face; may the rain fall soft upon your fields. And until we meet again, may the Lord hold you in the palm of His hand.

MATTHEW SHEPARD ACT

Mr. KENNEDY. Mr. President, hate crimes violate everything our country stands for. They send a loud and clear message to some of our fellow citizens that they are not welcome in our society. The Matthew Shepard Hate Crimes Act, passed last week by the Senate as an amendment to the Defense authorization bill, makes clear that we will not stand by and allow our fellow citizens to be brutalized.

Enactment of such legislation is vitally important to the Arab-American community, that has suffered a surge in hate crimes against them in recent years because of 9/11. After the terrorist attacks that day, the FBI documented a ninefold increase in hate crimes against persons believed to be Arab or Muslim and a 130-percent increase in incidents directed on individuals because of their ethnic background or national origin. When the terrorists attacked our Nation, they also delivered a second attack against Americans who shared their ethnic background and religion but not their hate or violence.

In their recent publication, "Report on Hate Crimes & Discrimination Against Arab Americans: The Post-September 11 Backlash (2003)," the American-Arab Anti-Discrimination Committee identified a number of confirmed and suspected hate crime murders of Arab Americans and those perceived to be Arab or Muslim. In Mesa, AZ, Balbir Singh Sodhi, an Indian Sikh, was shot while he was planting flowers outside his Chevron station. His murderer, Frank Roque, had spent the day drinking and raving about how he wanted to kill the "rag heads" responsible for the terrorist attacks 4 days earlier. After being kicked out of a bar, Roque went on a shooting rampage. He first shot and killed Sodhi, and afterwards fired on the home of an Afghan family. He then fired several times at a Lebanese-American clerk, who, fortunately, escaped injury. During his arrest he yelled, "I am a patriot!" and "I stand for America all the way!"

In Dallas, Waqar Hasan, a Pakistani Muslim, was shot in the face while cooking hamburgers in his grocery store. Mark Anthony Stroman confessed on a Dallas radio program to the murder, saying he killed Hasan and another man and shot a third person in revenge for the terrorist attacks. During an interview, Stroman confessed that he wanted to "retaliate on local Arab Americans or whatever you want to call them." He also added that he "did what every American wanted to do but didn't. They didn't have the nerve." Stroman was convicted and sentenced to death. In Lincoln Park, MI, Ali Almansoop, a U.S. citizen originally from Yemen, was shot to death while fleeing his attacker. The victim was asleep with his girlfriend when her ex-boyfriend broke into her apartment and dragged him out of bed. According to his own police confession and the woman's statements, he threatened, "I'm going to kill you for what happened in NY and DC." The victim fled outside and was shot in the back trying to escape.

Several other incidents have also occurred that are suspected to be hate crime killings, including the murder of an Egyptian-American grocery store owner, who was killed at work. He was confronted by 2 men who shot him and rode off in a Honda driven by a third man, leaving the money in the cash register intact.

In Reedley, CA, Abdo Ali Ahmed, a 50-year-old Arab-American store employee, was shot several times and killed at work late 1 afternoon. Witnesses told detectives that they saw 4 males leave the site in a white 4-door sedan. No money or merchandise was stolen. The employee had received threats since mid-September.

In Minneapolis, a Somali man waiting at a bus stop was beaten unconscious and later died in the hospital. His son believes the assault was the result of an article in the Minneapolis Star Tribune, which reported that local Somalis might have inadvertently donated to an organization now linked to Osama bin Laden. In Los Angeles, Syrian-born liquor storeowner, Ramez Younan, was shot to death behind his cash register. Police said they had no suspects and no clear motive for the shooting and no money was stolen from the store. The Los Angeles Police Department found Younan's body but no witnesses.

These examples emphasize the need for effective legislation and the importance of providing adequate resources to state and local law enforcement to investigate and prosecute hate crimes. Violent hate crimes can't be tolerated. We can reverse the tide of hatred and bigotry, by sending a loud, clear message that hate crimes will be punished to the full extent of the law, and will not be tolerated against any member of society.

The Matthew Shepard Act is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All of these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. The Senate did just that last week, and we must do all we can to see that this urgently needed federal legislation is enacted into law as soon as possible.

Mr. President, I commend the American-Arab Anti-Discrimination Committee for calling the Nation's attention to this serious problem, and I ask unanimous consent that an excerpt from their recent report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE

Passing legislation to prevent hate crimes is also vitally important to the Arab American community. Arab Americans have experienced a surge in hate crimes directed against them over the past several years. Following the September 11 terrorist attacks on our nation, the FBI documented a 1,600 percent increase in hate crimes against those perceived to be Arab or Muslim and a 130 percent increase in incidents directed at individuals on the basis of ethnicity or national origin. When terrorists attacked our nation, they served a second blow against Americans who shared their ethnicity and religion but not their hate and violence.

Taken from the landmark report, Report on Hate Crimes & Discrimination Against Arab-Americans: The Post-September 11 Backlash (2003:69–70) produced by the American-Arab Anti-Discrimination Committee Research Institute, the following are examples of confirmed hate crime murders and those suspected to be hate crime murders against Arab Americans and those perceived to be Arab or Muslim. As hate crimes continue against the community, ADCRI will issue their next report on hate crimes in late fall 2007.

CONFIRMED HATE CRIME MURDERS

September 15—Mesa, AZ: 49-year-old Indian Sikh, Balbir Singh Sodhi, was shot while planting flowers outside his Chevron station. His murderer, 42-year-old Frank Roque, had spent the day drinking and raving about how he wanted to kill the "rag heads" responsible for the terrorist attacks four days earlier. After being kicked out of a bar, Roque went on a shooting rampage. He first shot and killed Sodhi, and afterwards fired on the home of an Afghan family. He then shot several times at a Lebanese-American clerk who escaped injury. During his arrest he yelled, "I am a patriot!" and "I stand for America all the way!" The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 15—Dallas, TX: 46-year-old Pakistani Muslim Waqar Hasan was shot in the face while cooking hamburgers in his grocery store. 32-year-old Mark Anthony Stroman, confessed on a Dallas radio program to having committed the murder, saying that he had killed Hasan and another man (see below) and shot a third out of revenge for the terrorist attacks (see also below) battery. September 21—Dallas, TX. During the interview, Stroman confessed that he wanted to "retaliate on local Arab Americans or whatever you want to call them." He also added that he "did what every American wanted to do but didn't. They didn't have the nerve." (AP, 2/16/02) The U.S. Department of Justice investigated the slaying as a hate crime murder. Stroman was convicted and sentenced to death.

September 19—Lincoln Park, MI: A 45-year-old U.S. citizen, Mr. Ali Almansoop, originally from Yemen, was shot to death while fleeing his attacker. The victim was asleep with his girlfriend when her ex-boyfriend, Brent Seever, 38, broke into her apartment, dragged him out of bed and, according to his own police confession and the girlfriend's statements, threatened, "I'm going to kill you for what happened in NY and DC." The victim fled outside and, as he was running, he was shot in the back. The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 4—Mesquite, TX: Vasudev Patel, a 49-year-old Indian gas station owner, was shot to death during an armed robbery. His killer, Mark Anthony Stroman (see above), initially explained that the killing resulted from the robbery, but later gave a conflicting explanation, telling police that he was motivated by vengeance for the terrorist attacks. Stroman alleged that he had lost a relative in the World Trade Center. A security camera recorded the armed man walking into the station, ordering the owner to give him all of the money before shooting him. Stroman then attempted to open the cash register and failed. He then fled without taking any of the money. (The Dallas Morning News, 11/3/01) On April 4, 2002, Mark Anthony Stroman was sentenced to death for this slaying. (Also see above, September 15—Dallas, TX, and Attempted Murder, September 21—Dallas, TX) (Reuters, 4/4/02)

SUSPECTED HATE CRIME MURDERS

September 15—San Gabriel, CA: An Egyptian-American grocery store owner Adel Karas, 48, was shot to death while at work. After a confrontation between the owner and 2 customers, the 2 men shot him and sped off in a Honda driven by a third man, leaving the money in the cash register intact. (AP, 10/10/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 17—Haines City, FL: 45-year-old Indian American businessman Jayantilal Patel was found gagged, bound and beaten at the motel he owned and operated. A month later, police arrested Patel's murderers Sean Russell, 23 and Kimberly Williams, 20. The pair confessed to killing Patel, stealing his money and fleeing in his car. (The Washington Post, 1/30/02) The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 18—Ceres, CA: The body of Surjit Singh Samra, a 69-year-old Sikh, was discovered 2 days after he had left his home for an evening walk. His body was found beneath about 5 feet of water in a nearby irrigation canal. Samra still was clothed, but his turban and glasses were missing. His wallet was in his pocket, money still intact. An autopsy determined the man had drowned and there was no significant trauma that suggested foul play. However, Samra's family suspects he was the victim of a hate crime and pushed into the water. (Modesto Bee, 10/18/01)

September 29—Reedley, CA: A 50-year-old Arab-American store employee, Abdo Ali Ahmed, was shot several times and killed while at work in the late afternoon. Witnesses told detectives that they saw 4 males speed from the store in a white 4-door sedan. No money or merchandise was stolen. The employee had received threats since mid-September. (The Fresno Bee, 10/2/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 3—Los Angeles, CA: A 53-year-old Palestinian-born clothing salesman, Abdullah Mohammed Nimer, was killed in Los Angeles while making his door-to-door rounds. There are no known witnesses but Mr. Nimer's family is convinced that the killing was a hate crime. Neither money nor goods were stolen. (AP, 10/9/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 14—Minneapolis, MN: A 65-year-old Somali man, Ali Warsame Ali, was beaten unconscious while waiting at a bus stop. He later died in the hospital. His son believes the assault was the result of a recent article in the Minneapolis's Star Tribune, which reported that local Somalis might have inadvertently donated to an organization now linked to Osama bin Laden. (Pioneer Press) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 17—Los Angeles, CA: A Syrian-born liquor storeowner, Ramez Younan, was shot to death behind his cash register. Police said they had no suspects and no clear motive for the shooting. No money was stolen from the cash register. Alerted by an anonymous 911 call about . . .

NURSING HOMES

Mr. GRASSLEY. Mr. President, for 10 years, I have advocated for stronger measures to ensure that America's nursing home residents receive the quality of care they deserve. Currently, over 1.7 million Americans live in nursing homes. This number will grow by leaps and bounds as the baby boomer generation ages. Therefore, there has never been a more critical time to make sure that the Federal Government does all it can to protect the most vulnerable among us from substandard care.

In late September, an article on the front page of the New York Times underscored this issue and brought to light some troubling data. The article, entitled "At Many Homes, More Profit and Less Nursing," studied the quality of care at investor-owned nursing homes. The findings were alarming, to say the least.

Using numbers from the Centers for Medicare and Medicaid Services, the article compared several investor-owned nursing home chains to industry-wide averages for several indicators. Here is what was found. The investor-owned homes, on average, had fewer clinical registered nurses per resident and higher numbers of serious health deficiencies. The article also reported that, in some cases, long-stay residents in these investor-owned homes suffered from higher rates of deterioration in their condition.

I would like to highlight one case in particular. Following its purchase by a large investment firm, one nursing home cut its number of clinical registered nurses in half. Budgets for nursing supplies, resident activities, and other services were also cut. Investor profits soared and resident care plummeted. Indeed, visits by regulators found fire exits that didn't work, dirty kitchens, and other health and safety violations. Fifteen residents died in 3 years due to negligent care, according to their families.

Our elderly and disabled nursing home residents our own grandparents, mothers, fathers, and other loved ones deserve better.

Is this a case of profits before care? Well, I am not sure. But I certainly intend to look into it. I intend to investigate allegations that some large investment firms are buying up nursing homes across the country and are hurting quality of care. And as a result, achieving, as the New York Times said, "More profit and less nursing."

And let's not forget that the Centers for Medicare and Medicaid Services shoulder some responsibility for these problems too CMS needs to do a better job of protecting seniors in our Nation's nursing homes and I am going follow up with them to see what they have to say.

So I say to my fellow Senators, we must do what is necessary to protect America's nursing home residents. We need to closely examine this matter. I plan to take a very active role in looking at this issue and will be speaking with nursing homes, equity firms, and to CMS. We owe it to America's nursing home residents and we owe it to their families.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referrd earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 23, 2007]

AT MANY HOMES, MORE PROFIT AND LESS NURSING

(By Charles Duhigg)

Habana Health Care Center, a 150-bed nursing home in Tampa, Fla., was struggling when a group of large private investment firms purchased it and 48 other nursing homes in 2002.

The facility's managers quickly cut costs. Within months, the number of clinical registered nurses at the home was half what it had been a year earlier, records collected by the Centers for Medicare and Medicaid Services indicate. Budgets for nursing supplies, resident activities and other services also fell, according to Florida's Agency for Health Care Administration.

The investors and operators were soon earning millions of dollars a year from their 49 homes.

Residents fared less well. Over three years, 15 at Habana died from what their families contend was negligent care in lawsuits filed in state court. Regulators repeatedly warned the home that staff levels were below mandatory minimums. When regulators visited, they found malfunctioning fire doors, unhygienic kitchens and a resident using a leg brace that was broken.

"They've created a hellhole," said Vivian Hewitt, who sued Habana in 2004 when her mother died after a large bedsore became infected by feces.

Habana is one of thousands of nursing homes across the nation that large Wall Street investment companies have bought or agreed to acquire in recent years.

Those investors include prominent private equity firms like Warburg Pincus and the Carlyle Group, better known for buying companies like Dunkin' Donuts.

As such investors have acquired nursing homes, they have often reduced costs, increased profits and quickly resold facilities for significant gains.

But by many regulatory benchmarks, residents at those nursing homes are worse off, on average, than they were under previous owners, according to an analysis by The New York Times of data collected by government agencies from 2000 to 2006.

The Times analysis shows that, as at Habana, managers at many other nursing homes acquired by large private investors have cut expenses and staff, sometimes below minimum legal requirements.

Regulators say residents at these homes have suffered. At facilities owned by private investment firms, residents on average have fared more poorly than occupants of other homes in common problems like depression, loss of mobility and loss of ability to dress and bathe themselves, according to data collected by the Centers for Medicare and Medicaid Services.

The typical nursing home acquired by a large investment company before 2006 scored worse than national rates in 12 of 14 indicators that regulators use to track ailments of long-term residents. Those ailments include bedsores and easily preventable infections, as well as the need to be restrained. Before they were acquired by private investors, many of those homes scored at or above national averages in similar measurements.

In the past, residents' families often responded to such declines in care by suing, and regulators levied heavy fines against nursing home chains where understaffing led to lapses in care.

But private investment companies have made it very difficult for plaintiffs to succeed in court and for regulators to levy chainwide fines by creating complex corporate structures that obscure who controls their nursing homes.

By contrast, publicly owned nursing home chains are essentially required to disclose who controls their facilities in securities filings and other regulatory documents.

The Byzantine structures established at homes owned by private investment firms also make it harder for regulators to know if one company is responsible for multiple centers. And the structures help managers bypass rules that require them to report when they, in effect, pay themselves from programs like Medicare and Medicaid.

Investors in these homes say such structures are common in other businesses and have helped them revive an industry that was on the brink of widespread bankruptcy.

"Lawyers were convincing nursing home residents to sue over almost anything," said Arnold M. Whitman, a principal with the fund that bought Habana in 2002, Formation Properties I.

Homes were closing because of ballooning litigation costs, he said. So investors like Mr. Whitman created corporate structures that insulated them from costly lawsuits, according to his company.

"We should be recognized for supporting this industry when almost everyone else was running away," Mr. Whitman said in an interview.

Some families of residents say those structures unjustly protect investors who profit while care declines.

When Mrs. Hewitt sued Habana over her mother's death, for example, she found that its owners and managers had spread control of Habana among 15 companies and five layers of firms.

As a result, Mrs. Hewitt's lawyer, like many others confronting privately owned homes, has been unable to establish definitively who was responsible for her mother's care.

Current staff members at Habana declined to comment. Formation Properties I said it owned only Habana's real estate and leased it to an independent company, and thus bore no responsibility for resident care.

That independent company—Florida Health Care Properties, which eventually became Epsilon Health Care Properties and subleased the home's operation to Tampa Health Care Associates—is affiliated with Warburg Pincus, one of the world's largest private equity firms. Warburg Pincus, Florida Health Care, Epsilon and Tampa Health Care all declined to comment.

DEMAND FOR NURSING HOMES

The graying of America has presented financial opportunities for all kinds of businesses. Nursing homes, which received more than $75 billion last year from taxpayer programs like Medicare and Medicaid, offer some of the biggest rewards.

"There's essentially unlimited consumer demand as the baby boomers age," said Ronald E. Silva, president and chief executive of Fillmore Capital Partners, which paid $1.8 billion last year to buy one of the nation's largest nursing home chains. "I've never seen a surer bet."

For years, investors shunned nursing home companies as the industry was battered by bankruptcies, expensive lawsuits and regulatory investigations.

But in recent years, large private investment groups have agreed to buy 6 of the nation's 10 largest nursing home chains, containing over 141,000 beds, or 9 percent of the nation's total. Private investment groups own at least another 60,000 beds at smaller chains and are expected to acquire many more companies as firms come under shareholder pressure to sell.

The typical large chain owned by an investment company in 2005 earned $1,700 a resident, according to reports filed by the facilities. Those homes, on average, were 41 percent more profitable than the average facility.

But, as in the case of Habana, cutting costs has become an issue at homes owned by large investment groups.

"The first thing owners do is lay off nurses and other staff that are essential to keeping patients safe," said Charlene Harrington, a professor at the University of California in San Francisco who studies nursing homes. In her opinion, she added, "chains have made a lot of money by cutting nurses, but it's at the cost of human lives."

The Times's analysis of records collected by the Centers for Medicare and Medicaid Services reveals that at 60 percent of homes bought by large private equity groups from 2000 to 2006, managers have cut the number of clinical registered nurses, sometimes far below levels required by law. (At 19 percent of those homes, staffing has remained relatively constant, though often below national averages. At 21 percent, staffing rose significantly, though even those homes were typically below national averages.) During that period, staffing at many of the nation's other homes has fallen much less or grown.

Nurses are often residents' primary medical providers. In 2002, the Department of Health and Human Services said most nursing home residents needed at least 1.3 hours of care a day from a registered or licensed practical nurse. The average home was close to meeting that standard last year, according to data.

But homes owned by large investment companies typically provided only one hour of care a day, according to The Times's analysis of records collected by the Centers for Medicare and Medicaid Services.

For the most highly trained nurses, staffing was particularly low: Homes owned by large private investment firms provided one clinical registered nurse for every 20 residents, 35 percent below the national average, the analysis showed.

Regulators with state and federal health care agencies have cited those staffing deficiencies alongside some cases where residents died from accidental suffocation, injuries or other medical emergencies.

Federal and state regulators also said in interviews that such cuts help explain why serious quality-of-care deficiencies—like moldy food and the restraining of residents for long periods or the administration of wrong medications—rose at every large nursing home chain after it was acquired by a private investment group from 2000 to 2006, even as citations declined at many other homes and chains.

The typical number of serious health deficiencies cited by regulators last year was almost 19 percent higher at homes owned by large investment companies than the national average, according to analysis of Centers for Medicare and Medicaid Services records.

(The Times's analysis of trends did not include Genesis HealthCare, which was acquired earlier this year, or HCR Manor Care, which the Carlyle Group is buying, because sufficient data were not available.)

Representatives of all the investment groups that bought nursing home chains since 2000—Warburg Pincus, Formation, National Senior Care, Fillmore Capital Partners and the Carlyle Group—were offered the data and findings from the Times analysis. All but one declined to comment.

An executive with a company owned by Fillmore Capital, which acquired 342 homes last year, said that because some data regarding the company were missing or collected before its acquisition, The Times's analysis was not a complete portrayal of current conditions. That executive, Jack MacDonald, also said that it was too early to evaluate the new management, that the staff numbers at homes over all was rising and that quality had improved by some measures.

"We are focused on becoming a better organization today than we were 18 months ago," he said. "We are confident that we will be an even better organization in the future."

A WEB OF RESPONSIBILITY

Vivian Hewitt's mother, Alice Garcia, was 81 and suffering from Alzheimer's disease when, in late 2002, she moved into Habana.

"I couldn't take care of her properly anymore, and Habana seemed like a really nice place," Mrs. Hewitt said.

Earlier that year, Formation bought Habana, 48 other nursing homes and four assisted living centers from Beverly Enterprises, one of the nation's largest chains, for $165 million.

Formation immediately leased many of the homes, including Habana, to an affiliate of Warburg Pincus. That firm spread management of the homes among dozens of other corporations, according to documents filed with Florida agencies and depositions from lawsuits.

Each home was operated by a separate company. Other companies helped choose staff, keep the books and negotiate for equipment and supplies. Some companies had no employees or offices, which let executives file regulatory documents without revealing their other corporate affiliations.

Habana's managers increased occupancy, and cut expenses by laying off about 10 of 30 clinical administrators and nurses, Medicare filings reveal. (After regulators complained, some positions were refilled and other spending increased.) Soon, Medicare regulators cited Habana for malfunctioning fire doors and moldy air vents.

Throughout that period, Formation and the Warburg Pincus affiliate received rent and fees that were directly tied to Habana's revenues, interviews and regulatory filings show. As the home's fiscal health improved, those payments grew. In total, they exceeded $3.5 million by last year. The companies also profited from the other 48 homes.

Though spending cuts improved the home's bottom line, they raised concerns among regulators and staff.

"Those owners wouldn't let us hire people," said Annie Thornton, who became interim director of nursing around the time Habana was acquired, and who left about a year later. "We told the higher-ups we needed more staffing, but they said we should make do."

Regulators typically visit nursing homes about once a year. But in the 12 months after Formation's acquisition of Habana, they visited an average of once a month, often in response to residents' complaints. The home was cited for failing to follow doctors' orders, cutting staff below legal minimums, blocking emergency exits, storing food in unhygienic areas and other health violations.

Soon after, nursing home inspectors wrote in Centers for Medicare and Medicaid Services documents that Habana was at fault when a resident suffocated because his tracheotomy tube became clogged. Although he had complained of shortness of breath, there were no records showing that staff had checked on him for almost two days.

Those citations never mentioned Formation, Warburg Pincus or its affiliates. Warburg Pincus and its affiliates declined to discuss the citations. Formation said it was merely a landlord.

"Formation Properties owns real estate and leases it to an unaffiliated third party that obtains a license to operate it as a health care facility," Formation said. "No citation would mention Formation Properties since it has no involvement or control over the operations at the facility or any entity that is involved in such operations."

For Mrs. Hewitt's mother, problems began within months of moving in as she suffered repeated falls.

"I would call and call and call them to come to her room to change her diaper or help me move her, but they would never come," Mrs. Hewitt recalled.

Five months later, Mrs. Hewitt discovered that her mother had a large bedsore on her back that was oozing pus. Mrs. Garcia was rushed to the hospital. A physician later said the wound should have been detected much earlier, according to medical records submitted as part of a lawsuit Mrs. Hewitt filed in a Florida Circuit Court.

Three weeks later, Mrs. Garcia died.

"I feel so guilty," Mrs. Hewitt said. "But there was no way for me to find out how bad that place really was."

DEATH AND A LAWSUIT

Within a few months, Mrs. Hewitt decided to sue the nursing home.

"The only way I can send a message is to hit them in their pocketbook, to make it too expensive to let people like my mother suffer," she said.

But when Mrs. Hewitt's lawyer, Sumeet Kaul, began investigating Habana's corporate structure, he discovered that its complexity meant that even if she prevailed in court, the investors' wallets would likely be out of reach.

Others had tried and failed. In response to dozens of lawsuits, Formation and affiliates of Warburg Pincus had successfully argued in court that they were not nursing home operators, and thus not liable for deficiencies in care.

Formation said in a statement that it was not reasonable to hold the company responsible for residents, "any more, say, than it would be reasonable for a landlord who owns a building, one of whose tenants is Starbucks, to be held liable if a Starbucks customer is scalded by a cup of hot coffee."

Formation, Warburg Pincus and its affiliates all declined to answer questions regarding Mrs. Hewitt's lawsuit.

Advocates for nursing home reforms say anyone who profits from a facility should be held accountable for its care.

"Private equity is buying up this industry and then hiding the assets," said Toby S. Edelman, a nursing home expert with the Center for Medicare Advocacy, a nonprofit group that counsels people on Medicare. "And now residents are dying, and there is little the courts or regulators can do."

Mrs. Hewitt's lawyer has spent three years and $30,000 trying to prove that an affiliate of Warburg Pincus might be responsible for Mrs. Garcia's care. He has not named Formation or Warburg Pincus as defendants. A judge is expected to rule on some of his arguments this year.

Complex corporate structures have dissuaded scores of other lawyers from suing nursing homes.

About 70 percent of lawyers who once sued homes have stopped because the cases became too expensive or difficult, estimates Nathan P. Carter, a plaintiffs' lawyer in Florida.

"In one case, I had to sue 22 different companies," he said. "In another, I got a $400,000 verdict and ended up collecting only $25,000."

Regulators have also been stymied.

For instance, Florida's Agency for Health Care Administration has named Habana and 34 other homes owned by Formation and operated by affiliates of Warburg Pincus as among the state's worst in categories like "nutrition and hydration," "restraints and abuse" and "quality of care." Those homes have been individually cited for violations of safety codes, but there have been no chainwide investigations or fines, because regulators were unaware that all the facilities were owned and operated by a common group, said Molly McKinstry, bureau chief for long-term-care services at Florida's Agency for Health Care Administration.

And even when regulators do issue fines to investor-owned homes, they have found penalties difficult to collect.

"These companies leave the nursing home licensee with no assets, and so there is nothing to take," said Scott Johnson, special assistant attorney general of Mississippi.

Government authorities are also frequently unaware when nursing homes pay large fees to affiliates.

For example, Habana, operated by a Warburg Pincus affiliate, paid other Warburg Pincus affiliates an estimated $558,000 for management advice and other services last year, according to reports the home filed.

Government programs require nursing homes to reveal when they pay affiliates so that such disbursements can be scrutinized to make sure they are not artificially inflated.

However, complex corporate structures make such scrutiny difficult. Regulators did not know that so many of Habana's payments went to companies affiliated with Warburg Pincus.

"The government tries to make sure homes are paying a fair market value for things like rent and consulting and supplies," said John Villegas-Grubbs, a Medicaid expert who has developed payment systems for several states. "But when home owners pay themselves without revealing it, they can pad their bills. It's not feasible to expect regulators to catch that unless they have transparency on ownership structures."

Formation and Warburg Pincus both declined to discuss disclosure issues.

Groups lobbying to increase transparency at nursing homes say complicated corporate structures should be outlawed. One idea popular among organizations like the National Citizens' Coalition for Nursing Home Reform is requiring the company that owns a home's most valuable assets, its land and building, to manage it. That would put owners at risk if care declines.

But owners say that tying a home's property to its operation would make it impossible to operate in leased facilities, and exacerbate a growing nationwide nursing home shortage.

Moreover, investors say, they deserve credit for rebuilding an industry on the edge of widespread insolvency.

"Legal and regulatory costs were killing this industry," said Mr. Whitman, the Formation executive.

For instance, Beverly Enterprises, which also had a history of regulatory problems, sold Habana and the rest of its Florida centers to Formation because, it said at the time, of rising litigation costs. AON Risk Consultants, a research company, says the average cost of nursing home litigation in Florida during that period had increased 270 percent in five years.

"Lawyers were suing nursing homes because they knew the companies were worth billions of dollars, so we made the companies smaller and poorer, and the lawsuits have diminished," Mr. Whitman said. This year, another fund affiliated with Mr. Whitman and other investors acquired the nation's third-largest nursing home chain, Genesis HealthCare, for $1.5 billion.

If investors are barred from setting up complex structures, "this industry makes no economic sense," Mr. Whitman said. "If nursing home owners are forced to operate at a loss, the entire industry will disappear."

However, advocates for nursing home reforms say investors exaggerate the industry's precariousness. Last year, Formation sold Habana and 185 other facilities to General Electric for $1.4 billion. A prominent nursing home industry analyst, Steve Monroe, estimates that Formation's and its co-investors' gains from that sale were more than $500 million in just four years. Formation declined to comment on that figure.

ANALYZING THE DATA

For this article, The New York Times analyzed trends at nursing homes purchased by private investment groups by examining data available from the Centers for Medicare and Medicaid Services, a division of the Department of Health and Human Services.

The Times examined more than 1,200 nursing homes purchased by large private investment groups since 2000, and more than 14,000 other homes. The analysis compared investor-owned homes against national averages in multiple categories, including complaints received by regulators, health and safety violations cited by regulators, fines levied by state and federal authorities, the performance of homes as reported in a national database known as the Minimum Data Set Repository and the performance of homes as reported in the Online Survey, Certification and Reporting database.

CUBA

Mr. COLEMAN. Mr. President, I would like to take the opportunity to submit for the RECORD an article published today in the Miami Herald regarding the situation in Cuba. The article captures the situation imposed on the Cuban people by the authoritarian rule of the Castro brothers, as well as challenges the international community to stand firm in its commitment to true democratic change in Cuba. For decades Fidel Castro, and now his brother Raúl, have deprived the Cuban people of freedom and the hope of a better future. It is clear that Cuba finds itself in a time of transition, yet surely the Castro brothers will do everything in their power to ensure that the system of repression that they have built up for the past half century will remain in place whenever Fidel Castro passes away. For this reason, it is incumbent on all of us who aspire for a free and democratic Cuba to ensure that this moment of opportunity for democratic change on the island is not lost.

I ask unanimous consent to have the following article printed in the RECORD.

There being no objcection, the material was ordered to be printed in the RECORD, as follows:

APPEASING THE CASTROS WILL BACKFIRE

(By Frank Calzon)

The "Stockholm syndrome" describes the phenomenon of hostages who identify, cooperate with and, finally, defend their kidnappers. The longer they are held, the more victims are likely to be affected by the syndrome, because they are totally dependent on their abusers. The control over every aspect of life convinces the victim that he or she is alone, there will be no help from others; resistance is useless and only makes things worse.

That's the kind of control Fidel Castro, and now his brother Raúl, exercise in Cuba.

There, everything comes from Castro and his government. The regime wants the Cuban people to believe they have no other friends. And, alas, even foreign diplomats and their dependents stationed in Havana begin after time to feel this intimidating dependency and to become reluctant to protest outrages directed at them because "it only results in more abuse."

Castro's abuse—his ability to order windows smashed or call out street demonstrations—becomes "revenge" for inviting unapproved Cuban guests to the embassy, for reaching out to engage ordinary Cubans in ways not preapproved by Castro's government.

Foreign observers in Cuba seem to have great difficulty imagining what the regime will do next. One reason why is that they keep looking for logical reasons to explain the regime's actions. Yet the reality is that much of what has happened in Cuba over the last 50 years cannot be explained, except as the whim of a man whose only goal is to be in control of everything Cuban. Castro has a lot in common with Stalin.

The Castro regime simply deems any independent action—however small—to be a challenge to its totalitarian control. Thus, inviting Cuba's political dissidents to an embassy event is "a hostile act." To give a shortwave radio to a Cuban national is, curiously enough, "a violation of human rights." Any Cuban daring to voice support for change in Cuba is "a paid agent" of the United States.

What to do in a situation such as this? The principle that should guide foreign governments is that they should show Cubans that they have friends on the outside.

Foreign governments can start by, at the very least, always insisting on reciprocity in the freedom allowed Castro's diplomats and embassies to operate in their capitals. This is not what happened. Foreign missions—America's among them—accede to Castro's restrictions on how their diplomats and embassies function in Cuba.

Cuba's diplomats take full advantage of their freedoms in the U.S. capital. They attend congressional hearings, have access to the American media, develop relationships with businessmen and "progressive" activists, host student groups, speak at universities and enjoy tax-exempt status. Yet U.S. diplomats in Cuba have no similar privileges in Havana. They are subject to petty harassments. The Cuban government goes so far as to detain shipping containers of supplies sent to the U.S. Interests Section in Cuba and has broken into the U.S. diplomatic pouch.

Attempting to appease Cuba's kidnappers will backfire, as it always has. It is instructive that the refugee crises in 1980 and 1994, which involved 125,000 and 30,000 Cubans respectively, and the 1996 murder of Brothers to the Rescue crews over the Florida Straits occurred at times when Washington actually was trying to improve relations.

Eventually, Cuba's long nightmare will end. If governments around the world would also shake free of "the Havana Syndrome," they might hasten Cuba's democratic awakening.

Fidel and Raúl Castro will attempt to turn their day of reckoning into a negotiation with Washington—a negotiation excluding dissidents and exiles. Yet it is Cubans who must decide the fate of Cuba. All evidence indicates that President Bush will remain firm. If the Department of State does not flinch, Cuba's interim president and new leaders will have to talk with and listen to their political opponents. That is what democracy means and that is what the world community should boldly support today.

RETIREMENT OF GEN PETER PACE

Mr. KYL. Mr. President, on Monday, GEN Peter Pace completed his term as Chairman of the Joint Chiefs of Staff. A highly decorated officer, GEN Peter Pace was the first Marine officer to serve as Chairman of the Joint Chiefs of Staff in our Nation's history.

General Pace graduated the U.S. Naval Academy in 1967. After completing the Basic School in 1968, he deployed to Vietnam as a marine rifle platoon commander. After Vietnam, General Pace served overseas in Thailand, South Korea, Japan, and Somalia.

His style as a humble commander, selflessly dedicated to his obligations, brought accolades from both superior officers and enlisted soldiers. General Pace has held command at nearly every level, and excelled in all respects in the uniformed service of his country.

As Chairman of the Joint Chiefs of Staff, General Pace served as an adviser to the President a role he conducted with unquestionable professionalism. As a confidential advisor and military man, General Pace did his utmost to steer clear of the public disputes and political battles that so often afflict Washington decision-making.

General Pace's professional conduct, through a period of time marked by new and uniquely difficult tribulations, is a model for those to come. A strong voice for providing security to Iraq's population and holding areas cleared of terrorists, General Pace's counsel has played a role in building consensus for the military strategy that is producing successes on the ground in Iraq. It should be noted that General Pace assumed his duties in the face of a rising insurgency in Iraq. He leaves office with a successful strategy in place, an improving situation in Iraq, and troop draw downs taking place due to progress on the ground. In short, he has left his office in better condition than it was when he entered it. For his exemplary service he has earned the gratitude of a safer, more secure Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO ROY SCUDERI

• Mr. BARRASSO. Mr. President, today I bring to the attention of this body and the Nation the remarkable service of Roy Scuderi. For over 18 years, Roy has served A Presidential Classroom for Young Americans with diligence, dedication and commitment. Roy has helped make Presidential Classroom the premiere civic education program for high school students in America.

On October 5, 2007, Roy Scuderi will retire from his position as chief financial officer and vice president of this national nonprofit organization. In his role, Roy has established financial projections, overseen investments, negotiated contracts, and facilitated the annual audits—all of this done with professionalism and integrity.

Roy Scuderi's commitment to Presidential Classroom's success and performance has inspired the well-deserved trust and affection of the board members and his colleagues. His judgment has improved every aspect of Presidential Classroom. Roy's daily efforts to ensure the program's quality and viability have sustained a record of unmatched dedication and achievement over the course of the organization's nearly 40-year history.

I have had the personal honor and privilege as a board member, chairman of the board, and now as honorary board member of Presidential Classroom to work closely with Roy Scuderi throughout his entire career with Presidential Classroom.

Presidential Classroom is stronger as a result of Roy's dedication and commitment to the classroom. Throughout his 18 years, the staff and board members of Presidential Classroom have relied on Roy Scuderi for his outstanding leadership and service.

Today, we salute Roy Scuderi for the central role that he has played in helping Presidential Classroom fulfill its mission of inspiring and challenging the leaders of tomorrow to devote their talents and energies in the service of our constitutional government on behalf of a better nation and a better world.•

TRIBUTE TO MARTHA ANNE DOW

• Mr. SMITH. Mr. President, famed educator Henry Adams once said, "a teacher affects eternity. They never know where their influence will stop." I wish to pay tribute to Dr. Martha Anne Dow, who passed away on September 29 after a courageous battle with breast cancer. Martha Anne had served for the past 9 years as president of the Oregon Institute of Technology in Klamath Falls, OR. In that position—and throughout her career—she had a positive impact on countless lives. Her influence will truly continue for generations and generations to come.

Martha Anne came to the Oregon Institute of Technology after teaching for more than a quarter century in the fields of biology, microbiology, environmental science, and water quality. She served for 6 years as provost and vice president for Academic Affairs at OIT and moved into the president's office in May of 1998.

I had the privilege of meeting President Dow on several occasions and was always impressed with her intelligence, enthusiasm, and vision for OIT. Her leadership transformed the institute, expanding the engineering, computer science, and renewable energy programs.

President Dow's greatest passion was, perhaps, for the health care field. She realized the shortage of health care professionals in Oregon and across our country, and she believed that OIT could help.

Through her leadership, OIT expanded their health care training programs with the goal of doubling the number of students in training for health care professions. Included in this expansion was the construction of a new center showcasing the most modern, technologically advanced equipment available. The first wing of the new facility opened on September 12 in Klamath Falls. In her honor, the building was officially named the "Martha Anne Dow Oregon Center for Health Professions."

As she battled breast cancer, President Dow would often ask medical technicians providing her treatment where they had received their training. She was very proud to hear that many had been trained at OIT, in the very programs she helped to expand.

Those professionals, and countless more to follow, are Martha Anne Dow's legacy. And I am proud to say her legacy will truly affect eternity.•

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2003. An act to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 3087. An act to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports; to the Committee on Armed Services.

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve an additional term.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 200. Concurrent resolution condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi; to the Committee on Foreign Relations.

H. Con. 203. Concurrent resolution condemning the persecution of labor rights advocates in Iran.

At 2:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office."

ENROLLED BILLS SIGNED

At 6:07 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks] announced that the Speaker has signed the following enrolled bills:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2003. An act to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia; to the Committee on Foreign Relations.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3087. An act to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports; to the Committee Armed Services.

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 200. Concurrent resolution condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi; to the Committee on Foreign Relations.

H. Con. Res. 203. Concurrent resolution condemning the persecution of labor rights advocates in Iran; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3498. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to a breach of the Average Procurement Unit Cost in the C-5 Reliability Enhancement and Reengining Program; to the Committee on Armed Services.

EC-3499. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization Validated End-User: Addition of India as an Eligible Destination" (RIN0694-AE13) received on September 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3500. A communication from the Acting Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Crash Test Laboratory Requirements for FHWA Roadside Safety Hardware Acceptance" (RIN2125-AF21) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3501. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Implement Certain Provisions of SAFETEA-U" (RIN2126-AA96) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3502. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Buy America Requirements and Waiver Procedures" (RIN2132-AA90) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3503. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft" (RIN2137-AD33) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3504. A communication from the Senior Counsel for Dispute Resolution, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Time Zone Boundary in Southwest, Indiana" (RIN2105-AD71) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-071)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-135)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Phillipsburg, KS" ((RIN2120-AA64)(Docket No. 06-ACE-13)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hayward, WI" ((RIN2120-AA66)(Docket No. 06-AGL-5)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Red Dog, AK" ((RIN2120-AA66)(Docket No. 06-AAL-40)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Thedford, NE" ((RIN2120-AA66)(Docket No. 06-ACE-12)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Potosi, MO" ((RIN2120-AA66)(Docket No. 06-ACE-14)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Peru, IL" ((RIN2120-AA66)(Docket No. 07-AGL-1)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Creson, IA" ((RIN2120-AA66)(Docket No. 06-ACE-11)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Artouste III B and III B1 Turboshaft Engines" ((RIN2120-AA64)(Docket No. 2006-NE-34)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies" ((RIN2120-AA64)(Docket No. 2006-NE-04)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ-170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-221)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific

Aerospace Corporation Ltd. Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–69)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–63)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CT7–5, –7, and –9 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2003–NE–64–AD)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–601, A300 B4–603, A300 B4–605R, A300 C4–605R Variant F, A310–204, and A310–304 Airplanes Equipped with General Electric CF6–80C2 Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–188)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB–X and D3A32C409/82NDB–X Propellers'' ((RIN2120–AA64)(Docket No. 2005–NE–10)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; LATINOAMERICANA DE AVIACION S.A. Models PA–25, PA–25–235, and PA–25–260 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–005)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–003)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–236)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2003–NE–12)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–17)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction'' ((RIN2120–AA64)(Docket No. 2000–NE–62)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–066)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–055)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–031)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters Inc. Model MD600N Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–05)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–078)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3533. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the federal assistance provided to the Atlantic States Marine Fisheries Commission and the states during fiscal year 2005 and 2006; to the Committee on Commerce, Science , and Transportation.

EC–3534. A communication from the Deputy Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Emergency Alert System'' (FCC 07–109) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3535. A communication from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting, pursuant to law, the organization's Strategic Plan for fiscal years 2007–2012; to the Committee on Environment and Public Works.

EC–3536. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue—Section 965 Foreign Earnings Repatriation Directive No. 1'' (LMSB–04–0907–063) received on October 2, 2007; to the Committee on Finance.

EC–3537. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Section 482 CSA Buy-in Adjustments'' (LMSB–04–0907–062) received on October 1, 2007; to the Committee on Finance.

EC–3538. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties'' (Notice 2007–80) received on October 1, 2007; to the Committee on Finance.

EC–3539. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the United States—Peru Trade Promotion Agreement; to the Committee on Finance.

EC–3540. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Quick Disability Determination Process'' (RIN0960–AG47) received on September 28, 2007; to the Committee on Finance.

EC–3541. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Transportation Fringes'' (Notice 2007–76) received on October 1, 2007; to the Committee on Finance.

EC–3542. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Rev. Proc. 2006–45'' (Rev. Proc. 2007–64) received on October 1, 2007; to the Committee on Finance.

EC–3543. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to efforts made by the United Nations to employ an adequate number of Americans during 2006; to the Committee on Foreign Relations.

EC–3544. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of machine-readable passport programs in countries participating in the Visa Waiver Program; to the Committee on the Judiciary.

EC–3545. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled, "Fiscal Year 2006 Accounting of Drug Control Funds"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes (Rept. No. 110–188).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 742, A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes (Rept. No. 110–189).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. GRAHAM):

S. 2129. A bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Ms. MURKOWSKI, Mr. DURBIN, Ms. COLLINS, and Mr. KERRY):

S. 2130. A bill to express the sense of the Senate on the need for a comprehensive diplomatic offensive to help broker national reconciliation efforts in Iraq and lay the foundation for the eventual redeployment of United States combat forces; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2131. A bill to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Lawrence C. and Grace M. Jones Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. OBAMA (for himself, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN)):

S. 2132. A bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 2133. A bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. ALEXANDER, and Mr. PRYOR):

S. 2134. A bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on matters contained in the reports; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. COBURN, Mr. FEINGOLD, and Mr. BROWNBACK):

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. CONRAD, Mr. THUNE, Mr. BARRASSO, Mr. BROWN, and Mr. TESTER):

S.J. Res. 20. A joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 727

At the request of Mr. COCHRAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1514

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1840

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1840, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1895

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1954

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2051

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

S. 2106

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2106, a bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

AMENDMENT NO. 3117

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR), the Senator from Arkansas (Mr. PRYOR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3117 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 3117 proposed to H.R. 3222, supra.

AMENDMENT NO. 3130

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3130 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3136

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3136 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3137

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3137 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3140

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3140 intended to be proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3141

At the request of Mr. VITTER, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3141 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3142

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. SANDERS), the Senator from Florida (Mr. NELSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3142 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3146

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 3146 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2133. A bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Homeowners' Mortgage and Equity Savings Act of 2007. In recent years, low interest rates and easily available credit have significantly increased home ownership in this country. The U.S. home ownership rate increased from 64 percent in 1994 to over 69 percent in 2004. The increase has been particularly dramatic among minority groups. During that same period, the home ownership rate among Hispanics and Latinos rose by around 20 percent, to nearly 50 percent. For African Americans, the rate rose by 14 percent, also nearing 50 percent.

However, with interest rates at all-time lows, lenders increasingly offered mortgages to those who previously either would not have qualified for a mortgage or could not have afforded the payments on a mortgage. To do this, lenders offered new types of mortgages designed to keep monthly payments low, at least in the short term. In particular, lenders issued large numbers of adjustable rate mortgages, "ARMS", loans that often feature low introductory interest rates that later adjust to significantly higher rates. Lenders also issued no-down-payment or interest-only mortgages, which also often featured low introductory interest rates that later increase significantly.

With the era of easy money and low interest rates over, a crisis looms. Many borrowers with adjustable rate, interest-only or no-down-payment mortgages have been unable to keep up with their monthly mortgage payments that have reset to higher rates. In many cases, resetting interest rates means monthly payments increase by $250 to $300 on a typical $1,200 monthly mortgage. Moreover, many ARMS featured early repayment penalties, making it difficult for homeowners to fix the situation by refinancing and obtaining less risky mortgages.

As a result of resetting interest rates, delinquencies and foreclosures involving ARMs have risen dramatically. Delinquencies and foreclosures have been particularly high among borrowers with weak credit who were issued loans at subprime rates. According to the Mortgage Bankers Association, between the second quarter of 2006 and the second quarter of this year, the percentage of homeowners with subprime ARMs who are seriously delinquent, those who are either more than 90 days past due or in foreclosure, has nearly doubled, from 6.52 to 12.40 percent. The number rose by over 20 percent during the second quarter of this year alone. The Center for Responsible Lending projects that 2.2 million Americans with subprime loans originated between 1998 and 2006 have lost or will lose their home to foreclosure.

While the situation has been most severe for homeowners with subprime loans, the problem now is spreading to those with prime rate loans. In the past year, the percentage of homeowners with prime rate ARMs that were seriously delinquent on their mortgage payments more than doubled from 0.92 to 2.02 percent. According to the Mortgage Bankers Association, in the second quarter of this year, the number of homeowners who got foreclosure notices reached an all time high of 0.65 percent, largely because of increases among homeowners with ARMs, delinquencies and foreclosures for fixed rates mortgages have increased only moderately. The situation will only get worse in coming months as an estimated 2 million homeowners with adjustable rate mortgages see their interest rates reset to much higher rates. According to some sources, a quarter of those homeowners face losing their homes.

In my home State of Pennsylvania, the number of homeowners with subprime ARMs who are seriously delinquent has risen to 13.82 percent, an increase of over 40 percent since this time last year. Among homeowners who qualified for prime rate ARMs, the number who are seriously delinquent has increased to 2.43 percent, an increase of over 50 percent since last year. Especially hard hit is the Allentown-Bethlehem-Easton area, where the foreclosure rate for subprime loans originated in 2006 is 20 percent.

In some cases, borrowers made bad decisions by ignoring the risk and taking on mortgages they knew someday they might not be able to afford. In other cases, it appears that borrowers were steered to riskier mortgages when they qualified for safer options. There is also evidence that lenders failed to fully disclose the risks involved with certain mortgages and instead emphasized low monthly payments. The push to issue subprime and adjustable rate mortgages was aggravated by Wall Street investors chasing high rates of return on the secondary market.

Many homeowners facing foreclosure will seek relief in bankruptcy. Bankruptcy has traditionally provided a second chance for borrowers by giving them relief from their creditors. Chapter 13 in particular has enabled homeowners facing foreclosure to keep their homes. Chapter 13 gives debtors breathing space by imposing a stay on collection of debts, including mortgages, which prevents lenders from foreclosing for a period of time. During that time, debtors are given an opportunity to get caught up on their mortgage payments. Finally, Chapter 13 makes it more likely that debtors will be able to make their mortgage payments over the long term by giving them a discharge from many of their other debts.

However, the drafters of the bankruptcy code never anticipated the current crisis where so many face possible bankruptcy, not because of consumer debts, but because of their mortgages. When the current bankruptcy code was drafted in the late 1970s, most homeowners had traditional 30-year fixed rate mortgages with substantial down payments. As a result, few homeowners faced bankruptcy because of their mortgage. As such, the drafters did not see a need for bankruptcy judges to have the power to alter the terms of mortgages on primary residences.

Given the fact that so many homeowners now face foreclosure and possible bankruptcy because of their mortgages, I believe Congress should take action. I am therefore introducing a targeted bill which will allow bankruptcy courts to provide relief to homeowners caught up in the current crisis. The bill will provide relief for low-income homeowners who, because of changed circumstances, can no longer afford their mortgages. Easily available credit made homeownership a reality for many lower income Americans. It is these same homeowners who are the ones now caught up in the credit crunch and facing the loss of their homes.

The bill will allow bankruptcy judges to provide relief by restructuring the mortgage terms that have created the biggest problems for homeowners. Most importantly, the bill will allow bankruptcy judges to prevent or delay interest rate increases as well as to roll back interest rates that have already reset. This will make it possible for many more debtors to hold onto their homes in the long run.

The bill also will allow bankruptcy judges to waive early repayment or prepayment penalties. Many lenders impose large penalties on homeowners that repay their mortgages early, penalties that prevent many homeowners from refinancing and switching to a sounder mortgage. These penalties are particularly egregious since they don't reflect any increased risk taken on by the lender. They are merely intended to discourage borrowers from making a better choice for themselves by switching to another loan.

This bill is not a bailout and it is not aimed at those who knew the risk and proceeded anyway. When housing prices were rising, speculators bid up the prices of homes hoping to quickly sell them for an easy profit. With prices falling, many of those speculators find themselves with properties worth less than what they paid. These speculators took the risk that housing prices would fall and now must live with the downside of that risk.

The bill will allow judges to write down the principal value of the loan, but only if both the debtor and creditor agree. Giving judges discretion to write down the principal value of loans could provide a significant windfall to those who gambled that housing prices would never fall, including speculators. That is a gamble lenders and future homeowners should not be forced to finance.

Taking too broad an approach to this problem will only hurt future borrowers. Allowing bankruptcy judges free rein to rewrite mortgage loans will only increase the risk that lenders take on when they issue mortgages. Investors respond to increased risk by insisting on higher rates of return and mortgage lenders must respond in kind by raising their rates. That will only make it more difficult for those Americans who wish to become homeowners in the future.

In the longer run, the market will correct some of what has gone wrong. The number of risky loans being issued has already declined dramatically, in large part because investors are refusing to provide the liquidity necessary to issue such loans. In addition, as predatory or fraudulent practices come to light, the Congress, and in particular the Banking Committee, should take action to prevent such practices from occurring in the future.

I urge my colleagues to join me in offering relief for those who are caught up in the current crisis and face losing their homes.

BY Mr. DURBIN (for himself, Mr. COBURN, Mr. FEINGOLD, and Mr. BROWNBACK):

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Child Soldiers Accountability Act of 2007. This narrowly-tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who commit this war crime will not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator TOM COBURN of Oklahoma, Senator RUSSELL FEINGOLD of Wisconsin, and Senator SAM BROWNBACK of Kansas. This bill is a product of the Judiciary Committee's new Subcommittee on Human Rights and the Law, which is the first ever congressional committee dealing specifically with human rights. I am the Chairman of this Subcommittee and Senator COBURN is its ranking member.

Up to 250,000 children currently serve as combatants, porters, human mine detectors and sex slaves in state-run armies, paramilitaries and guerilla groups around the world. These child soldiers are denied the childhood that our children and grandchildren have and to which every child has an inalienable right. Moreover, their health and lives are endangered.

Children are recruited and used in combat situations because their emotional and physical immaturity makes it easy to mold them into obedient combatants who will witness and partake in horrific violence, often without comprehending their actions. Child soldiers are frequently recruited in areas of long-standing conflict where there are no longer eligible adults for recruitment. In many cases, they are provided with drugs and alcohol to numb them to the atrocities they are required to commit, as well as to increase their dependency upon the armed group.

Children are more likely to be killed, injured or become ill in combat situations than adults. In combat, child soldiers have been forced to the front lines, sent into minefields ahead of older troops or even used for suicide missions.

The devastating effects of war and abuse on the physical, emotional and social development of children are long lasting. Former child soldiers require extensive care and support from family and others in order to be rehabilitated and reintegrated into society. In the absence of such support, former child soldiers may comprise a generation of adults who will perpetuate conflict and undermine security, creating unforeseen challenges that our children will have to address.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

While there have been positive developments internationally in the prosecution of child soldier recruitment and use, especially by the Special Court for Sierra Leone, the ability of international tribunals or hybrid courts to try these cases is limited. The average perpetrator still runs very little risk of being prosecuted. National courts can and should play a greater role in prosecuting perpetrators.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during a hearing entitled "Casualties of War: Child Soldiers and the Law," held by the Senate Subcommittee on Human Rights and the Law. Ismael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law "saddens me tremendously" and that closing this loophole "would set a clear example that there is no safe haven anywhere for those who recruit and use children in war." Mr. Beah also posed a moral challenge to all of us:

> When you go home tonight to your children, your cousins, and your grandchildren and watch them carrying out their various childhood activities, I want you to remember that at that same moment, there are countless children elsewhere who are being killed; injured; exposed to extreme violence; and forced to serve in armed groups, including girls who are raped (leading some to have babies of commanders); all of them between the ages of 8 and 17. As you watch your loved ones, those children you adore most, ask yourselves whether you would want these kinds of suffering for them. If you don't, then you must stop this from happening to other children around the world whose lives and humanity are as important and of the same value as all children everywhere.

The Child Soldiers Accountability Act will help to ensure that the war criminals who recruit or use children as soldiers will not find safe haven in our country and allow the U.S. government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those who recruit or use child soldiers that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

I urge my colleagues to ask themselves the question Ishmael Beah posed: Would we want our children or grandchildren to endure the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to take action to help these young people and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Soldiers Accountability Act of 2007".

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§2442. Recruitment or use of child soldiers

"(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

"(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

"(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

"(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

"(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

"(2) the alleged offender is a stateless person whose habitual residence is in the United States;

"(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

"(4) the offense occurs in whole or in part within the United States.

"(d) DEFINITIONS.—In this section:

"(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

"(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

"(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

"(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored.".

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

"§3300. Recruitment or use of child soldiers

"No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.".

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

"2442. Recruitment or use of child soldiers."; and

(B) in the table of sections for chapter 213, by adding at the end the following:

"3300. Recruitment or use of child soldiers.".

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.".

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.".

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over 2 million families are going to lose their homes in the next few years. Mr. President, 28,000 of those families are in Illinois.

Why?

Because they are stuck in bad mortgages.

Homeowners across America don't need to hear from me to know that the housing boom has busted. From Wall Street to Main Street, we see the spillover effects on the economy.

I am pleased that in Congress we are now talking about how to tighten lending regulations so we don't repeat this type of market meltdown—and there is certainly more work to be done on that—but in the meantime, millions of families are stuck in the current mess. They need our help.

It is true that some families knowingly stretched a bit to buy more house than they should have. But many families were sold mortgages they couldn't afford by unscrupulous brokers. Some families were given faulty appraisals, only to find later that their homes weren't worth as much as they thought. Still other families have been hit with a mountain of excessive fees that have pushed them over the edge.

Regardless of the reason, a family pushed into foreclosure is a disaster for the homeowner and the surrounding community, and it is a bad deal for the banks as well.

That is why I am introducing the Helping Families Save Their Homes Act, which will help around 600,000 families who have nowhere else to turn to save their homes.

I support the constructive efforts of all of my Democratic colleagues in both the Senate and the House to deal with this crisis, and with this bill I add one more targeted solution to that list.

Bankruptcy should be the last resort, to be sure, but this change in how family homes are treated in bankruptcy will help hundreds of thousands of families who would otherwise be out on the street.

Today, a bankruptcy judge in Chapter 13 can change the structure of any secured debt, except for a mortgage on a principal residence. When this exception was added to the law in 1978, mortgages were largely 30-year fixed rate loans that required 20 percent down and were originated by a local banker who personally knew the homeowner. In 1978, it was rare for the mortgage to be the source of financial difficulty that sent a family into bankruptcy.

The mortgage market has changed since then, to put it mildly. Now, unregulated out-of-town mortgage brokers can sell exotic "no-doc," "interest-only," "2-28," or other mortgages to families, with few questions asked. The mortgages are then securitized by big banks and sold into the secondary market to investors who have no knowledge of the homeowner's financial situation. Risk is dispersed, but so is responsibility.

In 1978, when a family realized it might begin having trouble making the house payments, it could go down to the local bank and work out a new plan to keep up. Today, families struggle to even get a straight answer on the phone.

As the New York Times documented on Sunday, one homeowner made around 670 phone calls to her loan servicer over a 3-month period in an attempt to work out a modified mortgage that she could pay and that would still be profitable to the bank. She spoke to 14 different people and received nine different answers on how she should proceed. Community activists confirm that this type of struggle is not unusual. For millions of families who are nearing foreclosure, this just isn't good enough.

We need another solution for families that aren't being helped by their bank.

If mortgages on vacation homes and family farms can be modified in bankruptcy, why can't mortgages on primary homes?

My bill would allow bankruptcy judges to work out payment plans with homeowners and banks and would also protect families from excessive fees.

The bill would help families who are at risk of losing their homes. But it also protects property values for every other family on that block. In fact, this change in the way mortgages are handled in bankruptcy would save an estimated $72.5 billion in existing property values for the neighborhood, since each foreclosure on a neighborhood block reduces the property value for every other family on that block.

As for the banks? Foreclosures cost banks around $50,000 to process, so every home saved from foreclosure represents a good deal for them too. My bill would allow judges to modify mortgages only in ways that would still be profitable for the banks and their investors.

Everybody wins, right? Well, the banks are still opposing this bill, so I would like to take a moment to directly address some of the primary complaints that I have heard. There are too many families in need—and this bill makes too much sense—for the bill to be shot down.

While everyone seems to agree on the problem—millions of families are going to lose their homes when the variable rate loans that were originated in 2005 and beyond begin to reset, and fall—some argue that we shouldn't do anything to help these families keep their homes in bankruptcy. I have heard three main complaints, none of which stand up to scrutiny.

The first complaint is that banks are already helping homeowners with their mortgage problems, and so this change is unnecessary.

In fact, the banks aren't doing nearly enough. A recent study by Moody's Investors Service Inc. found that the 16 largest subprime servicers, which manage a combined $950 billion of loans, modified just 1 percent of the loans that were made in 2005 and that reset in January, April, and July. Shouldn't we try to help some of the other 99 percent of homeowners who are at risk of foreclosure but who could make payments on a different mortgage that is still profitable for the banks?

The second argument is that Congress shouldn't modify the bankruptcy code again so soon after the 2005 amendments were implemented.

However, the changes made to the bankruptcy code in 2005 had nothing to do with mortgages on primary residences. My bill would change elements of the code that date from 1978.

Would the banks argue that the tax code shouldn't be changed in 2007 because a completely unrelated area of the tax code was modified in 2005? Not if they don't want to get laughed out of the Finance Committee room, they wouldn't.

Finally, I have heard that allowing mortgages on principal residences to be modified in bankruptcy would introduce "uncertainty" in the market and would cause the market for loans for low-income families to dry up.

But mortgage lending is a hypercompetitive market. There is no evidence to suggest that a full-scale exodus will occur because of a change to the bankruptcy law. Banks are still willing to lend for vacation homes and family farms and those mortgages can be modified in bankruptcy, so this argument has no basis in fact.

As a spokesman from JP Morgan Chase said in the American Banker: "It is always in the best interest of the servicer, the borrower, and the investors if we can modify a loan, because foreclosure means there's no chance the investor is going to recoup their money." It should make no difference if a modification is agreed to outside of the context of bankruptcy or within it, if the modification itself is identical.

I would like to conclude by noting that only families that desperately need this help will file for bankruptcy, and only reasonable mortgages will result. My bill has been carefully constructed to avoid unintended consequences in several ways:

First, families that are helped by these changes to the law have to live within the strict IRS spending guidelines for Chapter 13 filers. Families that don't desperately need the help will be very unlikely to try to take advantage of this provision.

Second, every mortgage restructured by a bankruptcy judge will be a better deal for the banks and investors than foreclosure. The minimum value of the mortgage in a restructured deal would be the fair market value of the home, which is the same price the bank would earn if it sold the house after a foreclosure. Plus, the banks will avoid the average of $50,000 in foreclosure fees.

Finally, giving bankruptcy judges the flexibility to restructure mortgages should provide an incentive for banks and investors to do more to restructure mortgages outside of bankruptcy, which is in everyone's best interest.

I repeat that quote from a major bank: "It is always in the best interest of the servicer, the borrower, and the investors if we can modify a loan, because foreclosure means there's no chance the investor is going to recoup their money."

I agree. It shouldn't be so hard for customers to modify their loans outside of bankruptcy since it's in everyone's best interest to do so. But allowing families to modify loans within bankruptcy as a last resort so they can keep their homes is the right thing to do.

This bill is supported by the AARP, ACORN, AFL-CIO and SEIU, the Center for Responsible Lending, the Consumer Federation of America, NAACP and La Raza, the National Association of Consumer Bankruptcy Attorneys, the National Community Reinvestment Coalition, and many others.

I urge my colleagues to support this bill, and I look forward to helping families save their homes. Over the next few years, hundreds of thousands of families will desperately need it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Families Save Their Homes in Bankruptcy Act of 2007".

TITLE I—MINIMIZING FORECLOSURES

SEC. 101. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

"(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

"(A) modify an allowed secured claim secured by the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

"(B) provide for payment of such claim—

"(i) for a period not to exceed 30 years (reduced by the period for which the loan has been outstanding) from the date of the order for relief under this chapter; and

"(ii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and".

(b) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before "with respect" the following: "except as otherwise provided in section 1322(b)(11) of this title,".

SEC. 102. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

"(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled.".

TITLE II—PROVIDING OTHER DEBTOR PROTECTIONS

SEC. 201. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) to the extent that an allowed secured claim is secured by the debtor's principal residence, the value of which is greater than the amount of such claim, fees, costs, or charges arising during the pendency of the case may be added to secured debt provided for by the plan only if—

"(A) notice of such fees, costs or charges is filed with the court before the expiration of the earlier of —

"(i) 1 year after the time at which they are incurred; or

"(ii) 60 days before the conclusion of the case; and

"(B) such fees, costs, or charges are lawful, reasonable, and provided for in the underlying contract;

"(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

"(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.".

SEC. 202. MAINTAINING DEBTORS' LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

"(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor's claims were not properly scheduled in a case under this title.".

SEC. 203. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: "Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.".

SEC. 204. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end; and

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end and inserting the following:

"(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor's aggregate interest, not to exceed $75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.".

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting "or, if the debtor is 55 years of age or older, $75,000 in value," before "in real property".

SEC. 205. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3147. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3148. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3149. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3150. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3151. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3152. Mr. SMITH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3153. Mr. GREGG (for himself, Ms. MIKULSKI, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3154. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3157. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3158. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3159. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3160. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 3161. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3162. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3163. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3164. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3165. Mr. SESSIONS (for himself, Mr. KYL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3166. Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra.

SA 3167. Mr. BIDEN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3168. Mrs. CLINTON (for herself, Mr. KERRY, Mrs. BOXER, Mr. BROWN, Mr. WEBB, Mr. WHITEHOUSE, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3169. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3170. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3171. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3172. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3173. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3174. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3175. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3176. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mrs. BOXER, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra.

SA 3177. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3178. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3179. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3180. Mr. SMITH (for himself, Mr. WYDEN, Mr. BROWN, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3181. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3182. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3186. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3187. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3188. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3189. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3190. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3191. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3192. Mr. SESSIONS (for himself, Mr. DOMENICI, Mrs. DOLE, Mr. ENSIGN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3193. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3194. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3195. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3196. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3197. Mrs. CLINTON (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3198. Mr. MENENDEZ (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3199. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3200. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3201. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3202. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3203. Mr. BAUCUS (for himself, Mr. DOMENICI, Ms. CANTWELL, Ms. KLOBUCHAR, Ms. MIKULSKI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3204. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3205. Mr. CARDIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1446, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; which was ordered to lie on the table.

SA 3206. Mr. INOUYE (for Mr. REID (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

SA 3207. Mr. STEVENS proposed an amendment to amendment SA 3166 submitted by Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) to the bill H.R. 3222, supra.

TEXT OF AMENDMENTS

SA 3147. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $42,000,000 may be available for the procurement of MQ-9 Reaper unmanned aerial vehicles.

SA 3148. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $31,000,000 may be available for the procurement of MQ-1 Predator unmanned aerial vehicles.

SA 3149. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $3,000,000 may be available for the Emerging Critical Interconnection Technology (E/CIT) Program at Crane Naval Surface Warfare Center, Indiana.

SA 3150. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, NAVY", up to $3,000,000 may be available for the procurement of the Man Overboard Identification (MOBI) system.

SA 3151. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $31,000,000 may be available for the procurement of MQ-1C Sky Warrior unmanned aerial vehicles.

SA 3152. Mr. SMITH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

SA 3153. Mr. GREGG (for himself, Ms. MIKULSKI, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $10,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

SA 3154. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for the Non-Nuclear Earth Penetrator.

SA 3155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $10,300,000 may be available for a High Energy Laser Systems Test facility.

SA 3156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to $5,000,000 may be available for Communication Shelter Transportation with Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs).

SA 3157. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $4,000,000 may be available for the Electromagnetic Gradiometer.

SA 3158. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,500,000 may be available for Radar Tag Emitters.

SA 3159. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $5,000,000 may be available for Multi-Junction Solar Cell Improvements.

SA 3160. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel level adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.
Sec. 106. Development and acquisition program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Modification of availability of funds for different intelligence activities.
Sec. 306. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 308. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.
Sec. 309. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
Sec. 310. Vulnerability assessments of major systems.
Sec. 311. Annual personnel level assessments for the intelligence community.
Sec. 312. Business enterprise architecture and business system modernization for the intelligence community.
Sec. 313. Reports on the acquisition of major systems.
Sec. 314. Excessive cost growth of major systems.
Sec. 315. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 316. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.
Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 408. Title of Chief Information Officer of the Intelligence Community.
Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.
Sec. 410. Inspector General of the Intelligence Community.
Sec. 411. Leadership and location of certain offices and officials.
Sec. 412. National Space Intelligence Office.
Sec. 413. Operational files in the Office of the Director of National Intelligence.
Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.
Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
Sec. 423. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.
Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.
Subtitle C—Defense Intelligence Components
Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.
Subtitle D—Other Elements
Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
TITLE V—OTHER MATTERS
Sec. 501. Technical amendments to the National Security Act of 1947.
Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.
Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.

(a) TRANSFER OF FUNDS.—Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex.

(b) AVAILABILITY OF FUNDS.—The funds transferred under subsection (a) shall be available as follows:

(1) In the case of funds appropriated prior to the date of the enactment of this section, for the time of availability as originally appropriated.

(2) In the case of funds appropriated on or after the date of the enactment of this section, without fiscal year limitation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking "receiving compensation under the Senior Intelligence Service pay schedule at the rate" and inserting "who is at the Senior Intelligence Service rank".

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than December 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109-148) and related provisions of the Military Commissions Act of 2006 (Public Law 109-366).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd-1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) DEFINITIONS.—In this section:

(1) The term "congressional armed services committees" means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The term "element of the intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 310. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

"VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

"SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

"(1) identify applicable vulnerabilities;

"(2) define exploitation potential;

"(3) examine the system's potential effectiveness;

"(4) determine overall vulnerability; and

"(5) make recommendations for risk reduction.

"(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

"(A) periodically throughout the life-span of the major system;

"(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

"(C) upon the request of a congressional intelligence committee.

"(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

"(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

"(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

"(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

"(e) DEFINITIONS.—In this section:

"(1) The term 'items of supply'—

"(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

"(B) does not include packaging or labeling associated with shipment or identification of items.

"(2) The term 'major system' has the meaning given that term in section 506A(e).

"(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

"Sec. 506B. Vulnerability assessments of major systems.".

SEC. 311. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 310, is further amended by inserting after section 506B, as added by section 310(a), the following new section:

"ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

"SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

"(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

"(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

"(1) The budget submission for personnel costs for the upcoming fiscal year.

"(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

"(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

"(4) The number of personnel positions requested for the upcoming fiscal year.

"(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

"(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

"(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

"(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

"(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

"(10) A written justification for the requested personnel and contractor levels.

"(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

"(A) internal infrastructure to support the requested personnel and contractor levels;

"(B) training resources to support the requested personnel levels; and

"(C) funding to support the administrative and operational activities of the requested personnel levels.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 310(b), is further amended by inserting after the item relating to section 506B, as added by section 310(b), the following new item:

"Sec. 506C. Annual personnel levels assessment for the intelligence community.".

SEC. 312. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 310 and 311, is further amended by inserting after section 506C, as added by section 311(a), the following new section:

"INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

"SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

"(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

"(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

"(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

"(A) will have a total cost in excess of $1,000,000; and

"(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

"(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

"(A) complies with the enterprise architecture under subsection (b); or

"(B) is necessary—

"(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

"(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

"(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

"(b) Enterprise Architecture for Intelligence Community Business Systems.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

"(2) The enterprise architecture under paragraph (1) shall include the following:

"(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

"(i) comply with all Federal accounting, financial management, and reporting requirements;

"(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

"(iii) integrate budget, accounting, and program information and systems; and

"(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

"(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

"(c) Responsibilities for Intelligence Community Business System Modernization.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

"(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

"(d) Intelligence Community Business System Investment Review.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

"(2) The investment review process under paragraph (1) shall—

"(A) meet the requirements of section 11312 of title 40, United States Code; and

"(B) specifically set forth the responsibilities of the approval authority under such review process.

"(3) The investment review process under paragraph (1) shall include the following elements:

"(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

"(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

"(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

"(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

"(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

"(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

"(e) Budget Information.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

"(1) An identification of each intelligence community business system for which funding is proposed in such budget.

"(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

"(A) funds for current services to operate and maintain such system; and

"(B) funds for business systems modernization identified for each specific appropriation.

"(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

"(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

"(f) Intelligence Community Business Systems Management Committee.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

"(2) The Committee shall—

"(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

"(B) review and approve any major update of—

"(i) the enterprise architecture developed under subsection (b); and

"(ii) any plans for an intelligence community business systems modernization;

"(C) manage cross-domain integration consistent with such enterprise architecture;

"(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

"(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

"(F) carry out such other duties as the Director shall specify.

"(g) Relation to Annual Registration Requirements.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

"(h) Relation to Defense Business Systems Architecture, Accountability, and Modernization Requirements.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

"(i) Relation to Clinger-Cohen Act.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

"(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

"(j) Reports.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

"(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

"(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

"(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

"(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

"(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

"(k) Definitions.—In this section:

"(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

"(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

"(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management

"(4) The term 'intelligence community business system modernization' means—

"(A) the acquisition or development of a new intelligence community business system; or

"(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

"(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 310 and 311, is further amended by inserting after the item relating to section 506C, as added by section 312(b) the following new item:

"Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.".

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 313. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 310, 311, and 312, is further amended by inserting after section 506D, as added by section 312(a)(1), the following new section:

"REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

"SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

"(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

"(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

"(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

"(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

"(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

"(4) A full life-cycle cost analysis for such system.

"(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

"(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

"(7) The significant contracts or subcontracts related to the major system.

"(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

"(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

"(d) DEFINITIONS.—In this section:

"(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

"(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

"(3) The term 'major system', has the meaning given that term in section 506A(e).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 310, 311, and 312, is further amended by inserting after the item relating to section 506D, as added by section 312(a)(2), the following new item:

"Sec. 506E. Reports on the acquisition of major systems.".

SEC. 314. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 310 through 313, is further amended by inserting after section 506E, as added by section 313(a), the following new section:

"EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

"SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

"(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

"(B) The notification required by subparagraph (A) shall include—

"(i) an independent cost estimate;

"(ii) the date on which the determination covered by such notification was made;

"(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

"(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

"(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

"(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

"(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

"(viii) the completion status of such major system expressed as the percentage—

"(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

"(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

"(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

"(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

"(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

"(i) the acquisition of such major system is essential to the national security;

"(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

"(b) Cost Increases of at Least 40 Percent.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

"(A) the acquisition of such major system is essential to the national security;

"(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

"(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

"(c) Prohibition on Obligation of Funds.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

"(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

"(d) Definitions.—In this section:

"(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

"(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

"(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

"(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

"(5) The term 'major system' has the meaning given that term in section 506A(e).".

(b) Clerical Amendment.—The table of contents in the first section of that Act, as amended by sections 310 through 313 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 313(b), the following new item:

"Sec. 506F. Excessive cost growth of major systems.".

SEC. 315. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Inclusion of Certain Orders in Semiannual Reports of Attorney General.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) Reports by Attorney General on Certain Other Orders.—That section is further amended by adding at the end the following new subsection:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a) a copy of any decision, order, or opinion issued by the court established under section 103(a) or the court of review established under section 103(b) that includes significant construction or interpretation of any provision of this Act not later than 45 days after such decision, order, or opinion is issued.".

SEC. 316. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) Annual Report on Intelligence.—

(1) Repeal.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) Clerical amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) Annual and Special Reports on Intelligence Sharing With the United Nations.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) Annual Report on Safety and Security of Russian Nuclear Facilities and Forces.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) Annual Certification on Counterintelligence Initiatives.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(e) Report and Certification Under Terrorist Identification Classification System.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) Annual Report on Counterdrug Intelligence Matters.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) Semiannual Report on Contributions to Proliferation Efforts of Countries of Proliferation Concern.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) Conforming Amendments.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking "114(c)" and inserting "114(b)".

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Responsibility of the Director of National Intelligence.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "2004," and inserting "2004 (50 U.S.C. 403 note),"; and

(B) by striking the period at the end and inserting a semicolon and "and"; and

(3) by inserting after paragraph (3), the following new paragraph:

"(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.".

(b) Tasking and Other Authorities.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

"(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

"(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

"(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.".

SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) Authorities of the Director of National Intelligence.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

"(A) National intelligence centers established by the Director under section 119B.

"(B) Boards, commissions, councils, committees, and similar groups that are established—

"(i) for a term of not more than two years; and

"(ii) by the Director.

"(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 404 of this Act, is further amended by adding at the end the following new subsections:

"(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

"(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

"(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

"(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions

"(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

"(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

"(2) Authority under this subsection may be granted or exercised—

"(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

"(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

"(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

"(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

"(v) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

"(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

"(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

"(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

"(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

"(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

"(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

"(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.".

SEC. 406. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "WITH" and inserting "OF HEADQUARTERS WITH HEADQUARTERS OF";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Coordination and Prioritization of Research Conducted by Elements of Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

"(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) Report.—

(1) In general.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) Elements.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) Form.—The report under paragraph (1) may be submitted in classified form.

SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Establishment.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"Sec. 103H. (a) In General.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

"(b) Elements.—(1) The Reserve shall consist of the following elements:

"(A) Amounts authorized to be appropriated to the Reserve.

"(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

"(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

"(c) Amounts Available for Deposit.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

"(d) Availability of Funds.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

"(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

"(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

"(ii) 15 calendar days elapses after the date of such notification.

"(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

"(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

"(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.".

(b) Applicability.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) Clerical Amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.".

SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) Establishment.—

(1) In general.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 409 of this Act, is further amended by inserting after section 103H the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"Sec. 103I. (a) Office of Inspector General of Intelligence Community.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) Purpose.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

"(B) to prevent and detect fraud and abuse in such matters;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) Inspector General of Intelligence Community.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) Duties and Responsibilities.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) Limitations on Activities.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) Authorities.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) Coordination Among Inspectors General of Intelligence Community.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

"(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within a department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the department for resolution.

"(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

"Sec. 103I. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"NATIONAL SPACE INTELLIGENCE OFFICE

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

"(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Office.".

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

"(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

"(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

"(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

"(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

"(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

"(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

"(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

"(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

"(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

"(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.

"(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

"(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

"(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

"(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

"(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

"(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

"(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

"(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

"(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

"(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

"(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

"(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

"(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

"(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

"(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

"(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

"(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National

Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

"Sec. 706. Operational files in the Office of the Director of National Intelligence.".

SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) maintained by the Office of the Director of National Intelligence; or".

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

"(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

"(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

"(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

"(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (f)".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the following new subparagraph:

"(J) The Deputy Director of the Central Intelligence Agency.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking "the Director of the Central Intelligence Agency,".

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking "Executive Director" and inserting "Associate Deputy Director";

(2) in subclause (II), by striking "Deputy Director for Operations" and inserting "Director of the National Clandestine Service"; and

(3) in subclause (IV), by striking "Deputy Director for Administration" and inserting "Director for Support".

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “Air America” means Air America, Incorporated.

(2) The term “associated company” means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “terminated either by” and all that follows and inserting “terminated—

“(i) by the Agency due to misconduct by the employee;

“(ii) by the employee voluntarily; or

“(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and”.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

“SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

“(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

“(A) any offense against the United States committed in the presence of such personnel; or

“(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

“(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

“(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

“(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.”.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting,”;

(2) by inserting “the National Geospatial-Intelligence Agency,” after “the National Endowment for the Arts,”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board,”.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking “The head” and inserting “Except as provided in paragraph (2), the head”; and

(3) by adding at the end the following new paragraph:

“(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

“(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

“(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"SEC. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in a provision as follows and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).".

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(A) Section 704(c)(2)(B).
(B) Section 706(b)(2).
(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking "the Director of Central Intelligence, as head of the intelligence community," and inserting "the Director of National Intelligence".

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

SA 3161. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby increased by $1,000,000,000, with the amount of the increase to be available for the Army National Guard for equipment: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3162. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

SA 3163. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

SA 3164. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) USE OF FUNDS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to the obligation or expenditure of funds for the following, as authorized by law:

(1) To conduct operations against al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3165. Mr. SESSIONS (for himself, Mr. KYL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT UNDER RDTE, DEFENSE-WIDE, FOR STUDIES FOR DEVELOPMENT ON CONVENTIONAL PROMPT GLOBAL STRIKE CAPABILITY.—Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $50,000,000 may be available for Technical Studies, Support, and Analysis for engineering and development studies for the development of a conventional prompt global strike capability.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the global strike capability referred to in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 3166. Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as "Operation Purple".

SA 3167. Mr. BIDEN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

SA 3168. Mrs. CLINTON (for herself, Mr. KERRY, Mrs. BOXER, Mr. BROWN, Mr. WEBB, Mr. WHITEHOUSE, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) FINDINGS.—Congress makes the following findings:

(1) The United States Government should be well prepared for the eventual redeployment of United States forces from Iraq.

(2) The redeployment of United States forces from Iraq will take careful planning in order to ensure the safety and security of members of the Armed Forces.

(3) The United States Government should take into account various contingencies that might impact the redeployment of United States forces from Iraq.

(4) Congressional oversight plays a valuable role in ensuring the national security of the United States and the safety and security of the men and women of the Armed Forces.

(b) REPORT REQUIRED ON CONTINGENCY PLANNING FOR THE REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and the Joint Chiefs of Staff, submit to Congress a report on contingency planning for the redeployment of United States forces from Iraq.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A detailed description of the process by which contingency planning by the United States Government for the redeployment of United States forces from Iraq is occurring.

(2) A detailed description and assessment of the various contingencies for the redeployment of United States forces from Iraq that are being considered for planning purposes.

(3) A detailed description and assessment of the possible impact of each contingency described in paragraph (2) on United States forces in Iraq.

(4) A detailed description of the resources and capabilities required to redeploy United States forces from Iraq under each of the contingencies described in paragraph (2).

(5) A detailed description of the diplomatic efforts that will be required in support of each contingency described in paragraph (2).

(6) A detailed description of the information operations and public affairs efforts that will be required in support of each contingency described in paragraph (2).

(7) A detailed description of the evolving mission profile of United States forces under each contingency described in paragraph (2).

(8) A cost estimate for each contingency described in paragraph (2), including a cost estimate for the replacement of United States military equipment left in Iraq after redeployment.

(9) A detailed description of the results of any modeling and simulation efforts by the departments and agencies of the United States Government on each contingency described in paragraph (2).

(d) FORM.—The report required by subsection (b) shall be submitted in classified form, but shall include an unclassified summary.

SA 3169. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for Program Element 0604261N, up to $4,000,000 may be available for Sustainably Energized Adaptive Littoral Ocean Grid (SEALOG).

SA 3170. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Program Element #0603002A, up to $5,000,000 may be available for Biodefense Vaccine Development and Engineering.

SA 3171. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $1,700,000 may be available for Automatic Scheduling Tool (AST) for the Joint Operations Support Airlift Center (JOSAC).

SA 3172. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR RDTE, AIR FORCE, FOR AUTOMATIC SCHEDULING TOOL.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", is hereby increased by $1,700,000, with the amount of the increase to be available for Automatic Scheduling Tool (AST) for the Joint Operations Support Airlift Center (JOSAC).

(b) OFFSET.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby reduced by $1,700,000, with the amount of the reduction to be allocated to amounts under that heading that are available for Defense Integrated Military Human Resource System (DIMHRS).

SA 3173. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . Of the amount appropriated or otherwise made available by Title IV under the Head "Research, Development, Test, and Evaluation, Army", up to $3,750,000 may be available for a sea light Beam Director at the High Energy Laser Systems Test Facility.

SA 3174. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to $1,000,000 may be available for the National Security Agency for Advanced Information Discovery and Analysis Capability.

SA 3175. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

SA 3176. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mrs. BOXER, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SA 3177. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

SA 3178. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Program Element #0603175C, up to $1,000,000 may be available for Directly Printed Electronic Components.

SA 3179. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) The amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" is hereby increased by $282,480,000.

(b) Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", as increased by subsection (a), $282,480,000 may be available to combat the growth of poppies in Afghanistan and Central Asia and eliminate the production and trade of opium and heroin in Afghanistan and Central Asia.

(c) The amount provided pursuant to subsection (a) is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3180. Mr. SMITH (for himself, Mr. WYDEN, Mr. BROWN, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR NATIONAL GUARD AND RESERVE EQUIPMENT.—The amount appropriated by title III under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby increased by up to $317,000,000, with the amount of increase available for the procurement of Stryker Combat Vehicles to begin the transformation of Combat Brigade Infantry Teams in the Army National Guard in the State of California, the State of Nevada, and the State of Oregon into at least one additional Stryker Brigade Combat Team by 2010.

(b) OFFSET.—The aggregate amount appropriated or otherwise made available by this Act, other than under the heading referred to in subsection (a), is hereby reduced by $317,000,000.

SA 3181. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,200,000 may be made available for a Topical Hemostat Effectiveness Study.

SA 3182. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

SA 3183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,903,227,000: *Provided*, That not less than $458,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert ": *Provided further*, That not less than $458,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose" before the period at the end.

SA 3185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,903,227,000: *Provided*, That not less than $458,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3186. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,873,227,000: *Provided*, That not less than $428,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3187. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert ": *Provided further*, That not less than $428,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose" before the period at the end.

SA 3188. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,873,227,000: *Provided*, That not less than $428,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3189. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,903,227,000: *Provided*, That not less than $458,000,000 of such amount shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border: *Provided further*,".

SA 3190. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert ": *Provided further*, That not less than $458,000,000 shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border" before the period at the end.

SA 3191. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,903,227,000: *Provided*, That not less than $458,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border: *Provided further*,".

SA 3192. Mr. SESSIONS (for himself, Mr. DOMENICI, Mrs. DOLE, Mr. ENSIGN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$23,239,227,000: *Provided*, That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United

States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3193. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert ": *Provided further*, That not less than $794,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose" before the period at the end.

SA 3194. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$23,239,227,000: *Provided*, That not less than $794,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3195. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike "$22,445,227,000: *Provided*," and insert "$22,537,227,000: *Provided*, That not less than $92,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,".

SA 3196. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert ": *Provided further*, That not less than $92,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose" before the period at the end.

SA 3197. Mrs. CLINTON (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

TITLE IX—REPORTS ON STATUS OF PLANNING FOR REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ

SEC. 9001. FINDINGS.

Congress findings the following:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), enacted into law on October 16, 2002, authorized the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time.

(2) The Government of Iraq which was in power at the time the Authorization for Use of Military Force Against Iraq Resolution of 2002 was enacted into law has been removed from power and its leader indicted, tried, convicted, and executed by the new freely-elected democratic Government of Iraq.

(3) The current Government of Iraq does not pose a threat to the United States or its interests.

(4) After more than four years of valiant efforts by members of the Armed Forces and United States civilians, the Government of Iraq must now be responsible for Iraq's future course.

SEC. 9002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nothing in this title shall be construed as a recommendation by Congress that any particular contingency plan be exercised;

(2) it is necessary and prudent for the Department of Defense to undertake robust and comprehensive contingency planning;

(3) contingency planning for a redeployment of the Armed Forces from Iraq should address—

(A) ensuring appropriate protection for the Armed Forces in Iraq;

(B) providing appropriate protection in Iraq for United States civilians, contractors, third party nationals, and Iraqi nationals who have assisted the United States mission in Iraq;

(C) maintaining and enhancing the ability of the United States Government to eliminate and disrupt Al Qaeda and affiliated terrorist organizations; and

(D) preserving military equipment necessary to defend the national security interests of the United States; and

(4) contingency planning for a redeployment of the Armed Forces from Iraq should—

(A) describe a range of possible scenarios for such redeployment;

(B) outline multiple possible timetables for such redeployment; and

(C) describe the possible missions, and the associated projected number of members, of the Armed Forces which would remain in Iraq, including to—

(i) conduct United States military operations to protect vital United States national security interests;

(ii) conduct counterterrorism operations against Al Qaeda in Iraq and affiliated terrorist organizations;

(iii) protect the Armed Forces, United States diplomatic and military facilities, and United States civilians; and

(iv) support and equip Iraqi forces to take full responsibility for their own security.

SEC. 9003. REPORTS AND CONGRESSIONAL BRIEFINGS ON THE STATUS OF PLANNING FOR THE REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(b) CONGRESSIONAL BRIEFINGS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(c) TERMINATION OF REPORTING AND BRIEFING REQUIREMENTS.—The requirement to submit reports under subsection (a) and the requirement to provide congressional briefings under subsection (b) shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees a certification in writing that the Armed Forces are no longer primarily engaged in a combat mission in Iraq.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" has the meaning given the term in section 101 of title 10, United States Code.

SEC. 9004. ARMED FORCES DEFINED.

In this title, the term "Armed Forces" has the meaning given the term in section 101 of title 10, United States Code.

SA 3198. Mr. MENENDEZ (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated under subsection (b) of the Border Security First Act of 2007 may be used to address northern border fencing as well, wherever the greatest security needs are.

SA 3199. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The Secretary of Defense shall, utilizing amounts appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, AIR FORCE" and by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", make available sufficient funds to operate and maintain during fiscal year 2008 a force of B–52 bomber aircraft consisting of not less than 76 B–52 bomber aircraft, including a primary aircraft inventory of not less than 63 aircraft and a backup aircraft inventory of not less than 11 aircraft.

SA 3200. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) INSPECTOR GENERAL INVESTIGATION OF COMPANIES PROVIDING SECURITY UNDER CONTRACT WITH DOD IN IRAQ AND AFGHANISTAN.—The Inspector General of the Department of Defense shall, utilizing amounts appropriated or otherwise made available by title VI under the heading "OFFICE OF INSPECTOR GENERAL", conduct a comprehensive review and investigation of companies contracted to provide security for the Department of Defense in Iraq and Afghanistan.

(b) ELEMENTS.—The matters addressed by the review and investigation required by subsection (a) shall include, at a minimum, the following:

(1) The value of all contracts to provide security in Iraq and Afghanistan, and the number of employees of each company under such a contract in each country.

(2) The scope and extent of responsibility within the Department of Defense for oversight of private security contractors, their employees, and their operations in Iraq and Afghanistan.

(3) The nature, scope, and adequacy of the procedures followed by private security contractor employees and Department personnel when a private security contractor employee fires a weapon during an operation in Iraq or Afghanistan and when a private security contractor employee shoots another person in Iraq or Afghanistan.

(4) The extent of liability of private security contractors and private security contractor employees in Iraq under United States law, including under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(5) The nature, scope, and adequacy of the procedures followed by private security contractor employees and Department personnel if a private security contractor employee is suspected of having committed an unjustified or criminal shooting in Iraq or Afghanistan, and a description of any past or current investigations and prosecutions, or lack thereof, of private security contractor employees so suspected of committing such an offense.

(6) The nature, scope, and adequacy of the Rules of Engagement for private security contractor employees in Iraq and Afghanistan.

(7) The nature, scope, and adequacy of the authority, if any, of military commanders in Iraq and Afghanistan over private security contractor employees.

SA 3201. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC.___. SENSE OF SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Actions by the City of San Francisco to recently deny the United States Marine Corps a permit to film a recruiting commercial promoting the USMC Silent Drill team, on the anniversary of September 11, citing traffic as a concern, are counterproductive to our military recruiting efforts, yet New York City had no such concerns when it allowed the USMC Silent Drill Team to perform in Times Square.

(2) Our Armed Forces have been defending the honor and freedoms that America cherishes and deserves our complete and full support when they are promoting such ideals in their efforts to increase military recruitment and public awareness.

(3) Our U.S. Armed Forces in their efforts to promote the honor and values we hold dear deserve the opportunity to promote such values and principles throughout our country without interference from local and State governments that may harbor resentment towards our Armed Forces.

(4) Local and State governments should encourage, promote and help facilitate our Armed Forces in their ability to promote military recruitment videos, commercials, radio, and television advertisements in order to assist the Department of Defense in their recruiting efforts and public awareness campaigns.

(5) Our military has a tremendous responsibility defending freedom at home and abroad and we reaffirm our complete support for their efforts in preserving and protecting our freedoms.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including the U.S. Marine Silent Drill Platoon;

(2) to strongly condemn any actions that dishonor the integrity of members of the U.S. Armed Forces and repudiate any State or local government action that dishonors the integrity of members of the U.S. Armed Forces who have served and continue to serve in defense of our freedoms.

SA 3202. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $10,000,000 may be available for the Radiation Hardened Microelectronics (HX5000) program.

SA 3203. Mr. BAUCUS (for himself, Mr. DOMENICI, Ms. CANTWELL, Ms. KLOBUCHAR, Ms. MIKULSKI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for family advocacy programs, up to $5,000,000 may be available for the T.H.A.N.K.S. USA scholarship program.

SA 3204. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

SA 3205. Mr. CARDIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1446, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(b) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(c) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(d) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this section.

(2) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3206. Mr. INOUYE (for Mr. REID (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.".

SA 3207. Mr. STEVENS proposed an amendment to amendment SA 3166 submitted by Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 1 of amendment 3166, after line 7, insert the following:

"Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed service members.

"Such report shall identify: the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians; alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed service members; support networks beyond educational settings that have been effective in addressing the needs of children of deployed service members, to include summer and after-school recreational, sports and cultural activities; programs which can be accessed without charge to military families; gaps in services for minor dependent children of deployed personnel, and; opportunities for expanding public and private partnerships in support of such programs.

"Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to congressional defense committees.

"Plan Required:

"Not later than 60 days after submission of the report required by this section, the Secretary shall submit a plan to the congressional defense committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations, as required by this section."

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 2 p.m. in order to conduct a hearing entitled "Pandemic Influenza: State and Local Efforts to Prepare."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 3, 2007, at 9:30 a.m., in order to conduct a hearing entitled "Combating Genocide in Darfur: the Role of Divestment and Other Policy Tools."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 9:30 a.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 2:30 p.m. in order to hold a hearing on Burma.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorize to meet during the session of the Senate in order to conduct a hearing entitled "An Examination of S. 772, the Railroad Antitrust Enforcement Act" on Wednesday, October 3, 2007 at 10:30 a.m. in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air and Nuclear Safety, be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "The Nuclear Regulatory Commission's Reactor Oversight Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INOUYE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, Wednesday, October 3, 2007, from 10 a.m. to 12 p.m. in Russell 325 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

On Monday, October 1, 2007, the Senate passed H.R. 1585, as amended, as follows:

H.R. 1585

Resolved, That the bill from the House of Representatives (H.R. 1585) entitled "An Act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2008".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Veteran Small Businesses.

(5) Division E—Maritime Administration.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
Sec. 113. Stryker Mobile Gun System.
Sec. 114. Consolidation of Joint Network Node program and Warfighter Information Network-Tactical program into single Army tactical network program.
Sec. 115. General Fund Enterprise Business System.

Subtitle C—Navy Programs

Sec. 131. Multiyear procurement authority for Virginia class submarine program.
Sec. 132. Littoral Combat Ship (LCS) program.
Sec. 133. Advanced procurement for Virginia class submarine program.

Subtitle D—Air Force Programs

Sec. 141. Limitation on retirement of C–130E/H tactical airlift aircraft.
Sec. 142. Limitation on retirement of KC–135E aerial refueling aircraft.
Sec. 143. Sense of Congress on the procurement program for the KC–X tanker aircraft.
Sec. 144. Transfer to Government of Iraq of three C–130E tactical airlift aircraft.
Sec. 145. Modification of limitations on retirement of B–52 bomber aircraft.
Sec. 146. Sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet.
Sec. 147. Sense of Congress on rapid fielding of Associate Intermodal Platform system and other innovative logistics systems.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Advanced Sensor Applications Program.
Sec. 212. Active protection systems.
Sec. 213. Obligation and expenditure of funds for competitive procurement of propulsion system for the Joint Strike Fighter.
Sec. 214. Gulf War illnesses research.

Subtitle C—Missile Defense Programs

Sec. 231. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 232. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
Sec. 233. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 234. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
Sec. 235. Extension of Comptroller General assessments of ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 251. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 252. Modification of cost sharing requirement for Technology Transition Initiative.
Sec. 253. Strategic plan for the Manufacturing Technology Program.
Sec. 254. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 255. Enhancement of defense nanotechnology research and development program.
Sec. 256. Comptroller General assessment of the Defense Experimental Program to Stimulate Competitive Research.
Sec. 257. Study and report on standard soldier patient tracking system.
Sec. 258. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 314. Report on control of the brown tree snake.

Subtitle C—Program Requirements, Restrictions, and Limitations

Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
Sec. 322. Extension of temporary authority for contract performance of security guard functions.
Sec. 323. Report on incremental cost of early 2007 enhanced deployment.
Sec. 324. Individual body armor.

Subtitle D—Workplace and Depot Issues

Sec. 341. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 342. Two-year extension of Arsenal Support Demonstration Program.
Sec. 343. Reports on National Guard readiness for domestic emergencies.
Sec. 344. Sense of Senate on the Air Force Logistics Centers.

Subtitle E—Other Matters

Sec. 351. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 352. Reimbursement for National Guard support provided to Federal agencies.
Sec. 353. Reauthorization of Aviation Insurance Program.
Sec. 354. Property accountability and disposition of unlawfully obtained property of the Armed Forces.
Sec. 355. Authority to impose reasonable conditions on the payment of full replacement value for claims related to personal property transported at Government expense.
Sec. 356. Authority for individuals to retain combat uniforms issued in connection with contingency operations.
Sec. 357. Modification of requirements on Comptroller General report on the readiness of Army and Marine Corps ground forces.
Sec. 358. Authority for Department of Defense to provide support for certain sporting events.
Sec. 359. Department of Defense Inspector General report on physical security of Department of Defense installations.
Sec. 360. Continuity of depot operations to reset combat equipment and vehicles in support of wars in Iraq and Afghanistan.
Sec. 361. Report on search and rescue capabilities of Air Force in northwestern United States.
Sec. 362. Report on High-Altitude Aviation Training Site, Colorado.
Sec. 363. Sense of Congress on future use of synthetic fuels in military systems.
Sec. 364. Reports on safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey.
Sec. 365. Modification to public-private competition requirements before conversion to contractor performance.
Sec. 366. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A–76.
Sec. 367. Public-private competition required before conversion to contractor performance.
Sec. 368. Performance of certain work by Federal Government employees.
Sec. 369. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 370. Public-private competition at end of period specified in performance agreement not required.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Revision of authorized variances in end strengths for Selected Reserve personnel.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Increase in authorized strengths for Army officers on active duty in the grade of major to meet force structure requirements.
Sec. 502. Increase in authorized strengths for Navy officers on active duty in grades of lieutenant commander, commander, and captain to meet force structure requirements.
Sec. 503. Expansion of exclusion of military permanent professors from strength limitations for officers below general and flag grades.
Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
Sec. 506. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 507. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 508. Enhanced authority for reserve general and flag officers to serve on active duty.
Sec. 509. Promotion of career military professors of the Navy.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle C—Reserve Component Management

Sec. 531. Revised designation, structure, and functions of the Reserve Forces Policy Board.
Sec. 532. Charter for the National Guard Bureau.
Sec. 533. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
Sec. 534. Mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral.
Sec. 535. Increase in period of temporary Federal recognition as officers of the National Guard from six to twelve months.
Sec. 536. Satisfaction of professional licensure and certification requirements by members of the National Guard and Reserve on active duty.

Subtitle D—Education and Training

Sec. 551. Grade and service credit of commissioned officers in uniformed medical accession programs.
Sec. 552. Expansion of number of academies supportable in any State under STARBASE program.
Sec. 553. Repeal of post-2007-2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
Sec. 554. Treatment of Southold, Mattituck, and Greenport High Schools, Southold, New York, as single institution for purposes of maintaining a Junior Reserve Officers' Training Corps unit.
Sec. 555. Authority of the Air University to confer additional academic degrees.
Sec. 556. Nurse matters.
Sec. 557. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Inclusion of dependents of non-Department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.
Sec. 564. Authority for payment of private boarding school tuition for military dependents in overseas areas not served by Department of Defense dependents' schools.
Sec. 565. Heavily impacted local educational agencies.
Sec. 566. Emergency assistance for local educational agencies enrolling military dependent children.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 571. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
Sec. 572. Military legal assistance for Department of Defense civilian employees in areas without access to non-military legal assistance.
Sec. 573. Modification of authorities on senior members of the Judge Advocate Generals' corps.

Subtitle G—Military Family Readiness

Sec. 581. Department of Defense Military Family Readiness Council.
Sec. 582. Department of Defense policy and plans for military family readiness.
Sec. 583. Family support for families of members of the Armed Forces undergoing deployment, including National Guard and Reserve personnel.
Sec. 584. Support services for children, infants, and toddlers of members of the Armed Forces undergoing deployment, including National Guard and Reserve personnel.
Sec. 585. Study on improving support services for children, infants, and toddlers of members of the Active and Reserve Components undergoing deployment.
Sec. 586. Study on establishment of pilot program on family-to-family support for families of deployed members of the Active and Reserve Components.
Sec. 587. Pilot program on military family readiness and servicemember reintegration.

Subtitle H—Other Matters

Sec. 591. Enhancement of carryover of accumulated leave for members of the Armed Forces.
Sec. 592. Uniform policy on performances by military bands.
Sec. 593. Waiver of time limitations on award of Medals of Honor to certain members of the Army.
Sec. 594. Enhancement of rest and recuperation leave.
Sec. 595. Demonstration projects on the provision of services to military dependent children with autism.
Sec. 596. Enhancement of Certificate of Release or Discharge from Active Duty.
Sec. 597. Administrative separations of members of the Armed Forces for personality disorder.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Allowance for participation of Reserves in electronic screening.
Sec. 603. Midmonth payment of basic pay for contributions of members participating in Thrift Savings Plan.
Sec. 604. Payment of inactive duty training travel costs for certain Selected Reserve members.
Sec. 605. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers of the Armed Forces.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Enhancement of hardship duty pay.
Sec. 618. Inclusion of service as off-cycle crewmember of multi-crewed ship in sea duty for career sea pay.
Sec. 619. Modification of reenlistment bonus for members of the Selected Reserve.
Sec. 620. Increase in years of commissioned service covered by agreements for nuclear-qualified officers extending periods of active duty.
Sec. 621. Authority to waive 25-year active duty limit for retention bonus for critical military skills with respect to certain members.
Sec. 622. Codification and improvement of authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.
Sec. 623. Authority to pay bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.
Sec. 624. Accession bonus for participants in Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Payment of expenses of travel to the United States for obstetrical purposes of dependents located in very remote locations outside the United States.

Sec. 642. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Modification of scheme for payment of death gratuity payable with respect to members of the Armed Forces.
Sec. 652. Annuities for guardians or caretakers of dependent children under Survivor Benefit Plan.
Sec. 653. Expansion of combat-related special compensation eligibility for chapter 61 military retirees.
Sec. 654. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
Sec. 655. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.
Sec. 656. Additional individuals eligible for transportation for survivors of deceased members to attend the member's burial ceremonies.
Sec. 657. Transportation of remains of deceased members of the Armed Forces and certain other persons.
Sec. 658. Repeal of requirement of reduction of Survivor Benefit Plan survivor annuities by dependency and indemnity compensation.
Sec. 659. Effective date of paid-up coverage under Survivor Benefit Plan.
Sec. 660. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.
Sec. 661. Computation of years of service for purposes of retired pay for non-regular service.

Subtitle E—Education Benefits

Sec. 671. Tuition assistance for off-duty training or education.
Sec. 672. Expansion of Selected Reserve education loan repayment program.
Sec. 673. Report on utilization of tuition assistance by members of the Armed Forces.
Sec. 674. Enhancement of education benefits for certain members of reserve components.
Sec. 675. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.
Sec. 676. Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.

Subtitle F—Other Matters

Sec. 681. Enhancement of authorities on income replacement payments for Reserves experiencing extended and frequent mobilization for active-duty service.
Sec. 682. Overseas naturalization of military family members.
Sec. 683. National Guard yellow ribbon reintegration program.
Sec. 684. Flexibility in paying annuities to certain Federal retirees who return to work.
Sec. 685. Plan for participation of members of the National Guard and the Reserves in the benefits delivery at discharge program.
Sec. 686. Modification of amount of back pay for members of Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II to take into account changes in Consumer Price Index.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.
Sec. 702. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 703. Report on patient satisfaction surveys.
Sec. 704. Review of licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program.
Sec. 705. Sense of Senate on collaborations between the Department of Defense and the Department of Veterans Affairs on health care for wounded warriors.
Sec. 706. Authority for expansion of persons eligible for continued health benefits coverage.
Sec. 707. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.
Sec. 708. Authority for special reimbursement rates for mental health care services under the TRICARE program.
Sec. 709. Implementation of recommendations of Department of Defense Mental Health Task Force.
Sec. 710. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.
Sec. 711. Report on establishment of a scholarship program for civilian mental health professionals.
Sec. 712. Report on medical physical examinations of members of the Armed Forces before their deployment.
Sec. 713. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 714. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 715. Sense of Congress on fees and adjustments under the TRICARE program.
Sec. 716. Continuation of transitional health benefits for members of the Armed Forces pending resolution of service-related medical conditions.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Substantial savings under multiyear contracts.
Sec. 802. Changes to Milestone B certifications.
Sec. 803. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
Sec. 804. Investment strategy for major defense acquisition programs.
Sec. 805. Report on implementation of recommendations on total ownership cost for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Enhanced competition requirements for task and delivery order contracts.
Sec. 822. Clarification of rules regarding the procurement of commercial items.
Sec. 823. Clarification of rules regarding the procurement of commercial services.
Sec. 824. Modification of competition requirements for purchases from Federal Prison Industries.
Sec. 825. Five-year extension of authority to carry out certain prototype projects.
Sec. 826. Multiyear procurement authority for electricity from renewable energy sources.
Sec. 827. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
Sec. 828. Prohibition on use of earmarks to award no bid contracts and noncompetitive grants.

Subtitle C—Acquisition Policy and Management

Sec. 841. Joint Requirements Oversight Council.
Sec. 842. Management structure for the procurement of contract services.
Sec. 843. Specification of amounts requested for procurement of contract services.
Sec. 844. Department of Defense Acquisition Workforce Development Fund.
Sec. 845. Inventories and reviews of contracts for services based on cost or time of performance.
Sec. 846. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 847. Independent management reviews of contracts for services.
Sec. 848. Implementation and enforcement of requirements applicable to undefinitized contractual actions.

Subtitle D—Department of Defense Contractor Matters

Sec. 861. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 862. Requirements for defense contractors relating to certain former Department of Defense officials.
Sec. 863. Report on contractor ethics programs of major defense contractors.
Sec. 864. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selected Reserve.
Sec. 865. Contingency contracting training for personnel outside the acquisition workforce.

Subtitle E—Other Matters

Sec. 871. Contractors performing private security functions in areas of combat operations.
Sec. 872. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
Sec. 873. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
Sec. 874. Enhancement and extension of acquisition authority for the unified combatant command for joint warfighting experimentation.
Sec. 875. Repeal of requirement for identification of essential military items and military system essential item breakout list.
Sec. 876. Green procurement policy.

Sec. 877. GAO review of use of authority under the Defense Production Act of 1950.
Sec. 878. Transparency and accountability in military and security contracting.
Sec. 879. Moab site and Crescent Junction site, Utah.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel.
Sec. 902. Chief management officers of the Department of Defense.
Sec. 903. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 904. Department of Defense Board of Actuaries.
Sec. 905. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
Sec. 906. Flexible authority for number of Army Deputy Chiefs of Staff and Assistant Chiefs of Staff.
Sec. 907. Sense of Congress on term of office of the Director of Operational Test and Evaluation.

Subtitle B—Space Matters

Sec. 921. Space posture review.
Sec. 922. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Other Matters

Sec. 931. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
Sec. 932. Board of Regents for the Uniformed Services University of the Health Sciences.
Sec. 933. United States Military Cancer Institute.
Sec. 934. Western Hemisphere Center for Excellence in Human Rights.
Sec. 935. Inclusion of commanders of Western Hemisphere combatant commands in Board of Visitors of Western Hemisphere Institute for Security Cooperation.
Sec. 936. Comptroller General assessment of proposed reorganization of the office of the Under Secretary of Defense for Policy.
Sec. 937. Physicians and health care professionals comparability allowances.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2007.
Sec. 1003. Modification of fiscal year 2007 general transfer authority.
Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2008.
Sec. 1005. Financial management transformation initiative for the Defense Agencies.
Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1007. Extension of period for transfer of funds to Foreign Currency Fluctuations, Defense account.
Sec. 1008. Report on funding of the Department of Defense for health care for any fiscal year in which the Armed Forces are engaged in a major military conflict.

Subtitle B—Counter-Drug Activities

Sec. 1011. Expansion of Department of Defense authority to provide support for counter-drug activities to certain additional foreign governments.
Sec. 1012. Report on counternarcotics assistance for the Government of Haiti.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Enhancement of authority to pay rewards for assistance in combating terrorism.
Sec. 1022. Repeal of modification of authorities relating to the use of the Armed Forces in major public emergencies.
Sec. 1023. Hate crimes.
Sec. 1024. Comprehensive study and support for criminal investigations and prosecutions by state and local law enforcement officials.
Sec. 1025. Gift acceptance authority.
Sec. 1026. Expansion of cooperative agreement authority for management of cultural resources.
Sec. 1027. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.
Sec. 1028. Provision of Air Force support and services to foreign military and state aircraft.
Sec. 1029. Participation in Strategic Airlift Capability Partnership.
Sec. 1030. Responsibility of the Air Force for fixed-wing support of Army intratheater logistics.
Sec. 1031. Prohibition on sale of parts for F-14 fighter aircraft.
Sec. 1032. Provision of contact information on separating members of the Armed Forces to State veterans agencies.
Sec. 1033. Provisions relating to the removal of missiles from the 564th Missile Squadron.

Subtitle D—Reports

Sec. 1041. Renewal of submittal of plans for prompt global strike capability.
Sec. 1042. Report on threats to the United States from ungoverned areas.
Sec. 1043. Study on national security interagency system.
Sec. 1044. Annual report on cases reviewed by National Committee for Employer Support of the Guard and Reserve.
Sec. 1045. Report on workforce required to support the nuclear missions of the Navy and the Department of Energy.
Sec. 1046. Comptroller General report on Defense Finance and Accounting Service response to Butterbaugh v. Department of Justice.
Sec. 1047. Report on facilities and operations of Darnall Army Medical Center, Fort Hood Military Reservation, Texas.
Sec. 1048. Report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia.
Sec. 1049. Report on size and mix of Air Force intertheater airlift force.
Sec. 1050. Report and master infrastructure recapitalization plan regarding Cheyenne Mountain Air Station, Colorado.

Subtitle E—Other Matters

Sec. 1061. Revised nuclear posture review.
Sec. 1062. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
Sec. 1063. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
Sec. 1064. Security clearances; limitations.
Sec. 1065. Improvements in the process for the issuance of security clearances.
Sec. 1066. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
Sec. 1067. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
Sec. 1068. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 1069. Establishment of National Foreign Language Coordination Council.
Sec. 1070. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.
Sec. 1071. Traumatic Servicemembers' Group Life Insurance.
Sec. 1072. Sense of Congress on family care plans and the deployment of members of the Armed Forces who have minor dependents.
Sec. 1073. Conduct by members of the Armed Forces and veterans out of uniform during hoisting, lowering, or passing of flag.
Sec. 1074. Extension of date of application of national security personnel system to defense laboratories.
Sec. 1075. Protection of certain individuals.
Sec. 1076. Modification of authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
Sec. 1077. Sense of Senate on Project Compassion.
Sec. 1078. Grant of Federal charter to Korean War Veterans Association, Incorporated.
Sec. 1079. Sense of Senate on General David Petraeus.
Sec. 1080. Report on feasibility of housing a National Disaster Response Center at Kelly Air Field, San Antonio, Texas.
Sec. 1081. Sense of Congress on equipment for the National Guard to defend the homeland.
Sec. 1082. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.
Sec. 1083. Sense of Senate on Air Force use of towbarless aircraft ground equipment.
Sec. 1084. Designation of Charlie Norwood Department of Veterans Affairs Medical Center.
Sec. 1085. Commercialization Pilot Program.
Sec. 1086. Report on solid rocket motor industrial base.
Sec. 1087. Justice for Marines and Other Victims of State-Sponsored Terrorism Act.
Sec. 1088. Small high-tech firms.
Sec. 1089. Increased authority for repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.
Sec. 1090. Retention of reimbursement for provision of reciprocal fire protection services.
Sec. 1091. National Center for Human Performance.
Sec. 1092. Definition of alternative fueled vehicle.

Sec. 1093. Programs for use of leave by caregivers for family members of individuals performing certain military service.
Sec. 1094. Pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1095. Establishment of Joint Pathology Center.
Sec. 1096. Report on feasibility of establishing a Domestic Military Aviation National Training Center.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Compensation of Federal wage system employees for certain travel hours.
Sec. 1102. Retirement service credit for service as cadet or midshipman at a military service academy.
Sec. 1103. Continuation of life insurance coverage for Federal employees called to active duty.
Sec. 1104. Department of Defense National Security Personnel System.
Sec. 1105. Authority to waive limitation on premium pay for Federal civilian employees working overseas under areas of United States Central Command.
Sec. 1106. Authority for inclusion of certain Office of Defense Research and Engineering positions in experimental personnel program for scientific and technical personnel.
Sec. 1107. Repeal of authority for payment of uniform allowance to civilian employees of the Department of Defense.
Sec. 1108. Authorization for increased compensation for faculty and staff of the Uniformed Services University of the Health Sciences.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Authority to equip and train foreign personnel to assist in accounting for missing United States personnel.
Sec. 1202. Extension and enhancement of authority for security and stabilization assistance.
Sec. 1203. Commanders' Emergency Response Program.
Sec. 1204. Government Accountability Office report on Global Peace Operations Initiative.
Sec. 1205. Repeal of limitations on military assistance under the American Servicemembers' Protection Act of 2002.

Subtitle B—Other Authorities and Limitations

Sec. 1211. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.
Sec. 1212. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1213. Acceptance of funds from the Government of Palau for costs of military Civic Action Teams.
Sec. 1214. Extension of participation of the Department of Defense in multinational military centers of excellence.
Sec. 1215. Limitation on assistance to the Government of Thailand.
Sec. 1216. Presidential report on policy objectives and United States strategy regarding Iran.
Sec. 1217. Limitation on availability of certain funds pending implementation of requirements regarding North Korea.
Sec. 1218. Policy of the United States on protection of the United States and its allies against Iranian ballistic missiles.
Sec. 1219. Justice for Osama bin Laden and other leaders of al Qaeda.

Subtitle C—Reports

Sec. 1231. Reports on United States policy and military operations in Afghanistan.
Sec. 1232. Strategy for enhancing security in Afghanistan by eliminating safe havens for violent extremists in Pakistan.
Sec. 1233. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1234. Report on planning and implementation of United States engagement and policy toward Darfur.
Sec. 1235. Report on the airfield in Abeche, Chad, and other resources needed to provide stability in the Darfur region.
Sec. 1236. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.
Sec. 1237. Application of the Uniform Code of Military Justice to military contractors during a time of war.
Sec. 1238. Report on family reunions between United States citizens and their relatives in North Korea.
Sec. 1239. Reports on Prevention of Mass Atrocities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Specification of Cooperative Threat Reduction programs in states outside the former Soviet Union.
Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. Repeal of restrictions on assistance to states of the former Soviet Union for cooperative threat reduction.
Sec. 1306. National Academy of Sciences study of prevention of proliferation of biological weapons.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical Agents and Munitions Destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405A. Additional amount for Drug Interdiction and Counter-Drug Activities with respect to Afghanistan.
Sec. 1406. Defense Inspector General.
Sec. 1407. Reduction in certain authorizations due to savings from lower inflation.

Subtitle B—National Defense Stockpile

Sec. 1411. Disposal of ferromanganese.
Sec. 1412. Disposal of chrome metal.
Sec. 1413. Modification of receipt objectives for previously authorized disposals from the national defense stockpile.

Subtitle C—Civil Programs

Sec. 1421. Armed Forces Retirement Home.
Sec. 1422. Administration and oversight of the Armed Forces Retirement Home.

Subtitle D—Chemical Demilitarization Matters

Sec. 1431. Modification of termination requirement for Chemical Demilitarization Citizens' Advisory Commissions.
Sec. 1432. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
Sec. 1433. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
Sec. 1434. Modification of termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile.

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

Sec. 1501. Army procurement.
Sec. 1502. Navy and Marine Corps procurement.
Sec. 1503. Air Force procurement.
Sec. 1504. Defense-wide activities procurement.
Sec. 1505. Research, development, test, and evaluation.
Sec. 1506. Operation and maintenance.
Sec. 1507. Military personnel.
Sec. 1508. Defense Health Program.
Sec. 1509. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1510. Joint Improvised Explosive Device Defeat Fund.
Sec. 1511. Iraq Security Forces Fund.
Sec. 1512. Afghanistan Security Forces Fund.
Sec. 1513. Iraq Freedom Fund.
Sec. 1514. Defense Working Capital Funds.
Sec. 1515. National Defense Sealift Fund.
Sec. 1516. Defense Inspector General.
Sec. 1517. Reports on mitigation of effects of explosively formed projectiles and mines.

Subtitle B—General Provisions Relating to Authorizations

Sec. 1521. Purpose.
Sec. 1522. Treatment as additional authorizations.
Sec. 1523. Special transfer authority.

Subtitle C—Other Matters

Sec. 1531. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1532. Reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1533. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1534. Competition for procurement of small arms supplied to Iraq and Afghanistan.
Sec. 1535. Report on support from Iran for attacks against Coalition Forces in Iraq.
Sec. 1536. Sense of the Senate on the consequences of a failed state in Iraq.
Sec. 1537. Sense of Congress on federalism in Iraq.
Sec. 1538. Sense of Senate on Iran.
Sec. 1539. Study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 1540. Modification of authorities related to the Office of the Special Inspector General for Iraq Reconstruction.

Sec. 1541. Tracking and monitoring of defense articles provided to the Government of Iraq and other individuals and groups in Iraq.
Sec. 1542. Special Inspector General for Afghanistan Reconstruction.
Sec. 1543. Improvised explosive device protection for military vehicles.
Sec. 1544. Sense of Congress on the capture of Osama bin Laden and the al Qaeda leadership.

Subtitle D—Iraq Refugee Crisis

Sec. 1571. Short Title.
Sec. 1572. Processing Mechanisms.
Sec. 1573. United States Refugee Program Processing Priorities.
Sec. 1574. Special Immigrant Status for Certain Iraqis.
Sec. 1575. Minister Counselors for Iraqi Refugees and Internally Displaced Persons.
Sec. 1576. Countries with Significant Populations of Displaced Iraqis.
Sec. 1577. Denial or Termination of Asylum.
Sec. 1578. Reports.
Sec. 1579. Authorization of Appropriations.

TITLE XVI—WOUNDED WARRIOR MATTERS

Sec. 1601. Short title.
Sec. 1602. General definitions.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

Sec. 1611. Comprehensive policy on care, management, and transition of members of the Armed Forces with serious injuries or illnesses.
Sec. 1612. Consideration of needs of women members of the Armed Forces and veterans.

Subtitle B—Health Care

Part I—Enhanced Availability of Care for Servicemembers

Sec. 1621. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.
Sec. 1622. Reimbursement of certain former members of the uniformed services with service-connected disabilities for travel for follow-on specialty care and related services.

Part II—Care and Services for Dependents

Sec. 1626. Medical care and services and support services for families of members of the Armed Forces recovering from serious injuries or illnesses.
Sec. 1627. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

Part III—Traumatic Brain Injury and Post-traumatic Stress Disorder

Sec. 1631. Comprehensive plans on prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.
Sec. 1632. Improvement of medical tracking system for members of the Armed Forces deployed overseas.
Sec. 1633. Centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder.
Sec. 1634. Review of mental health services and treatment for female members of the Armed Forces and veterans.
Sec. 1635. Funding for improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder.
Sec. 1636. Reports.

Part IV—Other Matters

Sec. 1641. Joint electronic health record for the Department of Defense and Department of Veterans Affairs.
Sec. 1642. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.
Sec. 1643. Personnel shortages in the mental health workforce of the Department of Defense, including personnel in the mental health workforce.

Subtitle C—Disability Matters

Part I—Disability Evaluations

Sec. 1651. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
Sec. 1652. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.
Sec. 1653. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.
Sec. 1654. Pilot programs on revised and improved disability evaluation system for members of the Armed Forces.
Sec. 1655. Reports on Army action plan in response to deficiencies in the Army Physical Disability Evaluation System.

Part II—Other Disability Matters

Sec. 1661. Enhancement of disability severance pay for members of the Armed Forces.
Sec. 1662. Electronic transfer from the Department of Defense to the Department of Veterans Affairs of documents supporting eligibility for benefits.
Sec. 1663. Assessments of temporary disability retired list.

Subtitle D—Improvement of Facilities Housing Patients

Sec. 1671. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients.
Sec. 1672. Reports on Army action plan in response to deficiencies identified at Walter Reed Army Medical Center.
Sec. 1673. Construction of facilities required for the closure of Walter Reed Army Medical Center, District of Columbia.

Subtitle E—Outreach and Related Information on Benefits

Sec. 1681. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle F—Other Matters

Sec. 1691. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

TITLE XVII—VETERANS MATTERS

Sec. 1701. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
Sec. 1702. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
Sec. 1703. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
Sec. 1704. Research, education, and clinical care program on severe traumatic brain injury.
Sec. 1705. Pilot program on assisted living services for veterans with traumatic brain injury.
Sec. 1706. Research on traumatic brain injury.
Sec. 1707. Age-appropriate nursing home care.
Sec. 1708. Extension of period of eligibility for health care for combat service in the Persian Gulf war or future hostilities.
Sec. 1709. Mental health: service-connection status and evaluations for certain veterans.
Sec. 1710. Modification of requirements for furnishing outpatient dental services to veterans with a service-connected dental condition or disability.
Sec. 1711. Demonstration program on preventing veterans at-risk of homelessness from becoming homeless.
Sec. 1712. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.

TITLE XVIII—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

Sec. 1801. Short title.
Sec. 1802. Expanded authority of Chief of the National Guard Bureau and expanded functions of the National Guard Bureau.
Sec. 1803. Promotion of eligible reserve officers to lieutenant general and vice admiral grades on the active-duty list.
Sec. 1804. Promotion of reserve officers to lieutenant general grade.
Sec. 1805. Requirement that position of Deputy Commander of the United States northern command be filled by a qualified National Guard officer.
Sec. 1806. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.
Sec. 1807. Additional reporting requirements relating to National Guard equipment.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out fiscal year 2007 Army projects for which funds were not appropriated.
Sec. 2106. Modification of authority to carry out certain fiscal year 2006 project.

Sec. 2107. Extension of authorizations of certain fiscal year 2005 project.

Sec. 2108. Technical amendments to the Military Construction Authorization Act for 2007.

Sec. 2109. Ground lease, SOUTHCOM Headquarters Facility, Miami-Doral, Florida.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Termination of authority to carry out fiscal year 2007 Navy projects for which funds were not appropriated.

Sec. 2206. Modification of authority to carry out certain fiscal year 2005 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Termination of authority to carry out fiscal year 2007 Air Force projects for which funds were not appropriated.

Sec. 2306. Modification of authority to carry out certain fiscal year 2006 project.

Sec. 2307. Extension of authorizations of certain fiscal year 2005 projects.

Sec. 2308. Extension of authorizations of certain fiscal year 2004 projects.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Termination or modification of authority to carry out certain fiscal year 2007 Defense Agencies projects.

Sec. 2405. Extension of authorizations of certain fiscal year 2005 projects.

Sec. 2406. Munitions demilitarization facilities, Blue Grass Army Depot, Kentucky, and Pueblo Chemical Activity, Colorado.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, Guard and Reserve.

Sec. 2607. Termination of authority to carry out fiscal year 2007 Guard and Reserve projects for which funds were not appropriated.

Sec. 2608. Modification of authority to carry out fiscal year 2006 Air Force Reserve construction and acquisition projects.

Sec. 2609. Extension of authorizations of certain fiscal year 2005 projects.

Sec. 2610. Extension of authorizations of certain fiscal year 2004 projects.

Sec. 2611. Relocation of units from Roberts United States Army Reserve Center and Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2704. Authorized cost and scope of work variations.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

Sec. 2801. Effective Date.

Sec. 2802. Expiration of authorizations and amounts required to be specified by law.

Subtitle B—Military Construction Program and Military Family Housing Changes

Sec. 2811. General military construction transfer authority.

Sec. 2812. Modifications of authority to lease military family housing.

Sec. 2813. Increase in thresholds for unspecified minor military construction projects.

Sec. 2814. Modification and extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2815. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.

Sec. 2816. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.

Sec. 2817. Extension of authority to accept equalization payments for facility exchanges.

Sec. 2818. Clarification of requirement for authorization of military construction.

Subtitle C—Real Property and Facilities Administration

Sec. 2831. Requirement to report transactions resulting in annual costs of more than $750,000.

Sec. 2832. Modification of authority to lease non-excess property.

Sec. 2833. Enhanced flexibility to create or expand buffer zones.

Sec. 2834. Reports on Army and Marine Corps operational ranges.

Sec. 2835. Consolidation of real property provisions without substantive change.

Subtitle D—Base Closure and Realignment

Sec. 2841. Niagara Air Reserve Base, New York, basing report.

Sec. 2842. Comprehensive accounting of funding required to ensure timely implementation of 2005 Defense Base Closure and Realignment Commission recommendations.

Sec. 2843. Authority to relocate the Joint Spectrum Center to Fort Meade, Maryland.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.

Sec. 2852. Modification to land conveyance authority, Fort Bragg, North Carolina.

Sec. 2853. Transfer of administrative jurisdiction, GSA property, Springfield, Virginia.

Sec. 2854. Land conveyance, Lewis and Clark United States Army Reserve Center, Bismarck, North Dakota.

Sec. 2855. Land exchange, Detroit, Michigan.

Sec. 2856. Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan.

Sec. 2857. Modification of lease of property, National Flight Academy at the National Museum of Naval Aviation, Naval Air Station, Pensacola, Florida.

Subtitle F—Other Matters

Sec. 2861. Report on condition of schools under jurisdiction of Department of Defense Education Activity.

Sec. 2862. Modification of land management restrictions applicable to Utah national defense lands.

Sec. 2863. Additional project in Rhode Island.

Sec. 2864. Sense of Congress on Department of Defense actions to address encroachment of military installations.

Sec. 2865. Report on water conservation projects.

Sec. 2866. Report on housing privatization initiatives.

Sec. 2867. Report on the Pinon Canyon Maneuver Site, Colorado.

Sec. 2868. Repeal of moratorium on improvements at Fort Buchanan, Puerto Rico.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized war-related Army construction and land acquisition projects.

Sec. 2902. Authorization of war-related military construction appropriations, Army.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.

Sec. 3112. Limitation on availability of funds for Fissile Materials Disposition program.

Sec. 3113. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
Subtitle C—Other Matters
Sec. 3121. Nuclear test readiness.
Sec. 3122. Sense of Congress on the nuclear non-proliferation policy of the United States and the Reliable Replacement Warhead program.
Sec. 3123. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.
Sec. 3124. Comptroller General report on Department of Energy protective force management.
Sec. 3125. Technical amendments.
Subtitle D—Nuclear Terrorism Prevention
Sec. 3131. Definitions.
Sec. 3132. Findings.
Sec. 3133. Sense of Congress on the prevention of nuclear terrorism.
Sec. 3134. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.
Sec. 3135. Annual report.
Sec. 3136. Modification of reporting requirement.
Sec. 3137. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
Sec. 3138. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.
Sec. 3139. Agreements and reports on nuclear forensics capabilities.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.
DIVISION D—VETERAN SMALL BUSINESSES
Sec. 4001. Short title.
Sec. 4002. Definitions.
TITLE XLI—VETERANS BUSINESS DEVELOPMENT
Sec. 4101. Increased funding for the Office of Veterans Business Development.
Sec. 4102. Interagency task force.
Sec. 4103. Permanent extension of SBA Advisory Committee on veterans business affairs.
TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY
Sec. 4201. Short title.
Sec. 4202. Purpose.
Sec. 4203. National guard and reserve business assistance.
TITLE XLIII—RESERVIST PROGRAMS
Sec. 4301. Reservist programs.
Sec. 4302. Reservist loans.
Sec. 4303. Noncollateralized loans.
Sec. 4304. Loan priority.
Sec. 4305. Relief from time limitations for veteran-owned small businesses.
Sec. 4306. Service-disabled veterans.
Sec. 4307. Study on options for promoting positive working relations between employers and their Reserve component employees.
DIVISION E—MARITIME ADMINISTRATION
Sec. 5001. Short title.
TITLE LI—GENERAL
Sec. 5101. Commercial vessel chartering authority.
Sec. 5102. Maritime Administration vessel chartering authority.
Sec. 5103. Chartering to state and local governmental instrumentalities.
Sec. 5104. Disposal of obsolete government vessels.
Sec. 5105. Vessel transfer authority.
Sec. 5106. Sea trials for ready reserve force.
Sec. 5107. Review of applications for loans and guarantees.
TITLE LII—TECHNICAL CORRECTIONS
Sec. 5201. Statutory construction.
Sec. 5202. Personal injury to or death of seamen.
Sec. 5203. Amendments to chapter 537 based on Public Law 109–163.
Sec. 5204. Additional amendments based on Public Law 109–163.
Sec. 5205. Amendments based on Public Law 109–171.
Sec. 5206. Amendments based on Public Law 109–241.
Sec. 5207. Amendments based on Public Law 109–364.
Sec. 5208. Miscellaneous amendments.
Sec. 5209. Application of sunset provision to codified provision.
Sec. 5210. Additional Technical corrections.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $5,229,175,000.

(2) For missiles, $2,178,102,000.

(3) For weapons and tracked combat vehicles, $7,546,684,000.

(4) For ammunition, $2,228,976,000.

(5) For other procurement, $15,013,155,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $13,475,107,000.

(2) For weapons, including missiles and torpedoes, $3,078,387,000.

(3) For shipbuilding and conversion, $13,605,638,000.

(4) For other procurement, $5,432,412,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,699,057,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $926,597,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,593,813,000.

(2) For ammunition, $868,917,000.

(3) For missiles, $5,166,002,000.

(4) For other procurement, $16,312,962,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,385,970,000.

SEC. 105. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Rapid Acquisition Fund in the amount of $100,000,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package upgrades.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3/M3A3 BRADLEY FIGHTING VEHICLE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3/M3A3 Bradley fighting vehicle upgrades.

SEC. 113. STRYKER MOBILE GUN SYSTEM.

(a) Limitation on Availability of Funds.—None of the amounts authorized to be appropriated by sections 101(3) and 1501(3) for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until 30 days after the date on which the Secretary of the Army certifies to Congress that the Stryker Mobile Gun System is operationally effective, suitable, and survivable for its anticipated deployment missions.

(b) Waiver.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

(1) determines that further procurement of the Stryker Mobile Gun System utilizing amounts referred to in subsection (a) is in the national security interest of the United States notwithstanding the inability of the Secretary of the Army to make the certification required by that subsection; and

(2) submits to the Congress, in writing , a notification of the waiver together with a discussion of—

(A) the reasons for the determination described in paragraph (1); and

(B) the actions that will be taken to mitigate any deficiencies that cause the Stryker Mobile Gun System not to be operationally effective, suitable, or survivable, as that case may be, as described in subsection (a).

SEC. 114. CONSOLIDATION OF JOINT NETWORK NODE PROGRAM AND WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM INTO SINGLE ARMY TACTICAL NETWORK PROGRAM.

(a) Consolidation Required.—The Secretary of the Army shall consolidate the Joint Network Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program.

(b) Report on Consolidation.—

(1) Report Required.—Not later than December 31, 2007, the Secretary shall, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of Defense for Networks and Information Integration, submit to the congressional defense committees a report setting forth a plan to consolidate the Joint Network Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program as required by subsection (a).

(2) Elements.—The report required by paragraph (1) shall include with respect to the acquisition of the single Army tactical network required by subsection (a) the following:

(A) An analysis of how the systems specified in paragraph (1) will be integrated, including—

(i) an analysis of whether there are opportunities to leverage technologies and equipment from the Warfighter Information Network-Tactical program as part of the continuing development and fielding of the Joint Network Node; and

(ii) an analysis of major technical challenges of integrating the two programs.

(B) A description of the extent to which components of the systems could be used together as elements of a single Army tactical network.

(C) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single Army tactical network as described in subsection (a).

(D) An assessment of the costs of acquiring the systems.

(E) An assessment of the technical compatibility of the systems.

(F) A description and assessment of the plans of the Army relating to ownership of the technical data packages for the systems, and an assessment of the capacity of the industrial base to support Army needs.

(G) A description of the plans and schedule of the Army for fielding the systems, and a description of the associated training schedule.

(H) A description of the plans of the Army for sustaining the single Army tactical network.

(I) A description of the plans of the Army for the insertion of new technology into the Joint Network Node.

(J) A description of the major technical challenges of integrating the two programs.

(K) An assessment as to whether other programs should be inserted into the single Army tactical network as required by subsection (a).

(L) An analysis of the interoperability requirements between the Army tactical network and the Joint Network Node, an assessment of the technological barriers to achievement of such interoperability requirements, and a description of formal mechanisms of coordination between the Army tactical network and the Joint Network Node program.

SEC. 115. GENERAL FUND ENTERPRISE BUSINESS SYSTEM.

(a) ADDITIONAL AMOUNT.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 201(1) for research, development, test and evaluation for the Army is hereby increased by $59,041,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test and evaluation for the Army, as increased by paragraph (1), $59,041,000 may be available for the General Fund Enterprise Business System of the Army.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

(b) OFFSET.—

(1) RDTE, ARMY.—The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $29,219,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

(2) O&M, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $29,822,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

Subtitle C—Navy Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2009 program year, for the procurement of Virginia-class submarines and government-furnished equipment.

(b) LIMITATION.—The Secretary of the Navy may not enter into a contract authorized by subsection (a) until 30 days after the date on which the Secretary submits to the congressional defense committees a certification that the Secretary has made each of the findings with respect to such contract specified in subsection (a) of section 2306b of title 10, United States Code.

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called "concurrent design-build" strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on "bid realism" in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3157) is repealed.

SEC. 133. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—

(1) $400,000,000 may be available for the procurement of a second ship set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

Subtitle D—Air Force Programs

SEC. 141. LIMITATION ON RETIREMENT OF C-130E/H TACTICAL AIRLIFT AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not retire C–130E/H tactical airlift aircraft during fiscal year 2008.

(b) MAINTENANCE OF CERTAIN RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each C–130E/H tactical airlift aircraft retired during fiscal year 2007 in a condition that will permit recall of such aircraft to future service.

SEC. 142. LIMITATION ON RETIREMENT OF KC-135E AERIAL REFUELING AIRCRAFT.

The Secretary of the Air Force shall not retire any KC–135E aerial refueling aircraft of the Air Force in fiscal year 2008 unless the Secretary provides written notification of such retirement to the congressional defense committees in accordance with established procedures.

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC-X TANKER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) Aerial refueling is a critically important force multiplier for the Air Force.

(2) The KC–X tanker aircraft procurement program is the number one acquisition and recapitalization priority of the Air Force.

(3) Given the competing budgetary requirements of the other Armed Forces and other sectors of the Federal Government, the Air Force needs to modernize at the most cost effective price.

(4) Competition in defense procurement provides the Armed Forces with the best products at the best price.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Air Force should—

(1) hold a full and open competition to choose the best possible joint aerial refueling capability at the most reasonable price; and

(2) be discouraged from taking any actions that would limit the ability of either of the teams seeking the contract for the procurement of KC–X tanker aircraft from competing for that contract.

SEC. 144. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C-130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than three C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), to the Government of Iraq.

SEC. 145. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B-52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph (C):

"(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.".

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking "45 days" and inserting "60 days".

SEC. 146. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

(a) FINDINGS.—Congress makes the following findings:

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC-X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC-135 aircraft and KC-10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SEC. 147. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system in future budgets.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,268,904,000.

(2) For the Navy, $16,296,395,000.

(3) For the Air Force, $25,581,989,000.

(4) For Defense-wide activities, $21,511,739,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $11,204,784,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) TRANSFER OF FUNDS.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and made available for the Foreign Material Acquisition and Exploitation Program and for activities of the Office of Special Technology, an aggregate of $20,000,000 shall be transferred to the Advanced Sensor Applications Program not later than 60 days after the date of the enactment of this Act.

(b) REASSIGNMENT OF PROGRAM.—Beginning not later than 30 days after the date of the enactment of this Act, the Advanced Sensor Applications Program shall be a program of the Defense Threat Reduction Agency, managed by the Director of the Defense Threat Reduction Agency, and shall be executed by the Program Executive Officer for Aviation for the Navy working for the Director of the Defense Threat Reduction Agency.

SEC. 212. ACTIVE PROTECTION SYSTEMS.

(a) COMPARATIVE TESTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake comparative tests, including live-fire tests, of appropriate foreign and domestic active protection systems in order—

(A) to determine the effectiveness of such systems; and

(B) to develop information useful in the consideration of the adoption of such systems in defense acquisition programs.

(2) REPORTS.—Not later than March 1 of each of 2008 and 2009, the Secretary shall submit to the congressional defense committees a report on the results of the tests undertaken under paragraph (1) as of the date of such report.

(b) COMPREHENSIVE ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive assessment of active protection systems in order to develop information useful in the development of joint active protection systems and other defense programs.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an identification of the potential merits and operational costs of the use of active protection systems by United States military forces;

(B) a characterization of the threats that use of active protection systems by potential adversaries would pose to United States military forces and weapons;

(C) an identification and assessment of countermeasures to active protection systems;

(D) an analysis of collateral damage potential of active protection systems;

(E) an identification and assessment of emerging direct-fire and top-attack threats to defense systems that could potentially deploy active protection systems; and

(F) an identification and assessment of critical technology elements of active protection systems.

(3) REPORT.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment under paragraph (1).

SEC. 213. OBLIGATION AND EXPENDITURE OF FUNDS FOR COMPETITIVE PROCUREMENT OF PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Within amount authorized to be appropriated for fiscal years after fiscal year 2007 for procurement, and for research, development, test, and evaluation, for the Joint Strike Fighter Program, the Secretary of Defense shall ensure the obligation and expenditure of sufficient amounts each such fiscal year for the continued development and procurement of two options for the propulsion system for the Joint Strike Fighter in order to assure the competitive development and eventual production for the propulsion system for a Joint Strike Fighter aircraft, thereby giving a choice of engine to the growing number of nations expressing interest in procuring such aircraft.

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army $15,000,000, may be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program may be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program may be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

Subtitle C—Missile Defense Programs

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The governments of the countries in which major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed have each given final approval to any missile defense agreements negotiated between such governments and the United States Government concerning the proposed deployment of such components in their countries.

(2) 45 days have elapsed following the receipt by Congress of the report required under subsection (c)(6).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner.

(c) REPORT ON INDEPENDENT ASSESSMENT FOR BALLISTIC MISSILE DEFENSE IN EUROPE.—

(1) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select a federally funded research and development center to conduct an independent assessment of options for ballistic missile defense for forward deployed forces of the United States and its allies in Europe.

(2) ISSUES TO BE ASSESSED.—In carrying out the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following in connection with options for missile defense in Europe:

(A) The threat to Europe of ballistic missiles (including short-range, medium-range, intermediate-range, and long-range ballistic missiles) from Iran and from other nations (except Russia), including the likelihood and timing of such threats.

(B) The missile defense capabilities appropriate to meet current, near-term, and mid-term ballistic missile threats facing Europe during the period from 2008 through 2015.

(C) Alternative options for defending the European territory of members of the North Atlantic Treaty Organization against the threats described in subparagraph (B).

(D) The utility and cost-effectiveness of providing ballistic missile defense of the United States with a system located in Europe, if warranted by the threat, when compared with the provision of such defense through the deployment of additional ballistic missile defense in the United States.

(E) The views of European members of the North Atlantic Treaty Organization on the desirability of ballistic missile defenses for the European territory of such nations.

(F) Potential opportunities for participation by the Government of Russia in a European missile defense system.

(3) TECHNOLOGIES TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider, but not be limited to, the following missile defense technology options:

(A) The Patriot PAC–3 system.

(B) The Medium Extended Air Defense System.

(C) The Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor.

(D) The Terminal High Altitude Area Defense (THAAD) system.

(E) The proposed deployment of Ground-based Midcourse Defense (GMD) system elements in Europe, consisting of the proposed 2-stage Orbital Boost Vehicle interceptor, and the proposed European Midcourse X-band radar.

(F) Forward-Based X-band Transportable (FBX–T) radars.

(G) Other non-United States, North Atlantic Treaty Organization missile defense systems.

(4) FACTORS TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following factors with respect to potential ballistic missile defense options:

(A) The missile defense needs of the European members of the North Atlantic Treaty Organization, including forward deployed United States forces, with respect to current, near-term, and mid-term ballistic missile threats.

(B) Operational effectiveness.

(C) Command and control arrangements.

(D) Integration and interoperability with North Atlantic Treaty Organization missile defenses.

(E) Cost and affordability, including possible allied cost-sharing.

(F) Cost-effectiveness.

(G) The degree of coverage of the European territory of members of the North Atlantic Treaty Organization.

(5) COOPERATION OF OTHER AGENCIES.—The Secretary of Defense, the Director of National Intelligence, and the heads of other departments and agencies of the United States Government shall provide the federally funded research and development center selected under paragraph (1) such data, analyses, briefings, and other information as the center considers necessary to carry out the assessment described in that paragraph.

(6) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected under paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment described in that paragraph, including any findings and recommendations of the center as a result of the assessment.

(7) FORM.—The report under paragraph (6) shall be submitted in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b).

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF MISSILE DEFENSE INTERCEPTORS IN ALASKA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic Missile Defense System has demonstrated, through operationally realistic end-to-end flight testing, that it has a high probability of working in an operationally effective manner.

SEC. 233. BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

(1) Research, development, test, and evaluation.

(2) Procurement.

(3) Operation and maintenance.

(4) Military construction.

(b) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Commencing as soon as practicable, but not later than the submittal to Congress of the budget for the President for fiscal year 2009 under section 1105(a) of title 31, United States Code, the Missile Defense Agency shall take appropriate actions to achieve the following objectives in its acquisition activities:

(A) Improved transparency.

(B) Improved accountability.

(C) Enhanced oversight.

(2) REQUIRED ACTIONS.—In order to achieve the objectives specified in paragraph (1), the Missile Defense Agency shall, at a minimum, take actions as follows:

(A) Establish acquisition cost, schedule, and performance baselines for each Ballistic Missile Defense System element that—

(i) has entered the equivalent of the System Development and Demonstration phase of acquisition; or

(ii) is being produced and acquired for operational fielding.

(B) Provide unit cost reporting data for each Ballistic Missile Defense System element covered by subparagraph (A), and secure independent estimation and verification of such cost reporting data.

(C) Include each year in the budget justification materials described in subsection (a) a description of actions being taken in the fiscal year in which such materials are submitted, and the actions to be taken in the fiscal year covered by such materials, to achieve such objectives.

(3) SPECIFICATION OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.—The Ballistic Missile

Defense System elements that, as of May 2007, are Ballistic Missile Defense System elements covered by paragraph (2)(A) are the following elements:

(A) Ground-based Midcourse Defense.

(B) Aegis Ballistic Missile Defense.

(C) Terminal High Altitude Area Defense.

(D) Forward-Based X-band radar-Transportable (AN/TPY–2).

(E) Command, Control, Battle Management, and Communications.

(F) Sea-Based X-band radar.

(G) Upgraded Early Warning radars.

SEC. 234. PARTICIPATION OF DIRECTOR, OPERATIONAL TEST AND EVALUATION, IN MISSILE DEFENSE TEST AND EVALUATION ACTIVITIES.

Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of all tests and evaluations conducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection with tests and evaluations in the Missile Defense Agency.

"(2) The Director of Operational Test and Evaluation may require that such observers as the Director designates be present during the preparation for and the conduct of any test and evaluation conducted by the Missile Defense Agency.

"(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of the Missile Defense Agency) that the Director considers necessary to review in order to carry out his duties under this subsection.".

SEC. 235. EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2008" and inserting "through 2013"; and

(2) in paragraph (2), by striking "through 2009" and inserting "through 2014".

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF NOTICE AND WAIT REQUIREMENT FOR OBLIGATION OF FUNDS FOR FOREIGN COMPARATIVE TEST PROGRAM.

Paragraph (3) of section 2350a(g) of title 10, United States Code, is amended to read as follows:

"(3) The Director of Defense Research and Engineering shall notify the congressional defense committees of the intent to obligate funds made available to carry out this subsection not less than 7 days before such funds are obligated.".

SEC. 252. MODIFICATION OF COST SHARING REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

Paragraph (2) of section 2359a(f) of title 10, United States Code, is amended to read as follows:

"(2) The amount of funds provided to a project under paragraph (1) by the military department or Defense Agency concerned shall be the appropriate share of the military department or Defense Agency, as the case may be, of the cost of the project, as determined by the Manager.".

SEC. 253. STRATEGIC PLAN FOR THE MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2521 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program which includes the following:

"(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program during the 5-fiscal year period beginning with the first fiscal year commencing after the development of the plan.

"(B) For each of the fiscal years under the period of the plan, the objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

"(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

"(3) The Secretary shall update the plan on a biennial basis.

"(4) The Secretary shall include the plan, and any update of the plan under paragraph (3), in the budget justification documents submitted in support of the budget of the Department of Defense for the applicable fiscal year (as included in the budget of the President submitted to Congress under section 1105 of title 31).".

(b) INITIAL DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop the strategic plan required by subsection (e) of section 2521 of title 10, United States Code (as added by subsection (a) of this section), so that the plan goes into effect at the beginning of fiscal year 2009.

SEC. 254. MODIFICATION OF AUTHORITIES ON COORDINATION OF DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH WITH SIMILAR FEDERAL PROGRAMS.

Section 257(e)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking "shall" each place it appears and inserting "may".

SEC. 255. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking "in nanoscale research and development" and inserting "in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)"; and

(2) in paragraph (3), by striking "portfolio of fundamental and applied nanoscience and engineering research initiatives" and inserting "portfolio of nanotechnology research and development initiatives".

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking "the Director of Defense Research and Engineering" and inserting "the Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) by striking "The Director" and inserting "The Under Secretary".

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking "the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and" and inserting "investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;";

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.".

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

"(d) ACTIVITIES.—Activities under the program shall include the following:

"(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

"(2) The issuance on an annual basis of policy guidance to the military departments and the Defense Agencies that—

"(A) establishes research priorities under the program;

"(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

"(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

"(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.".

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

"(2) Each report under paragraph (1) shall include the following:

"(A) A review of—

"(i) the long-term challenges and specific technical goals of the program; and

"(ii) the progress made toward meeting such challenges and achieving such goals.

"(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

"(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

"(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

"(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

"(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

"(G) An assessment of the defense nanotechnology manufacturing and industrial base and

its capability to meet the near and far term requirements of the Department.

"(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

"(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research.

(b) ASSESSMENT.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program.

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees.

(7) Any other matters the Comptroller General considers appropriate.

SEC. 257. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 258. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $29,725,273,000.

(2) For the Navy, $33,307,690,000.

(3) For the Marine Corps, $4,998,493,000.

(4) For the Air Force, $32,967,215,000.

(5) For Defense-wide activities, $22,397,153,000.

(6) For the Army Reserve, $2,512,062,000.

(7) For the Navy Reserve, $1,186,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,821,817,000.

(10) For the Army National Guard, $5,861,409,000.

(11) For the Air National Guard, $5,469,368,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $270,249,000.

(18) For Former Soviet Union Threat Reduction programs, $448,048,000.

(19) For Overseas Humanitarian, Disaster and Civic Aid programs, $63,300,000.

(20) For Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10-6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $186,625.38 to the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as "In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA-10-2003-0114: Administrative Order on Consent for Remedial Design and Remedial Action," entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency pursuant to the agreement described in paragraph (2) of such subsection.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of the Navy may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $40,000.00 to the Hazardous Substance Superfund.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) pursuant to a schedule included in an Interagency Agreement (Administrative Docket No. CERCLA-10-2005-0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress makes the following findings:

(1) The brown tree snake (Boiga irregularis), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam.

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

Subtitle C—Program Requirements, Restrictions, and Limitations

SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMATION SYSTEMS AGENCY WORKING CAPITAL FUND FOR TECHNOLOGY UPGRADES TO DEFENSE INFORMATION SYSTEMS NETWORK.

(a) IN GENERAL.—Funds in the Defense Information Systems Agency Working Capital Fund may be used for expenses directly related to technology upgrades to the Defense Information Systems Network.

(b) LIMITATION ON CERTAIN PROJECTS.—Funds may not be used under subsection (a) for—

(1) any significant technology insertion to the Defense Information Systems Network; or

(2) any component with an estimated total cost in excess of $500,000.

(c) LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.—If in any fiscal year the report required by paragraph (1) of subsection (d) is not submitted by the date specified in paragraph (2) of subsection (d), funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (2) of subsection (d); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (d).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the Defense Information Systems Agency shall submit to the congressional defense committees each fiscal year a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011.

SEC. 322. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACT PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) EXTENSION.—Subsection (c) of section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended by striking "September 30, 2009" both places it appears and inserting "September 30, 2012".

(b) LIMITATION FOR FISCAL YEARS 2010 THROUGH 2012.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(4) for fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006;

"(5) for fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

"(6) for fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.".

SEC. 323. REPORT ON INCREMENTAL COST OF EARLY 2007 ENHANCED DEPLOYMENT.

Section 323(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 229 note) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) each of the military departments for the additional incremental cost resulting from the additional deployment of forces to Iraq and Afghanistan above the levels deployed to such countries on January 1, 2007.".

SEC. 324. INDIVIDUAL BODY ARMOR.

(a) ASSESSMENT.—The Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly conduct an assessment of various domestic technological approaches for body armor systems for protection against ballistic threats at or above military requirements.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly submit to the Secretary of Defense, and to the congressional defense committees, a report on the assessment required by subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the technical capability, feasibility, military utility, and cost of each such approach; and

(B) such other matters as the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering jointly consider appropriate.

(3) FORM.—The report submitted under paragraph (1) to the congressional defense committees shall be submitted in both classified and unclassified form.

Subtitle D—Workplace and Depot Issues

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) EXTENSION OF AUTHORITY.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "This authority may be used to enter into not more than eight contracts or cooperative agreements."; and

(2) in subsection (k), by striking "2009" and inserting "2014".

(b) REPORTS.—

(1) ANNUAL REPORT ON USE OF AUTHORITY.—The Secretary of the Army shall submit to Congress at the same time the budget of the President is submitted to Congress for fiscal years 2009 through 2016 under section 1105 of title 31, United States Code, a report on the use of the authority provided under section 4544 of title 10, United States Code.

(2) ANALYSIS OF USE OF AUTHORITY.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report assessing the advisability of making such authority permanent and eliminating the limitation on the number of contracts or cooperative arrangements that may be entered into pursuant to such authority.

SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT DEMONSTRATION PROGRAM.

(a) EXTENSION.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted

into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking "fiscal years 2001 through 2008" and inserting "fiscal years 2001 through 2010".

(b) EXTENSION OF REPORTING REQUIREMENT.—The second sentence in subsection (g)(1) of such section is amended to read as follows: "No report is required after fiscal year 2010.".

SEC. 343. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

(a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

"(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

"(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.".

(b) INCLUSION OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking "and (e)" and inserting "(e), and (f)";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

"(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

"(2) Any information in a report under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

SEC. 344. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

Subtitle E—Other Matters

SEC. 351. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—

(1) IN GENERAL.—Section 2228 of title 10, United States Code, is amended—

*(A) in the section heading, by striking "**Military equipment and infrastructure: prevention and mitigation of corrosion**" and inserting "**Office of Corrosion Policy and Oversight**"; and*

(B) by amending subsection (a) to read as follows:

"(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(2) The Office shall be headed by a Director of Corrosion Policy and Oversight (in this section referred to as the 'Director'), who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is the senior official responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

"(3) In order to qualify to be assigned to the position of Director, an individual shall—

"(A) have a minimum of 10 years experience in the Defense Acquisition Corps;

"(B) have technical expertise in, and professional experience with, corrosion engineering, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

"(C) have background in and an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.".

(2) CONFORMING CHANGES.—Subsection (b) of such section is amended—

(A) in paragraph (1), by striking "official or organization designated under subsection (a)" and inserting "Director"; and

(B) by striking "designated official or organization" each place it appears and inserting "Director".

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

"(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

"(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

"(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.".

(c) INCLUSION OF COOPERATIVE RESEARCH AGREEMENTS AS PART OF CORROSION REDUCTION STRATEGY.—Subparagraph (D) of subsection (d)(2) of such section, as redesignated by subsection (b), is amended by inserting after "operational strategies" the following: ", including through the establishment of memoranda of agreement, joint funding agreements, public-private partnerships, university research centers, and other cooperative research agreements".

(d) REPORT REQUIREMENT.—Such section is further amended by inserting after subsection (d), as redesignated by subsection (b), the following new subsection:

"(e) REPORT.—(1) The Secretary of Defense shall submit with the defense budget materials for each fiscal year beginning with fiscal year 2009 a report on the following:

"(A) Funding requirements for the long-term strategy developed under subsection (d).

"(B) The return on investment that would be achieved by implementing the strategy.

"(C) The funds requested in the budget compared to the funding requirements.

"(D) An explanation of why the Department of Defense is not requesting funds for the entire requirement.

"(2) Not later than 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

"(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

"(B) an analysis of the report required under paragraph (1).".

(e) DEFINITIONS.—Subsection (f), as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

"(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.".

SEC. 352. REIMBURSEMENT FOR NATIONAL GUARD SUPPORT PROVIDED TO FEDERAL AGENCIES.

Section 377 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "To the extent" and inserting "Subject to subsection (c), to the extent";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

"(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

"(A) The appropriation, fund, or account used to fund the support.

"(B) The appropriation, fund, or account currently available for reimbursement purposes."; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by inserting "or section 502(f) of title 32" after "under this chapter"; and

(B) in paragraph (2), by inserting "or personnel of the National Guard" after "Department of Defense".

SEC. 353. REAUTHORIZATION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 30, 2008" and inserting "December 31, 2013".

SEC. 354. PROPERTY ACCOUNTABILITY AND DISPOSITION OF UNLAWFULLY OBTAINED PROPERTY OF THE ARMED FORCES.

(a) Statutory Establishment of Accountability for Property of Navy and Marine Corps.—

(1) In general.—Chapter 661 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7864. Property accountability; regulations

"The Secretary of the Navy may prescribe regulations for the accounting for property of the Navy and the Marine Corps and for the fixing of responsibility for such property.".

(2) Unauthorized disposition and recovery of property.—Such chapter is further amended by adding at the end the following new section:

"§ 7865. Military equipment: unauthorized disposition

"(a) Prohibition.—No member of the Navy or the Marine Corps may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Navy or the Marine Corps authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) Seizure of Property.—If a member of the Navy or the Marine Corps disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) Retention of Seized Property.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(b) Standardizing Amendments Relating to Disposition of Unlawfully Obtained Army and Air Force Property.—

(1) Army property.—Section 4836 of title 10, United States Code, is amended to read as follows:

"§ 4836. Military equipment: unauthorized disposition

"(a) Prohibition.—No member of the Army may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Army authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) Seizure of Property.—If a member of the Army disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) Retention of Seized Property.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(2) Air force property.—Section 9836 of such title is amended is amended to read as follows:

"§ 9836. Military equipment: unauthorized disposition

"(a) Prohibition.—No member of the Air Force may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Air Force authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) Seizure of Property.—If a member of the Air Force disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) Retention of Seized Property.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(c) Clerical Amendments.—

(1) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4836 and inserting the following new item:

"4836. Military equipment: unauthorized disposition.".

(2) The table of sections at the beginning of chapter 661 of such title is amended by adding at the end the following new items:

"7864. Property accountability: regulations.
"7865. Military equipment: unauthorized disposition.".

(3) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9836 and inserting the following new item:

"9836. Military equipment: unauthorized disposition.".

SEC. 355. AUTHORITY TO IMPOSE REASONABLE CONDITIONS ON THE PAYMENT OF FULL REPLACEMENT VALUE FOR CLAIMS RELATED TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may require members of the armed forces or civilian employees of the Department of Defense to comply with reasonable conditions in order to receive benefits under this section.".

SEC. 356. AUTHORITY FOR INDIVIDUALS TO RETAIN COMBAT UNIFORMS ISSUED IN CONNECTION WITH CONTINGENCY OPERATIONS.

The Secretary of a military department may authorize members of the Armed Forces under the jurisdiction of the Secretary to retain combat uniforms issued as organizational clothing and individual equipment in connection with their deployment in support of contingency operations.

SEC. 357. MODIFICATION OF REQUIREMENTS ON COMPTROLLER GENERAL REPORT ON THE READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

(a) Submittal Date.—Subsection (a)(1) of section 345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2156) is amended by striking "June 1, 2007" and inserting "March 1, 2008".

(b) Elements.—Subsection (b) of such section is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) An assessment of the ability of the Army and Marine Corps to provide trained and ready forces to meet the requirements of increased force levels in support of Operations Iraqi Freedom and Enduring Freedom and to meet the requirements of other ongoing operations simultaneously with such increased force levels.

"(3) An assessment of the strategic depth of the Army and Marine Corps and their ability to provide trained and ready forces to meet the requirements of the high-priority contingency war plans of the regional combatant commands, including an identification and evaluation for each such plan of—

"(A) the strategic and operational risks associated with current and projected forces of current and projected readiness;

"(B) the time required to make forces available and prepare them for deployment; and

"(C) likely strategic tradeoffs necessary to meet the requirements of each such plan.".

(c) Department of Defense Cooperation.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Department of Defense Cooperation.—The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the preparation of the report required by this section.".

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) Provision of Support.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee;

"(B) for which participation exceeds 100 amateur athletes; and

"(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability."; and

(2) by adding at the end the following new subsection:

"(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SEC. 359. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08-R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

(2) Recommendations based on the findings of the Comptroller General of the United States in the report required by section 344 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

(3) Recommendations based on the lessons learned from the thwarted plot to attack Fort Dix, New Jersey, in 2007.

SEC. 360. CONTINUITY OF DEPOT OPERATIONS TO RESET COMBAT EQUIPMENT AND VEHICLES IN SUPPORT OF WARS IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, particularly the Army and the Marine Corps, are currently engaged in a tremendous effort to reset equipment that was damaged and worn in combat operations in Iraq and Afghanistan.

(2) The implementing guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics related to the decisions of the 2005 Defense Base Closure and Realignment Commission (BRAC) to transfer depot functions appears not to differentiate between external supply functions and in-process storage functions related to the performance of depot maintenance.

(3) Given the fact that up to 80 percent of the parts involved in the vehicle reset process are reclaimed and refurbished, the transfer of this inherently internal depot maintenance function to the Defense Logistics Agency could severely disrupt production throughput, generate increased costs, and negatively impact Army and Marine Corps equipment reset efforts.

(4) The goal of the Department of Defense, the Defense Logistics Agency, and the 2005 Defense Base Closure and Realignment Commission is the reengineering of businesses processes in order to achieve higher efficiency and cost savings.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the challenges of implementing the transfer of depot functions and the impacts on production, including parts reclamation and refurbishment.

(2) CONTENT.—The report required under paragraph (1) shall describe—

(A) the sufficiency of the business plan to transfer depot functions to accommodate a timely and efficient transfer without the disruption of depot production;

(B) a description of the completeness of the business plan in addressing part reclamation and refurbishment;

(C) the estimated cost of the implementation and what savings are likely be achieved;

(D) the impact of the transfer on the Defense Logistics Agency and depot hourly rates due to the loss of budgetary control of the depot commander over overtime pay for in-process parts supply personnel, and any other relevant rate-related factors;

(E) the number of personnel positions affected;

(F) the sufficiency of the business plan to ensure the responsiveness and availability of Defense Logistics supply personnel to meet depot throughput needs, including potential impact on depot turnaround time; and

(G) the impact of Defense Logistics personnel being outside the chain of command of the depot commander in terms of overtime scheduling and meeting surge requirements.

(3) GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT.—Not later than September 30, 2008, the Comptroller General of the United States shall review the report submitted under paragraph (1) and submit to the congressional defense committees an independent assessment of the matters addressed in such report, as requested by the Chairman of the Committee on Armed Services of the House of Representatives.

SEC. 361. REPORT ON SEARCH AND RESCUE CAPABILITIES OF AIR FORCE IN NORTHWESTERN UNITED STATES.

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations and training.

(2) A description of the compliance of the Air Force with the 1999 United States National Search and Rescue Plan (NSRP) for Washington, Oregon, Idaho, and Montana.

(3) An inventory and description of search and rescue assets of the Air Force that are available to meet such requirements.

(4) A description of the utilization during the previous three years of such search and rescue assets.

(5) The plans of the Air Force to meet current and future search and rescue requirements in the northwestern United States, including with respect to risk assessment services for Air Force missions and compliance with the NSRP.

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking "unless the Secretary first certifies" and inserting "unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 358 of the National Defense Authorization Act for Fiscal Year 2008, first certifies".

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

SEC. 362. REPORT ON HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the High-Altitude Aviation Training Site at Gypsum, Colorado.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a summary of costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site for training purposes; and

(2) an analysis of potential cost savings and operational benefits, if any, of permanently stationing no less than 4 UH-60, 2 CH-47, and 2 LUH-72 aircraft at the High-Altitude Aviation Training Site.

SEC. 363. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

SEC. 364. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F-16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F-16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F–16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

SEC. 365. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 366. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 367. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or *more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—*

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 368. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 369. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 370. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.

(2) The Navy, 328,400.

(3) The Marine Corps, 189,000.

(4) The Air Force, 328,600.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 67,800.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,500.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,204.

(2) The Army Reserve, 15,870.

(3) The Navy Reserve, 11,579.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,936.

(6) The Air Force Reserve, 2,721.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.

(2) For the Army National Guard of the United States, 26,502.

(3) For the Air Force Reserve, 9,909.

(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2008, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for military personnel, in amounts as follows:

(1) For the Army, $34,952,762,000.

(2) For the Navy, $23,300,841,000.

(3) For the Marine Corps, $11,065,542,000.

(4) For the Air Force, $24,091,993,000.

(5) For the Army Reserve, $3,701,197,000.

(6) For the Navy Reserve, $1,766,408,000.

(7) For the Marine Corps Reserve, $593,961,000.

(8) For the Air Force Reserve, $1,356,618,000.

(9) For the Army National Guard, $5,914,979,000.

(10) For the Air National Guard, $2,607,456,000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the items under the heading "Major" in the portion of the table relating to the Army and inserting the following new items:

"7,768
8,689
9,611
10,532
11,454
12,375
13,297
14,218
15,140
16,061
16,983
17,903
18,825
19,746
20,668
21,589
22,511
24,354
26,197
28,040
35,412".

SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN TO MEET FORCE STRUCTURE REQUIREMENTS.

(a) IN GENERAL.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

“Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
70,000	14,245	8,352	3,718
90,000	17,517	9,890	4,467”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 503. EXPANSION OF EXCLUSION OF MILITARY PERMANENT PROFESSORS FROM STRENGTH LIMITATIONS FOR OFFICERS BELOW GENERAL AND FLAG GRADES.

(a) INCLUSION OF PERMANENT PROFESSORS OF THE NAVY.—Section 523(b)(8) of title 10, United States Code, is amended—

(1) by striking “Naval Academy” and inserting “Navy”; and

(2) by inserting “or service” before the period at the end.

(b) EXPANSION OF EXCLUSION GENERALLY.—Such section is further amended by striking “50” and inserting “85”.

SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS CONTINUED ON ACTIVE DUTY.

Section 637(b)(3) of title 10, United States Code, is amended by striking “but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday” and inserting “except as provided under section 1253 of this title”.

SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE OBLIGATION FOR INITIAL APPOINTMENTS OF OFFICERS IN CRITICALLY SHORT HEALTH PROFESSIONAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary of Defense may waive the service required by subsection (a) for initial appointments of commissioned officers in such critically short health professional specialties as the Secretary shall specify for purposes of this subsection.

“(2) The minimum period of obligated service for an officer under a waiver under this subsection shall be the greater of—

“(A) two years; or

“(B) in the case of an officer who has accepted an accession bonus or executed a contract or agreement for the multiyear receipt of special pay for service in the armed forces, the period of obligated service specified in such contract or agreement.”.

SEC. 506. INCREASE IN AUTHORIZED NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY.

Paragraph (4) of section 4331(b) of title 10, United States Code, is amended to read as follows:

“(4) Twenty-eight permanent professors.”.

SEC. 507. EXPANSION OF AUTHORITY FOR REENLISTMENT OF OFFICERS IN THEIR FORMER ENLISTED GRADE.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “a Reserve officer” and inserting “an officer”; and

(B) by striking “a temporary appointment” and inserting “an appointment”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “a Reserve officer” and inserting “an officer”; and

(B) in paragraph (2), by striking “the Reserve commission” and inserting “the commission”.

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking “a reserve officer” and inserting “an officer”; and

(B) by striking “a temporary appointment” and inserting “an appointment”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “a Reserve officer” and inserting “an officer”; and

(B) in paragraph (2), by striking “the Reserve commission” and inserting “the commission”.

SEC. 508. ENHANCED AUTHORITY FOR RESERVE GENERAL AND FLAG OFFICERS TO SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The limitations”; and

(2) by adding at the end the following new paragraph:

“(2) The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to ten percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.”.

SEC. 509. PROMOTION OF CAREER MILITARY PROFESSORS OF THE NAVY.

(a) PROMOTION.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended—

(A) by redesignating section 6970 as section 6970a; and

(B) by inserting after section 6969 the following new section 6970:

“§ 6970. Permanent professors: promotion

“(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

“(b) EFFECTIVE DATE OF PROMOTION.—If made, the promotion of an officer under subsection (a) shall be effective not earlier than three years after the selection of the officer as a permanent professor as described in that subsection.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6970 and inserting the following new items:

“6970. Permanent professors: promotion.
“6970a. Permanent professors: retirement for years of service; authority for deferral.”.

(b) CONFORMING AMENDMENTS.—Section 641(2) of such title is amended—

(1) by striking “and the registrar” and inserting “, the registrar”; and

(2) by inserting before the period at the end the following: “, and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)”.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN AUTHORIZED DAILY AVERAGE OF NUMBER OF MEMBERS IN PAY GRADE E-9.

(a) INCREASE.—Section 517(a) of title 10, United States Code, is amended by striking “1 percent” and inserting “1.25 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Reserve Component Management

SEC. 531. REVISED DESIGNATION, STRUCTURE, AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) MODIFICATION OF DESIGNATION, STRUCTURE, AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

“§ 10301. Reserve Policy Advisory Board

“(a) There is in the Office of the Secretary of Defense a Reserve Policy Advisory Board.

“(b)(1) The Board shall consist of a civilian chairman and not more than 15 other members, each appointed by the Secretary of Defense, of whom—

“(A) not more than 4 members may be Government civilian officials who must be from outside the Department of Defense; and

“(B) not more than 2 members may be members of the armed forces.

“(2) Each member appointed to serve on the Board shall have—

“(A) extensive knowledge, or experience with, reserve component matters, national security *and national military strategies of the United States, or roles and missions of the regular components and the reserve components;*

"(B) extensive knowledge of, or experience in, homeland defense and matters involving Department of Defense support to civil authorities; or

"(C) a distinguished background in government, business, personnel planning, technology and its application in military operations, or other fields that are pertinent to the management and utilization of the reserve components.

"(3) Each member of the Board shall serve for a term of 2 years, and, at the conclusion of such term, may be appointed under this subsection to serve an additional term of 2 years.

"(4) Upon the designation of the chairman of the Board and the approval of the Secretary of Defense, an officer of the Army, Navy, Air Force, or Marine Corps in the Reserves or the National Guard who is a general or flag officer shall serve as the military advisor to, and executive officer of, the Board. Such service shall be either full-time or part-time, as designated by the Secretary of Defense, and shall be in a nonvoting status on the Board.

"(c)(1) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(2) A member of a committee or board prescribed under a section listed in paragraph (1) may, if otherwise eligible, be a member of the Reserve Policy Advisory Board.

"(d)(1) The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, with independent advice and recommendations on strategies, policies, and practices designed to improve the capability, efficiency, and effectiveness of the reserve components.

"(2) The Board shall act on those matters referred to it by the Secretary or the chairman and, in addition, on any matter raised by a member of the Board.

"(e) The Under Secretary of Defense for Personnel and Readiness shall provide necessary logistical support to the Board.

"(f) The Board shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10301 and inserting the following new item:

"10301. Reserve Policy Advisory Board.".

(3) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Reserve Forces Policy Board shall be deemed to be a reference to the Reserve Policy Advisory Board.

(b) INCLUSION OF MATTERS FROM BOARD IN ANNUAL REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE.—Paragraph (2) of section 113(c) of title 10, United States Code, is amended to read as follows:

"(2) At the same time the Secretary submits the annual report under paragraph (1), the Secretary may transmit to the President and Congress with such report any additional matters from the Reserve Policy Advisory Board on the programs and activities of the reserve components as the Secretary considers appropriate to include in such report.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

SEC. 532. CHARTER FOR THE NATIONAL GUARD BUREAU.

(a) PRESCRIPTION OF CHARTER BY SECRETARY OF DEFENSE.—Section 10503 of title 10, United States Code, is amended—

(1) by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop and" in the matter preceding paragraph (1) and inserting "The Secretary of the Defense shall, in consultation with the Secretary of the Army, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff,";

(2) in paragraph (10), by striking "the Army and Air Force" and inserting "the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force"; and

(3) in paragraph (12), by striking "Secretaries" and inserting "Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter from the Secretary of Defense".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item related to section 10503 and inserting the following new item:

"10503. Functions of the National Guard Bureau: charter from the Secretary of Defense.".

SEC. 533. APPOINTMENT, GRADE, DUTIES, AND RETIREMENT OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) APPOINTMENT.—Subsection (a) of section 10502 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(2) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

"(3) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard;

"(4) are in a grade above the grade of brigadier general;

"(5) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;

"(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

"(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

"(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.".

(b) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—Subsection (b) of such section is amended by striking "An officer may not hold that office after becoming 64 years of age.".

(d) ADVISORY DUTIES.—Subsection (c) of section 10502 of such title is amended to read as follows:

"(c) ADVISOR ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is—

"(1) an advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

"(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.".

(e) DEFERRAL OF RETIREMENT.—Section 14512(a) of such title is amended by adding at the end the following new paragraph:

"(3) The President may defer the retirement of an officer serving in the position specified in paragraph (2)(A), but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

SEC. 534. MANDATORY SEPARATION FOR YEARS OF SERVICE OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general, and each reserve officer of the Navy in the grade of vice admiral, shall, 30 days after completion of 38 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral, whichever is later, be separated in accordance with section 14514 of this title.".

SEC. 535. INCREASE IN PERIOD OF TEMPORARY FEDERAL RECOGNITION AS OFFICERS OF THE NATIONAL GUARD FROM SIX TO TWELVE MONTHS.

Section 308(a) of title 32, United States Code, is amended by striking "six months" and inserting "12 months".

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i–3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007,

and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

(b) Report on Relief From Requirements for National Guard and Reserve on Long-Term Active Duty.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

Subtitle D—Education and Training

SEC. 551. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) Medical Students of USUHS.—Section 2114(b) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentences: "Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade. Any prior service of medical students on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.".

(b) Participants in Health Professions Scholarship and Financial Assistance Program.—

(1) Grade of participants.—Section 2121(c) of such title is amended by striking the second sentence and inserting the following new sentences: "Persons so commissioned shall be appointed in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade for a period of 45 days during each year of participation in the program. Any prior service of such persons on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.".

(2) Service credit.—Subsection (a) of section 2126 of such title is amended to read as follows:

"(a) Service Not Creditable.—Except as provided in subsection (b), service performed while a member of the program shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.".

(c) Officers Detailed as Students at Medical Schools.—Subsection (a) of section 2004a of such title is amended by adding at the end the following new sentences: "An officer detailed under this section shall serve on active duty, subject to the limitations on grade specified in section 2114(b) of this title. Any prior active service of such an officer shall be deemed, for pay purposes, to have been served as a warrant officer.".

SEC. 552. EXPANSION OF NUMBER OF ACADEMIES SUPPORTABLE IN ANY STATE UNDER STARBASE PROGRAM.

(a) Expansion.—Section 2193b(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "more than two academies" and inserting "more than four academies"; and

(2) in subparagraph (B), by striking "in excess of two" both places it appears and inserting "in excess of four".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 553. REPEAL OF POST-2007–2008 ACADEMIC YEAR PROHIBITION ON PHASED INCREASE IN CADET STRENGTH LIMIT AT THE UNITED STATES MILITARY ACADEMY.

Section 4342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 554. TREATMENT OF SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS, SOUTHOLD, NEW YORK, AS SINGLE INSTITUTION FOR PURPOSES OF MAINTAINING A JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT.

Southold High School, Mattituck High School, and Greenport High School, located in Southold, New York, may be treated as a single institution for purposes of the maintenance of a unit of the Junior Reserve Officers' Training Corps of the Navy.

SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

"(6) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

"(7) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.".

SEC. 556. NURSE MATTERS.

(a) In General.—The Secretary of Defense may provide for the carrying out of each of the programs described in subsections (b) through (f).

(b) Service of Nurse Officers as Faculty in Exchange for Commitment to Additional Service in the Armed Forces.—

(1) In general.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) Covered officers.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) Benefits and privileges.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) Agreement for additional service.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) Service of Nurse Officers as Faculty in Exchange for Scholarships for Nurse Officer Candidates.—

(1) In general.—One of the programs under this section may be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) Benefits and privileges.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) Scholarships for nurse officer candidates.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The total amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) Scholarships for Certain Nurse Officers for Education as Nurses.—

(1) In general.—One of the programs under this section may be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) Covered nurse officers.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) Scope of scholarships.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for the administration of the programs authorized by this section. Such requirements and procedures shall include procedures for selecting participating schools of nursing.

(2) DURATION.—Any program carried out under this section shall continue for not less than two years.

(3) ASSESSMENT.—Not later than two years after commencing any program under this section, the Secretary shall assess the results of such program and determine whether or not to continue such program. The assessment of any program shall be based on measurable criteria, information concerning results, and such other matters as the Secretary considers appropriate.

(4) CONTINUATION.—The Secretary may continue carrying out any program under this section that the Secretary determines, pursuant to an assessment under paragraph (3), to continue to carry out. In continuing to carry out a program, the Secretary may modify the terms of the program within the scope of this section. The continuation of any program may include its expansion to include additional participating schools of nursing.

(h) DEFINITIONS.—In this section, the terms "school of nursing" and "accredited" have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 557. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking "not more than 416 cadets each year under this section, to include" and inserting "each year under this section".

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. INCLUSION OF DEPENDENTS OF NON-DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED ON FEDERAL PROPERTY IN PLAN RELATING TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.".

SEC. 564. AUTHORITY FOR PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEPARTMENT OF DEFENSE DEPENDENTS' SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting ", including private boarding schools in the United States," after "subsection (a)".

SEC. 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

SEC. 566. EMERGENCY ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war-related action.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom; or

(iii) the global rebasing plan of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term "military dependent child"—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) ASSISTANCE.—Assistance provided under this section may be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 571. AUTHORITY OF JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES TO ADMINISTER OATHS.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(c) The judges of the United States Court of Appeals for the Armed Forces may administer oaths.".

SEC. 572. MILITARY LEGAL ASSISTANCE FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES IN AREAS WITHOUT ACCESS TO NON-MILITARY LEGAL ASSISTANCE.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Civilian employees of the Department of Defense in locations where legal assistance from non-military legal assistance providers is not reasonably available.".

SEC. 573. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERALS' CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

*(3) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended by striking "**ASSISTANT JUDGE ADVOCATE GENERAL**" and inserting "**DEPUTY JUDGE ADVOCATE GENERAL**".*

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITATIONS.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.".

(e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

"(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

"(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

"(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall, while so serving, hold the grade of brigadier general or rear admiral (lower half).

"(d) DUTIES.—The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"156. Legal Counsel to the Chairman of the Joint Chiefs of Staff.".

Subtitle G—Military Family Readiness

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new section:

"§ 1781a. Department of Defense Military Family Readiness Council

"(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness Council (hereafter in this section referred to as the 'Council').

"(b) MEMBERS.—(1) The members of the Council shall be the following:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

"(B) One representative of each of the Army, the Navy, the Marine Corps, and the Air Force, who shall be appointed by Secretary of Defense.

"(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations (including military family organizations of families of members of the regular components and of families of members of the reserve components), of whom not less than two shall be members of the family of an enlisted member of the armed forces.

"(D) In addition to the members appointed under subparagraphs (B) and (C), eight individuals appointed by the Secretary of Defense, of whom—

"(i) one shall be a commissioned officer of the Army or spouse of a commissioned officer of the Army, and one shall be an enlisted member of the Army or spouse of an enlisted member of the Army, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Army and the other shall be a spouse of a member of the Army;

"(ii) one shall be a commissioned officer of the Navy or spouse of a commissioned officer of the Navy, and one shall be an enlisted member of the Navy or spouse of an enlisted member of the Navy, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Navy and the other shall be a spouse of a member of the Navy;

"(iii) one shall be a commissioned officer of the Marine Corps or spouse of a commissioned officer of the Marine Corps, and one shall be an enlisted member of the Marine Corps or spouse of an enlisted member of the Marine Corps, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Marine Corps and the other shall be a spouse of a member of the Marine Corps; and

"(iv) one shall be a commissioned officer of the Air Force or spouse of a commissioned officer of the Air Force, and one shall be an enlisted member of the Air Force or spouse of an enlisted member of the Air Force, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Air Force and the other shall be a spouse of a member of the Air Force.

"(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

"(c) MEETINGS.—The Council shall meet not less often than twice each year. Not more than one meeting of the Council each year shall be in the National Capital Region.

"(d) DUTIES.—The duties of the Council shall include the following:

"(1) To review and make recommendations to the Secretary of Defense on the policy and plans required under section 1781b of this title.

"(2) To monitor requirements for the support of military family readiness by the Department of Defense.

"(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

"(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

"(2) Each report under this subsection shall include the following:

"(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

"(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new item:

"1781a. Department of Defense Military Family Readiness Council.".

SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) POLICY AND PLANS REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, as amended by section 581 of this Act, is further amended by inserting after section 1781a the following new section:

"§1781b. Department of Defense policy and plans for military family readiness

"(a) IN GENERAL.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

"(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

"(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

"(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

"(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

"(4) To ensure that the goal of military family readiness is an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

"(5) To ensure that the military family readiness programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities in the most effective possible manner throughout the Department.

"(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

"(1) A definition for treating a program or activity of the Department of Defense as a military family readiness program or activity.

"(2) Department of Defense-wide goals for military family support, both for military families of members of the regular components and military families of members of the reserve components.

"(3) Requirements for joint programs and activities for military family support.

"(4) Policies on access to military family support programs and activities based on military family populations served and geographical location.

"(5) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

"(d) ELEMENTS OF PLANS.—(1) Each plan under required under subsection (a) shall include the elements specified in paragraph (2) for the five-fiscal year period beginning with the fiscal year in which such plan is submitted under paragraph (3).

"(2) The elements in each plan required under subsection (a) shall include, for the period covered by such plan, the following:

"(A) An ongoing identification and assessment of the effectiveness of the military family readiness programs and activities of the Department of Defense in meeting goals for such programs and activities, which assessment shall evaluate such programs and activities separately for each military department and for each regular component and each reserve component.

"(B) A description of the resources required to support the military family readiness programs and activities of the Department of Defense, including the military personnel, civilian personnel, and volunteer personnel so required.

"(C) An ongoing identification in gaps in the military family readiness programs and activities of the Department of Defense, and an ongoing identification of the resources required to address such gaps.

"(D) Mechanisms to apply the metrics developed under subsection (c)(5).

"(E) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

"(3) Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the five-fiscal year period beginning with the fiscal year beginning in the year in which such report is submitted. Each report shall include the plans covered by such report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title, as so amended, is further amended by inserting after the item relating to section 1781a the following new item:

"1781b. Department of Defense policy and plans for military family readiness.".

(3) REPORT ON POLICY.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code (as added by this subsection), not later than February 1, 2009.

(b) SURVEYS OF MILITARY FAMILIES.—Section 1782(a) of title 10, United States Code, is amended—

(1) in the heading, by striking "AUTHORITY" and inserting "IN GENERAL"; and

(2) by striking "may conduct surveys" in the matter preceding paragraph (1) and inserting "shall, in fiscal year 2009 and not less often than once every three fiscal years thereafter, conduct surveys".

SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) FAMILY SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enhance and improve current programs of the Department of Defense to provide family support for families of deployed members of the Armed Forces, including deployed members of the National Guard and Reserve, in order to improve the assistance available for families of such members before, during, and after their deployment cycle.

(2) SPECIFIC ENHANCEMENTS.—In enhancing and improving programs under paragraph (1), the Secretary shall enhance and improve the availability of assistance to families of members of the Armed Forces, including members of the National Guard and Reserve, including assistance in—

(A) preparing and updating family care plans;

(B) securing information on health care and mental health care benefits and services and on other community resources;

(C) providing referrals for—

(i) crisis services; and

(ii) marriage counseling and family counseling; and

(D) financial counseling.

(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES AND PARENTS OF RETURNING MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide spouses and parents of members of the Armed Forces, including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of mental health conditions; and

(C) encouraging such members and their families in seeking assistance for such conditions.

(2) INFORMATION ON AVAILABLE RESOURCES.—In providing assistance under paragraph (1), the Secretary shall provide information on local resources for mental health services, family counseling services, or other appropriate services, including services available from both military providers of such services and community-based providers of such services.

(3) TIMING.—The Secretary shall provide resources under paragraph (1) to a member of the Armed Forces approximately six months after the date of the return of such member from deployment.

SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) ENHANCEMENT OF SUPPORT SERVICES FOR CHILDREN.—The Secretary of Defense shall—

(1) provide information to parents and other caretakers of children, including infants and toddlers, who are deployed members of the Armed Forces to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(2) develop programs and activities to increase awareness throughout the military and civilian communities of the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(3) develop training for early childhood education, child care, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children; and

(4) conduct or sponsor research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORTS.—

(1) REPORTS REQUIRED.—At the end of the 18-month period beginning on the date of the enactment of this Act, and at the end of the 36-month period beginning on that date, the Secretary of Defense shall submit to Congress a report on the services provided under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An assessment of the extent to which outreach to parents and other caretakers of children, or infants and toddlers, as applicable, of members of the Armed Forces was effective in reaching such parents and caretakers and in mitigating any adverse effects of the deployment of such members on such children or infants and toddlers.

(B) An assessment of the effectiveness of training materials for education, mental health, health, and family support professionals in increasing awareness of their role in assisting families in addressing and mitigating the adverse effects on children, or infants and toddlers, of the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(C) A description of best practices identified for building psychological and emotional resiliency in children, or infants and toddlers, in coping with the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(D) A plan for dissemination throughout the military departments of the most effective practices for outreach, training, and building psychological and emotional resiliency in the children of deployed members.

SEC. 585. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve Components who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve Components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 586. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve Components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active and Reserve Components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve Components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve Components.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 587. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing assistance and support to the Adjutant General of a State or territory of the United States to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the "National Military Family Readiness and Servicemember Reintegration Outreach Program" (in this section referred to as "the pilot program").

(b) ASSISTANCE PROVIDED.—The Secretary shall carry out the pilot program through assistance and support to the Adjutant General of a State or territory of the United States.

(c) PURPOSE OF ASSISTANCE AND SUPPORT.—

(1) The pilot program may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(d) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

Subtitle H—Other Matters

SEC. 591. ENHANCEMENT OF CARRYOVER OF ACCUMULATED LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN ACCUMULATION OF CARRYOVER AMOUNT.—

(1) IN GENERAL.—Subsection (b) of section 701 of title 10, United States Code, is amended by striking "60 days" and inserting "90 days".

(2) HIGH DEPLOYMENT MEMBERS.—Paragraph (1) of subsection (f) of such section is amended—

(A) by striking "60 days" each place it appears and inserting "90 days"; and

(B) in subparagraph (C), by striking "third fiscal year" and inserting "fourth fiscal year".

(3) MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.—Paragraph (2) of subsection (f) of such section is amended by striking

"except for this paragraph—" and all that follows and inserting "except for this paragraph, would lose any accumulated leave in excess of 90 days at the end of that fiscal year, shall be permitted to retain such leave until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.".

(4) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(A) by striking "60-day" and inserting "90-day"; and

(B) by striking "90-day" and inserting "120-day".

(b) PAY.—Section 501(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.".

(c) EFFECTIVE DATE.—

(1) INCREASE IN ACCUMULATION.—The amendments made by subsection (a) shall take effect on October 1, 2008.

(2) PAY.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 592. UNIFORM POLICY ON PERFORMANCES BY MILITARY BANDS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§988. Performances by military bands

"(a) IN GENERAL.—Department of Defense bands, ensembles, choruses, or similar musical units, including individual members thereof performing in an official capacity, may not—

"(1) engage in the performance of music in competition with local civilian musicians; or

"(2) receive remuneration for official performances.

"(b) PERFORMANCE OF MUSIC IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS DEFINED.—In this section, the term 'performance of music in competition with local civilian musicians'—

"(1) includes—

"(A) a performance of music that is more than incidental to an event that is not supported solely by appropriated funds or free to the public; and

"(B) a performance of background, dinner, dance, or other social music at any event, regardless of location, that is not supported solely by appropriated funds; but

"(2) does not include a performance of music—

"(A) at an official Federal Government event that is supported solely by appropriated funds;

"(B) at a concert, parade, or other event of a patriotic nature (including a celebration of a national holiday) that is free to the public; or

"(C) that is incidental to an event that is not supported solely by appropriated funds, including a short performance of military or patriotic music at the beginning or end of an event, if the performance complies with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

"(c) MEMBERS OF DEPARTMENT OF DEFENSE BANDS PERFORMING IN PERSONAL CAPACITY.—A member of a Department of Defense band, ensemble, chorus, or similar musical unit may perform music in the member's personal capacity, as an individual or part of a group, whether for remuneration or otherwise, if in so performing the member does not wear a military uniform or otherwise identify the member as a member of the Department of Defense, as provided in applicable regulations and standards of conduct.

"(d) RECORDINGS.—(1) When authorized pursuant to regulations prescribed by the Secretary of Defense for purposes of this section, Department of Defense bands, ensembles, choruses, or similar musical units may produce recordings for distribution to the public, at a cost not to exceed production and distribution expenses.

"(2) Amounts received in payment for recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of such recordings. Any amounts so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.".

(b) CONFORMING REPEALS.—Sections 3634, 6223, and 8634 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end the following new item:

"988. Performances by military bands.".

(2) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(3) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(4) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 593. WAIVER OF TIME LIMITATIONS ON AWARD OF MEDALS OF HONOR TO CERTAIN MEMBERS OF THE ARMY.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to any of the persons named in subsections (b), (c), (d), (e), and (f) for the acts of valor referred to in the respective subsections.

(b) WOODROW KEEBLE.—Subsection (a) applies with respect to Woodrow W. Keeble, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty as an acting platoon leader on October 20, 1950, during the Korean War.

(c) LESLIE SABO, JR.—Subsection (a) applies with respect to Leslie H. Sabo, Jr., for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on May 10, 1970, as an Army soldier, serving in the grade of Specialist Grade Four in Vietnam, with Company B, 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

(d) PHILIP SHADRACH.—Subsection (a) applies with respect to Philip G. Shadrach, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company K, 2nd Ohio Volunteer Infantry Regiment.

(e) HENRY SVEHLA.—Subsection (a) applies with respect to Henry Svehla, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on June 12, 1952, as an Army soldier, serving in the grade of Private First Class in Korea, with Company F, 32d Infantry Regiment, 7th Infantry Division.

(f) GEORGE WILSON.—Subsection (a) applies with respect to George D. Wilson, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company B, 2nd Ohio Volunteer Infantry Regiment.

SEC. 594. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting "for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months," after "for not more than 15 days".

SEC. 595. DEMONSTRATION PROJECTS ON THE PROVISION OF SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of education and treatment services to military dependent children with autism.

(2) PURPOSE.—The purpose of any demonstration project carried out under this section shall be to evaluate strategies for integrated treatment and case manager services that include early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(b) REVIEW OF BEST PRACTICES.—In carrying out demonstration projects under this section, the Secretary of Defense shall, in coordination with the Secretary of Education, conduct a review of best practices in the United States in the provision of education and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where members of the Armed Forces who qualify for enrollment in the Exceptional Family Member Program of the Department of Defense are assigned.

(c) ELEMENTS.—

(1) ENROLLMENT IN EXCEPTIONAL FAMILY MEMBER PROGRAM.—Military dependent children may participate in a demonstration project under this section only if their military sponsor is enrolled in the Exceptional Family Member Program of the Department of Defense.

(2) CASE MANAGERS.—Each demonstration project shall include the assignment of both medical and special education services case managers which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary of Defense.

(3) INDIVIDUALIZED SERVICES PLAN.—Each demonstration project shall provide for the voluntary development for military dependent children with autism participating in such demonstration project of individualized autism services plans for use by Department of Defense medical and special education services case managers, caregivers, and families to ensure continuity of services throughout the active military service of their military sponsor.

(4) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for military dependent children with autism who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to such children.

(5) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—(A) In carrying out the demonstration projects, the Secretary may utilize a corporate services provider model.

(B) Employees of a provider under a model referred to in subparagraph (A) shall include personnel who implement special educational and behavioral intervention plans for military dependent children with autism that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary.

(C) In authorizing such a model, the Secretary shall establish—

(i) minimum education, training, and experience criteria required to be met by employees who provide services to military dependent children with autism;

(ii) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(iii) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the children who receive services from such employees under the demonstration projects.

(6) CONSTRUCTION WITH OTHER SERVICES.—Services provided to military dependent children with autism under the demonstration projects under this section shall be in addition to any other publicly-funded special education services available in a location in which their military sponsor resides.

(d) PERIOD.—

(1) COMMENCEMENT.—If the Secretary determines to conduct demonstration projects under this section, the Secretary shall commence any such demonstration projects not later than 180 days after the date of the enactment of this Act.

(2) MINIMUM PERIOD.—Any demonstration projects conducted under this section shall be conducted for not less than two years.

(e) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct an evaluation of each demonstration project conducted under this section.

(2) ELEMENTS.—The evaluation of a demonstration project under this subsection shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for military dependent children with autism and their families.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for children with autism.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) REPORTS.—Not later than 30 months after the commencement of any demonstration project authorized by this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such demonstration project. The report on a demonstration project shall include a description of such project, the results of the evaluation under subsection (e) with respect to such project, and a description of plans for the further provision of services for military dependent children with autism under such project.

SEC. 596. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

SEC. 597. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces" includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. ALLOWANCE FOR PARTICIPATION OF RESERVES IN ELECTRONIC SCREENING.

(a) ALLOWANCE FOR PARTICIPATION IN ELECTRONIC SCREENING.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 433 the following new section:

"§433a. Allowance for participation in Ready Reserve screening

"(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

"(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

"(b) MAXIMUM PAYMENT.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed $50.

"(c) PAYMENT REQUIREMENTS.—(1) The stipend authorized by this section may not be disbursed in kind.

"(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 433 the following new item:

"433a. Allowance for participation in Ready Reserve screening.".

(b) BAR TO DUAL COMPENSATION.—Section 206 of such title is amended by adding at the end the following new subsection:

"(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.".

(c) BAR TO RETIREMENT CREDIT.—Section 12732(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.".

SEC. 603. MIDMONTH PAYMENT OF BASIC PAY FOR CONTRIBUTIONS OF MEMBERS PARTICIPATING IN THRIFT SAVINGS PLAN.

Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) Subsection (a) does not preclude a payment with respect to a member who elects to participate in the Thrift Savings Plan under section 211 of this title of an amount equal to one-half of the monthly deposit to the Thrift Savings Fund otherwise to be made by the member in participating in the Plan, which amount shall be deposited in the Fund at midmonth.".

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§408a. Travel and transportation allowances: inactive duty training

"(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

"(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

"(1) is—

"(A) qualified in a skill designated as critically short by the Secretary concerned;

"(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

"(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

"(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

"(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.

"(d) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

SEC. 605. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking "20 days" and inserting "60 days".

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(b) MULTIYEAR RETENTION BONUS.—Section 301d(a)(2) of such title is amended by striking "$50,000" and inserting "$75,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

(a) INCREASE.—Section 302b(a)(4) of title 37, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "at the following rates" and inserting "at a rate determined by the Secretary concerned, which rate may not exceed the following";

(2) in subparagraph (A), by striking "$4,000" and inserting "$10,000"; and

(3) in subparagraph (B), by striking "$6,000" and inserting "$12,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply to payments of dental officer additional special pay under agreements entered into under section 302b(b) of title 37, United States Code, on or after that date.

SEC. 617. ENHANCEMENT OF HARDSHIP DUTY PAY.

(a) IN GENERAL.—The text of section 305 of title 37, United States Code, is amended to read as follows:

"(a) AUTHORITY.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

"(b) PAYMENT ON MONTHLY OR LUMP SUM BASIS.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

"(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of special pay payable to a member on a monthly basis under this section is $1,500.

"(2) The amount of the lump sum payment of special pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

"(A) the maximum monthly rate authorized under paragraph (1) at the time the member qualifies for payment of special pay on a lump sum basis under this section; and

"(B) the number of months for which special pay on a lump sum basis under this section is payable to the member.

"(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(e) REPAYMENT.—A member who is paid special pay in a lump sum under this section, but who fails to complete the period of service for which such special pay is paid, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific rates at which special pay payable under this section on a monthly basis shall be paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to hardship duty pay payable on or after that date.

SEC. 618. INCLUSION OF SERVICE AS OFF-CYCLE CREWMEMBER OF MULTI-CREWED SHIP IN SEA DUTY FOR CAREER SEA PAY.

(a) IN GENERAL.—Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) in clause (ii), by striking "or" at the end; and

(2) by adding at the end the following new clause:

"(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 619. MODIFICATION OF REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) MINIMUM PERIOD OF REENLISTMENT.—Subsection (a)(2) of section 308b of title 37, United States Code, is amended by striking "for a period of three years or for a period of six years" and inserting "for a period of not less than three years".

(b) AMOUNT OF BONUS.—Subsection (b)(1) of such section is amended by striking "may not exceed—" and all that follows and inserting "may not exceed $15,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to reenlistments or extensions of enlistment that occur on or after that date.

SEC. 620. INCREASE IN YEARS OF COMMISSIONED SERVICE COVERED BY AGREEMENTS FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) INCREASE.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking "26 years" and inserting "30 years"; and

(2) in subsection (e)(1), by striking "26 years" and inserting "30 years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to agreements, including new agreements, entered into under section 312 of title 37, United States Code, on or after that date.

SEC. 621. AUTHORITY TO WAIVE 25-YEAR ACTIVE DUTY LIMIT FOR RETENTION BONUS FOR CRITICAL MILITARY SKILLS WITH RESPECT TO CERTAIN MEMBERS.

(a) AUTHORITY.—Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) The limitations in paragraph (1) may be waived by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect to a member who is assigned duties in a critical skill designated by such Secretary for purposes of this paragraph during the period of active duty for which the bonus is being offered.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007, and shall apply with respect to written agreements that are executed, or reenlistments or extensions of enlistment that occur, under section 323 of title 37, United States Code, on or after that date.

SEC. 622. CODIFICATION AND IMPROVEMENT OF AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) CODIFICATION AND IMPROVEMENT OF BONUS AUTHORITY.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army

"(a) AUTHORITY TO PAY BONUS.—

"(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.

"(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

"(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

"(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

"(c) CERTAIN REFERRALS INELIGIBLE.—

"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

"(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

"(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

"(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended, is repealed.

(c) PAYMENT OF BONUSES UNDER SUPERSEDED AUTHORITY.—Any bonus payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended, as of the day before the date of the enactment of this Act shall remain payable after that date in accordance with the provisions of such section as in effect on such day.

SEC. 623. AUTHORITY TO PAY BONUS TO ENCOURAGE DEPARTMENT OF DEFENSE PERSONNEL TO REFER OTHER PERSONS FOR APPOINTMENT AS OFFICERS TO SERVE IN HEALTH PROFESSIONS.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, as amended by section 622 of this Act, is further amended by adding at the end the following new section:

"§331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions

"(a) AUTHORITY TO PAY BONUS.—

"(1) AUTHORITY.—The appropriate Secretary may pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member of the armed forces in a regular component of the armed forced.

"(B) A member of the armed forces in a reserve component of the armed forced.

"(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

"(D) A civilian employee of a military department or the Department of Defense.

"(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

"(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

"(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

"(c) CERTAIN REFERRALS INELIGIBLE.—

"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the armed forces may not be paid a bonus under subsection (a) for the referral of an immediate family member.

"(2) MEMBERS IN RECRUITING ROLES.—A member of the armed forces serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the armed forces detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than 3 years.

"(2) Not more than $1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

"(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

"(h) APPROPRIATE SECRETARY DEFINED.—In this section, the term 'appropriate Secretary' means—

"(1) the Secretary of the Army, with respect to matters concerning the Army;

"(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

"(3) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

"(i) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title, as so amended, is further amended by adding at the end the following new item:

"331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.".

SEC. 624. ACCESSION BONUS FOR PARTICIPANTS IN ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) ACCESSION BONUS AUTHORIZED.—Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In order to increase participation in the program, the Secretary of Defense may pay a person who signs an agreement under section 2122 of this title an accession bonus of not more than $20,000.

"(2) An accession bonus paid a person under this subsection is in addition to any other amounts payable to the person under this subchapter.

"(3) In the case of an individual who is paid an accession bonus under this subsection, but fails to commence or complete the obligated service required of the person under this subchapter, the repayment provisions of section 303a(e) of title 37 shall apply to the accession bonus paid the person under this subsection.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to agreements signed under subchapter I of chapter 105 of title 10, United States Code, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF EXPENSES OF TRAVEL TO THE UNITED STATES FOR OBSTETRICAL PURPOSES OF DEPENDENTS LOCATED IN VERY REMOTE LOCATIONS OUTSIDE THE UNITED STATES.

Section 1040 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary of Defense may pay the travel expenses and related expenses of a dependent of a member of the uniformed services assigned to a very remote location outside the United States, as determined by the Secretary, for travel for obstetrical purposes to a location in the United States.".

SEC. 642. PAYMENT OF MOVING EXPENSES FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS IN HARD-TO-FILL POSITIONS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse the moving expenses of a Junior Reserve Officers' Training Corps instructor who executes a written agreement to serve a minimum of two years of employment at the institution in a position that is hard-to-fill for geographic or economic reasons and as determined by the Secretary concerned.

"(2) Any reimbursement of an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

"(3) The Secretary concerned shall reimburse an institution making a reimbursement under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement under this paragraph shall be made from funds appropriated for that purpose.

"(4) The payment of reimbursements under paragraphs (1) and (3) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MODIFICATION OF SCHEME FOR PAYMENT OF DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (a) of section 1477 of title 10, United States Code, is amended by striking all that follows "on the following list:" and inserting the following:

"(1) To any individual designated by the person in writing.

"(2) If there is no person so designated, to the surviving spouse of the person.

"(3) If there is none of the above, to the children (as prescribed by subsection (b)) of the person and the descendants of any deceased children by representation.

"(4) If there is none of the above, to the parents (as prescribed by subsection (c)) of the person or the survivor of them.

"(5) If there is none of the above, to the duly appointed executor or administrator of the estate of the person.

"(6) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "Subsection (a)(2)" in the matter preceding paragraph (1) and inserting "Subsection (a)(3)";

(2) by striking (c) and inserting the following new subsection (c):

"(c) For purposes of subsection (a)(4), parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered a status described in section 1475 or 1476 of this title."; and

(3) by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) APPLICABILITY.—Notwithstanding subsection (c), the provisions of section 1477 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to each member of the Armed Forces covered by such section until the earlier of the following—

(1) the date on which such member makes the designation contemplated by paragraph (1) of section 1477(a) of such title (as amended by subsection (a) of this section); or

(2) January 1, 2008.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than December 1, 2007, the Secretary of Defense shall prescribe regulations to implement the amendments to section 1477 of title 10, United States Code, made by subsection (a).

(2) ELEMENTS.—The regulations required by paragraph (1) shall include forms for the making of the designation contemplated by paragraph (1) of section 1477(a) of title 10, United States Code (as amended by subsection (a)), and instructions for members of the Armed Forces in the filling out of such forms.

SEC. 652. ANNUITIES FOR GUARDIANS OR CARETAKERS OF DEPENDENT CHILDREN UNDER SURVIVOR BENEFIT PLAN.

(a) ELECTION.—Section 1448(b) of title 10, United States Code, is amended—

(1) in the subsection caption, by striking "AND FORMER SPOUSE" and inserting ", FORMER SPOUSE, AND GUARDIAN OR CARETAKER"; and

(2) by adding at the end the following new paragraph:

"(6) GUARDIAN OR CARETAKER COVERAGE.—

"(A) GENERAL RULE.—A person who is not married and has one or more dependent children upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person (other than a natural person with an insurable interest in the person under paragraph (1) or a former spouse) who acts as a guardian or caretaker to such child or children. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

"(B) TERMINATION OF COVERAGE.—Subparagraphs (B) through (E) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraphs apply to an election under subparagraph (A) of paragraph (1).

"(C) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—Subparagraph (G) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraph (G) applies to an election under subparagraph (A) of paragraph (1), except that any new beneficiary elected under such subparagraph (G) by reason of this subparagraph shall be a guardian or caretaker of the dependent child or children of the person making such election.".

(b) PAYMENT OF ANNUITY.—Section 1450 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) GUARDIAN OR CARETAKER COVERAGE.—The natural person designated under section 1448(b)(6) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f)."; and

(2) in the subsection caption of subsection (f), by striking "OR FORMER SPOUSE" and inserting ", FORMER SPOUSE, OR GUARDIAN OR CARETAKER".

(c) AMOUNT OF ANNUITY.—Section 1451(b) of such title is amended—

(1) in the subsection caption, by inserting "OR GUARDIAN OR CARETAKER" after "INSURABLE INTEREST"; and

(2) by inserting "or 1450(a)(5)" after "1450(a)(4)" each place it appears in paragraphs (1) and (2).

(d) REDUCTION IN RETIRED PAY.—Section 1452(c) of such title is amended—

(1) in the subsection caption, by inserting "OR GUARDIAN OR CARETAKER" after "INSURABLE INTEREST"; and

(2) by inserting "or 1450(a)(5)" after "1450(a)(4)" each place it appears in paragraphs (1) and (3).

SEC. 653. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

"(2) has a combat-related disability.".

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before "In the case of" the following heading: "IN GENERAL.—"; and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 654. CLARIFICATION OF APPLICATION OF RETIRED PAY MULTIPLIER PERCENTAGE TO MEMBERS OF THE UNIFORMED SERVICES WITH OVER 30 YEARS OF SERVICE.

(a) COMPUTATION OF RETIRED AND RETAINER PAY FOR MEMBERS OF NAVAL SERVICE.—The table in section 6333(a) of title 10, United States Code, is amended in Column 2 of Formula A by striking "75 percent" and inserting "Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.".

(b) RETIRED PAY FOR CERTAIN MEMBERS RECALLED TO ACTIVE DUTY.—The table in section 1402(a) of such title is amended by striking Column 3.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2007, and shall apply with respect to retired pay and retainer pay payable on or after that date.

SEC. 655. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS TO ATTEND THE MEMBER'S BURIAL CEREMONIES.

Section 411f(c) of title 37, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following new subparagraphs:

"(D) Any child of the parent or parents of the deceased member who is under the age of 18 years if such child is attending the burial ceremony of the memorial service with the parent or parents and would otherwise be left unaccompanied by the parent or parents.

"(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who have been designated under such section to direct the disposition of the remains if individual identification had been made."; and

(2) in paragraph (2), by striking "may be provided to—" and all that follows through the end and inserting "may be provided to up to two additional persons closely related to the deceased member who are selected by the person referred to in paragraph (1)(E).".

SEC. 657. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.".

SEC. 658. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking "DEPENDENT CHILDREN.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),"; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 659. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2007".

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking "October 1, 2008" and inserting "October 1, 2007".

SEC. 660. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "except that" and all that follows and inserting "except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

"(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

"(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SEC. 661. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "before the year of service that includes October 30, 2007; and"; and

(3) by adding at the end the following new subparagraph:

"(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.".

Subtitle E—Education Benefits

SEC. 671. TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

(a) CLARIFICATION OF APPLICABILITY OF CURRENT AUTHORITY TO COMMISSIONED OFFICERS ON ACTIVE DUTY.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(other than a member of the Ready Reserve)" after "active duty" the first place it appears; and

(B) by striking "or full-time National Guard duty" both places it appears; and

(2) in paragraph (2)(B), by inserting "for which ordered to active duty" after "active duty service".

(b) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—

(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

"(c)(1) Subject to paragraphs (3)(A) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

"(2) Subject to paragraphs (3)(B) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary for purposes of this subsection.

"(3)(A) The Secretary of a military department may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

"(B) The Secretary of a military department may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer agrees to remain in the Selected Reserve or Individual Ready Reserve for at least four years after completion of the education or training for which the charges are paid.

"(4) The Secretary of a military department may require enlisted members of the Selected Reserve or Individual Ready Reserve to agree to serve for up to four years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.".

(2) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) REPAYMENT OF UNEARNED BENEFIT.—Subsection (e) of such section, as redesignated by paragraph (2) of this subsection, is amended—

(A) by inserting "(1)" after "(e)"; and

(B) by adding at the end the following new paragraph:

"(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.".

(c) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 672. EXPANSION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) any loan incurred for educational purposes made by a lender that is—

"(i) an agency or instrumentality of a State;

"(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.".

(b) ELIGIBILITY OF OFFICERS.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking "Except as provided in paragraph (3), the Secretary" and inserting "The Secretary"; and

(B) by striking "an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty" and inserting "a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and officer program or military specialty"; and

(2) by striking paragraph (3).

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 16301. Education loan repayment program: members of the Selected Reserve".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

"16301. Education loan repayment program: members of the Selected Reserve.".

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components if the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SEC. 674. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

"§ 16131A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

"16131A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

"§ 16162A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

"(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the member's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

"16162A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking "for two continuous years or more." and inserting "for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

"(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

"(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

"(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

"(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

"(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

"(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

"(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.".

SEC. 675. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting "or the period beginning on October 1, 2007, and ending on September 30, 2014," after "December 31, 2001,".

SEC. 676. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

Subtitle F—Other Matters

SEC. 681. ENHANCEMENT OF AUTHORITIES ON INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE-DUTY SERVICE.

(a) CLARIFICATION OF GENERAL AUTHORITY.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting ", when the total monthly military compensation of the member is less than the average monthly civilian income" after "by the Secretary".

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member—

"(1) while on active duty under an involuntary mobilization order, following the date on which the member—

"(A) completes 18 continuous months of service on active duty under such an order;

"(B) completes 730 cumulative days of service on active duty under such an order during the previous 1,826 days; or

"(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days following the member's separation from a previous period of involuntary active duty for period of 180 days or more; or

"(2) while retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while deployed to an area designated for special pay under section 310 of this title after becoming entitled to income replacement pay under paragraph (1).".

(c) TERMINATION.—Subsection (g) of such section is amended to read as follows:

"(g) TERMINATION OF AUTHORITY.—Payment under this section shall only be made for service performed on or before December 31, 2008.".

SEC. 682. OVERSEAS NATURALIZATION OF MILITARY FAMILY MEMBERS.

(a) IN GENERAL.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

"(e) Any person who is lawfully admitted for permanent residence, is the spouse or child of a member of the Armed Forces, and is authorized to accompany such member and reside in a foreign country with the member pursuant to the member's official orders, and who is so accompanying and residing with the member (in marital union if a spouse), may be naturalized upon compliance with all the requirements of this title except that the person's residence and physical presence in such foreign country shall be treated as residence and physical presence in the United States or any State for the purpose of satisfying the requirements of section 316 or 322 for naturalization and for the purpose of satisfying the requirements of section 101(a)(13)(C)(i) or (ii).".

(b) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (8 U.S.C. 1443a) is amended by inserting ", and persons eligible to meet the residence or physical presence requirements for naturalization pursuant to subsection (e) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430)," after "Armed Forces".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application of naturalization pending before the Secretary of Homeland Security on or after the date of enactment.

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(c) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff. The Center may also enter into partnerships with other public entities, including, but not limited to, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements; and

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(d) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources

are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SEC. 684. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

(a) IN GENERAL.—Section 9902(j) of title 5, United States Code, is amended to read as follows:

"(j) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

"(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d)(1) or 8414(b)(1)(A) shall be subject to section 8344 or 8468.

"(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

"(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

"(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

"(3)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who is employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), may elect to begin coverage under paragraph (2) of this subsection.

"(B) An election for coverage under this paragraph shall be filed not later than the later of 90 days after the date the Department of Defense—

"(i) prescribes regulations to carry out this subsection; or

"(ii) takes reasonable actions to notify employees who may file an election.

"(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the date of the filing of the election.

"(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) of this paragraph and does not file a timely election under subparagraph (B) of this paragraph.".

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out the amendment made by this section.

SEC. 685. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SEC. 686. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. INCLUSION OF TRICARE RETAIL PHARMACY PROGRAM IN FEDERAL PROCUREMENT OF PHARMACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PROCUREMENT OF PHARMACEUTICALS BY TRICARE RETAIL PHARMACY PROGRAM.—With respect to any prescription filled on or after October 1, 2007, the TRICARE retail pharmacy program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Department of Defense that are provided by pharmacies under the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 8126.".

(b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, modify the regulations under subsection (h) of section 1074g of title 10, United States Code (as redesignated by subsection (a)(1) of this section), to implement the requirements of subsection (f) of section 1074g of title 10, United States Code (as amended by subsection (a)(2) of this section). The Secretary shall so modify such regulations not later than December 31, 2007.

SEC. 702. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) REQUIREMENT FOR SURVEYS.—

(1) IN GENERAL.—The Secretary of Defense shall conduct surveys of health care providers and beneficiaries who use TRICARE in the United States to determine, utilizing a reconciliation of the responses of providers and beneficiaries to such surveys, each of the following:

(A) How many health care providers in TRICARE Prime service areas selected under paragraph (3)(A) are accepting new patients under each of TRICARE Standard and TRICARE Extra.

(B) How many health care providers in geographic areas in which TRICARE Prime is not offered are accepting patients under each of TRICARE Standard and TRICARE Extra.

(C) The availability of mental health care providers in TRICARE Prime service areas selected under paragraph (3)(C) and in geographic areas in which TRICARE Prime is not offered.

(2) BENCHMARKS.—The Secretary shall establish for purposes of the surveys required by paragraph (1) benchmarks for primary care and specialty care providers, including mental health care providers, to be utilized to determine the adequacy of health care providers to beneficiaries eligible for TRICARE.

(3) SCOPE OF SURVEYS.—The Secretary shall carry out the surveys required by paragraph (1) as follows:

(A) In the case of the surveys required by subparagraph (A) of that paragraph, in at least 20 TRICARE Prime service areas in the United States in each of fiscal years 2008 through 2011.

(B) In the case of the surveys required by subparagraph (B) of that paragraph, in 20 geographic areas in which TRICARE Prime is not offered and in which significant numbers of beneficiaries who are members of the Selected Reserve reside.

(C) In the case of the surveys required by subparagraph (C) of that paragraph, in at least 40 geographic areas.

(4) PRIORITY FOR SURVEYS.—In prioritizing the areas which are to be surveyed under paragraph (1), the Secretary shall—

(A) consult with representatives of TRICARE beneficiaries and health care and mental health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard or TRICARE Extra; and

(B) give a high priority to surveying health care and mental health care providers in such areas.

(5) INFORMATION FROM PROVIDERS.—The surveys required by paragraph (1) shall include questions seeking to determine from health care and mental health care providers the following:

(A) Whether the provider is aware of the TRICARE program.

(B) What percentage of the provider's current patient population uses any form of TRICARE.

(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care and mental health care services.

(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.

(6) INFORMATION FROM BENEFICIARIES.—The surveys required by paragraph (1) shall include questions seeking information to determine from TRICARE beneficiaries whether they have difficulties in finding health care and mental health care providers willing to provide services under TRICARE Standard or TRICARE Extra.

(b) SUPERVISION.—

(1) SUPERVISING OFFICIAL.—The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care and mental health care providers in TRICARE Standard and TRICARE Extra throughout TRICARE in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries.

(2) DUTIES.—The official designated under paragraph (1) shall have the following duties:

(A) To make recommendations to the Secretary for purposes of subsection (a)(2) on appropriate benchmarks for measuring the adequacy of health care and mental health care providers in TRICARE Prime service areas and geographic areas in the United States in which TRICARE Prime is not offered.

(B) To educate health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(C) To encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(D) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard and TRICARE Extra providers readily.

(E) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO REVIEW.—

(1) ONGOING REVIEW.—The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care and mental health care providers—

(i) that currently accept TRICARE Standard or TRICARE Extra beneficiaries as patients under TRICARE Standard in each TRICARE area as of the date of completion of the review; and

(ii) that would accept TRICARE Standard or TRICARE Extra beneficiaries as new patients under TRICARE Standard or TRICARE Extra, as applicable, within a reasonable time after the date of completion of the review; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care and mental health care under TRICARE Standard in each TRICARE area, including any pending or resolved requests for waiver of payment limits in order to improve access to health care or mental health care in a specific geographic area.

(2) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a bi-annual basis a report on the results of the review under paragraph (1). Each report shall include the following:

(A) An analysis of the adequacy of the surveys under subsection (a).

(B) An identification of any impediments to achieving adequacy of availability of health care and mental health care under TRICARE Standard or TRICARE Extra.

(C) An assessment of the adequacy of Department of Defense education programs to inform health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(D) An assessment of the adequacy of Department of Defense initiatives to encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(E) An assessment of the adequacy of information available to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care and mental health care under TRICARE Standard and TRICARE Extra.

(F) An assessment of any need for adjustment of health care and mental health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care and mental health care providers.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

(e) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITY.—Section 723 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is repealed, effective as of October 1, 2007.

(f) DEFINITIONS.—In this section:

(1) The term "TRICARE Extra" means the option of the TRICARE program under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

(2) The term "TRICARE Prime" means the managed care option of the TRICARE program.

(3) The term "TRICARE Prime service area" means a geographic are designated by the Department of Defense in which managed care support contractors develop a managed care network under TRICARE Prime.

(4) The term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

(5) The term "United States" means the United States (as defined in section 101(a) of title 10, United States Code), its possessions (as defined in such section), and the Commonwealth of Puerto Rico.

SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the impact and effect of inpatient and outpatient surveys quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys at health care at military treatment facilities in order to ensure the provision of high quality healthcare and hospital services in such facilities.

SEC. 704. REVIEW OF LICENSED MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS UNDER THE TRICARE PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the comparability of credentials, preparation, and training of individuals practicing as licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program to provide mental health services; and

(2) making recommendations for permitting such professionals to practice independently under the TRICARE program.

(b) ELEMENTS.—The study required by subsection (a) shall provide for each of the health care professions referred to in subsection (a)(1) the following:

(1) An assessment of the educational requirements and curriculums relevant to mental health practice for members of such profession, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) An assessment of State licensing requirements for members of such profession, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States, through their scope of practice, either implicitly or explicitly authorize members of such profession to diagnose and treat mental illnesses.

(3) An analysis of the requirements for clinical experience in such profession to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements with those of the other professions.

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) An assessment of the extent to which practitioners under such profession are authorized to practice independently under private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of such profession, and shall identify the

conditions, if any, that are placed on coverage of practitioners under such profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) An historical review of the regulations issued by the Department of Defense regarding which members of such profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third party certification for members of such profession.

(c) PROVIDERS STUDIED.—It the sense of Congress that the study required by subsection (a) should focus only on those practitioners of each health care profession referred to in subsection (a)(1) who are permitted to practice under regulations for the TRICARE program as specified in section 119.6 of title 32, Code of Federal Regulations.

(d) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (a) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by practitioners within each of the health care professions referred to in subsection (a)(1), and provide an independent review of the findings.

(e) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (a)(2) shall include specific recommendation (whether positive or negative) regarding modifications of current policy for the TRICARE program with respect to allowing members of each of the health care professions referred to in subsection (a)(1) to practice independently under the TRICARE program, including recommendations regarding possible revision of requirements for recognition of practitioners under each such profession.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a).

SEC. 705. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collaboration is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

(2) Medical staff from the Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have been meeting weekly to discuss future patient cases for the Active Duty Rehabilitation Unit (ADRU) within the Uptown Department of Veterans Affairs facility. The Active Duty Rehabilitation Unit, along with the Polytrauma Centers of the Department of Veterans Affairs, provide rehabilitation for members of the Armed Forces on active duty.

(3) Since 2004, 1,037 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, 32 percent of whom served in Operation Iraqi Freedom or Operation Enduring Freedom.

(4) The Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have combined their neurosurgery programs and have coordinated on critical brain injury and psychiatric care.

(5) The Department of Defense, the Army, and the Army Medical Command have recognized the need for expanded behavioral health care services for members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom. These services are currently being provided by the Dwight D. Eisenhower Army Medical Center.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should encourage continuing collaboration between the Army and the Department of Veterans Affairs in treating America's wounded warriors and, when appropriate and available, provide additional support and resources for the development of such collaborations, including the current collaboration between the Active Duty Rehabilitation Unit at the Augusta Department of Veterans Affairs Medical Center, Georgia, and the behavioral health care services program at the Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia.

SEC. 706. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.

(a) AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE PERSONS.—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations.".

(b) ELECTION OF COVERAGE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection.".

(c) PERIOD OF COVERAGE.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection.".

SEC. 707. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking "Enrollments" and inserting "(1) Except as provided in paragraph (2), enrollments"; and

(2) by adding at the end the following new paragraph:

"(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 708. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting ", including mental health care services," after "health care services".

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

SEC. 709. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a

description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

SEC. 710. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—(1) The Center shall—

"(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

"(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

"(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

"(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

"(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

"(A) Not later than 72 hours after surgery or other operative intervention.

"(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

"(C) Not later than 180 days after surgery or other operative intervention.

"(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

"(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

"(i) A member with an eye injury incurred in combat who has a visual acuity of $^{20}/_{200}$ or less in either eye.

"(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

"(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.".

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

SEC. 711. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

SEC. 712. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SEC. 713. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section

1076b(e)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 714. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 715. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

SEC. 716. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "Transitional health care" and inserting "Except as provided in paragraph (6), transitional health care"; and

(2) by adding at the end the following new paragraph:

"(6)(A) A member who has a medical condition relating to service on active duty that warrants further medical care shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

"(B) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (A) to the medical and dental care referred to in that subparagraph.".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term "substantial savings" for purposes of subsection (a)(1) of such section. Such regulations shall specify that—

(A) savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial;

(B) savings that exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the Secretary determines in writing that an exceptionally strong case has been made with regard to the findings required by paragraphs (2) through (6) of section 2306b(a) of such title; and

(C) savings that do not exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORT ON BASIS FOR DETERMINATION.—Section 2306b(i)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: "after the head of the agency concerned submits to the congressional defense committees a report on the specific facts supporting the determination of the head of that agency under subsection (a)".

(c) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 802. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", after receiving a business case analysis," after "the milestone decision authority" in the matter preceding paragraph (1);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

"(A) inconsistent with such certification; or

"(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

"(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.";

(4) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "The certification"; and

(B) by adding at the end the following new paragraph (2):

"(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority."; and

(5) in subsection (e), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

SEC. 803. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general or flag officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the "Office of Independent Assessment") to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time for technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(8) Modifying the role played by chiefs of staff of the Armed Forces in the requirements, resource allocation, and acquisition processes.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 804. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategies of the Department of Defense for the allocation of funds and other resources under major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, Department of Defense organizations, procedures, and approaches for the following purposes:

(1) To establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) To balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) To ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE ALLOCATION.—

(1) IN GENERAL.—The report required by subsection (a) shall also address the role of the committee described in paragraph (2) in the resource allocation process for major defense acquisition programs.

(2) COMMITTEE.—The committee described in this paragraph is a committee (to be known as the "Tri-Chair Committee") composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who is one of the chairs of the committee.

(B) The Vice Chairman of the Joint Chiefs of Staff, who is one of the chairs of the committee.

(C) The Director of Program Analysis and Evaluation, who is one of the chairs of the committee.

(D) Any other appropriate officials of the Department of Defense, as jointly agreed upon by the Under Secretary and the Vice Chairman.

(d) RECOMMENDATIONS.—The report required by subsection (a) shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to improve the organizations, procedures, and approaches described in the report.

SEC. 805. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COST FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled "Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs".

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. ENHANCED COMPETITION REQUIREMENTS FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(A) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(B) the task or delivery orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work;

"(C) the contract provides only for firm, fixed price task orders or delivery orders for—

"(i) products for which unit prices are established in the contract; or

"(ii) services for which prices are established in the contract for the specific tasks to be performed; or

"(D) only one contractor is qualified and capable of performing the work at a reasonable price to the government.".

(b) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 2304c of such title is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

"(1) a notice of the task or delivery order that includes a clear statement of the agency's requirements;

"(2) a reasonable period of time to provide a proposal in response to the notice;

"(3) disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;

"(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

"(5) an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title."; and

(3) by striking subsection (e), as redesignated by paragraph (1), and inserting the following new subsection (e):

"(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(B) a protest of an order valued in excess of $5,000,000.

"(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).".

(c) EFFECTIVE DATES.—

(1) SINGLE AWARD CONTRACTS.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(2) ORDERS IN EXCESS OF $5,000,000.—The amendments made by subsection (b) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

SEC. 822. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL ITEMS.

(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND SPARE PARTS AS COMMERCIAL ITEMS.—

(1) IN GENERAL.—Section 2379 of title 10, United States Code, is amended—

(A) by striking subsection (b) and inserting the following new subsection (b):

"(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.—A subsystem of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items only if—

"(1) the subsystem is intended for a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a);

"(2) the Secretary of Defense determines that—

"(A) the subsystem is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

"(B) the treatment of the subsystem as a commercial item is necessary to meet national security objectives; or

"(3) the contractor demonstrates that it has sold, leased, or licensed the subsystem or an item that is the same as the subsystem, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.";

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) TREATMENT OF COMPONENTS AND SPARE PARTS AS COMMERCIAL ITEMS.—A component or spare part for a major weapon system may be treated as a commercial item, and purchased under procedures established for the procurement of commercial items, only if—

"(1) the component or spare part is intended for—

"(A) a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

"(B) a subsystem of a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (b); or

"(2) the contractor demonstrates that it has sold, leased, or licensed the component or spare part, or an item that is the same as the component or spare part, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.

"(d) PRICE INFORMATION.—In the case of any major weapon system, subsystem, component, or spare part purchased under procedures established for the procurement of commercial items under the authority of this section, the contractor shall provide data other than certified cost or pricing data, including information on prices at which the same item or similar items have previously been sold to the general public, that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract pursuant to which such major weapon system, subsystem, component or spare part, as the case may be, will be purchased.".

(2) CONFORMING AMENDMENT TO TECHNICAL DATA PROVISION.—Section 2321(f)(2) of such title is amended by striking "(whether or not under a contract for commercial items)" and inserting "(other than technical data for a subsystem, component, or spare part that is determined to be a commercial item in accordance with the requirements of section 2379 of this title)".

(b) SALES OF COMMERCIAL ITEMS TO NON-GOVERNMENTAL ENTITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the procurement of commercial items in order to clarify that the terms "general public" and "nongovernmental entities" in such regulations do not include the following:

(1) The Federal Government or a State, local, or foreign government.

(2) A contractor or subcontractor acting on behalf of the Federal Government or a State, local, or foreign government.

(c) HARMONIZATION OF THRESHOLDS FOR COST OR PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by striking "$500,000" and inserting "the amount specified in subsection (a)(1)(A)(i), as adjusted from time to time under subsection (a)(7),".

SEC. 823. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL SERVICES.

Notwithstanding section 8002(d) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note), the Secretary of Defense shall modify the regulations of the Department of Defense on procurements for or on behalf of the Department of Defense in order to prohibit the use of time and materials contracts or labor-hour contracts to purchase as commercial items any category of commercial services other than the following:

(1) Commercial services procured for support of a commercial item, as described in section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(2) Emergency repair services.

SEC. 824. MODIFICATION OF COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) MODIFICATION OF COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections (a) and (b):

"(a) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—(1) Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18 for which Federal Prison Industries does not have a significant market share, the Secretary of Defense shall conduct market research to determine whether the product is comparable to products available from the private sector that best meet the needs of the Department in terms of price, quality, and time of delivery.

"(2) If the Secretary determines that a Federal Prison Industries product described in paragraph (1) is not comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery, the Secretary shall use competitive procedures for the procurement of the product, or shall make an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(b) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Secretary of Defense may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share only if the Secretary uses competitive procedures for the procurement of the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(2) For purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the market for a product if the Secretary, in consultation with the Administrator of Federal Procurement Policy, determines that the Federal Prison Industries' share of the Department of Defense market for the category of products including such product is greater than 5 percent.".

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

(b) LIST OF PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall publish a list of product categories for which Federal Prison Industries' share of the Department of Defense market is greater than 5 percent, based on the most recent fiscal year for which data is available.

(2) MODIFICATION.—The Secretary may modify the list published under paragraph (1) at any time if the Secretary determines that new data require adding a product category to the list or omitting a product category from the list.

(3) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Administrator for Federal Procurement Policy.

SEC. 825. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR ELECTRICITY FROM RENEWABLE ENERGY SOURCES.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense that—

"(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

"(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources.".

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national

technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term "national technology and industrial base" has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 828. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Subtitle C—Acquisition Policy and Management

SEC. 841. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) ADVISORS.—Section 181 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) ADVISORS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall serve as advisors to the Council on matters within their authority and expertise.".

(b) CONSULTATION.—Section 2433(e)(2) of such title is amended by inserting ", after consultation with the Joint Requirements Oversight Council regarding program requirements," after "Secretary of Defense" in the matter preceding subparagraph (A).

SEC. 842. MANAGEMENT STRUCTURE FOR THE PROCUREMENT OF CONTRACT SERVICES.

(a) AUTHORITY TO ESTABLISH CONTRACT SUPPORT ACQUISITION CENTERS.—Subsection (b) of section 2330 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Each senior official responsible for the management of acquisition of contract services is authorized to establish a center (to be known as a 'Contract Support Acquisition Center') to act as executive agent for the acquisition of contract services. Any center so established shall be subject to the provisions of subsection (c).".

(b) DIRECTION, STAFF, AND SUPPORT.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DIRECTION, STAFF, AND SUPPORT OF CONTRACT SUPPORT ACQUISITION CENTERS.—(1) The Contract Support Acquisition Center established by a senior official responsible for the management of acquisition of contract services under subsection (b)(4) shall be subject to the direction, supervision, and oversight of such senior official.

"(2) The Secretary of Defense or the Secretary of the military department concerned may transfer to a Contract Support Acquisition Center any personnel under the authority of such Secretary whose principal duty is the acquisition of contract services.

"(3)(A) Except as provided in subparagraph (E), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any Contract Support Acquisition Center under subsection (b)(4) of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data is available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (as determined on the basis of cost) were acquired on behalf of the Department of Defense.

"(B) The head of a department or agency outside the Department of Defense may transfer in accordance with this paragraph an organizational unit that is authorized to be accepted under subparagraph (A).

"(C) A transfer under this paragraph may be made and accepted only pursuant to a memorandum of understanding entered into by the head of the department or agency making the transfer and the Secretary of Defense.

"(D) A transfer of an organizational unit under this paragraph shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

"(E) This paragraph does not authorize a transfer of the multiple award schedule program of the General Services Administration as described in section 2302(2)(C) of this title.".

SEC. 843. SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for any fiscal year after fiscal year 2008 shall identify clearly and separately the amounts requested in each budget account for the procurement of contract services.

(b) CONTRACT SERVICES DEFINED.—In this section, the term "contract services"—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

SEC. 844. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that the Department of Defense acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

(b) DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a fund to be known as the "Department of Defense Acquisition Workforce Fund" (in this section referred to as the "Fund") to provide funds for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section.

(2) MANAGEMENT.—The Fund shall be managed by a senior official of the Department of Defense designated by the Secretary for that purpose.

(c) ELEMENTS.—

(1) IN GENERAL.—The Fund shall consist of amounts as follows:

(A) Amounts credited to the Fund under paragraph (2).

(B) Any other amounts appropriated to, credited to, or deposited into the Fund by law.

(2) CREDITS TO THE FUND.—(A) There shall be credited to the Fund an amount equal to the applicable percentage for a fiscal year of all amounts expended by the Department of Defense in such fiscal year for contract services, other than services relating to research and development and services relating to military construction.

(B) Not later than 30 days after the end of the first fiscal year quarter of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each military department and Defense Agency shall remit to the Secretary of Defense an amount equal to the applicable percentage for such fiscal year of the amount expended by such military department or Defense Agency, as the case may be, during such fiscal year quarter for services covered by subparagraph (A). Any amount so remitted shall be credited to the Fund under subparagraph (A).

(C) For purposes of this paragraph, the applicable percentage for a fiscal year is a percentage as follows:

(i) For fiscal year 2008, 0.5 percent.

(ii) For fiscal year 2009, 1 percent.

(iii) For fiscal year 2010, 1.5 percent.

(iv) For any fiscal year after fiscal year 2010, 2 percent.

(d) AVAILABILITY OF FUNDS. –

(1) IN GENERAL.—Subject to the provisions of this subsection, amounts in the Fund shall be available to the Secretary of Defense for expenditure, or for transfer to a military department or Defense Agency, for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section, including for the provision of training and retention incentives to the acquisition workforce of the Department as of the date of the enactment of this Act.

(2) LIMITATION ON PAYMENTS TO OR FOR CONTRACTORS.—Amounts in the Fund shall not be available for payments to contractors or contractor employees, other than for the purpose of providing training to Department of Defense employees.

(3) PROHIBITION ON PAYMENT OF BASE SALARY OF CURRENT EMPLOYEES.—Amounts in the Fund may not be used to pay the base salary of any person who is an employee of the Department as of the date of the enactment of this Act.

(4) DURATION OF AVAILABILITY.—Amounts credited to the Fund under subsection (c)(2) shall remain available for expenditure in the fiscal year for which credited and the two succeeding fiscal years.

(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A statement of the amounts remitted to the Secretary for crediting to the Fund for such fiscal year by each military department and Defense Agency, and a statement of the amounts credited to the Fund for such fiscal year.

(2) A description of the expenditures made from the Fund (including expenditures following a transfer of amounts in the Fund to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(3) A description and assessment of improvements in the Department of Defense acquisition workforce resulting from such expenditures.

(4) A statement of the balance remaining in the Fund at the end of such fiscal year.

(f) DEFENSE AGENCY DEFINED.—In this section, the term "Defense Agency" has the meaning given that term in section 101(a) of title 10, United States Code.

(g) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(2) SUNSET.—The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.

(h) ACQUISITION WORKFORCE ASSESSMENT AND PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment and plan for addressing gaps in the acquisition workforce of the Department of Defense.

(2) CONTENT OF ASSESSMENT.—The assessment developed under paragraph (1) shall identify—

(A) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

(B) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to subparagraph (A).

(3) CONTENT OF PLAN.—The plan developed under paragraph (1) shall establish specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department of Defense to address the gaps in skills and competencies identified under paragraph (2). The plan shall include—

(A) specific recruiting and retention goals; and

(B) specific strategies for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

(4) ANNUAL UPDATES.—Not later than March 1 of each year from 2009 through 2012, the Secretary of Defense shall update the assessment and plan required by paragraph (1). Each update shall include the assessment of the Secretary of the progress the Department has made to date in implementing the plan.

(5) SPENDING OF AMOUNTS IN FUND IN ACCORDANCE WITH PLAN.—Beginning on October 1, 2008, amounts in the Fund shall be expended in accordance with the plan required under paragraph (1) and the annual updates required under paragraph (4).

(6) REPORTS.—Not later than 30 days after developing the assessment and plan required under paragraph (1) or preparing an annual update required under paragraph (4), the Secretary of Defense shall submit to the congressional defense committees a report on the assessment and plan or annual update, as the case may be.

SEC. 845. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES BASED ON COST OR TIME OF PERFORMANCE.

(a) PREPARATION OF LISTS OF ACTIVITIES UNDER CONTRACTS FOR SERVICES.—

(1) PREPARATION OF LISTS.—Not later than the end of the third quarter of each fiscal year beginning with fiscal year 2008, the Secretary of each military department and the head of each Defense Agency shall submit to the Secretary of Defense a list of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such military department or Defense Agency, as the case may be, under which the contractor is paid on the basis of the cost or time of performance, rather than specific tasks performed or results achieved.

(2) LIST ELEMENTS.—The entry for an activity on a list under paragraph (1) shall include, for the fiscal year covered by such entry, the following:

(A) The fiscal year for which the activity first appeared on a list under this section.

(B) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(C) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(D) The name of the Federal official responsible for the management of the contract pursuant to which the activity is performed.

(E) With respect to a list for a fiscal year after fiscal year 2008, information on plans and written determinations made pursuant to subsection (c)(2).

(b) PUBLIC AVAILABILITY OF LISTS.—Not later than 30 days after the date on which lists are required to be submitted to the Secretary of Defense under subsection (a), the Secretary shall—

(1) transmit to the congressional defense committees a copy of the lists so submitted to the Secretary;

(2) make such lists available to the public; and

(3) publish in the Federal Register a notice that such lists are available to the public.

(c) REVIEW AND PLANNING REQUIREMENTS.—

(1) REVIEW OF LISTS.—Within a reasonable time after the date on which a notice of the public availability of a list is published under subsection (b)(3), the Secretary of the military department or head of the Defense Agency concerned shall—

(A) review the contracts and activities included on the list;

(B) ensure that—

(i) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(ii) the activities on the list do not include any inherently governmental functions; and

(iii) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions; and

(C) for each activity on the list, either—

(i) develop a plan to convert the activity to performance by Federal employees, convert the contract to a performance-based contract, or terminate the activity; or

(ii) make a written determination that it is not practicable for the military department or Defense Agency, as the case may be, to take any of the actions otherwise required under clause (i).

(2) ELEMENTS OF DETERMINATION.—A written determination pursuant to subparagraph (B)(ii) shall be accompanied by—

(A) a statement of the basis for the determination; and

(B) a description of the resources that will be made available to ensure adequate planning, management, and oversight for each contract covered by the determination.

(d) CHALLENGES TO LISTS.—

(1) IN GENERAL.—An interested party may submit to the Secretary of the military department or head of the Defense Agency concerned a challenge to the omission of a particular activity from, or the inclusion of a particular activity on, a list made available to the public under subsection (b).

(2) INTERESTED PARTY DEFINED.—In this subsection, the term "interested party", with respect to an activity referred to in subsection (a), means—

(A) the contractor performing the activity;

(B) an officer or employee of an organization within the military department or Defense Agency concerned that is responsible for the performance of the activity; or

(C) the head of any labor organization referred to in section 7103(a)(4) of title 5, United States Code, that includes within its membership officers or employees or an organization described in subparagraph (B).

(3) DEADLINE FOR CHALLENGE.—A challenge to a list shall be submitted under paragraph (1) not later than 30 days after the date of the publication of the notice of public availability of the list under subsection (b)(3).

(4) RESOLUTION OF CHALLENGE.—Not later than 30 days of the receipt by the Secretary of a military department or head of a Defense Agency of a challenge to a list under this subsection, an official designated by the Secretary of the military department or the head of the Defense Agency, as the case may be, shall—

(A) determine whether or not the challenge is valid; and

(B) submit to the interested party concerned a written notification of the determination, together with a discussion of the rationale for the determination.

(5) ACTION FOLLOWING DETERMINATION OF VALID CHALLENGE.—If the Secretary of a military department or head of a Defense Agency determines under paragraph (4)(A) that a challenge under this subsection to a list under this section is valid, such official shall—

(A) notify the Secretary of Defense of the determination; and

(B) adjust the next list submitted by such official under subsection (a) after the date of the determination to reflect the resolution of the challenge.

(e) RULES OF CONSTRUCTION.—

(1) NO AUTHORIZATION OF PERFORMANCE OF PERSONAL SERVICES.—Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of statute other than this section.

(2) NO PUBLIC-PRIVATE COMPETITION FOR CONVERSION OF. PERFORMANCE OF CERTAIN FUNCTIONS.—No public-private competition may be required under this section, Office of Management and Budget Circular A–76, or any other provision of law or regulation before a function closely associated with inherently governmental functions is converted to performance by Federal employees.

(f) DEFINITIONS.—In this section:

(1) The term "Defense Agency" has the meaning given that term in section 101(a) of title 10, United States Code.

(2) The term "function closely associated with inherently governmental functions" has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term "inherently governmental functions" has the meaning given that term in section 2383(b)(2) of title 10, United States Code.

(4) The term "personal services contract" means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 846. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) LIMITATION ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—Except as provided in subsection (b), no official of the Department of Defense may place an order, make a purchase, or otherwise procure property or services for the Department of Defense in an amount in excess of $100,000 through a non-defense agency in any fiscal year if—

(1) the head of the non-defense agency has not certified that the non-defense agency will comply with defense procurement requirements during that fiscal year;

(2) in the case of a covered non-defense agency that has been determined under this section to be not compliant with defense procurement requirements, such determination has not been terminated in accordance with subsection (c); or

(3) in the case of a covered non-defense agency for which a memorandum of understanding is required by subsection (e)(4), the Inspector General of the Department of Defense and the Inspector General of the non-defense agency have not yet entered into such a memorandum of understanding.

(b) EXCEPTION FOR PROCUREMENTS OF NECESSARY PROPERTY AND SERVICES.—

(1) IN GENERAL.—The limitation in subsection (a) shall not apply to the procurement of property and services on behalf of the Department of Defense by a non-defense agency during any fiscal year for which there is in effect a written determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics that it is necessary in the interest of the Department of Defense to procure property and services through the non-defense agency during such fiscal year.

(2) SCOPE OF PARTICULAR EXCEPTION.—A written determination with respect to a non-defense agency under paragraph (1) shall apply to any category of procurements through the non-defense agency that is specified in the determination.

(c) TERMINATION OF APPLICABILITY OF CERTAIN LIMITATION.—In the event the limitation under subsection (a)(2) applies to a covered non-defense agency, the limitation shall cease to apply to the non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of the non-defense agency jointly—

(1) determine that the non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(d) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if the procurement policies, procedures, and internal controls of the non-defense agency applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure the compliance of the non-defense agency with the requirements of laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made directly by the Department of Defense.

(e) INSPECTORS GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than the date specified in paragraph (2), jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of such policies, procedures, and internal controls; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(2) DEADLINE FOR REVIEWS AND DETERMINATIONS.—The reviews and determinations required by paragraph (1) shall take place as follows:

(A) In the case of the General Services Administration, by not later than March 15, 2010.

(B) In the case of each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration, by not later than March 15, 2011.

(C) In the case of each of the Department of Veterans Affairs and the National Institutes of Health, by not later than March 15, 2012.

(3) SEPARATE REVIEWS AND DETERMINATIONS.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by joint agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of the non-defense agency. If such separate reviews are conducted, the Inspectors General shall make a separate determination under paragraph (1)(B) with respect to each such separate review.

(4) MEMORANDA OF UNDERSTANDING FOR REVIEWS AND DETERMINATIONS.—Not later than one year before a review and determination is required under this subsection with respect to a covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency shall enter into a memorandum of understanding with each other to carry out such review and determination.

(f) TREATMENT OF PROCUREMENTS FOR FISCAL YEAR PURPOSES.—For the purposes of this section, a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for the procurement in that fiscal year.

(g) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (c) or (e), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(h) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The General Services Administration.

(B) The Department of the Treasury.

(C) The Department of the Interior.

(D) The National Aeronautics and Space Administration.

(E) The Department of Veterans Affairs.

(F) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews; .

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

SEC. 848. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including, where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

Subtitle D—Department of Defense Contractor Matters

SEC. 861. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by striking "disclosing to a Member of Congress or an authorized official of an agency or the Department of Justice" and inserting "disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management, or an authorized official of an agency or the Department of Justice, including in the case of a disclosure made in the ordinary course of an employee's duties,"; and

(2) by striking "information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)" and inserting "information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract), grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded".

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after "(1)" the following: "Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a)."; and

(B) by adding at the end the following new subparagraphs:

"(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

"(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) In the case of a contract covered by subsection (f), an employee of a contractor who has been discharged, demoted, or otherwise discriminated against as a reprisal for a disclosure covered by subsection (a) or who is aggrieved by the determination made pursuant to paragraph (1) or by an action that the agency head has taken or failed to take pursuant to such determination may, after exhausting his or her administrative remedies, bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

"(B) An employee shall be deemed to have exhausted his or her administrative remedies for the purpose of this paragraph—

"(i) 90 days after the receipt of a written determination under paragraph (1); or

"(ii) 15 months after a complaint is submitted under subsection (b), if a determination by an agency head has not been made by that time and such delay is not shown to be due to the bad faith of the complainant.".

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

"(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.".

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

"(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

"(A) their rights under this section;

"(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

"(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

"(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.".

(e) DEFINITIONS.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended—

(1) in paragraph (4), by inserting after "an agency" the following: "and includes any person receiving funds covered by the prohibition against reprisals in subsection (a)";

(2) in paragraph (5), by inserting after "1978" the following: "and any Inspector General that receives funding from or is under the jurisdiction of the Secretary of Defense"; and

(3) by adding at the end the following new paragraphs:

"(6) The term 'employee' means an individual (as defined by section 2105 of title 5) or any individual or organization performing services for a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded (including as an employee of an organization).

"(7) The term 'Department of Defense funds' includes funds controlled by the Department of Defense and funds for which the Department of Defense may be reasonably regarded as responsible to a third party.".

SEC. 862. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

"§2410r. Defense contractors: requirements concerning former Department of Defense officials

"(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

"(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

"(1) list the name of each person who—

"(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

"(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

"(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

"(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

"(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

"(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

"(2) in the case of each person listed under paragraph (1)—

"(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

"(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

"(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

"(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Defense contractors: requirements concerning former Department of Defense officials.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 863. REPORT ON CONTRACTOR ETHICS PROGRAMS OF MAJOR DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the internal ethics programs of major defense contractors.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum—

(1) the extent to which major defense contractors have internal ethics programs in place;

(2) the extent to which the ethics programs described in paragraph (1) include—

(A) the availability of internal mechanisms, such as hotlines, for contractor employees to report conduct that may violate applicable requirements of law or regulation;

(B) notification to contractor employees of the availability of external mechanisms, such as the hotline of the Inspector General of the Department of Defense, for the reporting of conduct that may violate applicable requirements of law or regulation;

(C) notification to contractor employees of their right to be free from reprisal for disclosing a substantial violation of law related to a contract, in accordance with section 2409 of title 10, United States Code;

(D) ethics training programs for contractor officers and employees;

(E) internal audit or review programs to identify and address conduct that may violate applicable requirements of law or regulation;

(F) self-reporting requirements, under which contractors report conduct that may violate applicable requirements of law or regulation to appropriate government officials;

(G) disciplinary action for contractor employees whose conduct is determined to have violated applicable requirements of law or regulation; and

(H) appropriate management oversight to ensure the successful implementation of such ethics programs;

(3) the extent to which the Department of Defense monitors or approves the ethics programs of major defense contractors; and

(4) the advantages and disadvantages of legislation requiring that defense contractors develop internal ethics programs and requiring that specific elements be included in such ethics programs.

(c) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, each major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General that is within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In this section, the term "major defense contractor" means any company that received more than $500,000,000 in contract awards from the Department of Defense during fiscal year 2006.

SEC. 864. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTED RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selected Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of the Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for *requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.*

"(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

"(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.".

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

"(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

"(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

"(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies. and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).".

Subtitle E—Other Matters

SEC. 871. CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the selection, training, equipping, and conduct of personnel performing private security functions under a covered contract or covered subcontract in an area of combat operations.

(2) ELEMENTS.—The regulations prescribed under subsection (a) shall, at a minimum, establish—

(A) a process for registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(B) a process for authorizing and accounting for weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

(D) a process under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—

(i) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(ii) personnel performing private security functions in an area of combat operations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(E) a process for the independent review and, where appropriate, investigation of—

(i) incidents reported pursuant to subparagraph (D); and

(ii) incidents of alleged misconduct by personnel performing private security functions in an area of combat operations;

(F) qualification, training, screening, and security requirements for personnel performing private security functions in an area of combat operations;

(G) guidance to the commanders of the combatant commands on the issuance of—

(i) orders, directives, and instructions to contractors and subcontractors performing private security functions relating to force protection, security, health, safety, or relations and interaction with locals;

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

(iii) rules on the use of force for personnel performing private security functions in an area of combat operations;

(H) a process by which a commander of a combatant command may request an action described in subsection (b)(3); and

(I) a process by which the Department of Defense shall implement the training requirements referred to in subparagraph (G)(ii).

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors and subcontractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website) at or through which such contractors and subcontractors may access such orders, directives, and instructions.

(b) CONTRACT CLAUSE ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) REQUIREMENT UNDER FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require the insertion into each covered contract and covered subcontract of a contract clause addressing the selection, training, equipping, and conduct of personnel performing private security functions under such contract or subcontract.

(2) CLAUSE REQUIREMENT.—The contract clause required by paragraph (1) shall require, at a minimum, that the contractor or subcontractor concerned shall—

(A) comply with Department of Defense procedures for—

(i) registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(ii) authorizing and accounting of weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

(iv) the reporting of incidents in which—

(I) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(II) personnel performing private security functions in an area of combat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(B) ensure that all personnel performing private security functions under such contract or subcontract are briefed on and understand their obligation to comply with—

(i) qualification, training, screening, and security requirements established by the Secretary of Defense for personnel performing private security functions in an area of combat operations;

(ii) applicable laws and regulations of the United States and the host country, and applicable treaties and international agreements, regarding the performance of the functions of the contractor or subcontractor;

(iii) orders, directives, and instructions issued by the applicable commander of a combatant command relating to force protection, security, health, safety, or relations and interaction with locals; and

(iv) rules on the use of force issued by the applicable commander of a combatant command for personnel performing private security functions in an area of combat operations; and

(C) cooperate with any investigation conducted by the Department of Defense pursuant to subsection (a)(2)(D) by providing access to employees of the contractor or subcontractor, as the case may be, and relevant information in the possession of the contractor or subcontractor, as the case may be, regarding the incident concerned.

(3) NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—The contracting officer for a covered contract or subcontract may direct the contractor or subcontractor, at its own expense, to remove or replace any personnel performing private security functions in an area of combat operations who violate or fail to comply with applicable requirements of the clause required by this subsection. If the violation or failure to comply is significant or repeated, the contract or subcontract may be terminated for default.

(4) APPLICABILITY.—The contract clause required by this subsection shall be included in all covered contracts and covered subcontracts awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of the contract clause required by this subsection in covered contracts and covered subcontracts awarded before such date.

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

(c) AREAS OF COMBAT OPERATIONS.—

(1) DESIGNATION.—The Secretary of Defense shall designate the areas constituting an area of

combat operations for purposes of this section by not later than 120 days after the date of the enactment of this Act.

(2) PARTICULAR AREAS.—Iraq and Afghanistan shall be included in the areas designated as an area of combat operations under paragraph (1).

(3) ADDITIONAL AREAS.—The Secretary may designate any additional area as an area constituting an area of combat operations for purposes of this section if the Secretary determines that the presence or potential of combat operations in such area warrants designation of such area as an area of combat operations for purposes of this section.

(4) MODIFICATION OR ELIMINATION OF DESIGNATION.—The Secretary may modify or cease the designation of an area under this subsection as an area of combat operations if the Secretary determines that combat operations are no longer ongoing in such area.

(d) DEFINITIONS.—In this section:

(1) The term "covered contract" means a contract of a Federal agency for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c).

(2) The term "covered subcontract" means a subcontract for the performance of private security functions at any tier under a covered contract.

(3) The term "private security functions" means activities engaged in by a contractor or subcontractor under a covered contract or subcontract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq or Afghanistan (including security, transition, reconstruction, and humanitarian relief activities) for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq or Afghanistan; or

(3) a preference is provided for products or services that are from Iraq or Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq or Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq or Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ OR AFGHANISTAN.—For the purposes of this section:

(1) A product is from Iraq or Afghanistan if it is mined, produced, or manufactured in Iraq or Afghanistan.

(2) A service is from Iraq or Afghanistan if it is performed in Iraq or Afghanistan by citizens or permanent resident aliens of Iraq or Afghanistan.

(3) A source is from Iraq or Afghanistan if it—

(A) is located in Iraq or Afghanistan; and

(B) offers products or services that are from Iraq or Afghanistan.

SEC. 873. DEFENSE SCIENCE BOARD REVIEW OF DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES FOR THE ACQUISITION OF INFORMATION TECHNOLOGY.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense policies and procedures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information technology.

(2) The roles and responsibilities in implementing such policies and procedures of—

(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(B) the Chief Information Officer of the Department of Defense;

(C) the Director of the Business Transformation Agency;

(D) the service acquisition executives;

(E) the chief information officers of the military departments;

(F) Defense Agency acquisition officials;

(G) the information officers of the Defense Agencies; and

(H) the Director of Operational Test and Evaluation and the heads of the operational test organizations of the military departments and the Defense Agencies.

(3) The application of such policies and procedures to information technologies that are an integral part of weapons or weapon systems.

(4) The requirements of the Clinger-Cohen Act (division E of Public Law 104–106) and the Paperwork Reduction Act of 1995 regarding performance-based and results-based management, capital planning, and investment control in the acquisition of information technology.

(5) Department of Defense policies and procedures for maximizing the usage of commercial information technology while ensuring the security of the microelectronics, software, and networks of the Department.

(6) The suitability of Department of Defense acquisition regulations, including Department of Defense Directive 5000.1 and the accompanying milestones, to the acquisition of information technology systems.

(7) The adequacy and transparency of performance metrics currently used by the Department of Defense for the acquisition of information technology systems.

(8) The effectiveness of existing statutory and regulatory reporting requirements for the acquisition of information technology systems.

(9) The adequacy of operational and development test resources (including infrastructure and personnel), policies, and procedures to ensure appropriate testing of information technology systems both during development and before operational use.

(10) The appropriate policies and procedures for technology assessment, development, and operational testing for purposes of the adoption of commercial technologies into information technology systems.

(c) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board pursuant to the review, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

SEC. 874. ENHANCEMENT AND EXTENSION OF ACQUISITION AUTHORITY FOR THE UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING EXPERIMENTATION.

(a) SUSTAINMENT OF EQUIPMENT.—

(1) IN GENERAL.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking "and acquire" and inserting ", acquire, and sustain".

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking "or acquisition" and inserting ", acquisition, or sustainment".

(b) TWO-YEAR EXTENSION.—Subsection (f) of such section is amended—

(1) by striking "through 2008" and inserting "through 2010"; and

(2) by striking "September 30, 2008" and inserting "September 30, 2010".

SEC. 875. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 876. GREEN PROCUREMENT POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on its plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors.

SEC. 877. GAO REVIEW OF USE OF AUTHORITY UNDER THE DEFENSE PRODUCTION ACT OF 1950.

(a) Thorough Review Required.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a thorough review of the application of the Defense Production Act of 1950, since the date of enactment of the Defense Production Act Reauthorization of 2003 (Public Law 108–195), in light of amendments made by that Act.

(b) Considerations.—In conducting the review required by this section, the Comptroller shall examine—

(1) existing authorities under the Defense Production Act of 1950;

(2) whether and how such authorities should be statutorily modified to ensure preparedness of the United States and United States industry—

(A) to meet security challenges;

(B) to meet current and future defense requirements;

(C) to meet current and future energy requirements;

(D) to meet current and future domestic emergency and disaster response and recovery requirements;

(E) to reduce the interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(F) to safeguard critical components of the United States industrial base, including American aerospace and shipbuilding industries;

(3) the effectiveness of amendments made by the Defense Production Act Reauthorization of 2003, and the implementation of such amendments;

(4) advantages and limitations of Defense Production Act of 1950-related capabilities, to ensure adaptation of the law to meet the security challenges of the 21st Century;

(5) the economic impact of foreign offset contracts and the efficacy of existing authority in mitigating such impact;

(6) the relative merit of developing rapid and standardized systems for use of the authority provided under the Defense Production Act of 1950, by any Federal agency; and

(7) such other issues as the Comptroller determines relevant.

(c) Report to Congress.—Not later than 120 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of the review conducted under this section, together with any legislative recommendations.

(d) Rules of Construction on Protection of Information.—Notwithstanding any other provision of law—

(1) the provisions of section 705(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2155(d)) shall not apply to information sought or obtained by the Comptroller for purposes of the review required by this section; and

(2) provisions of law pertaining to the protection of classified information or proprietary information otherwise applicable to information sought or obtained by the Comptroller in carrying out this section shall not be affected by any provision of this section.

SEC. 878. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) Reports on Iraq and Afghanistan Contracts.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) Sense of the Senate.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) Department of Defense Report on Strategy for and Appropriateness of Activities of Contractors Under Department of Defense Contracts in Iraq, Afghanistan, and the Global War on Terror.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

SEC. 879. MOAB SITE AND CRESCENT JUNCTION SITE, UTAH.

(a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

(a) Repeal.—Section 130a of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130a.

SEC. 902. CHIEF MANAGEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) Service of Deputy Secretary of Defense as Chief Management Officer of Department of Defense.—Section 132 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Deputy Secretary—

"(A) serves as the Chief Management Officer of the Department of Defense; and

"(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to the performance of the following functions:

"(i) Planning and budgeting, including performance measurement.

"(ii) Acquisition.

"(iii) Logistics.

"(iv) Facilities, installations, and environment.

"(v) Financial management.

"(vi) Human resources and personnel.

"(vii) Management of information resources, including information technology, networks, and telecommunications functions.

"(2) In carrying out the duties of Chief Management Officer of the Department of Defense, the Deputy Secretary shall—

"(A) develop and maintain a departmentwide strategic plan for business reform identifying key initiatives to be undertaken by the Department of Defense and its components, together with related resource needs;

"(B) establish performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of Defense;

"(C) monitor the progress of the Department of Defense and its components in meeting performance goals and measures established pursuant to subparagraph (B);

"(D) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A);

"(E) oversee the development of, and review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

"(F) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

"(3) The Deputy Secretary exercises the authority of the Secretary of Defense in the performance of the duties of Chief Management Officer of the Department of Defense under this subsection subject to the authority, direction, and control of the Secretary. The exercise of that authority is binding on the Secretaries of the military departments and the heads of the other elements and components of the Department of Defense.".

(b) Deputy Chief Management Officer.—

(1) In General.—Chapter 4 of such title is amended by inserting after section 133b the following new section:

"§ 133c. Under Secretary of Defense for Management (Deputy Chief Management Officer)

"(a) There is an Under Secretary of Defense for Management (Deputy Chief Management Officer), appointed from civilian life by the President, by and with the advice and consent of the Senate, from among persons who have—

"(1) extensive executive level leadership and management experience in the public or private sector;

"(2) strong leadership skills;

"(3) a demonstrated ability to manage large and complex organizations; and

"(4) a record of achieving positive operational results.

"(b) The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall assist the Deputy Secretary of Defense in the performance of his duties as Chief Management Officer. The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall act for, and exercise the powers of, the Chief Management Officer when the Deputy Secretary is absent or disabled or there is no Deputy Secretary.

"(c)(1) With respect to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Management (Deputy Chief Management Officer) takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

"(2) With respect to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretaries of the military departments and the Under Secretary of Defense for Acquisition, Technology, and Logistics.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

"133c. Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(3) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Intelligence the following new item:

"Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(4) PLACEMENT IN OSD.—Section 131(b)(2) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(5) CONFORMING AMENDMENT.—Section 134(c) of such title is amended by striking "the Secretary of Defense" and all that follows and inserting "the Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(c) CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS.—

(1) DEPARTMENT OF THE ARMY.—Section 3015 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Army.

"(2) The Under Secretary is the principal adviser to the Secretary of the Army on matters relating to the management of the Department of the Army, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Army that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Army for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Army;

"(C) monitoring the progress of the Department of the Army and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Army for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Army, including the information to be submitted to Congress under section 2222(h) of this title.".

(2) DEPARTMENT OF THE NAVY.—Section 5015 of such title is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Navy.

"(2) The Under Secretary is the principal adviser to the Secretary of the Navy on matters relating to the management of the Department of the Navy, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Navy that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Navy for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Navy;

"(C) monitoring the progress of the Department of the Navy and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Navy for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Navy, including the information to be submitted to Congress under section 2222(h) of this title.".

(3) DEPARTMENT OF THE AIR FORCE.—Section 8015 of such title is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Air Force.

"(2) The Under Secretary is the principal adviser to the Secretary of the Air Force on matters relating to the management of the Department of the Air Force, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Air Force that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Air Force for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Air Force;

"(C) monitoring the progress of the Department of the Air Force and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Air Force for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Air Force, including the information to be submitted to Congress under section 2222(h) of this title.".

(d) MATTERS RELATING TO FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (C) though (G), respectively; and

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

"(A) The Deputy Secretary of Defense, who shall be the chairman of the committee.

"(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer), who shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense."; and

(C) in subparagraph (C), as so redesignated, by striking ", who shall be the chairman of the committee"; and

(2) in paragraph (3), by inserting "the Under Secretary of Defense for Management (Deputy Chief Management Officer)," after "the Deputy Secretary of Defense,".

(e) MATTERS RELATING TO DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Under Secretary of Defense for Management (Deputy Chief Management Officer)."; and

(2) in subsection (b), by striking the second sentence and inserting the following new sentence: "The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall serve as the vice chairman of the committee, and shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.".

(f) MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.—Section 192(e)(2) of such title is amended by striking "that the Agency" and all that follows and inserting "that the Director of the Agency shall report directly to the Under Secretary of Defense for Management (Deputy Chief Management Officer).".

SEC. 903. MODIFICATION OF BACKGROUND REQUIREMENT OF INDIVIDUALS APPOINTED AS UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 133(a) of title 10, United States Code, is amended by striking "in the private sector".

SEC. 904. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"§183. Department of Defense Board of Actuaries

"(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the 'Board').

"(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

"(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

"(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

"(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

"(c) DUTIES.—The Board shall have the following duties:

"(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

"(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

"(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

"(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

"(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

"(A) The Department of Defense Military Retirement Fund.

"(B) The Department of Defense Education Benefits Fund.

"(C) Each other fund specified by Secretary under subsection (c)(3).

"(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 182 the following new item:

"183. Department of Defense Board of Actuaries.".

(3) INITIAL SERVICE AS BOARD MEMBERS.—Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act shall serve as an initial member of the Department of Defense Board of Actuaries under section 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense.

(b) TERMINATION OF EXISTING BOARDS OF ACTUARIES.—

(1) DEPARTMENT OF DEFENSE RETIREMENT BOARD OF ACTUARIES.—(A) Section 1464 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 1464.

(2) DEPARTMENT OF DEFENSE EDUCATION BENEFITS BOARD OF ACTUARIES.—Section 2006 of such title is amended—

(A) in subsection (c)(1), by striking "subsection (g)" and inserting "subsection (f)";

(B) by striking subsection (e);

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively;

(D) in subsection (e), as redesignated by subparagraph (C), by striking "subsection (g)" in paragraph (5) and inserting "subsection (f)"; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (2)(A), by striking "subsection (f)(3)" and inserting "subsection (e)(3)"; and

(ii) in paragraph (2)(B), by striking "subsection (f)(4)" and inserting "subsection (e)(4)".

(c) CONFORMING AMENDMENTS.—

(1) Section 1175(h)(4) of title 10, United States Code, is amended by striking "Retirement" the first place it appears.

(2) Section 1460(b) of such title is amended by striking "Retirement".

(3) Section 1466(c)(3) of such title is amended by striking "Retirement".

(4) Section 12521(6) of such title is amended by striking "Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title" and inserting "Department of Defense Board of Actuaries under section 183 of this title".

SEC. 905. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS; PRINCIPAL MILITARY DEPUTIES.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall

be designated as a critical acquisition position under section 1733 of this title.''.

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO INFORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION PROGRAMS.—Each Principal Deputy to a service acquisition executive shall be responsible for keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs.

(e) EXCLUSION OF PRINCIPAL MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

''(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

''(B) A position specified in this subparagraph is each position as follows:

''(i) Principal Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

''(ii) Principal Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

''(iii) Principal Deputy to the Assistant Secretary of the Air Force for Acquisition.''.

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

''(g) EXCLUSION OF PRINCIPAL DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.''.

SEC. 906. FLEXIBLE AUTHORITY FOR NUMBER OF ARMY DEPUTY CHIEFS OF STAFF AND ASSISTANT CHIEFS OF STAFF.

Subsection (b) of section 3035 of title 10, United States Code, is amended to read as follows:

''(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff. The aggregate number of such positions may not exceed eight positions.''.

SEC. 907. SENSE OF CONGRESS ON TERM OF OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

It is the sense of Congress that the term of office of the Director of Operational Test and Evaluation of the Department of Defense should be not less than five years.

Subtitle B—Space Matters

SEC. 921. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

SEC. 922. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISITION FOR DEFENSE SPACE PROGRAMS.

Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2621) is amended by inserting '', and March 15, 2008,'' after ''March 15, 2003,''.

Subtitle C—Other Matters

SEC. 931. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

''(A) to assess the risks of projected climate change to current and future missions of the armed forces;

''(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

''(C) to develop the capabilities needed to reduce future impacts.

''(2) The first quadrennial defense review prepared after the date of the enactment of this subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

''(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

''(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

''(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

''(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

''(4) The Secretary shall ensure that this subsection is implemented in a manner that does not have a negative impact on national security.

''(5) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).''.

SEC. 932. BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Section 2113 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''by the President, by and with the advice and consent of the Senate'' and inserting ''by the Secretary of Defense''; and

(B) in subsection (b)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(2) CHAIRMAN.—Subsection (c) of such section is amended by striking ''the President'' and inserting ''the Secretary''.

(b) STATUTORY REDESIGNATION OF DEAN AS PRESIDENT.—

(1) Section 2113 of such title is further amended by striking ''Dean'' each place it appears in subsections (d) and (f)(1) and inserting ''President''.

(2) Section 2114(e) of such title is amended by striking ''Dean'' each place it appears in paragraphs (3) and (5).

(c) COMPENSATION OF MEMBERS FOR PERFORMANCE OF DUTIES.—Subsection (e) of section 2113 of such title is further amended by striking ''but not exceeding $100 per diem''.

SEC. 933. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

''(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

''(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the

head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

"(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

"(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

"(B) The prevention and early detection of cancer among members and former members of the armed forces.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 934. WESTERN HEMISPHERE CENTER FOR EXCELLENCE IN HUMAN RIGHTS.

(a) CENTER AUTHORIZED.—The Secretary of Defense may establish and operate a center to be known as the Western Hemisphere Center for Excellence in Human Rights.

(b) MISSIONS.—The missions of the Center shall be as follows:

(1) To provide and facilitate education, training, research, strategic planning, and reform on the integration of respect for human rights into all aspects of military operations, doctrine, education, judicial systems, and other internal control mechanisms, and into the relations of the military with civil society, including the development of programs to combat the growing phenomenon of trafficking in persons.

(2) To sponsor conferences, symposia, seminars, academic exchanges, and courses, as well as special projects such as studies, reviews, design of curricula, and evaluations, on the matters covered by paragraph (1).

(3) In carrying out its other mission, to place special emphasis on the implementation of reforms that result in measurable improvements in respect for human rights in the provision of effective security.

(c) FORMULATION AND EXECUTION OF PROGRAMS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—The Secretary of Defense may carry out this section only with the concurrence of the Secretary of State.

(2) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall—

(A) jointly formulate any program or other activities undertaken under this section; and

(B) shall coordinate with one another, under procedures that they jointly establish, to ensure appropriate implementation of such programs and activities, including in a manner that—

(i) incorporates appropriate vetting procedures, irrespective of the source of funding for the activity; and

(ii) avoids duplication with existing programs.

(d) JOINT OPERATION WITH EDUCATIONAL INSTITUTIONS AND NONGOVERNMENTAL ORGANIZATIONS AUTHORIZED.—The Secretary of Defense may enter into agreements with appropriate officials of institutions of higher education and nongovernmental organizations to provide for the joint operation of the Center by the Secretary and such entities. Any such agreement may provide for the institution or organization concerned to furnish necessary administrative services for the Center, including administration and allocation of funds.

(e) ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) ACCEPTANCE AUTHORIZED.—Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, gifts and donations to be used to defray the costs of the Center or to enhance the operation of the Center. Any such gift or donation may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2) LIMITATION.—The Secretary may not accept a gift or donation under paragraph (1) if acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department or of any person involved in such a program.

(3) CREDITING.—Amounts accepted as a gift or donation under paragraph (1) shall be credited to the appropriation available to the Department of Defense for the Western Hemisphere Center for Excellence in Human Rights. Amounts so credited shall be merged with the appropriation to which credited, and shall be available to the Center for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation with which merged.

(4) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the gifts or donations accepted under paragraph (1) during the preceding year. Each report shall include, for the year covered by such report, a description of each gift of donation so accepted, including—

(A) the source of the gift or donation;

(B) the amount of the gift or donation; and

(C) the use of the gift or donation.

SEC. 935. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

"(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.".

SEC. 936. COMPTROLLER GENERAL ASSESSMENT OF PROPOSED REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of the proposed reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection are as follows:

(1) Whether the proposed reorganization of the office will further the stated purposes of the proposed reorganization in the short-and long-term, namely whether the proposed reorganization will enhance the ability of the Department of Defense—

(A) to address current security priorities, including the war in Iraq and the global war on terrorism in Afghanistan and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts.

(2) Whether, and to what extent, the proposed reorganization adheres to generally accepted principles of effective organization such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the proposed reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the proposed reorganization was announced.

(5) Whether the Department plans to evaluate progress in achieving the stated goals of the proposed reorganization and what metrics, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large span of responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization on the ability of the Assistant Secretary to carry out the principal duties of the Assistant Secretary under law.

(7) The impact of the large span of responsibility for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization, including responsibility under the proposed reorganization for each of the following:

(A) Strategic capabilities.

(B) Forces transformation.

(C) Major budget programs.

(8) The relationship between any global war on terrorism task force that reports directly to the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Principal Deputy Under Secretary of Defense for Policy in managing policy on combating terrorism.

(9) The impact of the large span of responsibilities for the proposed Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats under the proposed reorganization.

(10) The impact of the proposed reorganization on counternarcotics program execution.

(11) The unique placement under the proposed reorganization of both functional and regional issue responsibilities under the single proposed Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

(12) The differentiation between the responsibilities of the proposed Deputy Assistant Secretary of Defense for Building Partnership Capacity Strategy and the proposed Deputy Assistant Secretary of Defense for Security Cooperation Options under the proposed reorganization, and the relationship between such officials.

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term "Department of Defense health care professional" means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term "Department of Defense physician" means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term "qualified health care professional" means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so

transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2007 in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or by a transfer of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28).

SEC. 1003. MODIFICATION OF FISCAL YEAR 2007 GENERAL TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2371) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CERTAIN TRANSFERS.—The following transfers of funds shall be not be counted toward the limitation in paragraph (2) on the amount that may be transferred under this section:

"(A) The transfer of funds to the Iraq Security Forces Fund under reprogramming FY07–07–R PA.

"(B) The transfer of funds to the Joint Improvised Explosive Device Defeat Fund under reprogramming FY07–11 PA.

"(C) The transfer of funds back from the accounts referred to in subparagraphs (A) and (B) to restore the sources used in the reprogrammings referred to in such subparagraphs.".

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE FOR THE DEFENSE AGENCIES.

(a) FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE.—

(1) IN GENERAL.—The Director of the Business Transformation Agency of the Department of Defense shall carry out an initiative for financial management transformation in the Defense Agencies. The initiative shall be known as the "Defense Agencies Initiative" (in this section referred to as the "Initiative").

(2) SCOPE OF AUTHORITY.—In carrying out the Initiative, the Director of the Business Transformation Agency may require the heads of the Defense Agencies to carry out actions that are within the purpose and scope of the Initiative.

(b) PURPOSES.—The purposes of Initiative shall be as follows:

(1) To eliminate or replace financial management systems of the Defense Agencies that are duplicative, redundant, or fail to comply with the standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and reliable financial information needed to support financial accountability and effective and efficient management decisions.

(c) REQUIRED ELEMENTS.—The Initiative shall include, to the maximum extent practicable—

(1) the utilization of commercial, off-the-shelf technologies and web-based solutions;

(2) a standardized technical environment and an open and accessible architecture; and

(3) the implementation of common business processes, shared services, and common data structures.

(d) STANDARDS.—In carrying out the Initiative, the Director of the Business Transformation Agency shall ensure that the Initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(e) SCOPE.—The Initiative shall be designed to provide, at a minimum, capabilities in the major process areas for both general fund and working capital fund operations of the Defense Agencies as follows:

(1) Budget formulation.

(2) Budget to report, including general ledger and trial balance.

(3) Procure to pay, including commitments, obligations, and accounts payable.

(4) Order to fulfill, including billing and accounts receivable.

(5) Cost accounting.

(6) Acquire to retire (account management).

(7) Time and attendance and employee entitlement.

(8) Grants financial management.

(f) PROGRAM CONTROL.—In carrying out the Initiative, the Director of the Business Transformation Agency shall establish—

(1) a board (to be known as the "Configuration Control Board") to manage scope and cost changes to the Initiative; and

(2) a program management office (to be known as the "Program Management Office") to control and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration contract for the Initiative, as directed by the Configuration Control Board.

(g) PLAN ON DEVELOPMENT AND IMPLEMENTATION OF INITIATIVE.—Not later than six months after the date of the enactment of this Act, the Director of the Business Transformation Agency shall submit to the congressional defense committees a plan for the development and implementation of the Initiative. The plan shall provide for the implementation of an initial capability under the Initiative as follows:

(1) In at least one Defense Agency by not later than eight months after the date of the enactment of this Act.

(2) In not less than six Defense Agencies by not later than 18 months after the date of the enactment of this Act.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31 U.S.C. 1105 note) is repealed.

SEC. 1007. EXTENSION OF PERIOD FOR TRANSFER OF FUNDS TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE ACCOUNT.

Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "second fiscal year" and inserting "fourth fiscal year"; and

(2) in subsection (d)(2), by striking "second fiscal year" and inserting "fourth fiscal year".

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN ADDITIONAL FOREIGN GOVERNMENTS.

Section 1033(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

"(17) The Government of the Dominican Republic.

"(18) The Government of Mexico.".

SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by each of the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti, including corruption and lack of entities available to partner with in Haiti.

(3) An assessment of the feasability and advisability of providing additional counternarcotics assistance to the Government of Haiti, including an extension and expansion to the Government of Haiti of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

(4) An assessment of the potential for counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. ENHANCEMENT OF AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of section 127b of title 10, United States Code, is amended by inserting ", or $5,000,000 during fiscal year 2008" after "$200,000".

(b) DELEGATION OF AUTHORITY TO COMMANDERS OF COMBATANT COMMANDS.—Subsection (c)(1)(B) of such title is amended by inserting ", or $1,000,000 during fiscal year 2008" after "$50,000".

(c) CONSULTATION WITH SECRETARY OF STATE IN AWARD.—Subsection (d)(2) of such section is amended by inserting ", or $2,000,000 during fiscal year 2008" after "$100,000".

SEC. 1022. REPEAL OF MODIFICATION OF AUTHORITIES RELATING TO THE USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) REPEAL.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2404), is amended to read as such section read on October 16, 2006, which is the day before the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007.

(2) CONFORMING CLERICAL AMENDMENTS.—(A) The heading of such section 333, as so amended, is amended to read as such heading read on October 16, 2006.

(B) The item relating to such section 333 in the table of sections at the beginning of chapter 15 of such title, as so amended, is amended to read as such item read on October 16, 2006.

(C) The heading of chapter 15 of such title, as so amended, is amended to read as such heading read on October 16, 2006.

(D) The item relating to chapter 15 of such title in the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, as so amended, is amended to read as such item read on October 16, 2006.

(b) OTHER CONFORMING AMENDMENTS.—

(1) CONFORMING REPEAL.—(A) Section 2567 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(2) ADDITIONAL AMENDMENT.—Section 12304(c)(1) of such title, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007, is amended to read as such section read on October 16, 2006.

SEC. 1023. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the "Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 1024. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term "relevant offense" means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SEC. 1025. GIFT ACCEPTANCE AUTHORITY.

(a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON BEHALF OF THE WOUNDED.—Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

(b) LIMITATION ON SOLICITATION OF GIFTS.—The Secretary of Defense shall prescribe regulations implementing sections 2601 and 2608 of title 10, United States Code, that prohibit the solicitation of any gift under such sections by any employee of the Department of Defense if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in such program.

SEC. 1026. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES.

(a) IN GENERAL.—Subsection (a) of section 2684 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—(1) The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government, tribal government, or other entity for any purpose as follows:

"(A) For the preservation, management, maintenance, and improvement of cultural resources.

"(B) For the conduct of research regarding cultural resources.

"(2) To be covered under a cooperative agreement under this subsection, cultural resources shall be located—

"(A) on a military installation; or

"(B) off a military installation, but only if the cooperative agreement directly relieves or eliminates current or anticipated restrictions that would or might restrict, impede, or otherwise interfere (whether directly or indirectly) with current or anticipated military training, testing, or operations on the installation.

"(3) Activities under a cooperative agreement under this subsection shall be subject to the availability of funds to carry out the cooperative agreement.".

(b) INCLUSION OF INDIAN SACRED SITES IN CULTURAL RESOURCES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) An Indian sacred site, as the that term is defined in section 1(b)(iii) of Executive Order 13007.".

SEC. 1027. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

"(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

"(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

"(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in nonuse status pursuant to section 2640 of this title for safety issues.

"(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier before the first day of the following fiscal year.

"(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

"(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

"(g) SUNSET.—The authorities in this section shall expire on December 31, 2015.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1028. PROVISION OF AIR FORCE SUPPORT AND SERVICES TO FOREIGN MILITARY AND STATE AIRCRAFT.

(a) PROVISION OF SUPPORT AND SERVICES.—

(1) IN GENERAL.—Section 9626 of title 10, United States Code, is amended to read as follows:

“§9626. Aircraft supplies and services: foreign military or other state aircraft

“(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country.

“(2) The supplies and services described in this paragraph are supplies and services as follows:

“(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

“(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

“(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country under circumstances as follows:

“(A) If such services are provided by Air Force personnel and equipment without direct cost to the Air Force.

“(B) If such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services to military and other state aircraft of the United States without reimbursement.

“(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking the item relating to section 9626 and inserting the following new item:

“9626. Aircraft supplies and services: foreign military or other state aircraft.”.

(b) CONFORMING AMENDMENT.—Section 9629(3) of such title is amended by striking “for aircraft of a foreign military or air attaché”.

SEC. 1029. PARTICIPATION IN STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP.

(a) AUTHORITY TO PARTICIPATE IN PARTNERSHIP.—The Secretary of Defense may—

(1) enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including—

(A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and

(B) the acquisition or transfer of airlift and airlift-related services and supplies among members of the Strategic Airlift Capability Partnership, or between the Partnership and non-member countries or international organizations, on a reimbursable basis or by replacement-in-kind or exchange of airlift or airlift-related services of an equal value; and

(2) pay from funds available to the Department of Defense for such purpose the United States equitable share of the recurring and nonrecurring costs of the activities and operations of the Strategic Airlift Capability Partnership, including costs associated with procurement of aircraft components and spare parts, maintenance, facilities, and training, and the costs of claims.

(b) AUTHORITIES UNDER PARTNERSHIP.—In carrying out the memorandum of understanding entered into under subsection (a), the Secretary of Defense may do the following:

(1) Waive reimbursement of the United States for the cost of the functions performed by Department of Defense personnel with respect to the Strategic Airlift Capability Partnership as follows:

(A) Auditing.

(B) Quality assurance.

(C) Inspection.

(D) Contract administration.

(E) Acceptance testing.

(F) Certification services.

(G) Planning, programming, and management services.

(2) Waive the imposition of any surcharge for administrative services provided by the United States that would otherwise be chargeable against the Strategic Airlift Capability Partnership.

(3) Pay the salaries, travel, lodging, and subsistence expenses of Department of Defense personnel assigned for duty to the Strategic Airlift Capability Partnership without seeking reimbursement or cost-sharing for such expenses.

(c) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out the memorandum of understanding entered into under subsection (a) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently providing funds for the purposes for which such obligation was made.

(d) AUTHORITY TO TRANSFER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Defense is authorized to transfer one strategic airlift aircraft to the Strategic Airlift Capability Partnership in accordance with the terms and conditions of the memorandum of understanding entered into under subsection (a).

(2) REPORT.—Not later than 30 days before the date on which the Secretary transfers a strategic airlift aircraft under paragraph (1), the Secretary shall submit to the congressional defense committees a report on the strategic airlift aircraft to be transferred, including the type of strategic airlift aircraft to be transferred and the tail registration or serial number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP DEFINED.—In this section the term “Strategic Airlift Capability Partnership” means the strategic airlift capability consortium established by the United States and other participating countries.

SEC. 1030. RESPONSIBILITY OF THE AIR FORCE FOR FIXED-WING SUPPORT OF ARMY INTRA-THEATER LOGISTICS.

The Secretary of Defense shall, acting through the Chairman of the Joint Chiefs of Staff, prescribe directives or instructions to provide that the Air Force shall have responsibility for the missions and functions of fixed-wing support for Army intra-theater logistics.

SEC. 1031. PROHIBITION ON SALE OF PARTS FOR F-14 FIGHTER AIRCRAFT.

(a) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F-14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F-14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F-14 fighter aircraft for historical purposes.

(b) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F-14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

SEC. 1032. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

SEC. 1033. PROVISIONS RELATING TO THE REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

(a) The Secretary of Defense shall submit to the Congressional Defense Committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In making such assessment, the Secretary shall consider:

(1) An evaluation of the Air Force's requirement for additional F-15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at the Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) Opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

Subtitle D—Reports

SEC. 1041. RENEWAL OF SUBMITTAL OF PLANS FOR PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting “and each of 2007, 2008, and 2009,” after “2004, 2005, and 2006,”.

SEC. 1042. REPORT ON THREATS TO THE UNITED STATES FROM UNGOVERNED AREAS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly, in coordination with the Director of National Intelligence, submit to Congress a report on the threats posed to the United States from ungoverned areas, including the threats to the United States from terrorist groups and individuals located in such areas who direct their activities against the United States and its allies.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the intelligence capabilities and skills required by the United States Government to support United States policy aimed at managing the threats described in subsection (a), including, specifically, the technical, linguistic, and analytical capabilities and the skills required by the Department of Defense and the Department of State.

(2) An assessment of the extent to which the Department of Defense and the Department of State possess the capabilities described in paragraph (1) as well as the necessary resources and organization to support United States policy aimed at managing the threats described in subsection (a).

(3) A description of the extent to which the implementation of Department of Defense Directive 3000.05, entitled "Military Support for Stability, Security, Transition, and Reconstruction Operations", will support United States policy for managing such threats.

(4) A description of the actions, if any, to be taken to improve the capabilities and skills of the Department of Defense and the Department of State described in paragraph (1), and the schedule for implementing any actions so described.

SEC. 1043. STUDY ON NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an independent, non-profit, non-partisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes) identified by the organization as a result of the study.

(c) SUBMITTAL DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (a) not later than 180 days after the date on which the Secretary makes funds available to the organization under subsection (e) for purposes of the study.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term "national security interagency system" means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, not more than $3,000,000 may be available to carry out this section.

(2) MATCHING FUNDING REQUIREMENT.—The amount provided by the Secretary for the agreement entered into under subsection (a) may not exceed the value of contributions (whether money or in-kind contributions) obtained and provided by the organization for the study from non-government sources.

(f) FOCUS ON IMPROVING INTERAGENCY COOPERATION IN POST-CONFLICT CONTINGENCY RELIEF AND RECONSTRUCTION OPERATIONS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The interagency coordination and integration of the United States Government for the planning and execution of overseas post-conflict contingency relief and reconstruction operations requires reform.

(B) Recent operations, most notably in Iraq, lacked the necessary consistent and effective interagency coordination and integration in planning and execution.

(C) Although the unique circumstances associated with the Iraq reconstruction effort are partly responsible for this weak coordination, existing structural weaknesses within the planning and execution processes for such operations indicate that the problems encountered in the Iraq program could recur in future operations unless action is taken to reform and improve interdepartmental integration in planning and execution.

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort, but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

(E) The fresh body of evidence developed from the Iraq relief and reconstruction experience provides a good basis and timely opportunity to pursue meaningful improvements within and among the departments charged with managing the planning and execution of such operations.

(F) The success achieved in departmental integration of overseas conflict management through the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992) provides precedent for Congress to consider legislation designed to promote increased cooperation and integration among the primary Federal departments and agencies charged with managing post-conflict contingency reconstruction and relief operations.

(2) INCLUSION IN STUDY.—The study conducted under subsection (a) shall include the following elements:

(A) A synthesis of past studies evaluating the successes and failures of previous interagency efforts at planning and executing post-conflict contingency relief and reconstruction operations, including relief and reconstruction operations in Iraq.

(B) An analysis of the division of duties, responsibilities, and functions among executive branch agencies for such operations and recommendations for administrative and regulatory changes to enhance integration.

(C) Recommendations for legislation that would improve interagency cooperation and integration and the efficiency of the United States Government in the planning and execution of such operations.

(D) Recommendations for improvements in congressional, executive, and other oversight structures and procedures that would enhance accountability within such operations.

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made."; and

(3) in paragraph (5), as so redesignated, by striking "(2), or (3)" and inserting "(2), (3), or (4)".

SEC. 1045. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SEC. 1046. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the "Uniformed Services Employment and Reemployment Rights Act").

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance

and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

SEC. 1047. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

SEC. 1048. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

SEC. 1049. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) CONDUCT OF STUDY.—

(A) USE OF FFRDC.—The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(B) DEVELOPMENT OF STUDY METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the federally funded research and development center selected for the conduct of the study shall—

(i) develop the methodology for the study; and

(ii) submit the methodology to the Comptroller General of the United States for review.

(C) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after receipt of the methodology under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology; and

(ii) submit to the federally funded research and development center a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the review; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(D) MODIFICATION OF METHODOLOGY.—Not later than 30 days after receipt of the report under subparagraph (C), the federally funded research and development center shall—

(i) modify the methodology in order to address flaws or weaknesses identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(3) UTILIZATION OF OTHER STUDIES.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(2) The adequacy of the current intertheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C–5 aircraft fleet when compared with procuring new C–17 aircraft, which assessment shall be performed in concert with the Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C–5 aircraft and the C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions for the C–5 aircraft, and any assumptions made for the mission capable rates of the C–17 aircraft, sensitivity analyses shall also be conducted to test assumptions. The military capability study for the C–5 aircraft shall also include an assessment of the mission capable rates after each of the following:

(i) Successful completion of the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP).

(ii) Partially successful completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partially successful completion of either such program being considered the point at which the continued execution of such program is no longer supported by cost-benefit analysis.

(C) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(D) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted if necessary, including—

(A) an analysis of the costs of closing and reopening the production line for the C–5 aircraft; and

(B) an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(5) The financial effects of retiring, upgrading and maintaining, or continuing current operations of the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(6) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 301 airframes, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 aircraft and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C–5 aircraft with C–17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C–17 aircraft.

(d) COLLABORATION WITH TRANSCOM.—The federally funded research and development center selected under subsection (a) shall conduct the study required by that subsection and make the report required by subsection (e) in concert with the United States Transportation Command.

(e) REPORT BY FFRDC.—

(1) IN GENERAL.—Not later than January 10, 2009, the federally funded research and development center selected under subsection (a) shall submit to the Secretary of Defense, the congressional defense committees, and the Comptroller General of the United States a report on the study required by subsection (a).

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report under paragraph (1), the Comptroller General shall submit to the congressional defense committee a report on the study conducted under subsection (a) and the report under paragraph (1). The report under this subsection shall include an analysis of the study under subsection (a) and the report under paragraph (1), including an assessment by the Comptroller General of the strengths and weaknesses of the study and report.

(f) REPORT BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

(2) ELEMENTS.—The report shall include a comprehensive discussion of the findings of the study, including a particular focus on the following:

(A) A description of lift requirements and operating profiles for intertheater airlift aircraft required to meet the National Military Strategy, including assumptions regarding:

(i) Current and future military combat and support missions.

(ii) The planned force structure growth of the Army and the Marine Corps.

(iii) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(iv) New capability in strategic airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(v) The utilization of the heavy lift aircraft in intratheater combat missions.

(vi) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(vii) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(viii) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(ix) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(B) A description of the assumptions utilized in the study regarding aircraft performances and loading factors.

(C) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(D) A comparison of cost and risk associated with optimal mix airlift fleet versus program of record airlift fleet.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 1050. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

Subtitle E—Other Matters

SEC. 1061. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy and the Secretary of State.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the quadrennial defense review required to be submitted under section 118 of title 10, United States Code, in 2009.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as a basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1062. TERMINATION OF COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is repealed.

SEC. 1063. COMMUNICATIONS WITH THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the

head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request from the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any intelligence assessment, report, estimate, legal opinion, or other intelligence information relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

(b) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(c) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

(1) to receive permission to testify before the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives; or

(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(2) COVERED PERSON.—The term 'covered person' means—

"(A) an officer or employee of a Federal agency;

"(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

"(C) an officer or employee of a contractor of a Federal agency.

"(3) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(4) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

"(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

"(1) an unlawful user of, or is addicted to, a controlled substance; or

"(2) mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States government and in accordance with the adjudicative guidelines required by subsection (d).

"(c) DISQUALIFICATION.—

"(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

"(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

"(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

"(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

"(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

"(A) special access programs;

"(B) Restricted Data; or

"(C) any other information commonly referred to as 'sensitive compartmented information'.

"(4) ANNUAL REPORT.—

"(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

"(B) DEFINITIONS.—In this paragraph:

"(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

"(I) the congressional intelligence committees;

"(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(III) the Committee on Oversight and Government Reform of the House of Representatives; and

"(IV) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

"(ii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

"(d) ADJUDICATIVE GUIDELINES.—

"(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

"(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

"(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

"(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SEC. 1066. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES.—The advisory panel shall carry out its duties under this section under procedures established under subsection (c) by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center for the

provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

(2) DEADLINE FOR CONTRACT.—The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) DUTIES OF PANEL.—The advisory panel required by subsection (a) shall—

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations in support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general purposes forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other department and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1); and

(7) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order to improve the provision by the Department of Defense of the support described in paragraph (1).

(e) COOPERATION OF OTHER AGENCIES.—

(1) IN GENERAL.—The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION.—The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) REPORT.—Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

SEC. 1067. SENSE OF CONGRESS ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation has the mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which continues to foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1068. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—

(1) REFERENCES.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(A) Section 192(c)(2).
(B) Section 193.
(C) Section 201(a).
(D) Section 201(c)(1).
(E) Section 425(a).
(F) Section 426.
(G) Section 441.
(H) Section 443(d).
(I) Section 2273(b)(1).
(J) Section 2723(a).

(2) CAPTION AMENDMENTS.—Title 10, United States Code, is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in the heading of the following provisions and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(A) Section 441(c).
(B) Section 443(d).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Title 10, United States Code, is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(1) Section 431(b)(1).
(2) Section 444.
(3) Section 1089(g)(1).

(c) OTHER AMENDMENTS.—Section 201 of title 10, United States Code, is further amended—

(1) in paragraph (1) of subsection (b), by striking "Before submitting" and all that follows and inserting "In the event of a vacancy in a position referred to in paragraph (2), the making by the Secretary of Defense of a recommendation to the President regarding the appointment of an individual to such position shall be governed by the provisions of section 106(b) of the National Security Act of 1947 (50 U.S.C. 403-6(b)), relating to the concurrence of the Director of National Intelligence in appointments to positions in the intelligence community."; and

(2) in subsection (c), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

SEC. 1069. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.
(2) The Secretary of Education.
(3) The Secretary of Defense.
(4) The Secretary of State.
(5) The Secretary of Homeland Security.
(6) The Attorney General.
(7) The Director of National Intelligence.
(8) The Secretary of Labor.
(9) The Director of the Office of Personnel Management.
(10) The Director of the Office of Management and Budget.
(11) The Secretary of Commerce.
(12) The Secretary of Health and Human Services.
(13) The Secretary of the Treasury.
(14) The Secretary of Housing and Urban Development.
(15) The Secretary of Agriculture.
(16) The Chairman and President of the Export-Import Bank of the United States.
(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;
(ii) academic sector institutions;
(iii) foreign language related interest groups;
(iv) business associations;
(v) industry;
(vi) heritage associations; and
(vii) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) recommendations for assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(K) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(M) recommendations for overcoming barriers in foreign language proficiency.

(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term "National Security Language Initiative" means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(A) the activities of the Council;

(B) the efforts of the Council to improve foreign language education and training; and

(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—

(A) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Education and Labor;

(iv) the Committee on Oversight and Government Reform;

(v) the Committee on Small Business;

(vi) the Committee on Foreign Affairs; and

(vii) the Permanent Select Committee on Intelligence;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Health, Education, Labor, and Pensions;

(iv) the Committee on Homeland Security and Governmental Affairs;

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency

for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

SEC. 1070. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT UNDER CONTRACT WITH THE ARMED FORCES.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(41)(E) of title 49, United States Code, is amended—

(1) by inserting "or an operational support service" after "transportation"; and

(2) by adding at the end the following new sentence: "The term 'an operational support service' means a mission performed by an aircraft operator that uses fixed or rotary winged aircraft to provide a service other than transportation.".

(b) ARMED FORCES OPERATIONAL MISSION.—Section 40125(c) of such title is amended—

(1) in paragraph (1)(C), by inserting "or an operational support service" after "transportation"; and

(2) by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH FEDERAL AVIATION REGULATIONS.—If the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) does not make a designation under paragraph (1)(C) with regard to a chartered aircraft, the transportation or operational support service provided to the armed forces by such aircraft shall be in compliance with the Federal Aviation Regulations under title 14, Code of Federal Regulations.".

(c) TECHNICAL CORRECTIONS.—

(1) Section 40125(b) of such title is amended by striking "40102(a)(37)" and inserting "40102(a)(41)".

(2) Section 40125(c)(1) of such title is amended by striking "40102(a)(37)(E)" appears and inserting "40102(a)(41)(E)".

SEC. 1071. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 1072. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term "covered area" means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) DUAL-MILITARY COUPLE.—The term "dual-military couple" means a married couple in which both spouses are members of the Armed Forces.

SEC. 1073. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking "all persons present" and all that follows through the end and inserting "those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.".

SEC. 1074. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking "October 1, 2008" each place such term appears and inserting "October 1, 2011" in each such place.

SEC. 1075. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection is necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense, including such a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department.

(B) Any distinguished foreign visitor to the United States who is conducting official business with the Department of Defense.

(C) Any member of the immediate family of a person authorized to receive physical protection and security under this section.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, and the duration of the authorized protection and security for such officer, employee, or individual.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the 90-day period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees"

means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms "qualified members of the Armed Forces and qualified civilian employees of the Department of Defense" refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The U.S. Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The U.S. Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide security and protection under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

SEC. 1076. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking "June 30, 2007" and inserting "November 30, 2008".

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

"(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.".

(c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

SEC. 1077. SENSE OF SENATE ON PROJECT COMPASSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice.

(2) In the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member.

(3) To date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States.

(4) Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Kaziah M. Hancock and the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the Soldiers, Sailors, Airmen and Marines who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion; and

(3) the Senate, on the behalf of the people of the United States, commends Kaziah M. Hancock, the four other Project Compassion volunteer professional portrait artists, and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

SEC. 1078. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Tax-exempt status required as condition of charter.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.
"120112. Definition.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 120102. Purposes

"The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

"(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

"(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

"(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

"(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

"(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

"(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"§ 120107. Tax-exempt status required as condition of charter

"If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of the members, board of directors, and committees of the *corporation having any of the authority of the board of directors of the corporation; and*

"(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§ 120111. Annual report

"The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

"For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.".

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

"1201. Korean War Veterans Association, Incorporated .... 120101".

SEC. 1079. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81–0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SEC. 1080. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States .

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C–5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F–16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

(5) An evaluation of the current capability of the Department of Defense to respond to these mission requirements and an assessment of any additional capabilities that are required.

(6) An assessment of the costs and benefits of adding such capabilities at Kelly Air Field to the costs and benefits of other locations.

SEC. 1081. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled "National Guard Equipment Requirements", outlines the "Essential 10" equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SEC. 1082. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c)

personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

SEC. 1083. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

SEC. 1084. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the "Charlie Norwood Department of Veterans Affairs Medical Center".

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

SEC. 1085. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: "The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).";

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

"(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

"(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

"(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

"(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary."; and

(4) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2012".

SEC. 1086. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D–5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and anticipated programs to support an industrial base that would be needed to support the range of future requirements.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

SEC. 1087. JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for Marines and Other Victims of State-Sponsored Terrorism Act".

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—

"(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

"(2) CLAIM HEARD.—The court shall hear a claim under this section if—

"(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

"(B) the claimant or the victim was—

"(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or "(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

"(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

"(b) DEFINITION.—For purposes of this section—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

"(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

"(1) 10 years after April 24, 1996; or

"(2) 10 years from the date on which the cause of action arose.

"(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

"(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

"(h) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

"(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

"(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.".

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property by the government of the foreign state;

"(B) whether the profits of the property go to that government;

"(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

"(D) whether that government is the sole beneficiary in interest of the property; or

"(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(3) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting "or" after the semicolon;

(ii) in paragraph (6)(D), by striking "; or" and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104–208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

SEC. 1088. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2010".

SEC. 1089. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking "$2,000,000" and inserting "$2,500,000"; and

(2) in subsection (e), by striking "under section 301(a)(4)".

SEC. 1090. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.".

SEC. 1091. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the "National Center for Human Performance". Nothing in this section shall be construed to convey on such institute status as a center of excellence under the Public Health Service Act or as a center of the national institutes of health under title IV of such Act.

SEC. 1092. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking "(3) the term" and inserting the following:

"(3) ALTERNATIVE FUELED VEHICLE.—

"(A) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

"(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

"(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

"(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

"(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.".

SEC. 1093. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management may establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

SEC. 1094. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all appropriate aircraft in mission areas including testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than three commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than two air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,200 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

(g) REPORT.—The Secretary of the Air Force shall provide to the Congressional Defense Committees an annual report on the fee-for-service air refueling program to include:

(1) missions flown;

(2) mission areas supported;

(3) aircraft number, type, model series supported;

(4) fuel dispensed;

(5) departure reliability rates; and

(6) any other data as appropriate for evaluating performance of the commercial air refueling providers.

SEC. 1095. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense may, to the extent consistent with the

final recommendations of the 2005 Defense Base Closure and Realignment Commission as approved by the President, establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center, if established, shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

SEC. 1096. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local, State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the RC–26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC–26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC–26 domestic training center meeting the requirements identified under paragraph (1);

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number of intelligence, reconnaissance and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. COMPENSATION OF FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Section 5544(a) of title 5, United States Code, is amended in the third sentence in the matter following paragraph (3) by inserting ", including travel by the employee to such event and the return of the employee from such event to the employee's official duty station," after "event".

SEC. 1102. RETIREMENT SERVICE CREDIT FOR SERVICE AS CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(13) of title 5, United States Code, is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(31) of such title is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(c) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any annuity, eligibility for which is based upon a separation occurring before, on, or after the date of enactment of this Act; and

(2) any period of service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, occurring before, on, or after the date of enactment of this Act.

SEC. 1103. CONTINUATION OF LIFE INSURANCE COVERAGE FOR FEDERAL EMPLOYEES CALLED TO ACTIVE DUTY.

Section 8706(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(5) In the case of an employee enrolled in life insurance under this chapter who is a member of a reserve component of the armed forces called or ordered to active duty, is placed on leave without pay to perform active duty pursuant to such call or order, and serves on active duty pursuant to such call or order for a period of more than 30 consecutive days, the life insurance of the employee under this chapter may continue for up to 24 months after discontinuance of pay by reason of the performance of such active duty.".

SEC. 1104. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) EXCLUSION OF WAGE-GRADE EMPLOYEES.—Subsection (b) of section 9902 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) not apply to any prevailing rate employees, as defined in section 5342(a)(2);".

(b) CLARIFICATION OF REQUIREMENTS REGARDING LABOR-MANAGEMENT RELATIONS.—

(1) IN GENERAL.—Such section is further amended by striking subsection (m).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (f)(1)(D)(i), by inserting "subject to the requirements of chapter 71," before "develop a method"; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting "and" at the end;

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D).

(3) CONSTRUCTION OF PAY ESTABLISHMENT OR ADJUSTMENT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(6) Any rate of pay established or adjusted in accordance with the requirements of this section shall be a matter covered by section 7103(a)(14)(C) of this title.".

SEC. 1105. AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 5547 of title 5, United States Code, during 2008, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may waive limitations on total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total compensation payable to an employee pursuant to a waiver under this subsection in a calendar year may not exceed $212,100.

(b) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1106. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE OF DEFENSE RESEARCH AND ENGINEERING POSITIONS IN EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding after subparagraph (C) the following new subparagraph (D):

"(D) not more than a total of 20 scientific and engineering positions in the Office of the Director of Defense Research and Engineering;".

SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNIFORM ALLOWANCE TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 1593 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1593.

SEC. 1108. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "so as" and inserting "after consideration of the compensation necessary"; and

(B) by striking "within the vicinity of the District of Columbia" and inserting "identified by the Secretary for purposes of this paragraph"; and

(2) in paragraph (4)—

(A) by striking "section 5373" and inserting "sections 5307 and 5373"; and

(B) by adding at the end the following new sentence: "In no case may the total amount of compensation paid under paragraph (1) in any year exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO EQUIP AND TRAIN FOREIGN PERSONNEL TO ASSIST IN ACCOUNTING FOR MISSING UNITED STATES PERSONNEL.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel

"(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States personnel.

"(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

"(1) Equipment.

"(2) Supplies.

"(3) Services.

"(4) Training of personnel.

"(c) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed $1,000,000.

"(d) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

"(e) ANNUAL REPORTS.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

"(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A statement of each foreign nation provided assistance under this section.

"(B) For each nation so provided assistance, a description of the type and amount of such assistance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

"408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1202. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN AMOUNT OF AUTHORIZED ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking "$100,000,000" and inserting "$200,000,000".

(b) PROGRAM FOR ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsection (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) FORMULATION AND IMPLEMENTATION OF PROGRAM FOR ASSISTANCE.—The Secretary of State shall coordinate with the Secretary of Defense in the formulation and implementation of a program of reconstruction, security, or stabilization assistance to a foreign country that involves the provision of services or transfer of defense articles or funds under subsection (a).".

(c) ONE-YEAR EXTENSION.—Subsection (g) of such section, as redesignated by subsection (b) of this section, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1203. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2008.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program in Iraq or any similar program to assist the people of Afghanistan, the Secretary may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(c) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs referred to in subsection (a).

(d) SUBMITTAL OF MODIFICATIONS OF GUIDANCE.—In the event any modification is made after the date of the enactment of this Act in the guidance issued to the Armed Forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program in Iraq and any similar program to assist the people of Afghanistan, the Secretary shall submit to the congressional defense committees a copy of such modification not later than 15 days after the date of such modification.

SEC. 1204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON GLOBAL PEACE OPERATIONS INITIATIVE.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met the goals set by the President at the inception of the program in 2004.

(2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each member state of the Group of Eight (G–8), including the approximate cost of the activities, and the approximate percentage of the total monetary value of the activities conducted by each G–8 member, including the United States, as well as efforts by the President to seek contributions or participation by other G–8 members.

(4) A description of any activities conducted by non-G–8 members, or other organizations and institutions, as well as any efforts by the President to solicit contributions or participation.

(5) A description of the extent to which the Global Peace Operations Initiative has had global participation.

(6) A description of the administration of the program by the Department of State and Department of Defense, including—

(A) whether each Department should concentrate administration in one office or bureau, and if so, which one;

(B) the extent to which the two Departments coordinate and the quality of their coordination; and

(C) the extent to which contractors are used and an assessment of the quality and timeliness of the results achieved by the contractors, and whether the United States Government might have achieved similar or better results without contracting out functions.

(7) A description of the metrics, if any, that are used by the President and the G–8 to measure progress in implementation of the Global Peace Operations Initiative, including—

(A) assessments of the quality and sustainability of the training of individual soldiers and units;

(B) the extent to which the G–8 and participating countries maintain records or databases of trained individuals and units and conduct inspections to measure and monitor the continued readiness of such individuals and units;

(C) the extent to which the individuals and units are equipped and remain equipped to deploy in peace operations; and

(D) the extent to which, the timeline by which, and how individuals and units can be mobilized for peace operations.

(8) The extent to which, the timeline by which, and how individuals and units can be and are being deployed to peace operations.

(9) An assessment of whether individuals and units trained under the Global Peace Operations Initiative have been utilized in peace operations subsequent to receiving training under the Initiative, whether they will be deployed to upcoming operations in Africa and elsewhere, and the extent to which such individuals and units would be prepared to deploy and participate in such peace operations.

(10) Recommendations as to whether participation in the Global Peace Operations Initiative should require reciprocal participation by countries in peace operations.

(11) Any additional measures that could be taken to enhance the effectiveness of the Global Peace Operations Initiative in terms of—

(A) achieving its stated goals; and

(B) ensuring that individuals and units trained as part of the Initiative are regularly participating in peace operations.

SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

(a) REPEAL OF LIMITATIONS.—Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and *(ii) by striking "sections 2005 and 2007" and inserting "section 2005";*

(B) in subsection (b)—

(i) in the heading, by striking "Sections 5 and 7" and inserting "Section 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(C) in subsection (c)(2)(A), by striking "sections 2005 and 2007" and inserting "section 2005";

(D) in subsection (d), by striking "sections 2005 and 2007" and inserting "section 2005"; and

(E) in subsection (e), by striking "2006, and 2007" and inserting "and 2006"; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

Subtitle B—Other Authorities and Limitations

SEC. 1211. COOPERATIVE OPPORTUNITIES DOCUMENTS UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS AND OTHER ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Section 2350a(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(A)";

(B) by striking "an arms cooperation opportunities document" and inserting "a cooperative opportunities document before the first milestone or decision point"; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking "An arms cooperation opportunities document" and inserting "A cooperative opportunities document".

SEC. 1212. EXTENSION AND EXPANSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) Expansion to Nations Engaged in Certain Peacekeeping Operations.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended—

(1) in paragraph (1), by inserting "or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement" after "Iraq or Afghanistan"; and

(2) in paragraph (3) by inserting ", or in a peacekeeping operation described in paragraph (1), as applicable," after "Iraq or Afghanistan".

(b) One-Year Extension.—Subsection (e) of such section is amended by striking "September 30, 2008" and inserting "September 30, 2009".

*(c) Conforming Amendment.—The heading of such section is amended by striking "**FOREIGN FORCES IN IRAQ AND AFGHANISTAN**" and inserting "**CERTAIN FOREIGN FORCES**".*

SEC. 1213. ACCEPTANCE OF FUNDS FROM THE GOVERNMENT OF PALAU FOR COSTS OF MILITARY CIVIC ACTION TEAMS.

Section 104(a) of Public Law 99–658 (48 U.S.C. 1933(a)) is amended—

(1) by inserting "(1)" before "In recognition"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may accept from the Government of Palau the amount available for the use of the Government of Palau under paragraph (1). Any amount so accepted by the Secretary under this paragraph shall be credited to the appropriation or account available to the Department of Defense for the Civic Action Team with respect to which such amount is so accepted. Amounts so credited shall be merged with the appropriation or account to which credited, and shall be available to the Civic Action Team for the same purposes, and subject to the same conditions and limitations, as the appropriation or account with which merged.".

SEC. 1214. EXTENSION OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) Extension of Participation.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is amended—

(1) in subsection (a), by striking "fiscal year 2007" and inserting "during fiscal years 2007 and 2008"; and

(2) in subsection (e)(2), by inserting "or 2008" after "in fiscal year 2007".

(b) Reporting Requirements.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by striking "October 31, 2007," and inserting "October 31 of each of 2007 and 2008,"; and

(B) by striking "fiscal year 2007" and inserting "fiscal year 2007 or 2008, as applicable"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The report" and inserting "Each report"; and

(ii) by inserting ", for the fiscal year covered by such report," after "shall include"; and

(B) in subparagraph (A), by striking "fiscal year 2007".

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) Findings.—Congress makes the following findings:

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

(c) Limitation.—No funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand to initiate new military assistance activities until 15 days after the Secretary of Defense notifies the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the intent of the Secretary to carry out such new types of military assistance activities with Thailand.

(d) Exception.—The limitation in subsection (c) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(e) New Military Assistance Activities Defined.—In this section, the term "new military assistance activities" means military assistance activities that have not been undertaken between the United States and Thailand during fiscal year 2007.

SEC. 1216. PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.

Not more than 75 percent of the amount authorized to be appropriated by this Act and available for the Office of the Under Secretary of Defense for Policy may be obligated or expended for that purpose until the President submits to Congress the report required by section 1213(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2422).

SEC. 1217. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING IMPLEMENTATION OF REQUIREMENTS REGARDING NORTH KOREA.

Notwithstanding any other provision of law, no funds authorized to be appropriated for the Department of Defense by this Act or any other Act for the provision of security and stabilization assistance as authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (as amended by section 1202 of this Act) may be obligated or expended for that purpose until the President certifies to Congress that all the provisions of section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-163; 120 Stat. 2420) have been or are being carried out.

SEC. 1218. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) Finding.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that pose a threat to both the forward-deployed forces of the United States and to its North Atlantic Treaty Organization (NATO) allies in Europe; and which eventually could pose a threat to the United States homeland.

(b) Policy of the United States.—It is the policy of the United States—

(1) to develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide protection for the United States, its friends, and its North Atlantic Treaty Organization allies; and

(2) to proceed in the development of such response in a manner such that any missile defenses fielded by the United States in Europe are integrated with or complementary to missile defense capabilities that might be fielded by the North Atlantic Treaty Organization in Europe.

SEC. 1219. JUSTICE FOR OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA.

(a) Enhanced Reward for Capture of Osama Bin Laden.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.".

(b) Status of Efforts To Bring Osama Bin Laden and Other Leaders of Al Qaeda to Justice.—

(1) Reports required.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of

State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Subtitle C—Reports

SEC. 1231. REPORTS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 180 days thereafter through the end of fiscal year 2009, the President shall submit to the congressional defense committees a report on United States policy and military operations in Afghanistan.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A comprehensive strategy, coordinated between and among the departments and agencies of the United States Government, for achieving the objectives of United States policy and military operations in Afghanistan.

(2) A description of current and proposed efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including key criteria for measuring the capabilities and readiness of the Afghan National Army, the Afghan National Police, and other Afghan security forces.

(3) A description of current and proposed efforts of the United States Government to work with coalition partners to strengthen the International Security Assistance Force (ISAF) led by the North Atlantic Treaty Organization (NATO) in Afghanistan, including efforts—

(A) to encourage North Atlantic Treaty Organization members to make or fulfill commitments to meet North Atlantic Treaty Organization mission requirements with respect to the International Security Assistance Force; and

(B) to remove national restrictions on the use of forces of members of the North Atlantic Treaty Organization deployed as part of the International Security Assistance Force mission.

(4) A description of current and proposed efforts to improve provincial governance and expand economic development in the provinces of Afghanistan, including—

(A) a statement of the mission and objectives of the Provincial Reconstruction Teams in Afghanistan;

(B) a description of the number, funding (including the sources of funding), staffing requirements, and current staffing levels of the Provincial Reconstruction Teams, set forth by United States Government agency;

(C) an evaluation of the effectiveness of each Provincial Reconstruction Team, including each team under the command of the United States and each team under the command of the International Security Assistance Force, in achieving its mission and objectives; and

(D) a description of the collaboration, if any, between the United States Agency for International Development and Special Operations Forces in such efforts, and an assessment of the results of such collaboration.

(5) With respect to current counternarcotics efforts in Afghanistan—

(A) a description of the counternarcotics plan of the United States Government in Afghanistan, including a statement of priorities among United States counterdrug activities (including interdiction, eradication, and alternative livelihood programs) within that plan, and a description of the specific resources allocated for each such activity;

(B) a description of the counternarcotics roles and missions assumed by the local and provincial governments of Afghanistan, the Government of Afghanistan, particular departments and agencies of the United States Government, the International Security Assistance Force, and other governments;

(C) a description of the extent, if any, to which counternarcotics operations in or with respect to Afghanistan have been determined to constitute a United States military mission, and the justification for that determination;

(D) a description of United States efforts to destroy drug manufacturing facilities; and

(E) a description of United States efforts to apprehend or eliminate major drug traffickers in Afghanistan, and a description of the extent to which such drug traffickers are currently assisting United States counterterrorist efforts.

(6) A description of current and proposed efforts to help the Government of Afghanistan fight public corruption and strengthen the rule of law.

(7) A description of current and proposed diplomatic and other efforts to encourage and assist the Government of Pakistan to eliminate safe havens for Taliban, Al Qaeda, and other extremists within the territory of Pakistan which threaten the stability of Afghanistan, and an evaluation of the cooperation of the Government of Pakistan in eliminating such safe havens.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

SEC. 1232. STRATEGY FOR ENHANCING SECURITY IN AFGHANISTAN BY ELIMINATING SAFE HAVENS FOR VIOLENT EXTREMISTS IN PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime from Afghanistan.

(2) In early September 2006, the Government of Pakistan signed a peace agreement with pro-Taliban militants in Miramshah, North Waziristan, Pakistan. Under the agreement, local tribesmen in North Waziristan agreed to halt cross-border movement of pro-Taliban insurgents from the North Waziristan area to Afghanistan and to remove all foreigners who do not respect the peace and abide by the agreement.

(3) In late September 2006, United States military officials in Kabul, Afghanistan, reported two-fold, and in cases three-fold, increases in the number of cross-border attacks along the Afghanistan border with Pakistan in the weeks following the signing of the agreement referred to in paragraph (2).

(4) On February 13, 2007, Lieutenant General Karl W. Eikenberry, the former commanding general of Combined Forces Command—Afghanistan, stated in a written statement to the Committee on Armed Services of the House of Representatives that "Al Qaeda and Taliban leadership presence inside Pakistan remains a significant problem that must be satisfactorily addressed if we are to prevail in Afghanistan and if we are to defeat the global threat posed by international terrorism".

(5) On February 27, 2007, John McConnell, the Director of National Intelligence, stated in a written statement to the Committee on Armed Services of the Senate that "[e]liminating the safehaven that the Taliban and other extremists have found in Pakistan's tribal areas is not sufficient to end the insurgency in Afghanistan but it is necessary".

(b) STRATEGY RELATING TO PAKISTAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report describing the long-term strategy of the United States to engage with the Government of Pakistan—

(A) to prevent the movement of Taliban, Al Qaeda, and other violent extremist forces across the border of Pakistan into Afghanistan; and

(B) to eliminate safe havens for such forces on the national territory of Pakistan.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON AVAILABILITY OF DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

(1) LIMITATION.—For fiscal years 2008 and 2009, the Government of Pakistan may not be reimbursed in any fiscal year quarter for the provision to the United States of logistical, military, or other support utilizing funds appropriated or otherwise made available by an Act making supplemental appropriations for fiscal year 2007 for operations in Iraq and Afghanistan, or any other Act, for the purpose of making payments to reimburse key cooperating nations for the provision to the United States of such support unless the President certifies to the congressional defense committees for such fiscal year quarter that the Government of Pakistan is making substantial and sustained efforts to eliminate safe havens for the Taliban, Al Qaeda and other violent extremists in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(2) CONTENT OF CERTIFICATION.—Each certification submitted under paragraph (1) shall include a detailed description of the efforts made by the Government of Pakistan to eliminate safe havens for the Taliban, Al Qaeda, and other violent extremists in areas under its sovereign control.

(3) FORM.—Each certification submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WAIVER.—The President may waive the limitation on reimbursements under paragraph (1) for a fiscal year quarter if the President determines and certifies to the congressional defense committees that it is important to the national security interest of the United States to do so.

SEC. 1233. ONE-YEAR EXTENSION OF UPDATE ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465) is amended by striking "Not later than one year after enactment of this

Act," and inserting "Not later than each of January 6, 2007, and January 7, 2008,".

SEC. 1234. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term "covered United Nations mission" means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SEC. 1235. REPORT ON THE AIRFIELD IN ABECHE, CHAD, AND OTHER RESOURCES NEEDED TO PROVIDE STABILITY IN THE DARFUR REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the airfield located in Abeche, Republic of Chad, could play a significant role in potential United Nations, African Union, or North Atlantic Treaty Organization humanitarian, peacekeeping, or other military operations in Darfur, Sudan, or the surrounding region; and

(2) the capacity of that airfield to serve as a substantial link in such operations should be assessed, along with the projected costs and specific upgrades that would be necessary for its expanded use, should the Government of Chad agree to its improvement and use for such purposes.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the matters as follows:

(1) The current capacity of the existing airfield in Abeche, Republic of Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(2) The upgrades, and their associated costs, necessary to enable the airfield in Abeche, Republic of Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by the recent United Nations resolutions calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(3) The force size and composition of an international effort estimated to be necessary to provide protection to those Darfur civilian populations currently displaced in the Darfur region.

(4) The force size and composition of an international effort estimated to be necessary to provide broader stability within the Darfur region.

SEC. 1236. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

"(9) Developments in asymmetric capabilities, including cyberwarfare, including—

"(A) detailed analyses of the countries targeted;

"(B) the specific vulnerabilities targeted in these countries;

"(C) the tactical and strategic effects sought by developing threats to such targets; and

"(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.".

SEC. 1237. APPLICATION OF THE UNIFORM CODE OF MILITARY JUSTICE TO MILITARY CONTRACTORS DURING A TIME OF WAR.

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Service Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

SEC. 1238. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

SEC. 1239. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the "responsibility to protect" doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to "Operation Artemis", the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, "international intervention force" means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of this Act.

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2008 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $102,885,000.

(2) For nuclear weapons storage security in Russia, $22,988,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $51,986,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $194,489,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $19,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS IN STATES OUTSIDE THE FORMER SOVIET UNION.

Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following new subsection:

"(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

"(1) Programs to facilitate the elimination, and safe and secure transportation and storage, of biological, or chemical weapons, materials, weapons components, or weapons-related materials.

"(2) Programs to prevent the proliferation of nuclear, chemical, or biological weapons, weapons components, and weapons-related military technology and expertise.

"(3) Programs to facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.".

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) in subsection (a), by striking "the President" the second place it appears and inserting "the Secretary of Defense, with the concurrence of the Secretary of State,"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "the President" the second place it appears and inserting "the Secretary of Defense, with the concurrence of the Secretary of State,"; and

(B) in paragraph (2), by striking "the President" and inserting "the Secretary of Defense and the Secretary of State".

SEC. 1305. REPEAL OF RESTRICTIONS ON ASSISTANCE TO STATES OF THE FORMER SOVIET UNION FOR COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—The Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended—

(A) by striking section 211; and

(B) in section 212, by striking ", consistent with the findings stated in section 211,".

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) is amended by striking subsection (d).

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) CONFORMING REPEAL.—Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1306. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for cooperation with states other than states of the former Soviet Union under the Cooperative Threat Reduction program of the Department of Defense in the prevention of proliferation of biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) An assessment of trends in the biological sciences and biotechnology that will affect the capabilities of governments of developing countries to control the containment and use of dual-use technologies of potential interest to terrorist organizations or individuals with hostile intentions.

(2) An assessment of the approaches to cooperative threat reduction used by the states of the former Soviet Union that are of special relevance in preventing the proliferation of biological weapons in other areas of the world.

(3) A review of programs of the United States Government and other governments, international organizations, foundations, and other private sector entities used in developing countries that are not states of the former Soviet Union that may contribute to the prevention of the proliferation of biological weapons.

(4) Recommendations on steps for integrating activities of the Cooperative Threat Reduction program relating to the prevention of the proliferation of biological weapons with activities of other departments and agencies of the United States addressing problems and opportunities in developing countries that are not states of the former Soviet Union.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) The results of the study carried out under subsection (a), including any report received by the Secretary from the National Academy of Sciences on the study.

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(18) for Cooperative Threat Reduction programs, not more than $2,500,000 may be obligated or expended to carry out this section.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,446,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,250,300,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $1,044,194,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,543,124,000, of which—

(1) $22,044,381,000 is for Operation and Maintenance;

(2) $136,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,491,724,000, of which—

(1) $1,186,452,000 is for Operation and Maintenance;

(2) $274,846,000 is for Research, Development, Test, and Evaluation; and

(3) $30,426,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $959,322,000.

SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $162,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $162,800,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(d) OFFSET.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide, for Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by $162,800,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $225,995,000, of which—

(1) $224,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,627,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $601,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $451,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $554,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $21,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2008 when compared with the inflation assumptions used in the budget of the President for fiscal year 2008, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—National Defense Stockpile

SEC. 1411. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1412. DISPOSAL OF CHROME METAL.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of chrome metal authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional chrome metal authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 250

short tons of chrome metal from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional chrome metal from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional chrome metal will not cause disruption to the usual markets of producers and processors of chrome metal in the United States; and

(3) the disposal of the additional chrome metal is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1413. MODIFICATION OF RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Paragraph (5) of section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3546), is further amended by striking "$600,000,000 before" and inserting "$729,000,000 by".

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Paragraph (7) of section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended to read as follows:

"(7) $1,469,102,000 by the end of fiscal year 2015.".

Subtitle C—Civil Programs

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: "However, for the purpose of entering into contracts, agreements, or transactions regarding real property and facilities under the control of the Board, the Retirement Home shall be treated as a military facility of the Department of Defense. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense."; and

(2) by striking subsection (g) and inserting the following new subsection (g):

"(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.".

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: "The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care".

(c) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

"SEC. 1515A. CHIEF MEDICAL OFFICER.

"(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

"(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

"(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

"(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

"(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

"(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

"(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

"(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

"(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

"(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

"(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

"(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

"(4) Periodically examine and audit the medical records and administration of the Retirement Home.

"(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

"(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.".

(d) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

"(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

"(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

"(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

"(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.".

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

"(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).".

(e) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

"(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

"(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

"(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

"(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

"(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local

Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

"(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

"(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

"(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

"(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1422(a)(2)(g).

"(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

"(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

"(A) the results of the inspection; and

"(B) a plan to address any recommendations and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.".

(f) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

"(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.".

Subtitle D—Chemical Demilitarization Matters

SEC. 1431. MODIFICATION OF TERMINATION REQUIREMENT FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

(a) MODIFICATION.—Subsection (h) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by striking "after the stockpile located in that commission's State has been destroyed" and inserting "upon the earlier of—

"(1) the completion of closure activities for the chemical agent destruction facility in the commission's State as required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

"(2) the request of the Governor of the commission's State.".

(b) TECHNICAL AMENDMENTS.—Subsections (b), (f), and (g) of such section are each amended by striking "Assistant Secretary of the Army (Research, Development, and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technology)".

SEC. 1432. REPEAL OF CERTAIN QUALIFICATIONS REQUIREMENT FOR DIRECTOR OF CHEMICAL DEMILITARIZATION MANAGEMENT ORGANIZATION.

Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 1433. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would "continue working diligently to minimize the time to complete destruction without sacrificing safety and security" and would also "continue requesting resources needed to complete destruction as close to April 2012 as practicable".

(4) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(5) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B).

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

"(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

"(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

"(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.".

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

SEC. 1501. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $890,786,000.

(2) For missiles, $492,734,000.

(3) For weapons and tracked combat vehicles procurement, $1,249,177,000.

(4) For ammunition, $303,000,000.

(5) For other procurement, $10,310,055,000.

SEC. 1502. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,263,018,000.

(2) For weapons procurement, $251,281,000.

(3) For other procurement, $814,311,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $4,236,140,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1503. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $2,069,009,000.

(2) For ammunition, $74,005,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $4,163,450,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $593,768,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $121,653,000.

(2) For the Navy, $370,798,000.

(3) For the Air Force, $922,791,000.

(4) For Defense-wide activities, $535,087,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $45,519,264,000.

(2) For the Navy, $5,190,000,000.

(3) For the Marine Corps, $4,013,093,000.

(4) For the Air Force, $10,532,630,000.

(5) For Defense-wide activities, $5,976,216,000.

(6) For the Army Reserve, $158,410,000.

(7) For the Navy Reserve, $69,598,000.

(8) For the Marine Corps Reserve, $68,000,000.

(9) For the Army National Guard, $466,150,000.

(10) For the Air National Guard, $31,168,000.

SEC. 1507. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $9,140,516,000.

(2) For the Navy, $752,089,000.

(3) For the Marine Corps, $817,475,000.

(4) For the Air Force, $1,411,890,000.

(5) For the Army Reserve, $235,000,000.

(6) For the Navy Reserve, $70,000,000.

(7) For the Marine Corps Reserve, $15,420,000.

(8) For the Air Force Reserve, $3,000,000.

(9) For the Army National Guard, $476,584,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $1,022,842,000, for operation and maintenance.

SEC. 1509. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $257,618,000.

SEC. 1510. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,500,000,000.

(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.

(c) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—Funds may not be obligated from the Joint Improvised Explosive Device Defeat Fund, or transferred under the authority provided in subsection (c)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(e) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.

(2) MATTER TO BE INCLUDED.—The plan required by paragraph (1) shall include an update of the plan required in the paragraph under the heading "Joint Improvised Explosive Device Defeat Fund" in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—

(A) year-to-date transfers and obligations;

(B) projected transfers and obligations through September 30, 2008; and

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (e).

(g) DURATION OF AUTHORITY.—Amounts appropriated to the Joint Improvised Explosive Device Defeat Fund are available for obligation or transfer from the Fund until September 30, 2009.

SEC. 1511. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or

transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1513. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1514. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,676,275,000.

SEC. 1515. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $5,100,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Office of Inspector General of the Department of Defense in the amount of $4,394,000, for Operation and Maintenance.

SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES AND MINES.

(a) REPORT ON EXPLOSIVELY FORMED PROJECTILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report, in both classified and unclassified forms, on explosively formed projectiles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) A comprehensive plan of action for improving capabilities to mitigate the effects of explosively formed projectiles (EFPs), including the development of technologies, training programs, tactics, techniques, and procedures, and an estimate of the funding required to execute the plan.

(B) Detailed descriptions of the effectiveness of any fielded EFP mitigation technologies, training programs, tactics, techniques, and procedures, and ways in which they could be improved.

(C) A description of the individual projects that comprise the plan of action.

(D) A schedule for completing and fielding each project.

(E) The contract delivery dates, progress towards completion, and forecast completion date for each project.

(F) A comprehensive description of any deviation from contract terms and an explanation of any cost and schedule variance and how such variance affects fielding deliverables, and a plan for addressing such deviations and variances.

(G) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field counter EFP capabilities and protection against the effects of EFPs.

(H) An analysis of any industrial base issues affecting the plan outlined under subparagraph (A).

(I) Mechanisms for sharing counter EFP capabilities with appropriate coalition partners.

(J) The most current available data on the effects of EFPs on United States, coalition, and allied forces in Iraq and Afghanistan.

(b) REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on Mine Resistant Ambush Protected (MRAP) vehicles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) The total requirement of all military services for MRAP vehicles, including MRAP I, spiral upgrades, and MRAP II variants.

(B) A comprehensive plan for transporting and fielding all variants to the United States Central Command (CENTCOM) area of operations.

(C) An assessment of completed production, transportation, and fielding of MRAP vehicles and a forecast of future production, transportation, and fielding functions.

(D) An explanation of any deviation between the planned and actual numbers of vehicles fielded for the reporting period.

(E) Funding required to execute production, transportation, and fielding, and an analysis of any industrial base issues affecting such functions.

(F) The required delivery schedule for each contract to procure MRAP vehicles.

(G) A comprehensive description and explanation of cost and schedule variance, and any deviation from contract terms, how that variance or deviation affects overall program performance, and corrective actions planned to address such variance and deviation.

(H) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field MRAP vehicles.

(I) Plans for armor upgrades, and their impact on automotive performance and sustainment.

(J) An explanation of any safety issues or limitations on the vehicles.

(K) Anticipated short and long term sustainment issues, including an explanation of the maintenance concept for sustainment after the initial contractor logistic support period and the projected annual funding required.

(L) A detailed description of MRAP program costs, including research and development, procurement, maintenance, logistics, and end to end transportation costs.

(c) REPORT ON TACTICAL WHEELED VEHICLES STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the near and long term tactical wheeled vehicle fleet modernization strategies of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the impact of the Mine Resistant Ambush Protected vehicle program on the current acquisition strategies and procurement plans of the Army and Marine Corps for the tactical wheeled vehicle fleet, including inventory mix, overall sustainment cost, and logistical and industrial base issues.

(B) Plans for the Joint Light Tactical Vehicle program, including an assessment of the continued validity of previously adopted Key Performance Parameters.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans to support the Long Term Armoring Strategy (LTAS).

(D) A strategy to fund and execute sufficient developmental and operational test and evaluation to ensure that deployed systems are operationally effective, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of the Long Term Armoring Strategy.

(E) Plans to utilize the Army reset and recapitalization process to maintain the legacy tactical wheeled vehicle fleet.

(d) REPORT ON LONG TERM ARMORING STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, on the Long Term Armoring Strategy of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An estimate of the funding required to execute the strategy.

(B) Specific plans for balancing force protection, payload, performance, and deployability requirements across the range of wheeled vehicle variants.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans.

(D) A test and evaluation master plan, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of LTAS.

(E) An analysis of industrial base or manufacturing issues related to achieving sufficient and sustainable production rates.

Subtitle B—General Provisions Relating to Authorizations

SEC. 1521. PURPOSE.

The purpose of this title is to authorize additional appropriations for the Department of Defense for fiscal year 2008 for the incremental costs of Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1522. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1523. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1532. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1506 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—

(1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall—

(1) notify the congressional defense committees not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

SEC. 1533. LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUPPORT.—Subject to the provisions of this section, amounts available to the Department of Defense for fiscal year 2008 for operation and maintenance may be used to provide supplies, services, transportation (including airlift and sealift), and other logistical support to coalition forces supporting United States military and stabilization operations in Iraq and Afghanistan.

(b) REQUIRED DETERMINATION.—The Secretary may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

(1) are essential to the success of a United States military or stabilization operation; and

(2) would not be able to participate in such operation without the provision of the logistical support.

(c) COORDINATION WITH EXPORT CONTROL LAWS.—Logistical support may be provided under the authority in subsection (a) only in accordance with applicable provisions of the Arms Export Control Act and other export control laws of the United States.

(d) LIMITATION ON VALUE.—The total amount of logistical support provided under the authority in subsection (a) in fiscal year 2008 may not exceed $400,000,000.

(e) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the provision of logistical support under the authority in subsection (a) during such fiscal-year quarter.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal-year quarter covered by such report, the following:

(A) Each nation provided logistical support under the authority in subsection (a).

(B) For each such nation, a description of the type and value of logistical support so provided.

SEC. 1534. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(21) On May 28, 2007, the United States Ambassador to Iraq, Ryan Crocker, met in Baghdad with representatives of the government of the Islamic Republic of Iran to express United States concern about Iranian anti-coalition activity in Iraq;

(22) Section 1213(a) of the fiscal year 2007 John Warner National Defense Authorization Act (Public Law 109–364) required that the intelligence community produce an updated National Intelligence Estimate (NIE) on Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end any training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(3) It is imperative for the executive and legislative branches of the Federal government to have accurate intelligence on Iran and therefore the intelligence community should produce the NIE on Iran without further delay;

(4) Congress supports United States diplomacy with the representatives of the government of Islamic Republic of Iran in order to stop any actions by the Iranian government or its agents against United States service members in Iraq;

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq in coordination with the Director of National Intelligence shall jointly submit to Congress a report describing and assessing in detail—

(A) any external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form to the extent practical consistent with the need to protect national security, but may contain a classified annex.

(d) Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.

SEC. 1536. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally".

(3) The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world".

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that "a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory."

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that "Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence".

(8) The Iraq Study Group noted that "Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons."

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, "Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs."

(11) The Iraq Study Group found that "[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SEC. 1537. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) A central focus of al Qaeda in Iraq has been to turn sectarian divisions in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome of the Shia al-Askariyah Mosque in Samarra in February 2006.

(4) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of violence in Iraq.

(5) Article One of the Constitution of Iraq declares Iraq to be a "single, independent federal state".

(6) Section Five of the Constitution of Iraq declares that the "federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations" and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, "[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should actively support a political settlement in Iraq based on the final provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions, consistent with the wishes of the Iraqi people and their elected leaders;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the federalism law approved by the Iraqi Parliament on October 11, 2006;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism;

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors; and

(5) nothing in this Act should be construed in any way to infringe on the sovereign rights of the nation of Iraq.

SEC. 1538. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq".

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state".

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically".

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling... It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity".

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that "[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border".

(6) Ambassador Crocker further testified before Congress on September 11, 2007, with respect to talks with Iran, That "I think that it's

an option that we want to preserve. Our first couple of rounds did not produce anything. I don't think that we should either, therefore, be in a big hurry to have another round, nor do I think we should say we're not going to talk anymore... I do believe it's important to keep the option for further discussions on the table."

(7) Secretary of Defense Robert Gates stated on September 16, 2007, That "I think that the administration believes at this point that continuing to try and deal with the Iranian threat, the Iranian challenge, through diplomatic and economic means is by far the preferable approach. That's the one we are using ... we always say all options are on the table, but clearly, the diplomatic and economic approach is the one that we are pursuing."

(8) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force... We believe that he works directly for the supreme leader of the country".

(9) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that "[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap".

(10) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that "[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability".

(11) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that "[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white... We interrogated these individuals. We have on tape... Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not... So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received".

(12) General Petraeus further stated on September 14, 2007, that "[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth... In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January".

(13) The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" and released on September 18, 2007, consistent with section 9010 of Public Law 109-289, states that "[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians... Tehran's support for these groups is one of the greatest impediments to progress on reconciliation".

(14) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that "[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps-Qods Force... For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May".

(15) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(16) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that "I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business. . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side".

(17) Ambassador Crocker testified before Congress on September 11, 2007, stating that "[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis".

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a critical national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or coopting institutions of the legitimate Government of Iraq;

(3) that the United States should designate Iran's Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(4) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SEC. 1539. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SEC. 1540. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National

Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

"(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.".

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

"(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after "pay rates" the following: ", and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)".

SEC. 1541. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term "small arms" means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

SEC. 1542. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan

Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontractors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term "amounts appropriated or otherwise made available for the reconstruction of Afghanistan" means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SEC. 1543. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

Procurement of Additional Mine Resistant Ambush Protected Vehicles.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

SEC. 1544. SENSE OF CONGRESS ON THE CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

It is the Sense of Congress that it should be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

Subtitle D—Iraq Refugee Crisis

SEC. 1571. SHORT TITLE.

This subtitle may be cited as the "Refugee Crisis in Iraq Act".

SEC. 1572. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1573 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1574(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Homeland Security, may suspend in-country processing for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives. The Secretary of State shall submit a report to the Committees of jurisdiction outlining the basis of such suspension and any extensions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a);

(B) contain an assessment of in-country processing that makes use of videoconferencing; and

(C) describe the Secretary of State's diplomatic efforts to improve issuance of entry and exit visas or permits to United States personnel and refugees.

SEC. 1573. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by, or worked for the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State in coordination with the Secretary of Homeland Security that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents who are not accompanying or following to join and sons, daughters, and siblings of aliens described in paragraph (1) or section 1574(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State with the concurrence of the Department of Homeland Security as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary of State and the Secretary of Homeland Security are authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1573 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Department of State and relevant intelligence agencies.

(d) Aliens under this section who qualify for Priority 2 processing must meet the requirements of section 207 of the Immigration and Nationality Act.

SEC. 1574. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(6)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was or is employed by, or worked for the United States Government in Iraq, in or after 2003, for a period of not less than 1 year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor. Such evaluation or recommendation must be accompanied by approval from the Chief of Mission or his designee who shall conduct a risk assessment of the alien and an independent review of records maintained by the hiring organization or entity to confirm employment and faithful and valuable service prior to approval of a petition under this section; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of their employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien shall also fall within subsection (b) of section 1574 of this Act, if—

(1) the alien was the spouse or child of a principal alien who had an approved petition with the Secretary of Homeland Security or the Secretary of State pursuant to section 1574 of this Act or section 1059 of the National Defense Authorization Act for the Fiscal Year 2006, Public Law 109–163, as amended by Public Law 110–36, which included the alien as an accompanying spouse or child; and

(2) due to the death of the petitioning alien, such petition was revoked or terminated (or otherwise rendered null) after its approval.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act. The authority provided by subsection (a) of this section shall expire on September 30 of the fiscal year that is the fifth fiscal year beginning after the date of enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) DEFINITIONS.—The terms defined in this Act shall have the same meaning as those terms in the Immigration and Nationality Act.

(g) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1575. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the "Minister Counselor for Iraq").

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and inplementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1576. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the well-being and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.

SEC. 1577. DENIAL OR TERMINATION OF ASYLUM.

(a) MOTION TO REOPEN.—Section 208(b) of the Immigration and Nationality Act is amended by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

"(A) is a national of Iraq; and

"(B) remained in the United States on such date of enactment.".

(b) PROCEDURE.—A motion filed under this section shall be made in accordance with section 240(c)(7)(A) and (B) of the Immigration and Nationality Act.

SEC. 1578. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(B) describe the plans of the Secretary for increasing the number of Department of Homeland Security personnel devoted to refugee processing in the noted regions;

(C) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of special humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(D) detail the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1573(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the

performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

SEC. 1579. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

TITLE XVI—WOUNDED WARRIOR MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the "Dignified Treatment of Wounded Warriors Act".

SEC. 1602. GENERAL DEFINITIONS.

In this title:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term "family member", with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term "medical hold or medical holdover status" means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term "serious injury or illness", in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 1611. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a "covered servicemembers").

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 1654.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and nonmedical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) Report on Reduction in Disability Ratings by the Department of Defense.—The Secretary of Defense shall submit a report to the committees on Armed Services of the Senate and House of Representatives on the numbers of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001 and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) Reports.—

(1) Report on Policy.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) Reports on Update.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) Comptroller General Assessment of Implementation.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 1612. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) In General.—In developing and implementing the policy required by section 1611, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) Reports.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 1621. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) Medical and Dental Care for Members and Former Members.—

(1) In General.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) Period of Authorized Care.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) Integrated Care Management.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) Waiver of Limitations to Maximize Care.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) Construction with Eligibility for Veterans Benefits.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) Sunset.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) Rehabilitation and Vocational Benefits.—

(1) In General.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) Limitations.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) Reimbursement.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) Recovery of Certain Expenses of Medical Care and Related Travel.—

(1) In General.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) Covered Expenses.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) Amount of Reimbursement.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) Severe Injury or Illness Defined.—In this section, the term "severe injury or illness" means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

SEC. 1622. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 1626. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 1602(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

SEC. 1627. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

"(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

"(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating, and that renders a member of the uniformed services dependent upon a caregiver.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 222.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain

injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "MENTAL HEALTH"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

"(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

"(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of

Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

"(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

"(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(15) Such other responsibilities as the Secretary shall specify.".

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

"§1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

"(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

"(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

"(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(14) Such other responsibilities as the Secretary shall specify.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

"1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.".Q

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 1634. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 1635. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members *of the Armed Forces with traumatic brain injury (TBI).*

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 1636. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 1641. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the "Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record" (in this section referred to as the "Office").

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts

available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term "joint electronic health record" means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 1642. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

"§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

"(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

"(2) Each strategy under paragraph (1) shall—

"(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

"(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

"1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.".

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 1643. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 1651. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

"(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);".

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed under section 1208 of this title" and inserting ", the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)".

SEC. 1652. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§ 1216a. Determinations of disability: requirements and limitations on determinations

"(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

"(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

"(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

"(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

"(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

SEC. 1653. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

"§ 1554a. Review of separation with disability rating of 20 percent disabled or less

"(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

"(2) The Board shall consist of not less than three members appointed by the Secretary.

"(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

"(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

"(2) are found to be not eligible for retirement.

"(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

"(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

"(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

"(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

"(2) The recharacterization of the separation of such individual to retirement for disability.

"(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

"(4) The issuance of a new disability rating for such individual.

"(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

"(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

"(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

"(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

"(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

"1554a. Review of separation with disability rating of 20 percent disabled or less.".

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 1654. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 1611.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 1652 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 1655. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 1661. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "his years of service, but not more than 12, computed under section 1208 of this title" in the matter preceding subparagraph (A) and inserting "the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

"(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

"(B) Three years in the case of any other member.

"(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.".

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting "(1)" after "(d)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

"(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 1662. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 1663. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which *the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.*

Subtitle D—Improvement of Facilities Housing Patients

SEC. 1671. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 1672. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 1673. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 1681. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) Information on Available Compensation and Benefits.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) Update.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) Provision to Members.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) Provision to Representatives.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 1691. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) Study Required.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) Phases.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) Populations To Be Studied.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) Access to Information.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) Privacy of Information.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) Reports by National Academy of Sciences.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DoD and VA Response to NAS Reports.—

(1) Preliminary response.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) Final response.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) Covered matters.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) Reports on responses.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) Public availability of responses.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet

website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

TITLE XVII—VETERANS MATTERS

SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitation care from the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

"(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

"(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

"(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—

"(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

"(B) the family education and family support needs of such individual after discharge from inpatient care.

"(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

"(A) A neurologist.

"(B) A rehabilitation physician.

"(C) A social worker.

"(D) A neuropsychologist.

"(E) A physical therapist.

"(F) A vocational rehabilitation specialist.

"(G) An occupational therapist.

"(H) A speech language pathologist.

"(I) A rehabilitation nurse.

"(J) An educational therapist.

"(K) An audiologist.

"(L) A blind rehabilitation specialist.

"(M) A recreational therapist.

"(N) A low vision optometrist.

"(O) An orthotist or prostetist.

"(P) An assistive technologist or rehabilitation engineer.

"(Q) An otolaryngology physician.

"(R) A dietician.

"(S) An opthamologist.

"(T) A psychiatrist.

"(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

"(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

"(A) the individual covered by such plan requests such collaboration; or

"(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.".

SEC. 1703. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 1602 of this Act, the following new section:

"§1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

"(1) who is described in section 1710C(a) of this title; and

"(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

"(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

"(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

"(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 1602 of this Act, the following new item:

"1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting "the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services," after "extended care services,".

SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

"§7330A. Severe traumatic brain injury research, education, and clinical care program

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

"(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

"(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Severe traumatic brain injury research, education, and clinical care program.".

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term "eligible veteran" means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 1706. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on

complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 1707. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 1708. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking "2 years" and inserting "5 years".

SEC. 1709. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking "psychosis" and inserting "mental illness"; and

*(2) in the heading, by striking "**psychosis**" and inserting "**mental illness**".*

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 1710. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking "90-day" and inserting "180-day".

SEC. 1711. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 1712. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

TITLE XVIII—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1801. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act of 2007".

SEC. 1802. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal adviser".

(2) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

"(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

"(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

"(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

"(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

"(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

"(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

"(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

"(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

"(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.

"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".Q

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

"10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.".

SEC. 1803. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1804. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).".

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1805. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1806. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1807. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2008".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1),

the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	*Anniston Army Depot.*	*$26,000,000*
	Redstone Arsenal	*$20,000,000*
Alaska	*Fort Richardson*	*$92,800,000*
	Fort Wainwright	*$114,500,000*
Arizona	*Fort Huachuca*	*$129,600,000*
California	*Fort Irwin*	*$24,000,000*
	Presidio, Monterey.	*$28,000,000*
Colorado	*Fort Carson*	*$156,200,000*
Delaware	*Dover Air Force Base.*	*$17,500,000*
Florida	*Eglin Air Force Base.*	*$66,000,000*
	Miami Doral	*$237,000,000*
Georgia	*Fort Benning*	*$185,800,000*
	Fort Stewart/Hunter Army Air Field.	*$123,500,000*
Hawaii	*Fort Shafter*	*$31,000,000*
	Schofield Barracks.	*$88,000,000*
	Wheeler Army Air Field.	*$51,000,000*
Illinois	*Rock Island Arsenal.*	*$3,350,000*
Kansas	*Fort Leavenworth.*	*$90,800,000*
	Fort Riley	*$138,300,000*
Kentucky	*Fort Campbell*	*$105,000,000*
	Fort Knox	*$6,700,000*
Louisiana	*Fort Polk*	*$15,900,000*
Maryland	*Aberdeen Proving Ground.*	*$12,200,000*
Michigan	*Detroit Arsenal*	*$18,500,000*
Missouri	*Fort Leonard Wood.*	*$125,650,000*
Nevada	*Hawthorne Army Ammunition Plant.*	*$11,800,000*
New Mexico	*White Sands Missile Range.*	*$71,000,000*
New York	*Fort Drum*	*$291,000,000*
North Carolina	*Fort Bragg*	*$275,600,000*
Oklahoma	*Fort Sill*	*$6,200,000*
South Carolina	*Fort Jackson*	*$85,000,000*
Texas	*Camp Bullis*	*$1,600,000*
	Fort Bliss	*$111,900,000*
	Fort Hood	*$145,400,000*
	Fort Sam Houston.	*$19,150,000*
	Red River Army Depot.	*$9,200,000*
Virginia	*Fort Belvoir*	*$13,000,000*
	Fort Eustis	*$75,000,000*
	Fort Lee	*$16,700,000*
	Fort Myer	*$20,800,000*
Washington	*Fort Lewis*	*$164,600,000*
	Yakima Training Center.	*$29,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Bulgaria	*Nevo Selo FOS*	*$61,000,000*
Germany	*Grafenwoehr*	*$62,000,000*
Honduras	*Soto Cano Air Base.*	*$2,550,000*
Italy	*Vicenza*	*$173,000,000*
Korea	*Camp Humphreys*	*$57,000,000*
Romania	*Mihail Kogalniceanu FOS.*	*$12,600,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	*Ansbach*	*138*	*$52,000,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,218,067,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,254,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $295,150,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $333,947,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $419,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $742,920,000.

(6) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000.

(7) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), $102,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $204,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), for construction of a brigade complex for Fort Lewis, Washington).

(3) $37,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) $36,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex barracks and community support facility at Vicenza, Italy).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), is further amended—

(1) by striking the item relating to Redstone Arsenal, Alabama;

(2) by striking the item relating to Fort Wainwright, Alaska;

(3) in the item relating to Fort Irwin, California, by striking "$18,200,000" in the amount column and inserting "$10,000,000";

(4) in the item relating to Fort Carson, Colorado, by striking "$30,800,000" in the amount column and inserting "$24,000,000";

(5) in the item relating to Fort Leavenworth, Kansas, by striking "$23,200,000" in the amount column and inserting "$15,000,000";

(6) in the item relating to Fort Riley, Kansas, by striking "$47,400,000" in the amount column and inserting "$37,200,000";

(7) in the item relating to Fort Campbell, Kentucky, by striking "$135,300,000" in the amount column and inserting "$115,400,000";

(8) by striking the item relating to Fort Polk, Louisiana;

(9) by striking the item relating to Aberdeen Proving Ground, Maryland;

(10) by striking the item relating to Fort Detrick, Maryland;

(11) by striking the item relating to Detroit Arsenal, Michigan;

(12) in the item relating to Fort Leonard Wood, Missouri, by striking "$34,500,000" in the amount column and inserting "$17,000,000";

(13) by striking the item relating to Picatinny Arsenal, New Jersey;

(14) in the item relating to Fort Drum, New York, by striking "$218,600,000" in the amount column and inserting "$209,200,000";

(15) in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$89,000,000";

(16) by striking the item relating to Letterkenny Depot, Pennsylvania;

(17) by striking the item relating to Corpus Christi Army Depot, Texas;

(18) by striking the item relating to Fort Bliss, Texas;

(19) in the item relating to Fort Hood, Texas, by striking "$93,000,000" in the amount column and inserting "$75,000,000";

(20) by striking the item relating to Red River Depot, Texas; and

(21) by striking the item relating to Fort Lee, Virginia.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of such Act (120 Stat. 2447) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,518,450,000" and inserting "$3,275,700,000"; and

(2) in paragraph (1), by striking "$1,362,200,000" and inserting "$1,119,450,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking "$301,250,000" in the amount column and inserting "$308,250,000".

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking "$77,400,000" and inserting "$84,400,000".

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	*Project*	*Amount*
Schofield Barracks, Hawaii.	*Training facility ..*	*$35,542,000*

SEC. 2108. TECHNICAL AMENDMENTS TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR 2007.

(a) TECHNICAL AMENDMENT TO SPECIFY LOCATION OF PROJECT IN ROMANIA.—The table in section 2101(b) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking "Babadag Range" and inserting "Mihail Kogalniceanu Air Base".

(b) TECHNICAL AMENDMENT TO CORRECT PRINTING ERROR RELATING TO ARMY FAMILY HOUSING.—The table in section 2102(a) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking "Fort McCoyine" and inserting "Fort McCoy".

SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of the Army may utilize the State of Florida property as described in sublease number 4489–01, entered into between the State of Florida and the United States (in this section referred to as the "ground lease"), for the purpose of constructing a consolidated headquarters facility for the United States Southern Command (SOUTHCOM).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may carry out the project to construct a new headquarters on property leased from the State of Florida when the following conditions have been met regarding the lease for the property:

(1) The United States Government shall have the right to use the property without interruption until at least December 31, 2055.

(2) The United States Government shall have the right to use the property for general administrative purposes in the event the United States Southern Command relocates or vacates the property.

(c) AUTHORITY TO OBTAIN GROUND LEASE OF ADJACENT PROPERTY.—The Secretary may obtain the ground lease of additional real property owned by the State of Florida that is adjacent to the real property leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facility, as long as the additional terms of the ground lease required by subsection (b) apply to such adjacent property.

(d) LIMITATION.—The Secretary may not obligate or expend funds appropriated pursuant to the authorization of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized under section 2101(a) until the Secretary transmits to the congressional defense committees a modification to the ground lease signed by the United States Government and the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	*Installation or Location*	*Amount*
Alabama	*Outlying Field Evergreen*	*$9,560,000*
Arizona	*Marine Corps Air Station, Yuma*	*$33,720,000*
California	*Marine Corps Base, Camp Pendleton*	*$366,394,000*
	Marine Corps Air Station, Miramar	*$26,760,000*
	Naval Station, San Diego	*$23,630,000*
	Marine Corps Base, Twentynine Palms	*$147,059,000*
Connecticut	*Naval Submarine Base, New London*	*$11,900,000*
Florida	*Marine Corps Logistics Base, Blount Island*	*$7,570,000*
	Cape Canaveral	*$9,900,000*
	Naval Surface Warfare Center, Panama City	*$13,870,000*
Hawaii	*Marine Corps Air Station, Kaneohe*	*$37,961,000*
	Naval Base, Pearl Harbor	*$99,860,000*
	Naval Shipyard, Pearl Harbor	*$30,200,000*
	Naval Station Pearl Harbor, Wahiawa	*$65,410,000*
Illinois	*Naval Training Center, Great Lakes*	*$10,221,000*
Indiana	*Naval Support Activity, Crane*	*$12,000,000*
Maryland	*Naval Air Warfare Center, Patuxent River*	*$38,360,000*
Maine	*Naval Shipyard, Portsmouth*	*$9,700,000*
Mississippi	*Naval Air Station, Meridian*	*$6,770,000*
Nevada	*Naval Air Station, Fallon*	*$11,460,000*
New Jersey	*Naval Air Station, Lakehurst*	*$4,100,000*
North Carolina	*Marine Corps Air Station, Cherry Point*	*$28,610,000*
	Marine Corps Air Station, New River	*$54,430,000*
	Marine Corps Base, Camp Lejeune	*$278,070,000*
Rhode Island	*Naval Station, Newport*	*$9,990,000*
South Carolina	*Marine Corps Air Station, Beaufort*	*$6,800,000*
	Marine Corps Recruit Depot, Parris Island	*$55,282,000*
Texas	*Naval Air Station, Corpus Christi*	*$14,290,000*
Virginia	*Naval Support Activity, Chesapeake*	*$8,450,000*
	Naval Station, Norfolk	*$79,560,000*
	Marine Corps Base, Quantico	*$50,519,000*
Washington	*Naval Station, Bremerton*	*$190,960,000*
	Naval Station, Everett	*$10,940,000*
	Naval Air Station, Whidbey Island	*$23,910,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Naval Support Activity, Bahrain	$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam	$273,518,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	$8,900,000
	Host Nation Infrastructure	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands	Naval Activities, Guam	73	$47,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,032,790,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,717,016,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $338,558,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $119,658,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $300,095,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base Kitsap, Silverdale, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3493), $39,750,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $71,200,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 NAVY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2449) is amended—

(1) in the item relating to Marine Corps Base, Twentynine Palms, California, by striking "$27,217,000" in the amount column and inserting "$8,217,000";

(2) by striking the item relating to Naval Support Activity, Monterey, California;

(3) by striking the item relating to Naval Submarine Base, New London, Connecticut;

(4) by striking the item relating to Cape Canaveral, Florida;

(5) in the item relating to Marine Corps Logistics Base, Albany, Georgia, by striking "$70,540,000" in the amount column and inserting "$62,000,000";

(6) by striking the item relating to Naval Magazine, Pearl Harbor, Hawaii;

(7) by striking the item relating to Naval Shipyard, Pearl Harbor, Hawaii;

(8) by striking the item relating to Naval Support Activity, Crane, Indiana;

(9) by striking the item relating to Portsmouth Naval Shipyard, Maine;

(10) by striking the item relating to Naval Air Station, Meridian, Mississippi;

(11) by striking the item relating to Naval Air Station, Fallon, Nevada;

(12) by striking the item relating to Marine Corps Air Station, Cherry Point, North Carolina;

(13) by striking the item relating to Naval Station, Newport, Rhode Island;

(14) in the item relating to Marine Corps Air Station, Beaufort, South Carolina, by striking "$25,575,000" in the amount column and inserting "$22,225,000";

(15) by striking the item relating to Naval Special Weapons Center, Dahlgren, Virginia;

(16) in the item relating to Naval Support Activity, Norfolk, Virginia, by striking "$41,712,000" in the amount column and inserting "$28,462,000";

(17) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking

"$67,303,000" in the amount column and inserting "$57,653,000"; and

(18) in the item relating to Naval Base, Kitsap, Washington, by striking "$17,617,000" in the amount column and inserting "$13,507,000".

(b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat. 2450) is amended by striking "$308,956,000" and inserting "$305,256,000".

(c) CONFORMING AMENDMENTS.—Section 2204(a) of such Act, as amended by subsection (b), is further amended—

(1) in the matter preceding paragraph (1), by striking "$2,109,367,000" and inserting "$1,946,867,000"; and

(2) in paragraph (1), by striking "$832,982,000" and inserting "$674,182,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$147,760,000" in the amount column and inserting "$295,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$972,719,000".

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended in subsection (b)(6), by striking "$95,320,000" and inserting "$259,320,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$83,180,000
Arizona	Davis-Monthan Air Force Base	$11,200,000
Arkansas	Little Rock Air Force Base	$9,800,000
California	Travis Air Force Base	$26,600,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base	$24,500,000
	United States Air Force Academy	$15,000,000
District of Columbia	Bolling Air Force Base	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base	$57,000,000
	Patrick Air Force Base	$11,854,000
	Tyndall Air Force Base	$44,114,000
Georgia	Robins Air Force Base	$14,700,000
Hawaii	Hickam Air Force Base	$31,971,000
Illinois	Scott Air Force Base	$24,900,000
Kansas	Fort Riley	$12,515,000
Massachusetts	Hanscom Air Force Base	$12,800,000
Montana	Malmstrom Air Force Base	$7,000,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico	Cannon Air Force Base	$1,688,000
	Kirtland Air Force Base	$11,400,000
Nevada	Nellis Air Force Base	$4,950,000
North Dakota	Grand Forks Air Force Base	$13,000,000
	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base	$34,600,000
	Vance Air Force Base	$7,700,000
South Carolina	Charleston Air Force Base	$11,000,000
South Dakota	Ellsworth Air Force Base	$16,600,000
Texas	Lackland Air Force Base	$14,000,000
Utah	Hill Air Force Base	$25,999,000
Wyoming	Francis E. Warren Air Force Base	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base	$10,000,000
Qatar	Al Udeid Air Base	$22,300,000
Spain	Moron Air Base	$1,800,000
United Kingdom	Royal Air Force Lakenheath	$17,300,000
	Royal Air Force Menwith Hill Station	$41,000,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,500,000
	Classified-Special Evaluation Program	$13,940,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,097,357,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $754,123,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $140,609,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $61,103,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2456), $25,000,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 AIR FORCE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2453) is amended—

(1) in the item relating to Elmendorf, Alaska, by striking "$68,100,000" in the amount column and inserting "$56,100,000";

(2) in the item relating to Davis-Monthan Air Force Base, Arizona, by striking "$11,800,000" in the amount column and inserting "$4,600,000";

(3) by striking the item relating to Little Rock Air Force Base, Arkansas;

(4) in the item relating to Travis Air Force Base, California, by striking "$85,800,000" in the amount column and inserting "$73,900,000";

(5) by striking the item relating to Peterson Air Force Base, Colorado;

(6) in the item relating to Dover Air Force, Delaware, by striking "$30,400,000" in the amount column and inserting "$26,400,000";

(7) in the item relating to Eglin Air Force Base, Florida, by striking "$30,350,000" in the amount column and inserting "$19,350,000";

(8) in the item relating to Tyndall Air Force Base, Florida, by striking "$8,200,000" in the amount column and inserting "$1,800,000";

(9) in the item relating to Robins Air Force Base, Georgia, by striking "$59,600,000" in the amount column and inserting "$38,600,000";

(10) in the item relating to Scott Air Force, Illinois, by striking "$28,200,000" in the amount column and inserting "$20,000,000";

(11) by striking the item relating to McConnell Air Force Base, Kansas;

(12) by striking the item relating to Hanscom Air Force Base, Massachusetts;

(13) by striking the item relating to Whiteman Air Force Base, Missouri;

(14) by striking the item relating to Malmstrom Air Force Base, Montana;

(15) in the item relating to McGuire Air Force Base, New Jersey, by striking "$28,500,000" in the amount column and inserting "$15,500,000";

(16) by striking the item relating to Kirtland Air Force Base, New Mexico;

(17) by striking the item relating to Minot Air Force Base, North Dakota;

(18) in the item relating to Altus Air Force Base, Oklahoma, by striking "$9,500,000" in the amount column and inserting "$1,500,000";

(19) by striking the item relating to Tinker Air Force Base, Oklahoma;

(20) by striking the item relating to Charleston Air Force Base, South Carolina;

(21) in the item relating to Shaw Air Force Base, South Carolina, by striking "$31,500,000" in the amount column and inserting "$22,200,000";

(22) by striking the item relating to Ellsworth Air Force Base, South Dakota;

(23) by striking the item relating to Laughlin Air Force Base, Texas;

(24) by striking the item relating to Sheppard Air Force Base, Texas;

(25) in the item relating to Hill Air Force Base, Utah, by striking "$63,400,000" in the amount column and inserting "$53,400,000"; and

(26) by striking the item relating to Fairchild Air Force Base, Washington.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (120 Stat. 2455) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,231,442,000" and inserting "$3,005,817,000"; and

(2) in paragraph (1), by striking "$962,286,000" and inserting "$736,661,000".

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking "$101,500,000" in the amount column and inserting "$126,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (120 Stat. 2456), is further amended by striking "$23,300,000" and inserting "$48,300,000".

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona	Family housing (250 units)	$48,500,000
Vandenberg Air Force Base, California	Family housing (120 units)	$30,906,000
MacDill Air Force Base, Florida	Family housing (61 units)	$21,723,000
MacDill Air Force Base, Florida	Housing maintenance facility	$1,250,000
Columbus Air Force Base, Mississippi	Housing management facility	$711,000
Whiteman Air Force Base, Missouri	Family housing (160 units)	$37,087,000
Seymour Johnson Air Force Base, North Carolina	Family housing (167 units)	$32,693,000
Goodfellow Air Force Base, Texas	Family housing (127 units)	$20,604,000

Air Force: Extension of 2005 Project Authorizations—Continued

Installation or Location	Project	Amount
Ramstein Air Base, Germany	USAFE Theater Aerospace Operations Support Center	$24,024,000

SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California	Family housing (56 units)	$12,723,000
Eglin Air Force Base, Florida	Family housing (279 units)	$32,166,000

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina	Marine Corps Base, Camp Lejeune	$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West	$1,874,000
Hawaii	Hickam Air Force Base	$26,000,000
New Mexico	Kirtland Air Force Base	$1,800,000
Ohio	Defense Supply Center Columbus	$4,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$11,901,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$20,030,000
	Naval Amphibious Base, Coronado	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base	$47,700,000
Georgia	Fort Benning	$35,000,000
	Hunter Army Air Field	$13,800,000
Kentucky	Fort Campbell	$53,500,000
Mississippi	Stennis Space Center	$10,200,000
New Mexico	Cannon Air Force Base	$7,500,000
North Carolina	Fort Bragg	$47,250,000
	Marine Corps Base, Camp Lejeune	$28,210,000
Virginia	Dam Neck	$108,500,000
	Naval Amphibious Base, Little Creek	$99,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base	$5,000,000
Illinois	Naval Hospital, Great Lakes	$99,000,000
New York	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk	$6,450,000
Washington	Fort Lewis	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	$5,992,000
Germany	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base	$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid Air Base	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,944,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,152,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,728,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(9) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $136,318,000.

(10) For the construction of increment 3 of the regional,security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,000,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(14) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $69,017,000.

SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 DEFENSE AGENCIES PROJECTS.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.—The table relating to Special Operations Command in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended—

(1) by striking the item relating to Stennis Space Center, Mississippi; and

(2) in the item relating to Fort Bragg, North Carolina, by striking "$51,768,000" in the amount column and inserting "$44,868,000".

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is amended by striking "$191,220,000" and inserting "$252,279,000".

(c) MODIFICATION OF CERTAIN INSIDE THE UNITED STATES PROJECT.—Section 2405(a)(15) of that Act (120 Stat. 2461) is amended by striking "$99,157,000" and inserting "$89,157,000".

(d) CONFORMING AMENDMENTS.—Section 2405(a) of that Act, as amended by subsections (a) through (c), is further amended—

(1) in the matter preceding paragraph (1), by striking "$7,163,431,000" and inserting "$7,197,390,000"; and

(2) in paragraph (1), by striking "$533,099,000" and inserting "$515,999,000".

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank	$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	$28,438,000

SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT, KENTUCKY.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, may, subject to the approval of the Secretary of Defense, be increased by up to $17,300,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(b) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, PUEBLO CHEMICAL ACTIVITY, COLORADO.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado may, subject to the approval of the Secretary of Defense, be increased by up to $32,000,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(c) CERTIFICATION REQUIREMENT.—Prior to exercising the authority provided in subsection (a) or (b), the Secretary of Defense shall provide to the congressional defense committees the following:

(1) Certification that the increase in the amount authorized to be appropriated—

(A) is in the best interest of national security; and

(B) will facilitate compliance with the deadline set forth in subsection (d)(1).

(2) A statement that the increased amount authorized to be appropriated will be used to carry out authorized military construction activities.

(3) A notification of the action in accordance with section 2811.

(d) DEADLINE FOR DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS STOCKPILE.—

(1) DEADLINE.—Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the entire United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(2) REPORT.—

(A) IN GENERAL.—Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this subsection.

(B) PARTIES RECEIVING REPORT.—The parties referred to in paragraph (1) are the Speaker of the House of the Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(C) CONTENT.—Each report submitted under subparagraph (A) shall include the updated and projected annual funding levels necessary to achieve full compliance with this subsection. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(3) CHEMICAL WEAPONS CONVENTION DEFINED.—In this subsection, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(4) APPLICABILITY; RULE OF CONSTRUCTION.—This subsection shall apply to fiscal year 2008 and each fiscal year thereafter, and shall not be modified or repealed by implication.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Springville	$3,300,000
Arkansas	Camp Robinson	$23,923,000
Arizona	Florence	$10,870,000
California	Sacramento Army Depot	$21,000,000
	Camp Roberts	$2,850,000
Connecticut	Niantic	$13,600,000
Florida	Jacksonville	$12,200,000
Idaho	Gowen Field	$7,615,000
	Orchard Training Area	$1,700,000
Illinois	St. Clair County	$8,100,000
Iowa	Iowa City	$13,186,000
Michigan	Camp Grayling	$2,450,000
	Lansing	$4,239,000
Minnesota	Camp Ripley	$4,850,000
Mississippi	Camp Shelby	$4,000,000
Missouri	Whiteman Air Force Base	$30,000,000
North Dakota	Camp Grafton	$33,416,000
Oregon	Ontario	$11,000,000
Pennsylvania	Carlisle	$7,800,000
	East Fallowfield Township	$8,300,000
	Fort Indiantown Gap	$9,500,000
	Gettysburg	$6,300,000
	Graterford	$7,300,000
	Hanover	$5,500,000
	Hazelton	$5,600,000
	Holidaysburg	$9,400,000
	Huntingdon	$7,500,000

Army National Guard—Continued

State	Location	Amount
	Kutztown	$6,800,000
	Lebanon	$7,800,000
	Philadelphia	$13,650,000
Rhode Island	East Greenwich	$8,200,000
	North Kingstown	$33,000,000
Texas	Camp Bowie	$1,500,000
	Fort Wolters	$2,100,000
Utah	North Salt Lake	$12,200,000
Vermont	Ethan Allen Range	$1,996,000
Virginia	Fort Pickett	$26,211,000
	Winchester	$3,113,000
West Virginia	Camp Dawson	$4,500,000
Wyoming	Camp Guernsey	$2,650,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$7,035,000
	Garden Grove	$25,440,000
Montana	Butte	$7,629,000
New Jersey	Fort Dix	$17,000,000
New York	Fort Drum	$15,923,000
Texas	Ellington Field	$15,000,000
	Fort Worth	$15,076,000
Wisconsin	Ellsworth	$9,100,000
	Fort McCoy	$8,523,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	$5,580,000
Michigan	Selfridge	$4,030,000
Ohio	Wright-Patterson Air Force Base	$10,277,000
Oregon	Portland	$1,900,000
South Dakota	Sioux Falls	$3,730,000
Texas	Austin	$6,490,000
	Fort Worth	$22,514,000
Virginia	Quantico	$2,410,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base	$7,300,000
Delaware	New Castle	$10,800,000
Georgia	Savannah International Airport	$9,000,000
Indiana	Hulman Regional Airport	$7,700,000
Kansas	Smoky Hill Air National Guard Range	$9,000,000
Louisiana	Camp Beauregard	$1,800,000
Massachusetts	Otis Air National Guard Base	$1,800,000
New Hampshire	Pease Air National Guard Base	$8,900,000
Nebraska	Lincoln	$8,900,000
Nevada	Reno-Tahoe International Airport	$5,200,000
New York	Gabreski Airport	$8,400,000
Pennsylvania	Fort Indiantown Gap	$12,700,000
Rhode Island	Quonset State Airport	$5,000,000
South Dakota	Joe Foss Field	$7,900,000
Tennessee	McGhee-Tyson Airport	$3,200,000
	Memphis International Airport	$11,376,000
Vermont	Burlington	$6,600,000
West Virginia	Eastern West Virginia Regional Airport-Shepherd Field	$50,776,000
	Yeager	$17,300,000
Wisconsin	Truax Field	$7,300,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base	$14,950,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $458,515,000; and

(B) for the Army Reserve, $134,684,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $59,150,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $216,417,000; and

(B) for the Air Force Reserve, $26,559,000.

SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 GUARD AND RESERVE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "$561,375,000" and inserting "$476,697,000"; and

(B) in subparagraph (B), by striking "$190,617,000" and inserting "$167,987,000";

(2) in paragraph (2), by striking "49,998,000" and inserting "$43,498,000"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "$294,283,000" and inserting "$133,983,000"; and

(B) in subparagraph (B), by striking "$56,836,000" and inserting "$47,436,000".

SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2006 AIR FORCE RESERVE CONSTRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501) is amended by striking "$105,883,000" and inserting "$102,783,000".

SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California	Readiness center	$11,318,000
Gary, Indiana	Reserve center	$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas	Storage facility	$9,038,000

SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania	Multipurpose training range	$15,338,000

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $220,689,000, as follows:

(1) For the Department of the Army, $73,716,000.

(2) For the Department of the Air Force, $143,260,000.

(3) For the Defense Agencies, $3,713,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established *by section 2906A of such Act, in the amount of $8,718,988,000.*

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $8,174,315,000, as follows:

(1) For the Department of the Army, $4,015,746,000.

(2) For the Department of the Navy, $733,695,000.

(3) For the Department of the Air Force, $1,183,812,000.

(4) For the Defense Agencies, $2,241,062,000.

SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

For military construction projects carried out using amounts appropriated pursuant to the authorization of appropriations in sections 2701 and 2703 of this title and section 2405(a)(8) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2460), section 2853 of title 10, United States Code, shall apply for variations to the cost and scope of work for each military construction project requested to the congressional defense committees as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

SEC. 2801. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

SEC. 2802. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Military Construction Program and Military Family Housing Changes

SEC. 2811. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorizations made available to that military department or Defense Agency in this division for fiscal year 2008 between any such authorizations for that military department or Defense Agency for that fiscal year. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $200,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost or scope of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify Congress of each transfer made by that Secretary under subsection (a).

SEC. 2812. MODIFICATIONS OF AUTHORITY TO LEASE MILITARY FAMILY HOUSING.

(a) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES.—Subsection (b) of section 2828 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (7)";

(2) in paragraph (5), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (7)"; and

(3) by adding at the end the following new paragraph:

"(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed $18,620 per unit per year, as adjusted from time to time under paragraph (5).

"(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

"(C) The term of a lease under subparagraph (A) may not exceed 2 years.".

(b) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking "(1)" and inserting "(1)(A)";

(B) by striking the second sentence; and

(C) by adding at the end the following new subparagraph:

"(B)(i) Subject to clause (ii), the maximum lease amounts in subparagraph (A) may be waived and increased up to a maximum of $100,000 per unit per year.

"(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.";

(2) in paragraph (2), by striking "the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy" and inserting "the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy"; and

(3) in paragraph (4), by striking "$35,000" and inserting "$35,050".

(c) INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (f) of such section is amended by striking "$500,000" and inserting "$1,000,000".

SEC. 2813. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking "$1,500,000" and inserting "$2,500,000"; and

(2) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 2814. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended—

(1) in subsection (a), by striking "2007" and inserting "2008"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "(1) The total" and inserting "The total"; and

(B) by striking paragraphs (2) and (3).

SEC. 2815. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(1) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $1,000,000; or

(2) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,500,000.

(b) FISCAL YEAR LIMITATION APPLICABLE TO INDIVIDUAL LABORATORIES.—For purposes of this section, the total amount allowed to be applied in any one fiscal year to projects at any

one laboratory shall be limited to the larger of the amounts applicable under subsection (a).

(c) LABORATORY DEFINED.—In this section, the term "laboratory" includes—

(1) a research, engineering, and development center;

(2) a test and evaluation activity; and

(3) any buildings, structures, or facilities located at and supporting such center or activity.

(d) SUNSET.—The authority to carry out a project under this section expires on September 30, 2012.

SEC. 2816. TWO-YEAR EXTENSION OF TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) EXTENSION.—Subsection (e) of section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3510) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(b) REPORT REQUIRED.—Subsection (d) of such section is amended to read as follows:

"(d) REPORTS REQUIRED.—Not later than March 1, 2007, and March 1, 2009, the Secretary of Defense shall submit to the congressional committees reports on the program authorized by this section. Each report shall include a list and description of the construction projects carried out under the program, including the location and cost of each project.".

SEC. 2817. EXTENSION OF AUTHORITY TO ACCEPT EQUALIZATION PAYMENTS FOR FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after "military construction projects" the following: ", land acquisitions, and defense access road projects (as described under section 210 of title 23)".

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after "permanent requirements" the following: ", or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)".

Subtitle C—Real Property and Facilities Administration

SEC. 2831. REQUIREMENT TO REPORT TRANSACTIONS RESULTING IN ANNUAL COSTS OF MORE THAN $750,000.

Section 2662(a)(1) of title 10, United States Code, is amended—

(1) by striking "or his designee" and inserting "or the Secretary's designee, or with respect to a Defense Agency, the Secretary of Defense or the Secretary's designee"; and

(2) by adding at the end the following new subparagraph:

"(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than $750,000.".

SEC. 2832. MODIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

(a) INCREASED USE OF COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES.—Section 2667(h)(1) of title 10, United States Code, is amended by striking "exceeds one year, and the fair market value of the lease" and inserting "exceeds one year, or the fair market value of the lease".

(b) MODIFICATION OF AUTHORITIES RELATED TO FACILITIES OPERATION SUPPORT.—

(1) ELIMINATION OF AUTHORITY TO ACCEPT FACILITIES OPERATION SUPPORT AS IN-KIND CONSIDERATION.—Section 2667(c)(1) of title 10, United States Code, is amended—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D).

(2) ELIMINATION OF AUTHORITY TO USE RENTAL AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPERATION SUPPORT.—Section 2667(e)(1)(C) of title 10, United States Code, is amended by striking clause (iv).

(c) TECHNICAL AMENDMENTS.—Section 2667(e) of title 10, United States Code, is further amended—

(1) in paragraph (1)(B)(ii), by striking "paragraph (4), (5), or (6)" and inserting "paragraph (3), (4), or (5)"; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5).

SEC. 2833. ENHANCED FLEXIBILITY TO CREATE OR EXPAND BUFFER ZONES.

Section 2684a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Subject to the availability of appropriations for such purpose, an agreement with an eligible entity under subsection (a)(2) may provide for the management of natural resources and the contribution by the United States towards natural resource management costs on any real property in which a military department has acquired any right title or interest in accordance with paragraph (1)(A) where there is a demonstrated need to preserve or restore habitat for purposes of subsection (a)(2)."; and

(3) in paragraph (4)(C), as redesignated by paragraph (1), by striking "paragraph (4)" and inserting "paragraph (5), unless the Secretary concerned certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that the military value to the United States as a result of the acquisition of such property or interest in property justifies the payment of costs in excess of the fair market value of such property or interest. Such certification shall include a detailed description of the military value to be obtained in each such case. The Secretary concerned may not acquire such property or interest until 14 days after the date on which the certification is provided to the Committees or, if earlier, 10 days after the date on which a copy of such certification is provided in an electronic medium pursuant to section 480 of this title".

SEC. 2834. REPORTS ON ARMY AND MARINE CORPS OPERATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—Section 2827(c) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2479) is amended—

(1) in paragraph (1), by striking "February 1, 2007" and inserting "December 31, 2007"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by amending clauses (iv) and (v) to read as follows:

"(iv) the proposal contained in the budget justification materials submitted in support of the Department of Defense budget for fiscal year 2008 to increase the size of the active component of the Army to 547,400 personnel by the end of fiscal year 2012; or

"(v) high operational tempos or surge requirements."; and

(B) by adding at the end the following new subparagraphs:

"(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of the Joint Readiness Training Center at Fort Polk, Louisiana, through the acquisition of additional land adjacent to or in the vicinity of the installation that is under the control of the United States Forest Service.

"(G) An analysis of the impact of the proposal described in subparagraph (B)(iv) on the plan developed prior to such proposal to relocate forces from Germany to the United States and vacate installations in Germany as part of the Integrated Global Presence and Basing Strategy, including a comparative analysis of—

"(i) the projected utilization of the Army's three combat training centers if all of the six light infantry brigades proposed to be added to the active component of the Army would be based in the United States; and

"(ii) the projected utilization of such ranges if at least one of those six brigades would be based in Germany.

"(H) If the analysis required by subparagraph (G) indicates that the Joint Multi-National Readiness Center in Hohenfels, Germany, or the Army's training complex at Grafenwoehr, Germany, would not be fully utilized under the basing scenarios analyzed, an estimate of the cost to replicate the training capability at that center in another location.".

(b) REPORT ON POTENTIAL EXPANSION OF MARINE CORPS OPERATIONAL RANGES.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary of the Navy shall submit to the congressional defense committees a report containing an assessment of the operational ranges used to support training and range activities of the Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission-essential tasks supported by each major Marine Corps operational range during fiscal year 2003.

(B) A description of the projected changes in Marine Corps operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of the proposal contained in the fiscal year 2008 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by the end of fiscal year 2012.

(C) The projected deficit or surplus of land at each major Marine Corps operational range, and a description of the Secretary's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Marine Corps operational range.

(D) A description of the Secretary's prioritization process and investment strategy to address the potential expansion or upgrade of Marine Corps operational ranges.

(E) An analysis of alternatives to the expansion of Marine Corps operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of Marine Corps Base, Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity of that installation that is under the control of the Bureau of Land Management.

(3) DEFINITIONS.—In this subsection:

(A) The term "Marine Corps operational range" has the meaning given the term "operational range" in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the

Navy that are used by or available to the United States Marine Corps.

(B) The term "range activities" has the meaning given that term in section 101(e)(2) of such title.

SEC. 2835. CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) CONSOLIDATION.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) OPTIONS FOR MILITARY CONSTRUCTION PROJECTS.—

"(1) AUTHORITY.—The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the department.

"(2) CONSIDERATION.—As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the department for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2677 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

Subtitle D—Base Closure and Realignment

SEC. 2841. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

SEC. 2843. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, as a public benefit conveyance for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION TO LAND CONVEYANCE AUTHORITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404–1 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 2005) is amended—

(1) in subsection (a)(3), by striking "at fair market value" and inserting "without consideration";

(2) by amending subsection (b)(2) to read as follows:

"(2) The conveyances under paragraphs (2) and (3) of subsection (a) shall be subject to the condition that the County develop and use the conveyed properties for educational purposes and the construction of public school structures."; and

(3) by amending subsection (c)(2) to read as follows:

"(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph (3) of subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.".

(b) PAYMENT OF COSTS OF CONVEYANCE.—Such section is further amended by inserting at the end the following new subsection:

"(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT NO. 404–1 PROPERTY.—

"(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(3), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

"(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.".

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, GSA PROPERTY, SPRINGFIELD, VIRGINIA.

(a) TRANSFER AUTHORIZED.—The Administrator of General Services (in this section referred to as "the Administrator") may transfer to the administrative jurisdiction of the Secretary of the Army a parcel of real property consisting of approximately 69.5 acres and containing warehouse facilities in Springfield, Virginia, known as the "GSA Property" for the purpose of permitting the Secretary to construct facilities on the property to support administrative functions to be located at Fort Belvoir, Virginia.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the property to be transferred by the Administrator, the Secretary of the Army shall—

(A) pay all reasonable costs to move furnishings, equipment, and other material related to the relocation of functions identified by the Administrator;

(B) if deemed necessary by the Administrator, transfer to the administrative jurisdiction of the Administrator a parcel of property in the National Capital Region determined to be suitable to the Administrator;

(C) if deemed necessary by the Administrator, design and construct storage facilities, utilities, security measures, and access to a road infrastructure on the parcel to meet the requirements of the Administrator; and

(D) if deemed necessary by the Administrator, enter into a memorandum of agreement with the Administrator for support services and security at the new facilities constructed pursuant to subsection (a).

(2) FAIR MARKET VALUE LIMITATION.—The consideration provided by the Secretary under paragraph (1) may not exceed the fair market value of the property transferred by the Administrator under subsection (a).

(c) ADMINISTRATION OF TRANSFERRED PROPERTY.—Upon completion of the transfer under subsection (a), the transferred property shall be administered by the Secretary as a part of Fort Belvoir, Virginia.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property or properties to be conveyed under this section shall be determined by surveys satisfactory to the Administrator and the Secretary.

(e) STATUS REPORT.—Not later than November 30, 2007, the Administrator and the Secretary shall jointly submit to the congressional defense committees a report on the status and estimated costs of the transfer under subsection (a).

SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting Native American education and training.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) EXPIRATION.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) The United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CITY.—The term "City" means the city of Detroit, Michigan.

(3) CITY LAND.—The term "City land" means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(5) EDC.—The term "EDC" means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term "exchange maps" means the maps entitled "Atwater Street Land Exchange Maps" prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term "Federal land" means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term "Sector Detroit" means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled "Atwater Street Land Exchange Maps," which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

SEC. 2856. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site, consisting of approximately 50 acres located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled "07-CE" on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT RESPONSE.—The Secretary of Defense shall manage and carry out environmental response activities with respect to the

property described in subsection (b) as expeditiously as possible, consistent with the Department's prioritization of formerly used Defense sites based on risk and the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Solid Waste Disposal Act, using amounts made available from the account established by section 2703(a)(5) of title 10, United States Code.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2857. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A-428)) is amended—

(1) by striking "naval aviation and" and inserting "naval aviation,"; and

(2) by inserting before the period at the end the following: ", and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation".

Subtitle F—Other Matters

SEC. 2861. REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

(c) USE OF REPORT AS MASTER PLAN FOR REPAIR, UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependants of members of the Armed Forces and civilian employees of the Department of Defense.

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking "that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath" and inserting "that are beneath"; and

(2) by adding at the end the following new subsection:

"(e) SUNSET DATE.—This section shall expire on October 1, 2013.".

SEC. 2863. ADDITIONAL PROJECT IN RHODE ISLAND.

In carrying out section 2866 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2499), the Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Woonsocket local protection project authorized by section 10 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 892, chapter 665), including by acquiring any interest of the State of Rhode Island in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the State, in coordination with the Secretary.

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled "The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment", Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department; and

(4) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

SEC. 2865. REPORT ON WATER CONSERVATION PROJECTS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the funding and effectiveness of water conservation projects at Department of Defense facilities.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description, by type, of the amounts invested or budgeted for water conservation projects by the Department of Defense in fiscal years 2006, 2007, and 2008;

(2) an assessment of the investment levels required to meet the water conservation requirements of the Department of Defense under Executive Order No. 13423 (January 24, 2007);

(3) an assessment of whether water conservation projects should continue to be funded within the Energy Conservation Investment Program or whether the water conservation efforts of the Department would be more effective if a separate water conservation investment program were established;

(4) an assessment of the demonstrated or potential reductions in water usage and return on investment of various types of water conservation projects, including the use of metering or control systems, xeriscaping, waterless urinals, utility system upgrades, and water efficiency standards for appliances used in Department of Defense facilities; and

(5) recommendations for any legislation, including any changes to the authority provided under section 2866 of title 10, United States Code, that would facilitate the water conservation goals of the Department, including the water conservation requirements of Executive Order No. 13423 and DoD Instruction 4170.11.

SEC. 2866. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of—

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

SEC. 2867. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as "the Site").

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has "sufficient capacity" to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as "Area A" in the Potential PCMS Land expansion map;

(II) the parcel of land identified as "Area B" in the Potential PCMS Land expansion map;

(III) the parcels of land identified as "Area A" and "Area B" in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term "Potential PCMS Land expansion map" means the June 2007 map entitled "Potential PCMS Land expansion".

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

SEC. 2868. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED WAR-RELATED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2902(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$116,800,000
Iraq	Camp Adder	$80,650,000
	Al Asad	$86,100,000
	Camp Anaconda	$88,200,000
	Fallujah	$880,000
	Camp Marez	$880,000
	Mosul	$43,000,000
	Q-West	$26,000,000
	Camp Ramadi	$880,000
	Scania	$5,000,000
	Camp Speicher	$103,700,000
	Camp Taqqadum	$880,000
	Tikrit	$43,000,000
	Camp Victory	$34,400,000
	Camp Warrior	$880,000
	Various Locations	$102,000,000

SEC. 2902. AUTHORIZATION OF WAR-RELATED MILITARY CONSTRUCTION APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $752,650,000 as follows:

(1) For military construction projects outside the United States authorized by section 2901(a), $733,250,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,539,693,000, to be allocated as follows:

(1) For weapons activities, $6,472,172,000.

(2) For defense nuclear nonproliferation activities, $1,809,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

(5) For the International Atomic Energy Agency Nuclear Fuel Bank, $50,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 08–D–801, High pressure fire loop, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 08–D–802, High explosive pressing facility, Pantex Plant, Amarillo, Texas, $25,300,000.

Project 08–D–804, Technical Area 55 reinvestment project, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 08–D–601, Mercury highway, Nevada Test Site, Nevada, $7,800,000.

Project 08–D–602, Potable water system upgrades, Y–12 Plant, Oak Ridge, Tennessee, $22,500,000.

(3) For safeguards and security, the following new plant project:

Project 08–D–701, Nuclear materials safeguards and security upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $49,496,000.

(4) For naval reactors, the following new plant projects:

Project 08–D–901, Shipping and receiving and warehouse complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $9,000,000.

Project 08–D–190, Project engineering and design, Expended Core Facility M–290 Recovering Discharge Station, Naval Reactors Facility, Idaho Falls, Idaho, $550,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,410,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 08–D–414, Project engineering and design, Plutonium Vitrification Facility, various locations, $15,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $663,074,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $242,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated under section 3101(a)(1) for weapons activities for fiscal year 2008, not more than $195,069,000 may be obligated or expended for the Reliable Replacement Warhead program under section 4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a).

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—No funds referred to in subsection (a) may be obligated or expended for activities under the Reliable Replacement Warhead program beyond phase 2A activities.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Materials Disposition program funds may be obligated or expended for the Fissile Materials Disposition program until the Secretary of Energy, in consultation with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting forth a plan for obligating and expending funds made available for that program in fiscal years before fiscal year 2008 that remain available for obligation or expenditure as of October 1, 2007.

(b) LIMITATION PENDING CERTIFICATION ON USE OF CURRENT FISCAL YEAR FUNDS.—

(1) IN GENERAL.—Within fiscal year 2008 Fissile Materials Disposition program funds, the aggregate amount that may be obligated for the Fissile Materials Disposition program may not exceed such amount as the Secretary, in consultation with the Administrator, certifies to the congressional defense committees will be obligated for that program in fiscal years 2008 and 2009.

(2) AVAILABILITY OF UNUTILIZED FUNDS ABSENT CERTIFICATION.—If the Secretary does not make a certification under paragraph (1), fiscal year 2008 Fissile Materials Disposition program funds shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(3) AVAILABILITY OF UNUTILIZED FUNDS UNDER CERTIFICATION OF PARTIAL USE.—If the aggregate amount of funds certified under paragraph (1) as to be obligated for the Fissile Materials Disposition program in fiscal years 2008 and 2009 is less than the amount of the fiscal year 2008 Fissile Materials Disposition program funds, an amount within fiscal year 2008 Fissile Materials Disposition program funds that is equal to the difference between the amount of fiscal year 2008 Fissile Materials Disposition program funds and such aggregate amount shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSITION PROGRAM FUNDS DEFINED.—In this section, the term "fiscal year 2008 Fissile Materials Disposition program funds" means amounts authorized to be appropriated by section 3101(a)(2) and available for the Fissile Materials Disposition program.

SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2510) is amended—

(1) by striking "the Defense Contract Management Agency has recommended for acceptance" and inserting "an independent entity has reviewed"; and

(2) by inserting "and that the system has been certified by the Secretary for use by a construction contractor at the Waste Treatment and Immobilization Plant" after "Waste Treatment and Immobilization Plant".

Subtitle C—Other Matters

SEC. 3121. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1743; 50 U.S.C. 2528a) is repealed.

(b) REPORTS ON NUCLEAR TEST READINESS POSTURES.—

(1) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is amended to read as follows:

"SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

"(a) IN GENERAL.—Not later than March 1, 2009, and every odd-numbered year thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the nuclear test readiness of the United States.

"(b) ELEMENTS.—Each report under subsection (a) shall include, current as of the date of such report, the following:

"(1) An estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test.

"(2) A description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate.

"(3) A list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(4) A list and description of the infrastructure and physical plant that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(5) An assessment of the readiness status of the skills and capabilities described in paragraph (3) and the infrastructure and physical plant described in paragraph (4).

"(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.".

(2) CLERICAL AMENDMENT.—The item relating to section 4208 in the table of contents for such Act is amended to read as follows:

"Sec. 4208. Reports on nuclear test readiness.".

SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NONPROLIFERATION POLICY OF THE UNITED STATES AND THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

It is the sense of Congress that—

(1) the United States should reaffirm its commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the "Nuclear Non-Proliferation Treaty");

(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in the respective nuclear weapons stockpiles of the United States and Russia in a transparent and verifiable fashion and in a manner consistent with the security of the United States;

(3) the United States and other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, together with weapons states that are not parties to the treaty, should work to reduce the total number of nuclear weapons in the respective stockpiles and related delivery systems of such states;

(4) the United States, Russia, and other states should work to negotiate, and then sign and ratify, a treaty setting forth a date for the cessation of the production of fissile material;

(5) the Senate should ratify the Comprehensive Nuclear-Test-Ban Treaty, opened for signature at New York September 10, 1996;

(6) the United States should commit to dismantle as soon as possible all retired warheads or warheads that are planned to be retired from the United States nuclear weapons stockpile;

(7) the United States, along with the other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, should participate in transparent discussions regarding their nuclear weapons programs and plans, and how such programs and plans, including plans for any new weapons or warheads, relate to their obligations as nuclear weapons state parties under the Treaty;

(8) the United States and the declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty should work to decrease reliance on, and the importance of, nuclear weapons; and

(9) the United States should formulate any decision on whether to manufacture or deploy a reliable replacement warhead within the broader context of the progress made by the United States toward achieving each of the goals described in paragraphs (1) through (8).

SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date described in subsection (d), the Secretary of Energy shall submit to the congressional defense committees and the Comptroller General of the United States a report on the status of the environmental management initiatives described in subsection (c) undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A discussion of the progress made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out the environmental management initiatives described in subsection (c) and the justification for each such proposal.

(5) A list of the mandatory milestones and commitments set forth in each enforceable cleanup agreement or other type of agreement covering or applicable to environmental management and cleanup activities at any site of the Department, the status of the efforts of the Department to meet such milestones and commitments, and if the Secretary determines that the Department will be unable to achieve any such milestone or commitment, a statement setting forth the reasons the Department will be unable to achieve such milestone or commitment.

(6) An estimate of the life cycle cost of the environmental management program, including the following:

(A) A list of the environmental projects being reviewed for potential inclusion in the environmental management program as of October 1, 2007, and an estimated date by which a determination will be made to include or exclude each such project.

(B) A list of environmental projects not being considered for potential inclusion in the environmental management program as of October 1, 2007, but that are likely to be included in the next five years, and an estimated date by which a determination will be made to include or exclude each such project.

(C) A list of projects in the environmental management program as of October 1, 2007, for which an audit of the cost estimate of the project has been completed, and the estimated date by which such an audit will be completed for each such project for which such an audit has not been completed.

(D) The estimated schedule for production of a revised life cycle cost estimate for the environmental management program incorporating the information described in subparagraphs (A), (B), and (C).

(c) INITIATIVES DESCRIBED.—The environmental management initiatives described in this subsection are the initiatives arising out of the report titled "Top-to-Bottom Review of the Environmental Management Program" and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department in carrying out programs necessary for national security.

(d) DATE OF SUBMITTAL.—The date described in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

(e) REVIEW BY COMPTROLLER GENERAL.—Not later than 180 days after the date described in subsection (d), the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the protective forces of the Department of Energy.

(b) CONTENTS.—The report shall include the following:

(1) A description of the management and contractual structure for protective forces at each Department of Energy site with Category I nuclear materials.

(2) A statement of the number and category of protective force members at each site described in paragraph (1) and an assessment of whether the protective force at each such site is adequately staffed, trained, and equipped to comply with the requirements of the Design Basis Threat issued by the Department of Energy in November 2005.

(3) A description of the manner in which each site described in paragraph (1) is moving to a tactical response force as required by the policy of the Department of Energy and an assessment of the issues or problems, if any, involved in the moving to a tactical response force at such site.

(4) A description of the extent to which the protective force at each site described in paragraph (1) has been assigned or is responsible for law enforcement or law-enforcement related activities.

(5) An analysis comparing the management, training, pay, benefits, duties, responsibilities, and assignments of the protective force at each site described in paragraph (1) with the management, training, pay, benefits, duties, responsibilities, and assignments of the Federal transportation security force of the Department of Energy.

(6) A statement of options for managing the protective force at sites described in paragraph (1) in a more uniform manner, an analysis of the advantages and disadvantages of each option, and an assessment of the approximate cost of each option when compared with the costs associated with the existing management of the protective force at such sites.

(c) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3125. TECHNICAL AMENDMENTS.

The Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended as follows:

(1) The heading of section 4204a (50 U.S.C. 2524a) is amended to read as follows:

"SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PROGRAM.".

(2) The table of contents for that Act is amended by inserting after the item relating to section 4204 the following new item:

"Sec. 4204A. Reliable Replacement Warhead program.".

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term "Convention on the Physical Protection of Nuclear Material" means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term "formula quantities of strategic special nuclear material" means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of "formula quantity" and "strategic special nuclear material" in section 73.2 of title 10, Code of Federal Regulations.

(3) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term "nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 "National Strategy for Combating Terrorism" issued by the White House states, "Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face."

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, "Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.".

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack "would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty".

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist

purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a "race against time" to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for "appropriate effective" physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3135. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3134(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SEC. 3136. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) in subsection (b), by striking "March 1, 2007" and inserting "March 1 of 2007, 2009, 2011, and 2013";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

"(c) FORM.—The report required by subsection (b) to be submitted not later than March 1 of 2009, 2011, or 2013, shall be submitted in classified form, and shall include a detailed unclassified summary."; and

(4) in subsection (e), as redesignated, by striking "(c)" and inserting "(d)".

SEC. 3137. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15(g)) is amended by striking "on the date that is 3 years after the date of the enactment of this section" and inserting "October 28, 2012".

SEC. 3138. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of

the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an exaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

SEC. 3139. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $27,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 4002. DEFINITIONS.

In this division—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(d) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration; and

"(vii) the Office of Management and Budget; and

"(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

"(E) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing; procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).".

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business

concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.".

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

DIVISION E—MARITIME ADMINISTRATION

SEC. 5001. SHORT TITLE.

(a) SHORT TITLE.—This division may be cited as the "Maritime Administration Authorities Act of 2007".

TITLE LI—GENERAL

SEC. 5101. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

"§ 57533. Vessel chartering authority

"The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

"57533. Vessel chartering authority.".

SEC. 5102. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting "vessels," after "piers,"; and

(2) by striking "control;" in subsection (a)(1) and inserting "control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;".

SEC. 5103. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking "or" after the semicolon in paragraph (3);

(2) by striking "Defense." in paragraph (4) and inserting "Defense; or"; and

(3) by adding at the end thereof the following:

"(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. 5104. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting ''(either by sale or purchase of disposal services)'' after ''shall dispose''; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

''(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

''(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;''.

SEC. 5105. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. 5106. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

''(B) activate and conduct sea trials on each vessel at least once every 30 months;''.

SEC. 5107. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term ''nontraditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term ''traditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE LII—TECHNICAL CORRECTIONS

SEC. 5201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. 5202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

''(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. 5203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.''; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.''.

(2) Section 53706(c) is amended to read as follows:

''(c) PRIORITIES FOR CERTAIN VESSELS.—

''(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

''(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

''(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

''(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

''(ii) meets a shortfall in sealift capacity or capability.

''(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.''.

(3) Section 53707 is amended—

(A) by inserting ''or Administrator'' in subsections (a) and (d) after ''Secretary'' each place it appears;

(B) by striking ''Secretary of Transportation'' in subsection (b) and inserting ''Administrator'';

(C) by striking ''of Commerce'' in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting ''if the Secretary or Administrator considers necessary,'' before ''the waiver''; and

(ii) striking ''the increased'' and inserting ''any significant increase in''.

(4) Section 53708 is amended—

(A) by striking ''SECRETARY OF TRANSPORTATION'' in the heading of subsection (a) and inserting ''ADMINISTRATOR'';

(B) by striking ''Secretary'' and ''Secretary of Transportation'' each place they appear in subsection (a) and inserting ''Administrator'';

(C) by striking ''OF COMMERCE'' in the heading of subsection (b);

(D) by striking ''of Commerce'' in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary.'' and inserting ''or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.''; and

(F) in subsection (e), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary'' and inserting ''or financial structures''.

(5) Section 53710(b)(1) is amended by striking ''Secretary's'' and inserting ''Administrator's''.

(6) Section 53712(b) is amended by striking the last sentence and inserting ''If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.''.

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking ''OF COMMERCE'' in the subsection heading; and

(B) by striking ''of Commerce'' each place it appears.

(8) Section 53732(e)(2) is amended by inserting ''of Defense'' after ''Secretary'' the second place it appears.

(9) The following provisions are amended by striking ''Secretary'' and ''Secretary of Transportation'' and inserting ''Administrator'':

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where ''Secretary'' is followed by ''of Energy''.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where ''Secretary'' is followed by ''of the Treasury'', ''of State'', or ''of Defense''.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting ''or Administrator'' after ''Secretary'' each place it appears in headings and text, except where ''Secretary'' is followed by ''of Transportation'' or ''of the Treasury'':

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting ''or Administrator's'' after ''Secretary's''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. 5204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".

(2) Section 51504(f) is amended to read as follows:

"(f) FUEL COSTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

"(A) $100,000 for fiscal year 2006;

"(B) $200,000 for fiscal year 2007; and

"(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(4) Section 51701(a) is amended by striking "of the United States." and inserting "of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.".

(5)(A) Section 51907 is amended to read as follows:

"§51907. Provision of decorations, medals, and replacements

"The Secretary of Transportation may provide—

"(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

"(2) replacements for decorations and medals issued under a prior law.".

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

"51907. Provision of decorations, medals, and replacements.".

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCELLANEOUS

"Sec.

"54101. Assistance for small shipyards and maritime communities.".

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

"§54101. Assistance for small shipyards and maritime communities".

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking "(15 U.S.C. 632);" and inserting "(15 U.S.C. 632));".

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

"541. Miscellaneous .... 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. 5205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" in subsection (a) and inserting "4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,"; and

(2) by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" in subsection (b) and inserting "13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. 5206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

"(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.".

(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking "organizations." in paragraph (3) and inserting "organizations; and"; and

(C) by adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

(4) Section 55105(b)(3) is amended by striking "Secretary of the department in which the Coast Guard is operating" and inserting "Secretary of Homeland Security".

(5) Section 70306(a) is amended by striking "Not later than February 28 of each year, the Secretary shall submit a report" and inserting "The Secretary shall submit an annual report".

(6) Section 70502(d)(2) is amended to read as follows:

"(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. 5207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking "section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 55102 of title 46, United States Code".

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) ALTERNATIVE SERVICE.—

"(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.".

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

"(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking "MIDSHIPMAN AND" in the subsection heading and "midshipman and" in the text; and

(2) inserting "or the Coast Guard Reserve" after "Reserve)".

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking "under this chapter" and inserting "by this chapter or the Secretary of Transportation".

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking "section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)," and inserting "section 50501 of this title".

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. 5208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting "or" after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

*(1) The heading of section 55110 is amended by inserting "**valueless material or**" before "**dredged material**".*

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting "valueless material or" before "dredged material".

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting "on an oceanographic research vessel" after "scientific personnel".

(2) Section 50503 of title 46, United States Code, is amended by striking "An oceanographic research vessel" and all that follows and inserting the following:

"(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

"(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

"(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.".

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking "parts B, F, and G of subtitle II" and inserting "part B, F, or G of subtitle II, section 30104, or chapter 303".

SEC. 5209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. 5210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting "and" after "Conservation".

(3) Section 12131 is amended by striking "commmand" and inserting "command".

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking "46 App. U.S.C." and inserting "46 U.S.C. App.".

(B) Section 15(30) is amended by striking "Shipping Act, 1936" and inserting "Shipping Act, 1916".

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section "1111" (relating to 46 U.S.C. App. 1279f) and inserting section "1113"; and

(ii) striking the second section "1112" (relating to 46 U.S.C. App. 1279g) and inserting section "1114".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting "and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)" after "of such section".

APPOINTMENT OF CONFEREES—H.R. 2082

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAYH, Ms. MIKULSKI, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BOND, Mr. WARNER, Mr. HAGEL, Mr. CHAMBLISS, Mr. HATCH, Ms. SNOWE, Mr. BURR; as additional conferees, Mr. LEVIN and Mr. KYL, conferees on the part of the Senate.

NATIONAL COURAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 398, S. Con. Res. 45.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements be printed in the RECORD.

The concurrent resolution (S. Con. Res 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 45

Whereas the Ed Block Courage Award was established by Sam Lamantia in 1978 in honor of Ed Block, the head athletic trainer of the Baltimore Colts and a respected humanitarian;

Whereas each year in Baltimore, Maryland, the Foundation honors recipients from the National Football League who have been chosen by their teammates as exemplifying sportsmanship and courage;

Whereas the Ed Block Courage Award has become one of the most esteemed honors bestowed upon players in the NFL;

Whereas the Ed Block Courage Award Foundation has grown from a Baltimore-based local charity to the Courage House National Support Network for Kids operated in partnership with 17 NFL teams in their respective cities; and

Whereas Courage Houses are facilities that provide support and care for abused children and their families in these 17 locations across the country: Baltimore, Maryland, Pittsburgh, Pennsylvania, Chicago, Illinois, Miami, Florida, Detroit, Michigan, Dallas, Texas, Westchester County, New York, Oakland, California, Seattle, Washington, Charlotte, North Carolina, Cleveland, Ohio, Atlanta, Georgia, St. Louis, Missouri, Indianapolis, Indiana, Buffalo, New York, San Francisco, California, and Minneapolis, Minnesota: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) National Courage Month provides an opportunity to educate the people of the United States about the positive role that professional athletes can play as inspirations for America's youth; and

(2) the Ed Block Courage Award Foundation should be recognized for its outstanding contributions toward helping those affected by child abuse.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. 2106, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, 6 years ago, just days after the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled "the Air Transportation Safety and System Stabilization Act," which provided victims of the terrorist attack the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York.

This Federal cause of action was designed to give victims and their families a choice in the aftermath of September 11. I supported giving the victims and their families a Federal cause of action in court to pursue civil damages, but it has come to my attention that an important procedural protection was left out of the bipartisan legislation we passed 6 years ago.

The 9–11 victims' case currently being litigated in the Southern District of New York includes parties and witnesses from across the country. However, the existing Federal Rules of Civil Procedure restricts the reach of trial subpoenas to a 100-mile radius of the place of trial. This procedural rule effectively prevents subpoenas from being served in the very cities where the flights originated and where two of them crashed on the morning of September 11.

The bipartisan solution to the problem that Congress created is the Procedural Fairness for September 11 Victims Act, S. 2106. It provides for nationwide service of subpoenas for the September 11 victims. Congress has repeatedly provided for nationwide subpoena power in other instances such as the False Claims Act, the Veterans' Benefits Act, and the Civil RICO statute.

I call on my colleagues to pass this procedural fix that will allow the victims to have a chance to have their claims fairly and thoroughly heard in court. The heart of every American aches for those who died or were injured because of the tragic attacks in New York, Virginia, and Pennsylvania on September 11. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to assisting the September 11 victims and their families.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2106) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Procedural Fairness for September 11 Victims Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

"(4) NATIONWIDE SUBPOENAS.—

"(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.".

THE CALENDAR

Mr. REID. I ask unanimous consent that it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 389, H.R. 2467; Calendar No. 390, H.R. 2587; Calendar No. 391, H.R. 2654; Calendar No. 392, H.R. 2765; Calendar No. 393, H.R. 2778; Calendar No. 394, H.R. 2825; Calendar No. 395, H.R. 3052; and Calendar No. 396, H.R. 3106.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

The Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid on the table en bloc; that consideration of these items appear separately in the RECORD, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANK J. GUARINI POST OFFICE BUILDING

The bill (H.R. 2467) to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building," was ordered to a third reading, read the third time, and passed.

KENNETH T. WHALUM, SR. POST OFFICE BUILDING

The bill (H.R. 2587) to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building," was ordered to a third reading, read the third time, and passed.

ELEANOR McGOVERN POST OFFICE BUILDING

The bill (H.R. 2654) to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building," was ordered to a third reading, read the third time, and passed.

MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

The bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office," was ordered to a third reading, read the third time, and passed.

ROBERT MERRILL POSTAL STATION

The bill (H.R. 2778) to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station," was ordered to a third reading, read the third time, and passed.

OWEN LOVEJOY PRINCETON POST OFFICE BUILDING

The bill (H.R. 2825) to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building," was ordered to a third reading, read the third time, and passed.

JOHN HERSCHEL GLENN, JR. POST OFFICE BUILDING

The bill (H.R. 3052) to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building," was ordered to a third reading, read the third time, and passed.

STAFF SERGEANT DAVID L. NORD POST OFFICE

The bill (H.R. 3106) to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office," was ordered to a third reading, read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2828

Mr. REID. Mr. President, I understand that H.R. 2828 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

Mr. REID. Mr. President, I ask for its second reading and then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to executive session to consider Executive Calendar No. 302, the nomination of Jennifer Walker Elrod to be a United States circuit court judge; that there be a time limitation of 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that there be an additional 10 minutes each for debate for Senators CARDIN and SPECTER; that at the conclusion or yielding back of time, the Senate vote on the nomination; that following that vote, the Senate then vote on each of the following nominations: Nos. 242, 293, and 294; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Mr. President, also, let me say it is my intent—and I talked to Senator MCCONNELL at some length about this—we will do these tomorrow. I talked to Senator LEAHY. I am sure he has spoken with Senator SPECTER. It is time we did some of these, and we are going to do them tomorrow, the exact time of which I do not know, but they will be done tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me thank the majority leader for his assurances on that matter.

ORDERS FOR THURSDAY, OCTOBER 4, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow, October 4; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the Democrats and the Republicans, with the Republicans controlling the first half; that at the close of morning business, the Senate then proceed to the consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Mr. President, I would also say to all the Members, we are going to do our best to finish this bill tomorrow.

We are going to give it the old college try. I think we should be able to do it. It is an important bill. We are going to do our very best to do that.

I would also say that the next appropriations bill we are going to move to is the Labor-HHS bill, which is extremely important. Again, I have had conversations the last several days with the Republican leader, and we are now moving through the process. The bill to go to conference has not been held up by the Republicans. The Democrats have held themselves up. We have not been able to get the 302(b) allocations and the other things we needed to work out to be able to do that. Now we are in the process of being able to do that as of yesterday, so we expect to move very expeditiously on these bills so that we can get a bill or bills to the President as soon as possible.

My goal is to finish what we need to do here by November 16. It is easy to say that and it is hard to do, but that certainly is my timetable.

Mr. MCCONNELL. Mr. President, let me just add that I couldn't agree more with what the majority leader has just indicated his goals are, and he will have great cooperation on this side of the aisle to achieve the goal of finishing these bills and wrapping up our business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, October 4, 2007, at 9 a.m.

EXTENSIONS OF REMARKS

SERVANT LEADERSHIP AT ITS BEST

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. POE. Madam Speaker, the best examples of effective community leaders are those individuals that work diligently in the background, not seeking attention or glory for themselves, but those who consider positive results more important than personal recognition.

Mrs. Carolyn McCarty of Kingwood, TX, is an example of such an individual. She is a silent oak of strength and volunteer service in her community. She is the daughter of Albert and Lorena Wilson and was born in Batesville, AR where she grew up on a small farm. She graduated from Arkansas College with a master's degree in history and a minor in speech.

She has lived in Kingwood for more than 30 years and has been an active community volunteer in many organizations including the Kingwood FFA Booster program, served as a member of the Humble Citizens Police Academy and is currently a member of the Humble Citizens Police Academy Alumni.

Her community involvement over the years has earned her several prestigious recognitions including the Yellow Rose of Texas award from then-Governor George W. Bush and the Presidential Volunteer Service Award from former President George H.W. Bush.

February 20, 1997 was recognized as Carolyn McCarty Day by the city of Humble, TX. She was also 1 of the 1998 Women of the Year in Human Services issued by Family Time Crisis and Counseling Center.

Mrs. McCarty has been employed in the Humble area for many years. During the 4 years that she worked at North East Medical Center Hospital, she started the Northeast 55+ activity program for seniors. Since then, she has worked for the Humble Area Chamber of Commerce for the past 12½ years and is currently the committee coordinator.

Even though she has been recognized with many awards, she would probably tell anyone that her greatest accomplishment is her family. She has been married to her husband Rush McCarty for 44 years; has 3 children, Kevin, Shannon, and Tom; and 8 grandchildren. Her list of volunteer efforts would not be complete without including her active involvement in the lives of her three children throughout their elementary, middle and high school activities.

I am honored to recognize Mrs. Carolyn McCarty today for her contributions to her family, her community and her country. She is a shining example of servant leadership and her humble spirit is an inspiration to us all.

And that's just the way it is.

INDIA BUGGED BLAIR'S HOTEL ROOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. TOWNS. Madam Speaker, on August 3, India-West reported that during former British Prime Minister Tony Blair's visit to India shortly after the 9/11 attacks, the Indian regime bugged Prime Minister Blair's hotel room. According to the article, they didn't do a very good job of it, either.

India-West reported that Prime Minister Blair's associate, Alistair Campbell, wrote in his book that Blair's people found the bugs but decided not to make a fuss about them. According to India-West, Campbell writes that "On his way to the hotel, Blair asked the then British High Commissioner in India if the car was bugged only to receive a 'kind of noncommittal no.'" Campbell also describes the discovery of 2 listening devices in Prime Minister Blair's hotel room. Campbell reported that the bugs couldn't be removed "without drilling the wall," so Mr. Blair simply used a different room. He also writes about a valet named Sunil who was there wherever Campbell went. "I was beginning to wonder whether he had been put there either by spooks or by a paper," Campbell wrote.

Madam Speaker, this is an outrage. The fact that India feels the need to spy on a democratic leader who is fighting the same war on terror that India claims to support shows that India's sympathies do not lie on the side of the Free World. It also shows that India's claims to be a democracy ring hollow. Perhaps they can hear their claims ring hollow in 1 of their listening devices.

Those claims are further belied by India's ongoing repression against Sikhs, Christians, Muslims, and other minorities. We all know that India has murdered more than a quarter of a million Sikhs, over 300,000 Christians in Nagaland, more than 90,000 Muslims in Kashmir, 2,000 to 5,000 Muslims in Gujarat, and tens of thousands of other minorities such as Manipuris, Tamils, Bodos, Assamese, Bengalis, Dalits, et cetera. We all know of the tens of thousands of political prisoners. Harassment and false arrest are common. Some Sikh activists were arrested for making speeches and raising a flag! Does that sound like democracy to you, Madam Speaker?

Why do we accept this? America is founded on the idea of freedom for all. There is something we can do about the tyranny in India. We owe it to the oppressed people there to stop our aid and trade with India (especially since more than 836 million people there live on less than 40 cents per day) and we should demand self-determination for the people of Punjab, Khalsitan, Nagalim, Kashmir, and all people seeking their freedom. Self-determination is the essence of democracy. Our actions can help bring real freedom and prosperity to all the people of the subcontinent. Let us do whatever we can.

[From the Times of India, Aug. 3, 2007]

DELHI CLUMSILY BUGGED TONY BLAIR'S ROOM DURING 2001 VISIT

(By Rashmee Roshan Lall)

LONDON.—Indian intelligence clumsily bugged Tony Blair's hotel room in Delhi during the British prime minister's visit to India 1 month after the 9/11 attacks, his chief spin doctor Alastair Campbell has said.

In his newly published diaries released in India July 25. Campbell said Blair's entourage found the bugs but decided not to make a fuss. On his way to the hotel, Blair asked the then British High Commissioner in Delhi if the car was bugged, only to receive a "kind of noncommittal no." Campbell writes about Blair's passage to India on Oct. 5, 2001.

Later, he describes an "incriminating" discovery of 2 bugs in the British prime minister's hotel room.

"At the hotel, our security service guys had found 2 bugs in TB's bedroom and said they wouldn't be able to move them without drilling the wall, so TB used a different room," he wrote.

Campbell's revelations are probably the first time someone within the innermost circle of a British prime minister has openly accused the Indian authorities of bugging and dirty tricks. Campbell also claims in the diaries, titled "The Blair Years," that he too was probably spied upon by Indian intelligence, via the services of a "valet" named Sunil.

The "valet," says Campbell drove him "bananas everywhere I went, he was there. I was beginning to wonder whether he had been put there either by the spooks or a paper."

TRIBUTE TO THE LIFE OF HAROLD (HAL) POTE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. SMITH of New Jersey. Madam Speaker, I, along with my colleague, Representative BART STUPAK, Co-Chair of the Spina Bifida Caucus, would like to take this opportunity to pay tribute to the life of Harold (Hal) Pote. Hal Pote, the founder and President of the Spina Bifida Foundation (SBF), passed away unexpectedly on June 26, 2007. Mr. Pote's dedication towards educating the public on the Nation's most common, permanently disabling birth defect has not gone unnoticed. We are deeply saddened by this loss and we know that many of our colleagues on Capitol Hill share these sentiments as well.

Spina Bifida develops during the first month of pregnancy when the spinal column does not close completely. Over 70,000 individuals in the United States currently live with Spina

Bifida and it occurs in approximately 7 out of every 10,000 live births. Mr. Pote began his campaign to increase awareness surrounding Spina Bifida when his nephew Gregory was born with this disabling condition almost 22 years ago. Gregory has undergone more than 20 surgeries, all of which Mr. Pote was there to support—and his dedication expands beyond his nephew as he was committed to ensuring that all individuals living with Spina Bifida have access to, and enjoy, a high quality of life. Additionally, Mr. Pote devoted his efforts to preventing the incidence of Spina Bifida by educating women on the importance of consuming folic acid prior to pregnancy and throughout their childbearing years.

Not only has Mr. Pote been successful in his endeavors to raise awareness surrounding Spina Bifida, he had a very successful business career as well. He attended Princeton University where he received a bachelor's degree in economics and subsequently received a Masters of Business Administration from Harvard Business School. Mr. Pote's hard work eventually led to his nomination as Chairman and CEO of Fidelity Bank at the age of 37. After co-founding the Beacon Group, he was appointed to lead Chase Manhattan's Regional Banking Group—eventually culminating with a position as chairman of Retail Financial Services for JP Morgan Chase. Once Mr. Pote retired from JP Morgan Chase, he served as CEO of the American Financial Realty Trust in Philadelphia.

In its 8 years of existence, under Mr. Pote's steadfast leadership, SBF has achieved many incredible successes for the Spina Bifida community. Due to Mr. Pote's perseverance and commitment to reducing the suffering from Spina Bifida, and advancing medical research in the field, individuals born with Spina Bifida are now living much longer, fuller lives than they had previously.

Mr. Pote's vision and dedication has helped not only Gregory, but tens of thousands of people who suffer from Spina Bifida as well. Hal Pote's sudden and unexpected death is a tragedy not only to his loved ones and the Spina Bifida community, but to all our colleagues who have lost a great man. To Mr. Pote's wife, Linda Johnson, his mother Lucille Bock Pote, his 2 brothers Frank and Corey Pote, and his nephews—we offer our deepest condolences.

We ask our colleagues to join us in saluting and remembering this extraordinary man.

PROMOTING PATRIOTISM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. POE. Madam Speaker, it is my privilege to recognize the Military Order of the Purple Heart, San Jacinto Chapter 782, an organization made up of patriots serving the second district of Texas. Members in this organization share 1 common bond, each member is a recipient of the Purple Heart. They may not have served in the same branch or war but they are all combat veterans who have fought bravely to protect our freedoms.

San Jacinto Chapter 782 pledges to preserve and promote patriotism. They vow to never forget the sacrifices of our Armed Forces. They continue to remind us of the courageous service of the men and women in our military who fight to maintain our freedom and security.

San Jacinto Chapter 782 provides every family of a fallen soldier in my district a memorial plaque. This memorial plaque honors the memory of their loved ones brave service while defending our country. This plaque reminds us that the price of freedom is never free.

San Jacinto Chapter 782 works with schools and other organizations around our district to boost patriotism. They distribute flags, enter parades, and erect monuments. They continue to search for opportunities to remind us of the sacrifices of veterans throughout history.

We are proud and appreciative of the courage and the bravery of these patriots, who volunteer their time, championing those in the Armed Forces who have shed their blood for freedom and peace.

And that's just the way it is.

TOP POLICE OFFICIAL ARRESTED IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. TOWNS. Madam Speaker, recently, the former Director General of Police of Punjab, S.S. Virk, was arrested on September 9 on corruption charges. Ironically, he was arrested by the government of Chief Minister Parkash Singh Badal, who in his previous tenure redefined corruption as "fee for service"—no fee, no service.

Apparently, Mr. Virk managed to collect the equivalent of a billion dollars in assets on a meager police official's salary. I salute the arrest of Mr. Virk and hope he does serious jail time. But Mr. Virk should be arrested for more than corruption.

Mr. Virk was Director General when tens of thousands of Sikhs were murdered by the Indian regime in Punjab, Khalistan. Nobody has been brought to justice for these murders nor for the murders of other minorities, such as Christians, Muslims, and others.

I call on the Indian government to bring to justice the likes of Mr. Virk, K.P.S. Gill, and the others who were responsible for the atrocities against the Sikhs and other minorities. Until they do so, we should stop our aid to India and our trade with that country. And we should put the U.S. Congress on record in support of freedom for Khalistan, Kashmir, Nagalim, and the other nations seeking to be free in south Asia by means of a free and fair plebiscite on their status.

The Indian newspapers gave some good coverage to Mr. Virk's arrest and the Council of Khalistan published an excellent press release about the situation.

FORMER DGP VIRK ARRESTED FOR CORRUPTION

WASHINGTON, DC, SEPT. 12, 2007.—Former Punjab Director General of Police S.S. Virk was arrested Sunday by the Vigilance Bureau (a state agency of Punjab) for corruption. He had amassed wealth in excess of 100 crore (100 million) rupees. This was far in excess of what he received from his position as DGP. He was also charged with misuse of his official position, making private business deals as a public servant. Virk had arrangements with "Cats," former "militants" who turned to working for the Indian regime, to kill Sikhs throughout Punjab. While Virk was amassing this wealth, half of the population of India continues to subsist on less than two dollars per day.

Hours after his arrest, he was hospitalized with high blood pressure and gallstones. A case was registered against him under the Prevention of Corruption Act. Virk had been removed as DGP shortly before the Punjab elections earlier this year. He had been suspended by the Badal government shortly after it came to power in February. Former Chief Minister Amarinder Singh has openly supported Virk. "We are amazed that someone of the stature of Captain Amarinder Singh supports the corruption and the killing of Sikhs under S.S. Virk's regime," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Virk was quoted as saying that "everyone in the world" keeps agents like the "Cats." "Even if that were true, that does not relieve him of his responsibility," Dr. Aulakh said. "No law enforcement agency should be allowed to murder ordinary citizens. If they break the law, they should be tried in the court and punishment should be determined by the courts, not by police officials."

Virk claimed that his arrest was a "political victimization and vendetta." The Badal family, during their prior term in office, ran the most corrupt government in Punjab's history. They practiced corruption on a grand scale. Unless they were paid a bribe (which they renamed "fee for service"), no service was provided. Former DGP K.P.S. Gill presided over the murders of more than 50,000 extrajudicial killings, which were exposed by the Punjab Human Rights Organization (PHRO) in a study begun by Sardar Jaswant Singh Khalra, who was picked up by the police in September 1995 and murdered in police custody in October of that year.

"We salute the arrest of S.S. Virk," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "We are glad that he is under arrest. There shouldn't be any corruption in high places," Dr. Aulakh said. "When will Badal, Gill, and the others responsible for high-level corruption and atrocities against the Sikh nation be arrested?" he asked.

"In a free Khalistan, no one would accept those who carry out genocide against the Sikh religion and the Sikh Nation or against any other people. They would all be arrested, not just selectively arrested to cover the corruption of the leaders ordering the arrest" said Dr. Aulakh.

Dr. Aulakh also cited the case of Sukhwinder Singh Sukhi, a "Cat," who was reported as killed. Someone was killed in his place, his identity was changed, and he was used by the police to kill Sikhs. "Who was killed in Sukhi's place?" asked Dr. Aulakh. Several years ago, a Sikh man who had been reported as killed by the police went to court to force the government to declare him alive.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. According to Amnesty International, there are tens of thousands of other minorities being held as political prisoners in India. The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"The time is now to launch a Shantmai Morcha to free Khalistan," Dr. Aulakh said. "That is the only way to prevent this kind of corruption and allow the Sikh Nation to live in freedom, peace, dignity, and prosperity. The time has come for some pro-Sikh organizations such as Dal Khalsa and others to step forward in Punjab and accelerate our struggle for the liberation of Khalistan," he said. "Religions cannot flourish without political power. We must free Khalistan now."

[From the Times of India, Sept. 9, 2007.]

FORMER PUNJAB DGP S S VIRK ARRESTED

NEW DELHI—Former Punjab DGP S S Virk was arrested here on Sunday by Punjab Vigilance Bureau in connection with a case registered against him for allegedly possessing assets disproportionate to his known sources of income. Virk, who was removed as DGP shortly before the assembly elections in Punjab this year, was arrested from Maharashtra Sadan by a team of vigilance officials, senior Bureau officials said. The senior IPS officer of the Maharashtra cadre, who was repatriated from Punjab by the Centre after the Punjab elections, was also charged with having misused his authority by indulging in private business as a public servant in violation of service rules, the sources said.

The case was registered against Virk on Saturday under the Prevention of Corruption Act after investigations for the last few months, the sources said, adding the former DGP did not offer any resistance at the time of his arrest.

[From Rediff India Abroad, Sept. 9, 2007]

FORMER PUNJAB DGP S S VIRK ARRESTED

Former Punjab Director General of Police S S Virk, who was removed shortly before the assembly poll in the state, was arrested on Sunday on charges of possessing assets disproportionate to his known sources of income and misuse of official position.

Virk, a senior IPS officer of the Maharashtra cadre, who was arrested in Delhi by a team of Punjab Vigilance Bureau officials, described the charges against him as 'false and fabricated.'

A case was registered against Virk under the Prevention of Corruption Act on Saturday, Vigilance Bureau Sources said, adding that he did not offer any resistance at the time of his arrest.

Soon after his arrest from Maharashtra Sadan in New Delhi on Sunday morning, the former Punjab Police chief was taken by road to Mohali near Chandigarh where he was quizzed by vigilance sleuths.

He was also medically examined, the sources said, adding that searches were also conducted at a number of places in Punjab in connection with properties owned by the former DGP.

The team that arrested Virk included four officers of the rank of Superintendent of Police.

Besides allegedly possessing assets disproportionate to his known sources of income, the ex-DGP was charged with misusing his authority by indulging in private business as a public servant in violation of service rules.

A visibly tired Virk, who was repatriated by the Centre from Punjab after the assembly election, told media persons at a police station in Mohali that all the cases registered against him were false and fabricated. "It is political victimisation and vendetta," said the IPS officer.

Virk, the first DGP from the state to be arrested, was suspended by the SAD–BJP government, led by Parkash Singh Badal, soon after it came to power in February this year.

He was removed as DGP shortly before the assembly poll by the Election Commission after the opposition SAD leveled allegations of corruption against him.

It also charged Virk with helping the then ruling Congress at former Chief Minister Amarinder Singh's behest After his removal as DGP, Virk was initially posted as DGP-cum-Chairman Punjab Police Housing Corporation on January 22 and suspended in April.

R S Gill, a 1973 batch IPS officer, was appointed DGP Punjab on January 22 after Virk was removed by the Election Commission.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. TERRY. Madam Speaker, from September 4th through September 6th I was in Omaha recovering from a medical condition and was unable to travel back to the Capitol. I therefore missed 13 recorded votes. The votes I missed were rollcall vote 847 through rollcall vote 859.

TRIBUTE TO LUCAS KEIGLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. LATHAM. Madam Speaker, I rise today to honor an exceptional young man from my Congressional District in Iowa.

Lucas Keigley, a 9-year-old fourth-grader from Gilbert, Iowa, was recently honored for his role in solving an arson case in July of this year.

According to a story in the Ames Tribune, Lucas had been at Gilbert Elementary School playing when 2 older boys, ages 14 and 15, lit a piece of cardboard on fire and threw it into a dumpster. The fire caught, and its proximity to both school property and several propane tanks could have made for a dangerous situation.

Lucas jumped into action and rightly followed the good advice that his mother Lisa always taught him: Find an adult and tell them what he saw.

After alerting his mother to what he saw, Lucas worked with the Gilbert Fire Department and the Story County Sheriff's Office to help them find the suspects immediately, sparing law enforcement the time and cost of a lengthy arson investigation.

It is heartening to know that Lucas may be considering law enforcement as a career, according to his mother. It may just be his calling considering that his grandfather, Claire Keigley, served his community of Ames as a police officer for more than 28 years.

When we see, read and hear news of tragedy, pain, and scandal on almost a daily basis it is heartening to hear the story about a fine 9-year-old young man from Iowa named Lucas Keigley who bravely did the right thing. I am honored to represent Lucas and his family in Congress and I know that all of my colleagues here in the United States Congress join me today in congratulating and thanking Lucas for helping make his community a safer place.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mrs. MALONEY of New York. Madam Speaker, on October 2, 2007, I was unable to cast my floor vote on rollcall votes 927, 928, 929, 930, and 931.

Had I been present for the votes, I would have voted "yea" on rollcall votes 927, 928, 929, 930, and 931.

IN HONOR OF CAROL R. KING

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise to honor Carol R. King, whose death last week at the age of 79 leaves a tremendous void in the Second Congressional District of Georgia and indeed, in our country.

Carol was a true pioneer. She volunteered her time and her efforts to a range of causes, and so I feel there are many reasons to honor her today. Carol is perhaps best known for helping to found the first Head Start program in the Southeastern United States. As the longtime Head Start coordinator for the Harambee Child Development Council, Carol helped 16,000 children over a period of 30 years get access to education, health care, and meals that normally would have been out of their parents' reach.

Of course, many of us also know Carol as the committed help-mate and biggest supporter of her husband, the late, great civil rights attorney, C.B. King. He was the first black lawyer in South Georgia, and he also represented the iconic Rev. Martin Luther King Jr. Throughout the years, Carol was by his side through dangers seen and unseen as he undertook the many legal battles for civil and human rights across Georgia. She was a devoted wife, matriarch of the King family, and mentor to thousands through her work with countless significant community efforts. More than that, she was our friend and devoted church member. We are all better because she touched our lives.

Madam Speaker, it is difficult to put into words the sadness I feel at her passing. In many ways, it is the end of an era. However, her life was an inspiration to many, and I am confident her legacy and her work will live on through the many organizations she helped to lead.

IN RECOGNITION OF MASTER WAN KO YEE

HON. BARBARA LEE

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Ms. LEE. Madam Speaker, I rise to recognize Master Artist Wan Ko Yee, a distinguished scholar who resides in the 9th District of California. His areas of expertise include literature, painting, sculpting, calligraphy, music, martial arts, and traditional medicine. As a professor at Auburn University, Master Yee is a well renowned author, researcher, and philosopher. He has created exceptional work exhibited throughout the world. His work reflects Buddhist themes and the ideas of tolerance and peace between nations. He is recognized as a pioneer in creating multi-colored sculptures.

In 2003, the United States Congress displayed selected work from Master Yee during an art exhibition held in the Gold Room in the House Office Building. He has been recognized by the Royal Academy of Arts of the United Kingdom, and the Organization of American States.

I commend Master Wan Ko Yee's artistic contributions and his efforts to promote peace through the arts and cultural exchange.

CONGRATULATING J.A. REINHARDT AND CO., INC. ON ITS 60TH ANNIVERSARY IN MOUNTAINHOME, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to J.A. Reinhardt and Company, Inc., of Mountainhome, Monroe County, Pennsylvania, on the occasion of its 60th anniversary in business.

From humble beginnings in 1947, two brothers, Jack and Bob Reinhardt, from Brooklyn, New York, returned from military service in the United States Army to relocate to Mountainhome in the Pocono Mountains of Pennsylvania. There, armed with only a dream and a small bank loan, they began manufacturing engraved signs for local resorts and banks in the basement of the family home.

By 1950, the company had expanded to 2,400 square feet and was supplying components to major aircraft manufacturers. Over the next half century the firm would undergo dramatic growth to meet the needs of customers.

Today, J.A. Reinhardt and Company, Inc., is proud to be associated with some of the premier aerospace and high technology firms in the world. Now at 75,000 square feet, the company boasts such customers as Lockheed Martin, Boeing, Harris and ITT, as well as clients as far away as Israel and Turkey.

Before Jack Reinhardt passed away, he witnessed the company he and his brother founded develop into a premier producer of precision machined and fabricated products.

Since this world-class company was founded in the entrepreneurial spirit that helped build this great Nation, it has provided hundreds of people with an opportunity to earn family-sustaining wages.

J.A. Reinhardt and Company, Inc., has also generated business for its neighbors and has become a major force in the economy of the Pocono Mountains. All this because 2 young men were willing to take a risk 6 decades ago, were willing to work hard and were blessed with the ability to encourage the best from themselves and their employees.

The J.A. Reinhardt Company, Inc. has truly been a partner in the defense of the United States.

Madam Speaker, please join me in congratulating Bob Reinhardt and the late Jack Reinhardt for having the determination and fortitude to persevere so that the business they founded could survive and flourish and serve as an example to aspiring entrepreneurs everywhere.

HONORING THE 125TH ANNIVERSARY OF THE PECHANGA INDIAN TRIBE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. ISSA. Madam Speaker, I rise today to commemorate the 125th anniversary of the establishment of the Pechanga Band of Luiseno Indians Reservation in Temecula, California.

For more than 10,000 years, the Pechanga have lived in the Temecula Valley region of Southern California, where they have been stewards of the land. The Pechanga lived peacefully on this land and prospered until the arrival of Spanish missionaries at the end of the 18th Century.

For the next 75 years after the arrival of the Missions, the Pechanga faced a dark period of pain and oppression in servitude to the missionaries. Eventually, they were forcefully removed from their land and relocated to the hills south of Temecula. It was not until June 27, 1882, by an executive order by President Chester A. Arthur that a reservation was established upon a portion of the lands historically belonging to the Pechanga tribe.

After the establishment of the reservation, the tribe faced many challenges including floods, fires, droughts, economic scarcity, and disease. Yet through these challenges the Pechanga managed to maintain their customs, tradition, language, desire for self-determination, and hope for a better tomorrow.

Now the Pechanga are at a point where the present and the future look much brighter than the past. Members of the tribe have a sense of optimism that they can build a better life for their people and the Temecula Valley as a whole. They have the economic resources to create opportunities for thousands of California families, and they work to maintain a strong and respectful relationship with the federal government.

It is my sincere hope that the next 125 years will be even brighter and more prosperous for the Pechanga Tribe, the Temecula Valley, and our great nation.

HONORING THE LIFE OF ALFRED J. AUDI

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of Stickley furniture maker Alfred J. Audi.

Mr. Audi passed away peacefully on September 29, surrounded by his loving family. Together with his wife and partner Aminy, Alfred Audi presided over the L. & J.G. Stickley Furniture company, founded in 1900 and inspired by the American Arts and Crafts pioneer Gustav Stickley of Syracuse, New York.

After graduating from Moses Brown School and Colgate University, Mr. Audi served three years in New York City's 42nd Infantry Division while working as president of E.J. Audi, Inc., a successful New York City furniture retailer founded by his family in 1928. In 1974, Alfred and his wife Aminy purchased the fledgling Stickley Furniture in Fayetteville, New York at the urging of Leopold Stickley's widow Louise who feared the company's commitment to quality and strong design would be lost without Audi's leadership at the helm.

Over the next 33 years, Alfred and Aminy together grew Stickley from a company close to extinction with a 22 person workforce in a small, outdated factory to a 1600 employee manufacturing and sales operation and furniture design leader with 3 factories in Manlius, New York, North Carolina, and Vietnam. In addition, Stickley boasts of 13 retail showrooms in 5 States and a network of 125 dealers across the globe.

In nurturing Stickley back to health, Alfred reintroduced Stickley's signature Mission style furniture to the market and greatly influenced current arts and crafts trends in home and furniture design. Besides their work with Stickley, Alfred and Aminy have resurrected three other furniture companies on the verge of collapse in Pennsylvania, Michigan, and North Carolina.

In addition to his success in the business world, Alfred Audi exhibited tremendous athletic accomplishment on the bowling alley, squash and racquetball court, as well as the golf course. In 2004, Alfred won the New York State Super Senior Golf Championship. Mr. Audi also leaves a legacy of community involvement and philanthropy, having been a member of numerous boards and commissions.

Alfred Audi is survived by his loving wife of 43 years Aminy, son Edward, daughters Carolyn and Andrea, son-in-law Michael, 3 grandchildren, and 1600 proud members of the

Stickley family. Even today, the company Alfred and Aminy resurrected remains a dedicated family-run operation.

For his contributions to business, the furniture industry, and the greater Central New York community, I honor my dear friend and supporter Alfred J. Audi for a lifetime of accomplishment. Al Audi's success proves that you can be successful in business in Upstate New York while passionately committed to a quality product, your employees and their families.

WILSON FAMILY CELEBRATES BIRTH OF GRANDDAUGHTER EMILY RUTH WILSON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. WILSON of South Carolina. Madam Speaker, October 1st was a special day for the Wilson family with the birth of Emily Ruth Wilson at Portsmouth Naval Hospital in Virginia. She is the first daughter of Add and Lauren Wilson. Add is a Navy doctor assigned to the Navy SEALs on the East Coast. She weighs 7 pounds 6 ounces and is 20¼ inches in length. Emily Ruth has 2 older brothers, Addison, III, age 4 and Houston, age 2.

Emily Ruth is a particularly noteworthy addition to our family. She is the first female Wilson born into the family since 1919. As happy paternal grandparents, I and my wife, Roxanne are delighted to welcome her as she joins our 2 grandsons, 4 sons, and 2 brothers.

We are grateful to share this moment with the maternal grandparents Craig and Julie Houston of West Columbia, South Carolina, her paternal great grandmother Martha Dusenbury of Florence, South Carolina and the maternal great grandparents Ray and Ruth Hoover of West Columbia and Chester and Thelma Houston of Blakely, Georgia.

TRIBUTE TO BOBBIE ROGGERO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. SKELTON. Madam Speaker, I would like to recognize the long and selfless career of Bobbie Roggero. Mrs. Roggero has spent over 30 years as a dedicated educator.

Bobbie Roggero received a BA degree in Education before beginning her extensive career as a public school teacher. She has earned the reputation of being an exceptional instructor who fosters the potential she sees in every student. Mrs. Roggero regularly spends her nights and weekends developing teaching strategies and planning for class, proving her commitment to the success of her pupils.

Mrs. Roggero was recently named the 2007 Educator of the Year for the Camdenton, Missouri, school district. This prestigious distinction comes with a stipend which Mrs. Roggero will use to offer her students additional opportunities not afforded in the standard curriculum.

Currently, Mrs. Roggero teaches Kindergarten at Osage Beach Elementary. She has been tirelessly serving the Camdenton District since 1995. I trust that Members of the House will join me in thanking Bobbie Roggero for her devotion to the youth of our Nation.

OPPOSITION TO H. RES. 356

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. PASCRELL. Madam Speaker, I rise today with grave concern over H. Res. 356. This resolution is based on unfounded allegations and misinformation about the Republic of Macedonia, and I urge my colleagues to consider the whole story as they review this bill.

For example, the name "the Former Yugoslav Republic of Macedonia (FYROM)" is used throughout this resolution. It is a controversial name that Macedonia rejects in favor of its constitutional name, "The Republic of Macedonia." This is a position shared by 118 other nations, including the United States, which officially recognized Macedonia by its constitutional name in 2004.

It is important to note that Macedonia has always emphasized that the Republic of Macedonia does not hold exclusive rights over the name "Macedonia" in geographic, cultural, historic, or commercial terms. Although Greece objects to Macedonia's constitutional name, the Macedonian government rightly believes that one country does not have the right to dictate to another country what it can call itself. The Republic of Macedonia earned the right to self-determination when it declared its independence from Yugoslavia in 1991, and it intends to continue to exercise that right.

H. Res. 356 also states that Macedonia produces and distributes propaganda asserting a right to territory in Greece, which is also untrue. This is based on the fact that Greece and Macedonia both include areas of the historic region of Macedonia, and Greece is concerned that Macedonia has irredentist ambitions against their Macedonian region.

However, in 1995 Macedonia reinforced the "no-change" of borders provision of their Constitution, adding that they "have no territorial claim against neighboring states." Of course, a small, developing democracy with only 2 million people could not and will not take over land that belongs to Greece, a large, established country of over 10 million people. Macedonia wants only peace with its neighbor, and has repeatedly stated this fact.

In addition, the resolution claims that a Macedonian Military Academy textbook contains maps showing that a Greater Macedonia extends many miles south into Greece to Mount Olympus and miles east to Mount Pirin in Bulgaria.

Not only is the book in question no longer in use in the academy, the maps the resolution refers to were originally drawn in the 1800s by non-Macedonians. They are presented in a historical light. Furthermore, the textbooks used in the general educational system in the Republic of Macedonia do not contain any maps of this kind.

H. Res. 356 also mentions that Macedonia's Skopje airport was recently renamed "Alexander the Great" airport, and implies that Macedonia is asserting "patrimony" over the historical figure. Alexander the Great is a significant figure in human history and part of the universal consciousness, over which no country has ownership. Another Macedonian airport, in Ohrid, was recently named after "Apostle Paul," a universally known historic figure, and Macedonia has heard little protest.

Contrary to the allegations made in this bill, the Republic of Macedonia has actively sought to positively engage in international affairs and to negotiate in good faith with its Greek neighbors.

Macedonia has consistently sought to improve relations with Greece, even changing its national flag due to Greek concerns in 1995. Although political relations between Greece and Macedonia are frozen, Greece is the top investor in Macedonia, and bilateral trade is strong.

The Republic of Macedonia is also a committed ally of the United States. Macedonia has provided troops to serve alongside our brave men and women in Iraq and Afghanistan, and continues to seek full membership in NATO and the European Union.

As a Member of Congress with both Macedonian and Greek constituents, I follow both Greek and Macedonian issues closely. Given this, it is my opinion that H. Res. 356 is confrontational and unnecessary. As negotiations between Greece and Macedonia continue on issues including the latter country's name, I believe it is important for Members of Congress to support the process so that the two countries can resolve their differences bilaterally. Inflammatory rhetoric by uninvolved parties has the potential to be detrimental to this complex process.

Madam Speaker, thank you for this opportunity to air my concerns about this bill. I urge my colleagues to carefully consider all the facts about H. Res. 356.

TRIBUTE TO MR. ATHNEIL C. "ADDIE" OTTLEY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mrs. CHRISTENSEN. Madam Speaker, I rise today to pay tribute to a brilliant Virgin Islander and friend, Mr. Athneil C. (Addie) Ottley, who has distinguished himself as a broadcaster, businessman, legislator, and community activist. This weekend, "Addie" as he is known to one and all will be honored in my district, St. Thomas, U.S. Virgin Islands for 25 years as the host of "Face to Face" a community talk show on our local public television station, WTJX.

But, Madam Speaker, I am sure that the honors that will be bestowed on Addie on Saturday evening will go well beyond his service as a talk show host because in his inimitable style, he has been a leader in the broadcast industry in the Virgin Islands for more than 40 years.

Born on November 19, 1941, Addie is 1 of the 11 children of the late Charlotte Amalie

Postmaster. His interest in broadcasting began at a young age and he was given his own teen show at WIVI called "Addie at Night." After graduating from Sts. Peter and Paul Catholic High School, he built his own ham radio station, KV4BW and was the first teenager to be granted a license in the territory. He now holds the highest FCC amateur license, the Extra Class license and the highest Commercial Radiotelephone operators license, the First Class General Radiotelephone Certificate with radar endorsement.

Addie went on to graduate from the RCA Institute of Technology in New York, majoring in electronics and subsequently from Indiana Institute of Technology, majoring in electronics and engineering. Upon returning to the St. Thomas community in 1965, he worked as assistant manager and host of the "Morning Show" at WSTA. He later became the manager and then producer of the youth television show "Youthquake."

Pursuing political aspirations, Addie ran for and won a seat in the U.S. Virgin Islands Legislature in 1970 and 1972. In 1973, he was appointed Lieutenant Governor in the administration of the late Governor Melvin H. Evans. He later served a third legislative term in 1978 and was appointed executive assistant to the Commissioner of Commerce in 1981.

It was in the 1980s, that Addie became the host of "Face to Face" the public television talk show that provides an hour long discussion of community news and events that goes beyond the daily news sound byte. It was in 1984, with a group of local friends and investors, that Addie became President and CEO of Ottley Communications Corporation and purchased WSTA radio, making it the first radio station to be owned by local interests. In 1995, Addie bought out his investors and became the full owner of the station.

In addition to business, communications and politics, Addie has also served the community as Chairperson of the Advisory Committee of the Reichhold Center for the Performing Arts Advisory Committee, a member on the Board of Directors of the Advisory Committee of the United Negro College Fund to benefit the then College of the Virgin Islands, a member of the advisory Committee and MC of the Muscular Dystrophy Association annual telethon. He was also appointed Civilian Liaison Officer for the Virgin Islands National Guard.

Addie has been President of the St. Thomas–St. John Chamber of Commerce and member of the Phi Kappa Theta Fraternity and the Mental Health Commission. He is also on the Board of Arts Alive and is Chairman Emeritus of the Virgin Islands Chapter of Employers Support for the National Guard and Reserve.

Addie has won his share of awards to include the 1990 Feddy Award for dedication to youth, the 1982 Business Advocate of the Year Award, and the Rotary II Man of the Year. He was recently named the "Executive of the Year" by the African American Ethnic Sports Hall of Fame.

Madam Speaker, Addie Ottley has contributed to the wellbeing of the people of the U.S. Virgin Islands as a leader in business, communications, politics and community service. It is fitting that he be recognized today as an exemplary Virgin Islander and American.

HONORING THE FANNIN FAMILY AS "ANGELS IN ADOPTION"

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor Kent and Marilyn Fannin as "Angels in Adoption."

In 2003, Kent and Marilyn Fannin came to Family Service and Children's Aid in Jackson, Michigan and inquired about providing a home for abused and neglected children. Although they had a young son of their own, they felt their mission in life was to provide for other children who needed them.

Within a year of being licensed as foster parents, they began caring for a severely mentally and physically handicapped 7-year-old boy who suffered from cerebral palsy, seizures and autism. He was non-verbal and functioning as an 8-month-old. Even though the couple recently had their second child, they gladly accepted this child into their home. Within 6 months, because of the Fannins' hard work, encouragement and support, this young man progressed until he was able to feed himself, walk with assistance and communicate his needs.

In 2005, Kent and Marilyn began attending a Bible and missionary training college and were considering serving on a foreign mission field. However, during this time, the now ten year old boy's mother released her parental rights. After spending some time considering the situation, they made the decision to adopt this child and decided their mission in life was to help other children like him. In 2006, the Fannins were contacted again about a baby girl who needed placement. They chose to adopt her as well. They recently cared for a 1½-year-old legally blind child and have since become the birth mother's support system. When a 9-year-old girl needed emergency placement, Kent and Marilyn helped nurture her through a traumatic time.

Caseworkers describe the Fannins as patient, generous, understanding, nurturing, stable, considerate and selfless. They treat children, families and workers with respect and are always willing to go the extra mile for a child in need. They are never negative. They carefully and prayerfully consider which children they can be most effective with. They do not seek attention for themselves and ask nothing in return. They have dedicated their lives to helping needy children.

"The dedication of Kent and Marilyn to giving cheerfully of their time and talents has left an indelible, lifelong impact on the lives of several boys and girls in south-central Michigan. It gives me great pleasure to honor this remarkable couple that truly deserves the title 'Angels in Adoption.'"

HONORING THE BUCKS COUNTY RESCUE SQUAD ON THEIR 75TH ANNIVERSARY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Bucks County Rescue Squad on their 75th Anniversary. Their outstanding service and dedication providing life saving emergency medical services to the residents of Bucks County, Pennsylvania deserves our praise and appreciation.

Bucks County Rescue Squad was founded 1932 in Croydon, Bucks County by a group who saw the need for a rescue unit when a young man drowned in the nearby Delaware River. To prevent future tragedies, the rescue squad became a reality.

Over the years the Bucks County Rescue Squad has accomplished a great deal. Their first vehicle was a hearse parked at the Croydon Fire Department. In 1956, a local facility of the Rohm and Haas Company donated land so they could build a station. The Rescue Squad also worked tirelessly to raise the money to establish the Lower Bucks Hospital. Today, the Bucks County Rescue Squad is located on the campus of the Lower Bucks Hospital, with their support.

As the son of a former Philadelphia police officer, I know how hard America's first responders work to keep our cities and towns safe. The Bucks County Rescue Squad's commitment to our community is undeniable. As their representative, I am proud to be just as committed to providing them, and our other rescue squads with the tools and resources they need to do their jobs. After all, true homeland security means supporting those who keep our families safe.

Madam Speaker, on behalf of my family and the families across Bucks County, I want to thank the Bucks County Rescue Squad for their tireless and life-saving efforts. The Bucks County Rescue Squad and the emergency services units throughout our country need—and deserve—our continued support.

RECOGNIZING ULTRA MACHINING COMPANY OF MONTICELLO

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mrs. BACHMANN. Madam Speaker, it is with great pride that I come to the House floor today to congratulate a small business in Monticello—a growing community in Minnesota's Sixth District.

Ultra Machining Company (UMC) was recently 1 of 5 companies nationally to receive the prestigious Secretary of Defense Employer Support of the Guard and Reserve (ESGR) Freedom Award.

The Award was created to recognize employers who provide exceptional support to their employees serving in the National Guard and Reserve. It's the highest in a series of ESGR awards.

Sergeant Lou Jacobson, who works at UMC and recently returned from a 22-month deployment in Iraq, nominated UMC for the Freedom Award.

Jacobson wrote, "UMC has made up the difference in my pay while I am deployed. Last summer, a storm knocked down our fence. UMC put out a sign up sheet and the next Saturday 40 of my co-workers showed up at my house . . . UMC paid for all the materials. They said that is what family does, they help."

Madam Speaker, family does help. Minnesota helps. Americans help. Congratulations and thanks go to Terry and Mary Tomann—founders of UMC, all the employees of UMC and Sergeant Lou Jacobson for his service to our country and for letting all Americans know what it means to be family.

INTRODUCTION OF H. CON. RESOLUTION HONORING THE 50TH ANNIVERSARY OF THE DAWN OF THE SPACE AGE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to speak about the 50th anniversary of the dawn of the Space Age, an event that took place on October 4, 1957 with the launch of Sputnik 1. To recognize the importance of that event, I also am introducing a House Concurrent Resolution, and Reps. MARK UDALL, RALPH HALL, TOM FEENEY, and NICK LAMPSON are joining me as original cosponsors of that resolution.

Madam Speaker, 50 years ago America found itself in the midst of the Cold War, and the launch of Sputnik 1 was seen as yet another challenge in our ongoing and deadly serious rivalry with the Soviet Union. In the aftermath of Sputnik 1, America rose to the challenge that it faced. We invested in our own space program, and we undertook a fundamental reexamination of the Nation's educational system, focusing increased attention on science, technology, engineering, and mathematics education—what we now call "STEM" education.

America prevailed. Moreover, our accomplishments in space exploration opened a new era for humankind. Forever after, human aspirations and activity will extend beyond our home planet. Equally importantly, the exploration of space has evolved from Cold War competition into an endeavor that has been marked by significant international cooperation, with results that have benefited all humanity.

For example, our meteorological and environmental satellites have monitored weather and climate, ocean currents, polar ice, fires, and pollution. Communications satellites—or "comsats"—have linked the people of the world in ways not thought possible 5 decades ago. Precise positioning provided by navigational satellites has brought dramatic benefits to a wide swath of human activities, and "GPS" has become a household word.

Our understanding has been irreversibly enhanced by the many scientific satellites and space probes that have enabled significant advances in our knowledge of the universe. In addition, human spaceflight, including the successful Apollo lunar landings, has inspired successive generations of young people to pursue careers in science and engineering.

Finally, our national security space systems have helped defend the Nation and have provided us with the means to monitor the actions of potential adversaries.

Madam Speaker, today we again find our Nation locked in a competitive struggle. A "flat" world, an increasingly technological world, has America competing economically in the global marketplace against well trained and well educated rivals.

The competition that accompanied the dawn of the Space Age 50 years ago reinvigorated the Nation's interest in science and technology, leading to an increased investment both in research and in science, technology, engineering, and mathematics education.

These investments contributed to the development of a technologically skilled generation of Americans that has led the world in innovation and accomplishment.

The new global competition for preeminence in science and technology and innovation has led to a call for a renewed commitment to research and to STEM education akin to that which followed the dawn of the Space Age. Congress has responded by renewing our national commitment to science, technology, engineering, and mathematics education with the recently enacted America COMPETES Act, but we will need to sustain our efforts in this area year after year—there is no "quick fix".

Madam Speaker, I believe that America has received a significant return on its past investments in the Nation's space program, and we need to continue to maintain our commitment to a strong and productive space program. As a result, I and my fellow cosponsors want to honor this historic anniversary by offering the concurrent resolution that I have introduced today. To that end I would just like to close by quoting a few of the key phrases of that resolution, namely:

"Now, therefore, be it

Resolved by the House of Representatives, that the Congress—

Honors the fiftieth anniversary of the dawn of the Space Age;

Recognizes the value of investing in America's space program; and

Declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well educated scientists, engineers and explorers."

Madam Speaker, I urge my colleagues to support this resolution.

RECOGNIZING THE 2007 NATIONAL LEAGUE CENTRAL CHAMPION CHICAGO CUBS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. EMANUEL. Madam Speaker, I rise today in recognition of the outstanding season put together by the 2007 Chicago Cubs. Last week, my hometown Cubs clinched the National League Central title with a regular season record of 85–77, and tonight they head to Phoenix to take on the National League West Champions, the Arizona Diamondbacks.

Led by Manager Lou Piniella, the Cubs stormed back from an 8½ game deficit to edge out the Milwaukee Brewers for the division title, their first since 2003. In just Piniella's first season at the helm, the Cubs had the biggest win increase in the Majors from last season to this season, winning 19 more games than in 2006.

In a year marked by adversity, the Cubs overcame injuries, some internal strife, and the possible sale of the team to band together with the right blend of strong veterans like Derrek Lee and Aramis Ramirez, young players like Ryan Theriot and Carlos Marmol, and key offseason acquisitions Alfonso Soriano, Mark DeRosa, and Ted Lilly.

I proudly represent Wrigley Field in the Fifth Congressional District, and I am excited to see the return of postseason baseball to the Northside of Chicago.

Carlos Zambrano will set the tone tonight in game one in Arizona, and Rich Hill and Ted Lilly will take the ball after that to lead our Cubbies to victory in the NLDS.

Congratulations are in order to each and every player, coach, and employee of the Chicago Cubs. I wish them all the best of luck against the Diamondbacks, and I look forward to watching them do their best to reverse the curse of the billy goat.

INTRODUCTION OF RESOLUTION TO DISAPPROVE USDA RULE ON CANADIAN CATTLE IMPORTATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Ms. HERSETH SANDLIN. Madam Speaker, on September 18, USDA issued a final rule that will permit the importation of live Canadian cattle into the U.S. provided they are born after a date determined by the Animal and Plant Health Inspection Service to be the date of effective enforcement of a ruminant-to-ruminant feed ban in Canada. Expanding imports of Canadian livestock and beef is likely to have serious repercussions for the American cattle industry and I, along with my colleague DENNIS REHBERG, are introducing this resolution to disapprove that rule.

Over the past several years, Canada has discovered no fewer than 11 cases of bovine spongiform encephalopathy, BSE, including many that have occurred in cattle born after that country was purported to have implemented a ruminant-to-ruminant feed ban. Given this fact, it is clear that Canada has not taken the necessary steps to protect its herd from the spread of BSE and that a feed-ban date should not be the trigger for allowing Canadian beef into the U.S. Increasing U.S. imports of Canadian cattle and beef at this critical time would have significant negative impact on the economic well-being of American cattle producers, and could seriously disrupt our efforts to expand U.S. beef exports overseas.

Expanding Canadian cattle imports increases the possibility that a future case of BSE in a Canadian animal may be found in the United States. Five of Canada's BSE cases occurred in cattle born after March 1, 1999, the date that appeared in the proposed rule as an appropriate age trigger for importation eligibility. There is a very real possibility that USDA's proposal would lead to the importation of additional BSE-infected animals from Canada, which would destroy years of hard work by the American cattle industry, the administration, and Congress to restore the confidence of our trading partners in the safety of American beef.

Given the uncertainty still surrounding the health of the Canadian cattle herd and the drastic negative repercussions that could befall U.S. cattle producers if this increased trade fosters an occurrence of increased BSE outbreaks in this country, I introduce this resolution today and urge my colleagues to support its prompt passage.

TRIBUTE TO ANTONIO MOORE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Antonio Moore, a 16-year-old student at Mt. Vernon Township High School in Mt. Vernon, Illinois.

Antonio was chosen as one of the 401 athletes for Team USA that will be competing in the Special Olympics World Summer Games in China. While in China, Antonio will compete in the 400 meter run, shot put and 4 400 meter run.

I also rise to honor the organization that makes Olympic dreams like Antonio's a reality. The Special Olympics currently serves over 2.5 million athletes with intellectual disabilities worldwide. Their volunteerism and commitment to helping people with disabilities is truly remarkable.

I am pleased to congratulate Antonio on his success. I wish him, and all of Team USA, the best as they represent their country.

HONORING THE SEAGO FAMILY AND SEAGOVILLE, TEXAS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. HENSARLING. Madam Speaker, I would like to honor the members of the Seago Family as they gather in Seagoville, Texas, for their annual family reunion.

The Seago family has had a long history in the United States. The family's presence in the United States was first recorded in 1740, when John Seago married Margaret Birmingham at St. Luke's Parish in Queen Anne's County, Maryland. From there the family moved to North Carolina and their descendants spread all over the country.

The city of Seagoville, Texas was founded in the 1870's by a descendant of John and Margaret Seago, Tillman Kimsey "T.K." Seago. He opened a general store in 1876, which attracted people to the area. A small community formed there and later that year it became known as Seago. In 1910, the United States Postal Service changed the name of the town to Seagoville.

Each year the Seago family hosts an annual family reunion, which they have done for over twenty years. This year the event is particularly important because the family will be gathering for the first time in the city that was named for one of the ancestors, Seagoville, Texas. Family members will travel from every corner of this great nation to attend. The festivities begin on Thursday, as members start arriving, and continue through Sunday, when they begin to make their journeys home. The reunion will coincide with SeagoFest, a festival held each year in Seagoville.

Madam Speaker, as the Representative of the City of Seagoville, it is my pleasure to recognize the Seago Family for over 250 years in America and the City of Seagoville for the many contributions it makes to the Fifth District, the State of Texas, and the United States of America.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Ms. LEE. Madam Speaker, due to the passing of my father, on Tuesday, October 2, 2007 I missed rollcall votes Nos. 927 through 931. Had I been present, I would have voted "nay" on H.R. 3087 and "yea" on H. Res. 635, H. Con. Res. 203, H.R. 2828, and H. Con. Res. 200.

ANGELS IN ADOPTION WINNERS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to congratulate Dan and Luanne Hurst, the 2007 Angels in Adoption award winners from the 5th Congressional District of Florida.

Dan and Luanne decided to adopt their first child, Matthew, while they were working as college professors.

When Matthew's birth mother became pregnant again, she contacted the Hursts about their interest in adopting the second boy, so that the brothers could grow up in the same home.

Recognizing the importance of keeping the boys together as a family, the Hursts soon welcomed a second son, Jesse, into their lives.

As proud adoptive parents, the Hursts have also used their expertise in English education to help Matthew with the challenges of dyslexia.

Today Luanne home schools both children while working part time teaching evening college classes.

One of the most difficult challenges facing adoption agencies is to keep siblings together, yet people like Dan and Luanne show us that this is not an impossible task.

Please join me in recognizing the Hursts and all families that welcome adopted children into their homes, giving them the love and support they need to thrive.

CONGRATULATING BURTON AND NELLIE SEARLES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Burton and Nellie Searles for receiving the "Foster Parents of the Year" award.

This award is given to 1 family each year by the Texas Council of Child Welfare Board. On September 20, 2007, the Searles received the award at the 29th Annual Cheerleaders for Texas Children ceremony.

Mr. and Mrs. Searles have been fostering children for 18 years. The couple, who will be married 49 years in February of 2008, have fostered a total of 77 children in their home. In addition to 3 children of their own, they have also adopted a child.

Mr. and Mrs. Searles began taking care of basic children but then changed their foster care licenses to take care of special needs children. The Searles say that they love taking care of special needs children because of the challenge. The Searles also plan on continuing care for foster children for many years to come.

I extend my sincerest congratulations to Mr. and Mrs. Searles for their award. I thank them for their devotion and dedication to helping foster children. I am very proud and honored to represent them in the 26th District of Texas.

HONORING ABNER W. DARBY OF LYNN, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. TIERNEY. Madam Speaker, I rise today to honor Abner W. Darby of Lynn, Massachusetts. Abner Darby was born and raised in Austin, Texas, where he was a star athlete excelling in football and track and field. He went on to attend Prairie View University before he honorably served the country as a member of the United States Army.

Although Abner was a Master Mechanic; owned and operated 2 gas stations in Lynn; and served as a housing manager for the Lynn Housing Authority, Mr. Darby will best be remembered for the time he spent as Executive Director of the Community Minority Cultural Center (CMCC). The CMCC provided Mr. Darby with the vehicle through which he affected positive change in the community and where he did the work that was his passion.

Abner Darby dedicated his life to making the lives of those around him better. Having personally experienced the pains of segregation, Abner worked tirelessly to erase discrimination and open doors and create equal access and equal opportunity for all people regardless of race, creed, or national origin. He did so locally, statewide and nationally. Through his work at the CMCC, Abner Darby served as a bridge between Lynn's increasingly diverse community and the city's traditional, established institutions. For many, the first steps on the ladder of opportunity were taken on Abner Darby's back.

Abner fought diligently to ensure that the benefits of economic development and employment opportunities were shared by all. He spearheaded efforts for the recruitment and training for Civil Service positions that led to the hiring of minority firefighters and police officers. Under his leadership, the CMCC offered job fairs, computer training, after school programs and ESL classes, and it also sponsored art exhibitions, cultural celebrations and workshops so the diverse communities could develop a better understanding and appreciation for one another. Without Abner's efforts, some would have remained culturally, economically and educationally deprived.

There was only one thing that Abner Darby could not do. When asked to do something, Abner could never say no. More importantly, when he promised something, he always delivered. Abner Darby is a loyal, hard working and well-respected man. He is gifted with an infectious laugh, contagious enthusiasm and a warm, embracing personality that moves others to follow him.

Tonight in Lynn, Abner Darby's family, friends, neighbors and colleagues will gather to salute and offer thanks to a man who has made an indelible mark on the city and helped its residents in countless ways. It is a most appropriate and deserving recognition for someone who has given so much of himself to his community.

HONORING DR. JAMES T. WILLERSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Dr. James T. Willerson for his work as President at the University of Texas Health Science Center at Houston. Dr. Willerson will be stepping down from his position to become the next President at the Texas Heart Institute.

Dr. Willerson graduated with honors in 1965 from Baylor College of Medicine and in 1972 joined the faculty at UT Southwestern Medical School in Dallas. In 1989, Dr. Willerson became chair of the Department of Internal Medicine at the UT Medical School where he served until 2001, when he became President of the UT Health Science Center at Houston.

During his time as President at the UT Health Science Center, the school has utilized over $700 million for the building of seven new research buildings, educational programs and clinical services, and recruiting some of the world's best scientists and educators. Class sizes have also been increased at each of the university's 6 schools.

Thanks to the efforts of Dr. Willerson, the University of Texas Health Science Center at Houston is poised for greatness.

It is with pride today that I honor Dr. Willerson for the outstanding works he has done at the University of Texas Health Science Center at Houston during his rein as President. I also wish him the best of luck at his future position as President of the Texas Heart Institute.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 4, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 16

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Transportation Security Administration's (TSA) efforts and progress on H.R. 1, "Implementing the Recommendations of the 9/11 Commission Act of 2007".
SR–253

OCTOBER 17

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs and Department of Defense collaboration, focusing on the report of the President's Commission on Care for America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission, and other related reports.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine consumer wireless issues.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the digital television transition, focusing on government and industry perspectives.
SR–253

OCTOBER 18

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Department of Transportation.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine science parks, focusing on bolstering United States competitiveness.
SR–253

OCTOBER 24

9:30 a.m.
Veterans' Affairs
To hold hearings to examine to consider pending legislation.
SD–562

OCTOBER 31

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine vocational rehabilitation.
SD–562

HOUSE OF REPRESENTATIVES—*Thursday, October 4, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROSS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 2007.

I hereby appoint the Honorable MIKE ROSS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Clay Evans, Pastor Emeritus, Fellowship Missionary Baptist Church, Chicago, Illinois, offered the following prayer:

O God, our Father, You have said in Your word, "If my people, which are called by my name, shall humble themselves and pray, and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land."

I come to You today in the mighty name of Jesus, thanking You and praising You for our great Nation. I thank You for the governing plan You gave to our Forefathers.

I lift up our Congress. I pray that by Your power the legislative body will make laws that are right and just.

Father, I ask You to give them wisdom to make decisions that will strengthen and prosper our Nation.

I pray that You will cause the Members of Congress to trust You with all their heart and lean not to their own understanding. Allow them to acknowledge You alone are God and You will direct their path.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced, that the Senate insists upon its amendment to the bill (H.R. 1585) "An Act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (FL), Mr. NELSON (NE), Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. MCCAIN, Mr. WARNER, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. MARTINEZ, and Mr. CORKER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2082) "An Act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAYH, Ms. MIKULSKI, Mr. FEINGOLD, Mr. NELSON (FL), Mr. WHITEHOUSE, Mr. BOND, Mr. WARNER, Mr. HAGEL, Mr. CHAMBLISS, Mr. HATCH, Ms. SNOWE, and Mr. BURR;

As additional conferees: Mr. LEVIN, and Mr. KYL; to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

The message also announced that the Senate has agreed to the following concurrent resolution:

S. Con. Res. 45. Concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

WELCOMING THE REVEREND DR. CLAY EVANS

(Mr. RUSH asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. RUSH. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Dr. Clay Evans, the pastor emeritus of the Fellowship Baptist Church of Chicago, Illinois.

Dr. Evans, the son of A. Henry and Estanauly Evans, was born on June 23, 1925, in Brownsville, Tennessee. Ordained a Baptist minister in 1950, the illustrious founding pastor of the affectionately called "SHIP" has been responsible for launching the ministerial careers of 93 men and women.

Mr. Speaker, he was my catechizer at my own ordination.

Dr. Evans has been a leader in the civil rights movement since 1965. He was a staunch supporter in the Chicago crusade of Dr. Martin Luther King. That staunch support caused funding for his new church to be cut off, and the structure stood unfinished for 8 years.

From 1971 to 1976 he was the founding national board chairman of the Rainbow PUSH Coalition. Rev. Evans was the founding president and chairman of the African American Religious Connection, the founding president of the Broadcast Ministers of Chicago, and was a board member of the National Baptist Convention, U.S.A., Inc.

This radio and television minister, who reached listeners weekly in more than 20 States, has been happily married to the former Lutha Mae Hollingshed for more than 60 years, and they are the proud parents of five children.

Although Rev. Evans retired as pastor on December 8, 2000, he remains a man of faith, a man of vision, and one who emphatically believes: "It is no secret what God can do."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3554

Mr. KING of Iowa. Mr. Speaker, due to an error in my office, the name JOHN SALAZAR was added to the bill H.R. 3554, and I would ask unanimous consent that his name be removed from H.R. 3554.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

REPUBLICANS NEED TIME TO REFLECT ON SCHIP

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, my Republican friends need some time to reflect on the children's health program; not over the course of the 2 weeks just for pressure, but to get their facts straight, to stop getting their information from the White House talking points and get information from the American people, their Governor, about how the program actually works.

President Bush is worried that it won't go to poor children because some families earning up to $83,000 a year will be eligible.

First of all, this is not a program for poor children, most of whom are already eligible for Medicaid. It is for children of working families, 90 percent of whom earn less than $40,000 a year. No one gets $83,000, because the Bush administration turned down one State's request. A few do have higher incomes because the States requested it and the Bush administration approved it.

The Bush administration, if they don't like families getting it, can stop approving those waivers.

SUPPORT THE MENTAL HEALTH SECURITY FOR AMERICA'S FAMILIES ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, last April, 33 students were killed at Virginia Tech. That tragedy exposed problems with Federal laws that are a barrier to schools communicating with parents when a student has a serious problem. The Family Educational Rights and Privacy Act of 1974 states that students' records cannot be released except "to protect the health and safety of the student and others."

Unfortunately, the interpretation of that law is so unclear that schools are fearful of being sued.

The just-released report from the National Association of Attorneys General Task Force on Campus Safety calls for an update of the FERPA law that would allow for protection from liability if schools make good-faith efforts to protect students, faculty and staff.

That is precisely what my bill, H.R. 2220, offers, a way to allow schools to communicate with parents when a student has significant mental health problems that increase the risk for suicide, homicide or violent acts while we still protect the confidentiality of records.

I ask that all my colleagues join me and Representative GRACE NAPOLITANO in cosponsoring our bill, the Mental Health Security for Families in Education Act, and work to protect our students.

Let's take down the walls between parents and schools. Let's take action now to save lives tomorrow.

PRIORITIES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in 7 years, the President has been awfully reluctant to use his veto pen. But when it comes to important health care legislation, this President hasn't hesitated to say "no" to the American people.

Stem cell research, which could cure diseases and save millions of lives, the American people support it. The President vetoed it.

Children's health insurance provides health care to children from working middle-class families who earn too much to qualify for Medicaid, but can't afford private insurance. The American people support it. This President vetoed it.

In my district, Dolores Sweeney works for an insurance company, has three children, and is trying to get private health care for her children, but cannot get it in the private insurance marketplace. Her employer does not provide health care. Her children are on SCHIP. This bill is right for Dolores Sweeney and the 10 million children that get health care through it. The President vetoed it.

Even Republican Senator CHARLES GRASSLEY said about the President and SCHIP, He simply doesn't understand the bill and he is wrong.

The only health care legislation this President supported was a prescription drug bill which gave billions of dollars away to the special interests. It is time for the President to stand with the American people and support our children.

POLITICAL POSTURING ON SCHIP

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we have seen an incredible amount of political posturing this week over SCHIP. The SCHIP program was created in a bipartisan effort to ensure poor children without health insurance have health care coverage. Poor children without insurance. Children, not adults. Some States have more adults on SCHIP than children. Poor children, not families making $83,000 a year, to get free health insurance. Poor children without insurance.

Under the Democrat bill, one in three children who already have private insurance would drop their private coverage to get free government coverage.

Let's ensure poor children have health coverage and do it in a bipartisan way, not shutting out Republicans the way they did in this last bill.

This Democrat Congress truly is a dysfunctional Congress. They can't even get SCHIP reauthorization right.

MISTREATMENT OF RETURNING SOLDIERS

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise today to voice my outrage and utter disgust regarding the treatment of some of our brave men and women who have just returned home from serving gallantly in Iraq.

Recently, members of the Minnesota National Guard, known as the Red Bulls, were told that they did not qualify to receive benefits under the GI Bill. Why? Because they were deployed for 729 days in Iraq and not the 730 days mandated by the GI Bill to receive benefits.

The fact that they would deny educational benefits to courageous veterans who risked their lives defending our freedoms, many of whom were deployed for 20 consecutive months, is shameful and appalling. Supporting our troops means taking care of them when they come home and providing them with the benefits they have earned and rightfully deserve.

Mr. Speaker, if I might invoke the words of Alexis de Tocqueville: "America is great because America is good. And if America ever ceases to be good, it will cease to be great."

Mr. Speaker, this action does not reflect the goodness of our great Nation.

OPEN AND TRANSPARENT SPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the American people deserve better from their government when it comes to the way it spends their hard-earned taxpayer dollars. As Jerry Bellune of the Lexington County Chronicle would say, "It's the people's money, not the government's money given to the people."

It seems that this Democrat majority which rode to power on a wave of promises about open and transparent Congress has decided these principles do not apply when it comes to all earmarks. So I ask my colleagues on the other side of the aisle, if identifying who is sponsoring an earmark is okay on spending bills, why is it not okay on all legislation?

The American people deserve more transparency from their government, not multi-million dollar spending packages slipped silently into legislation under a bureaucratic cover.

In conclusion, God bless our troops, and we will never forget September the 11th. Thank goodness for Rush Limbaugh, who supports our troops.

□ 1015

DENOUNCING ATTACKS ON RUSH LIMBAUGH

(Mr. LAMBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMBORN. Mr. Speaker, I rise today to denounce the liberals' fraudulent attacks on Rush Limbaugh. Anyone who reads the widely available transcript as I have done sees that Mr. Limbaugh was appropriately referring to the pretenders who pose as medal winners or who falsely claim to have committed atrocities in Iraq when he used the phrase "phony soldiers."

No, the real scandal here is that liberals in America and here in this Congress are willing to manipulate facts to smear those they disagree with. But there's an even more insidious agenda by liberals going on and that is to reinstitute the so-called Fairness Doctrine, which is actually a way to silence conservatives on the radio waves. Mr. Limbaugh deserves mega-kudos for being a forceful and effective voice on the side of common sense and for being an example of the first amendment in action. After all, isn't that what our country is supposed to be about?

RECOGNIZING CHARLOTTE'S BLUE RIBBON CAMPAIGN

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, last April, Charlotte police officers Sean Clark and Jeff Shelton were shot and killed in the line of duty as they responded to a call at an east Charlotte apartment complex. As a result of these tragic murders came the Blue Ribbon Campaign. Many miles of free blue ribbon were distributed throughout the greater Charlotte area. Jeff Katz, a former police officer who hosts the afternoon drive show on WBT in Charlotte, North Carolina, urged listeners to display the blue ribbons on cars and homes as well as on their persons to visibly support law enforcement. On his radio show, Katz asked listeners to donate to a special memorial fund for the families of the slain officers. In a matter of hours, Katz had pledges of $50,000. Those making pledges were directed to make their donations directly to the Fraternal Order of Police Lodge No. 9.

I want to commend these officers and their families for their sacrifice and thank their brothers and sisters in law enforcement for their commitment to keep the city safe. I also want to thank Jeff Katz and countless citizens for their tremendous efforts in the Blue Ribbon Campaign responding to this tragedy. Out of this tragedy it was encouraging to see the tremendous outpouring of support from the whole community for our law enforcement personnel who risk their lives every day for all of us.

PROVIDING FOR CONSIDERATION OF H.R. 3648, MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 703 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 703

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3648 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 703.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 703 provides for consideration of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007 under the traditional closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, as we have heard from countless media reports and I have seen in my own congressional district, the housing market is in crisis. Subprime mortgages and predatory lending practices are more prominent than ever. Home values have plunged 15 to 20 percent this year and foreclosures in the first 6 months of this year alone have surged 55 percent over the same period in 2006.

Sadly, Mr. Speaker, I know these situations all too well. I represent communities that have been dubbed the Foreclosure Capital of the United States of America by the national media because of foreclosure rates of about one in 27 homes. I have seen the joy in families' eyes when they have been able to purchase their first home and achieve the American Dream. I have seen the tears when they struggle to make their payments and their dream is taken away.

Mr. Speaker, losing your home to foreclosure is an unthinkable ordeal. The way I see it, if you are unfortunate enough to lose your home to foreclosure because you are struggling, you have suffered enough. You shouldn't be punished further by being taxed on what you no longer own. But that's exactly what's happening. Under current tax law, the IRS counts as income the amount of the mortgage debt that you have been forgiven by a lender as it is considered a "gift" and therefore subject to tax. This means that when many Americans lose their home to foreclosure, they are slapped with a tax bill when a lender discharges the debt on their home. Families are shocked—and frankly so am I—when they receive a tax bill for something they no longer own simply because of phantom income that is created when the so-called gift is forgiven. This double whammy, as Chairman RANGEL likes to say, of someone losing their home to foreclosure, often because of circumstances beyond their control, and then facing a tax bill on top of that is neither fair nor equitable, and it has to stop.

The bill before us today, H.R. 3648, addresses this very issue. The bill is quite simple. First, it exempts forgiven mortgage debt from being counted as income for tax purposes. This will prevent countless Americans from receiving a tax bill after they have lost their home to foreclosure. Second, H.R. 3648 provides for a 7-year extension of the tax deduction for private mortgage insurance, which is scheduled to end at the end of 2007. The deduction for PMI, as it is most commonly known, is critical to many low- and moderate-income families and first-time homebuyers who lack the traditional down payment. The PMI deduction allows them to purchase a home at lower cost while avoiding risky subprime or predatory second loans that would need to be made for them to make a down payment. Third, the bill makes it easier for owners of co-op housing units to qualify as a cooperative housing institution. H.R. 3648 also addresses a tax loophole regarding capital gains treatment from the sale of certain homes. Closing this unintended loophole will prevent people from switching back and forth between a primary and secondary residence to get a double tax benefit that was never intended.

Mr. Speaker, the bipartisan bill before us today, H.R. 3648, was unanimously approved by the Ways and Means Committee, and it has the strong support of organizations such as the National Association of Home Builders, the Mortgage Bankers Association and the National Association of Realtors. I would like to thank Chairman RANGEL and the Ways and Means Committee for their hard and thoughtful work in bringing this legislation to the floor today.

Mr. Speaker, this bill provides more opportunities for people to buy a home, more options for families to keep their home, and eliminates an unfair tax bill should they in fact lose their home through unfortunate circumstances. I am proud to join many organizations and my colleagues on both sides of the aisle in supporting this commonsense legislation today.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 30 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you, Mr. Speaker. I would like to thank my friend, the gentleman from California, for the time and I yield myself such time as I may consume.

In August, over 165,000 properties in Florida alone entered foreclosure, 50 percent more than the previous month. The situation is most acute in the part of Florida that I am honored to represent. Miami-Dade County ranks in the top five counties in the Nation among major metropolitan areas where homes are entering some stage of foreclosure. Broward County ranks third in the Nation. This great cause for concern in the housing market has prompted anxiety over the tax consequences associated with discharges of indebtedness, debt forgiveness, in connection with restructuring acquisition indebtedness and home foreclosures.

As the gentleman from California pointed out, under current law, when a lender forgives some or all of the mortgage debt, Mr. Speaker, the borrower is required to treat the forgiven debt as taxable income, taxed at ordinary rates. In today's marketplace, declining property values have left some sellers in the position of having to sell their homes for less than the outstanding balance on the mortgage. Even if the loss of value occurs through no fault of their own, if the lender forgives the shortfall, that amount is taxable income for sellers. This phantom income tax places a heavy burden on a family that has incurred a significant economic loss. This legislation will help protect those homeowners from an unexpected and unfair tax bill.

The bill also extends the deduction for private mortgage insurance for 7 years. Current law limits the deduction for private mortgage insurance to payments made prior to the end of 2007. This provision will be helpful, especially to young families purchasing their first home.

There is some concern that the bill may go beyond what is needed during this time. The administration and some in the minority here in Congress have stated that the relief should be temporary to assist homeowners during the current mortgage market transition period, avoiding as much as possible distorting consumer and lender decisions on new mortgage loans. But, Mr. Speaker, there can be no doubt that the underlying legislation being brought forth today for consideration by this House is an example of what can happen, the good that can happen, the progress that can be made when the congressional majority decides to work with the administration, with the President and the minority in Congress on an important issue such as this. Much of the legislation that we will be considering today was proposed, the substance of that legislation was proposed by President Bush. And so this is an example of what progress can be made on important issues when the congressional majority decides to work with the minority and the administration.

Now, on process, Mr. Speaker, in a document called The New Direction for America, the new congressional majority laid out its campaign promises to the American people last year. Included in that document was a promise, and I quote, that bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

☐ 1030

But with this rule today that, as you know, Mr. Speaker, the rule is what brings to the floor the underlying substantive legislation that will be considered subsequently by the House; with this rule today, the majority has broken its own promise in two ways. First, they denied the minority the ability to offer a substitute amendment. My colleague, the distinguished ranking member, Mr. DREIER, offered two amendments Tuesday in Rules to allow Ways and Means Ranking Member MCCRERY the ability to offer a substitute amendment on this legislation. But on a party-line vote, the majority rejected the minority's ability to offer a substitute.

The majority claims that they are running the House in a more open manner than we did in the 109th Congress, but this rule today once again demonstrates that they are not moving toward a more open process, but instead moving backwards. This rule closes out all amendments. So every Member of the House is precluded from in any way offering their ideas to improve this bill.

So far this year, the majority has offered 34 closed rules on bills, closing out all amendments, far surpassing the number from the 109th Congress at this point, as a matter of fact, more than double the amount of closed rules. At this point in the 109th Congress there had been 16 closed rules. And remember the promise: the promise was to move in the other direction, and instead, more than double the amount of closed rules; clearly, moving backwards.

What this rule today really represents, Mr. Speaker, is a missed opportunity. If the majority had offered an open rule, the majority could have doubled their number of open rules on nonappropriations bills to a whopping two; instead, they've permitted only one open rule on nonappropriations bills, thus continuously violating their claim to be a more open and bipartisan Congress.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would like to remind my friend and colleague from Florida that tax bills have traditionally been handled under closed rules, including when Mr. DREIER was chairman of the committee and when Mr. DIAZ-BALART was the vice chairman of the committee.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. CASTOR), a distinguished member of the committee.

Ms. CASTOR. I thank my colleague from California, who continues to be a leader for homeowners across this country as they face very troubling times.

Mr. Speaker, I rise today in strong support of the Mortgage Debt Relief Act of 2007 and this rule. I would like to thank Chairman RANGEL and the House Ways and Means Committee for moving quickly on this critical legislation.

Our efforts today will help families across America who have had to bear the unfortunate burden of their homes going into foreclosure. You see, under current law, after a homeowner loses their home to foreclosure, they are forced to pay income tax on that debt forgiveness. So although the homeowner has lost their assets, they must suffer the immeasurable strain of a tax bill that they are often unable to pay.

When a family has lost their home to foreclosure or has been unable to renegotiate their loan with their lender to reflect the current value of their home, homeowners under current law are being confronted with an unfair and, frankly, unaffordable tax bill. Our legislation on the floor of the House today will help.

This is simply an issue of fairness for struggling families and homeowners. It is unfair for a family to pay a tax on their income that they actually do not receive. When a bank forgives some amount of debt for a homeowner, either to avoid foreclosure or simply to forgive a debt to a homeowner already in the foreclosure process, the amount of the forgiven debt is treated by the IRS as income, which is then taxed. For families already struggling to make ends meet, the phantom income and resulting tax burden generated by this can endanger their financial health even further. This bill will fix this double whammy.

With the current housing crisis that exists in our country, especially from the subprime lending market, it is no wonder that so many families have found themselves in unfortunate situations when it comes to their homes. Relieving families of this tax burden is the least we can do to help our families and all that they are trying to do in their everyday lives.

My colleague from Florida is correct: in August, the State of Florida had the second highest total of foreclosure filings, up 77 percent from the previous month. Florida is ranked third in the United States for overall foreclosures this year, and nationwide foreclosures up are 115 percent.

In my home district in the Tampa Bay area, over 10,000 of my neighbors have found their homes falling into foreclosure within the first 6 months of this year. Well, we are going to extend a lifeline today, and believe me, it matters.

Last month, I visited with one of my neighbors, Isaline Wyatt. She is a single mother of two in east Tampa who was very close to losing her home to foreclosure. Fortunately, she was able to keep her home with the help of Neighborworks, a community action group. But many of our neighbors are in similar situations, and they do not have the same prospects. I promised Isaline and our neighbors throughout the Tampa Bay area that we would work to ensure that help is within reach.

I am proud to say that today we will keep that promise and help bring relief to my hardworking neighbors. We will keep them from being faced with unaffordable, large tax bills as a result of foreclosure or renegotiating mortgages.

In the city of St. Petersburg, Florida, the talented and caring staff at the local Neighborworks center work hard every day to keep homeowners in their home. Since January, they have assisted 65 families. Homeowners like Joann Carnaham of St. Petersburg are working desperately with Neighborworks so they don't lose their homes. Joann fell behind on her mortgage payment because she lost her job. The house she lived in belonged to her parents. She refinanced for $80,000. Her father was still there, but he passed away, and she had to pay all of his bills. Due to lack of income and her father's death, she was unable to negotiate a payment plan with her mortgage company. Under current law, if Joann's home goes into foreclosure, she will be hit with an income tax bill that she is in absolutely no position to pay.

Mr. Speaker, the Mortgage Forgiveness Debt Relief Act of 2007 will aid families and people like Joann in St. Petersburg and help them get back on their feet after foreclosure. With the whirlwind of problems in the mortgage finance system, this bill will help stabilize families in our neighborhood, and I urge adoption today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in response to my good friend Mr. CARDOZA's point about the tradition with tax bills, yes, there has been a tradition to bring tax bills to the floor under a restricted rule. That has not precluded in the past, as we did often, the ability of the minority to offer a substitute amendment.

So what I was talking about with regard to process is that there was a clear promise to move in a more open direction, to move toward more openness and more transparency and more rights for the minority. And what has happened is exactly the opposite, a doubling by the majority of closed rules that absolutely close out, in other words, prohibit, all Members from proposing amendments on this floor. So that great contrast between the promise and the performance is what I was alluding to, that unfortunate contrast.

Now, on substance, again, I think that today is an example of something very positive. The congressional majority has decided to work with the minority and the President on an issue that is of importance to this legislation. And so we see legislation, much of which was proposed by the President of the United States, coming to the floor today to solve a major problem facing the American people.

So while I reiterate the great disappointment that we in the minority feel with regard to the lack of performance by the majority with regard to its promise to open this House to more fairness on substance, I think it's commendable that for once there is an issue of importance to the American people that the congressional majority has decided to work with the President on and with the minority in Congress.

I will be asking for a "no" vote on the previous question, Mr. Speaker, so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I would like to direct our distinguished colleagues, Mr. Speaker, to a letter that the House Parliamentarian, the distinguished John Sullivan, recently sent to the distinguished chairman of the Rules Committee, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian stated that the Democratic earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of role XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

This amendment, Mr. Speaker, will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress, to provide Members with an opportunity to bring the question of earmarks before the House for a vote. I urge my colleagues to close this loophole by opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. And at this time, Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would just like to correct my colleague, the gentleman from Florida, my friend and great colleague on the committee, that on page 19 of the committee report issued after the bill was written, I would like to read section G, which reads: "Pursuant to clause 9 of rule XXI of the rules of the House of Representatives, the Ways and Means Committee has determined that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of that rule."

Further, Mr. Speaker, the gentleman has mentioned that Mr. MCCRERY had offered a substitute and that the majority had denied the minority the ability to bring that substitute up. That's correct, for good cause. The substitute was not paid for under the House PAYGO rules, and in fact violated the House PAYGO rules, and so was not deemed appropriate to be brought to the floor.

Finally, that same substitute only made these very important tax loophole corrections and changes enabled for 3 years. We believe that this particular provision needs to be permanent in Federal law and that homeowners need to be protected if they lose their homes permanently.

So, Mr. Speaker, we did not make Mr. MCCRERY's substitute in order. And, in fact, it has been the tradition that tax bills come to the floor under closed rules, even when Mr. DREIER and the Republicans were in charge, because of the complexity of tax law. If you amend that bill on the floor, we don't know how it will affect other clauses within that bill. So it has been the tradition, because of tax law complexity, that bills coming to the floor that deal with the Federal Tax Code do, in fact, come under closed rules.

☐ 1045

Mr. Speaker, declining property values and rapid increases in the number of foreclosures are causing a national housing and mortgage crisis. This is a commonsense bill. It is a bill that takes key steps in stabilizing the housing market. H.R. 3648 eliminates the double whammy of someone losing their home to foreclosure and then facing an additional tax bill right when they are down on their knees anyway. It reduces mortgage costs, making it easier for families to purchase a home while avoiding high-risk loans. Most importantly, it will help countless families avoid foreclosure and to stay in their homes.

Mr. Speaker, the bill before us today, H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, is a necessary bill. Once again, it shows that the

Democratic Congress is committed to addressing the mortgage crisis sweeping across our Nation. I want to thank Mr. RANGEL and his committee for bringing this bill to the floor.

Mr. Speaker, I urge a "yes" vote on the rule and on the previous question.

Mr. LEWIS of Georgia. Mr. Speaker, owning a home is part of the American dream. But it can become a nightmare when homeowners face foreclosure. In Metro Atlanta we have one of the highest foreclosure rates in the country—one in every 54 households is in foreclosure.

Too often these are people who have lost their jobs or are dealing with an illness. They have lost their home, they are out of money and they are suffering. They should not be hit with a huge tax bill from the IRS.

Cancelled debt is not income, and treating it like a paycheck adds insult to injury. Today we change the tax code to protect people who are losing their home from also having to pay a large tax penalty.

It is the right thing to do and I encourage my colleagues to support this bill.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 703 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) One hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 704 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 704

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3246) to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3246 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 704 provides for consideration of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

I rise today in strong support of this rule and H.R. 3246. I want to thank the distinguished chairwoman of the Economic Development, Public Buildings and Emergency Management Subcommittee, Ms. NORTON, Chairman OBERSTAR, and the ranking members, for drafting this legislation to authorize three new economic development commissions.

H.R. 3246 establishes the Northern Border, Southeast Crescent and Southwest Border Regional Commissions and reauthorizes the successful Delta and Northern Great Plains Regional Commissions. These five commissions will help bring economic development to regions of our country that desperately need it.

Mr. Speaker, this bipartisan legislation creates a Northern Border Regional Commission that will bring much-needed job creation and economic development resources to the Northeast region. Maine, New Hampshire, Vermont and upstate New York will all benefit tremendously from the establishment of this commission because it will assess and address the very specific needs, assets and challenges of this region.

Over the last several decades, upstate New York, including my congressional district, has experienced a consistent pattern of economic distress resulting from substantial loss in the manufacturing sector, coupled with an aging infrastructure and lack of opportunities for a skilled workforce. My district alone has seen a staggering loss of more than 14,000 manufacturing jobs from 2000 to 2005. This has been devastating to our local communities; however, this loss isn't an anomaly. It is extremely characteristic of several States in the Northeast. A targeted regional approach like this one created by this bill can help bring economic vitality to this region.

The three new commissions are modeled after the highly successful Appalachian Regional Commission, ARC. The commission similar to the ARC will create Federal-State partnerships where local development districts and other nonprofits bring project ideas and priorities from the local level to the commissions to promote economic development.

Specifically, the Northern Border Regional Commission will be charged with investing $40 million per year, rising to $60 million per year by 2012, in Federal grants focused on local transportation and infrastructure projects, broadband development, alternative energy projects, agricultural development, and health care facilities. With regional planning, technical assistance, and funding of projects aimed at encouraging economic prosperity, this Commission will help local communities work together to support common developmental goals.

Simply put, the numbers speak for themselves. Since its creation, the ARC has reduced the number of distressed counties in its region from 219 to 100, cut the poverty rate from 31 percent to 15 percent, and has helped 1,400 businesses create 26,000 new jobs. In fiscal year 2005, each dollar of the ARC funding leveraged $2.57 in other public funding and $8.46 in private funding.

Speaking from personal experience, six counties in my upstate New York district have experienced similar success being a part of the ARC. The Village of Sherburne in Chenango County is a great example of how small ARC grants are extremely helpful in leveraging funds from State, local and private sources for economic development initiatives that create jobs. A $200,000 ARC grant to improve aging water infrastructure in Sherburne, New York, a problem that is plaguing many States in the Northeast, was able to leverage close to $4 million in State and local community investment.

Mr. Speaker, the Northern Border Regional Commission will not only extend benefits to economically distressed counties in Maine, New Hampshire and Vermont; it will give upstate New York counties like Oneida, Herkimer, Cayuga and Seneca the opportunity to enjoy the same benefits their neighboring counties in the southern tier enjoy under the ARC.

We need to ensure that every American has access to job training, employment-related education and high-tech infrastructure so that we can retain and grow our global competitive edge. I am confident that the Regional Economic and Infrastructure Development Act will help us achieve that end.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 30 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of the Regional Economic and Infrastructure Development Act, which would authorize $1.25 billion to create three new regional commissions and replace 2 other regional commissions. These 5 regional commissions would be Federal-State partnerships that would provide grants to State and local governments to promote infrastructure and economic development.

While I believe that comprehensive, regional approaches to addressing infrastructure and economic development needs often can be beneficial, I am not convinced that creating five commissions and the layers of bureaucracy associated with them is necessary to provide grants to communities most in need.

The Regional Economic and Infrastructure Development Act was originally considered by the House on September 17 under suspension of the rules, which limits debate, bars amendments and requires a two-thirds vote for passage. Bills typically considered under suspension of the rules are bills and resolutions to name post offices and Federal buildings, congratulate sports teams and to raise general awareness of other issues.

Generally, bills authorizing $1 billion in government expansion are not considered under a process with limited time for debate and no opportunity for amendment, but that is what the Democrat majority chose to do with the Regional Economic and Infrastructure Development Act last month.

Because of concerns either with the underlying bill or with the way in which this bill was originally considered, it failed to garner a two-thirds vote and did not pass under suspension of the rules. This closed rule does provide for more time to debate the merits of the underlying bill, but, unfortunately, it also shuts Members out from offering amendments to make this perhaps a better bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York if he has any other speakers, and if not, I am prepared to yield back if he is.

Mr. ARCURI. We have no additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, House Republicans believe that every earmark should be debatable on the House floor. Republican Leader BOEHNER has introduced a proposal to improve the House rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills.

To date, 196 Republicans have signed a discharge position to bring this measure to the House floor for a vote. Unfortunately, we are still 22 Members shy of what is needed. Therefore, I not only would encourage all Members of the House to sign the discharge position, but I will also be asking my colleagues to vote "no" on the previous question so that I can amend the rule to the House to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER.

It is vital that the House of Representatives act today and pass House Resolution 479 so that we can show American taxpayers we are serious when it comes to earmark transparency.

Mr. Speaker, I ask unanimous consent to have the text of the amendment inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question, Mr. Speaker, and I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from the Rules

Committee, Mr. HASTINGS. But I must say that I am a bit confused as to what earmarks and what the statements that he just made have to do with this rule.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I will be more than happy to tell you. We think that the intent on both sides of the aisle was to have all earmarks have a transparency to them so we know where those earmarks come from. Under this rule, we are self-executing an amendment, and that amendment is not covered, is not covered under the transparency. Now, I don't know if there is something within that bill that has earmarks that aren't being reported, but Leader BOEHNER's resolution simply would make this subject to transparency. That is all we are saying. That is all that we are saying.

I thank the gentleman for yielding on this point.

□ 1100

Mr. ARCURI. I thank the gentleman. With all due respect, I couldn't disagree more. While some of my colleagues on the other side continue to criticize our new earmark rule, the fact of the matter is that the House Democratic majority has implemented the most honest and open earmark rule in the history of the United States House of Representatives. But don't take my word for it. In this week's CQ Weekly, Ryan Alexander, president of Taxpayers for Common Sense is quoted as saying: "The House has given us more information than we have ever had before on earmarks, and they deserve credit for that."

Mr. Speaker, the other side continues to talk about their plan to modify the earmark rule, but what they don't tell you is that their earmark rule would not cover any measure not already covered by the earmark rule presently in effect. It is important to remember which side actually abused the earmark process, and who actually stepped up to the plate to reform the system and provide transparency. We didn't wait until 2 months before the election; we responded to the people's call for more openness on the first day of this Congress.

It seems quite clear to me that the minority is more concerned with obstructionism, while we are focused on actually meeting the needs of our constituents. That is exactly what this bill does and what the underlying rule does.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding, and I appreciate that he has a little bit different view than I have. I would ask the gentleman, what bills are covered by the earmark rule, transparency rule, that you are talking about today? What bills?

Mr. ARCURI. This bill today.

Mr. HASTINGS of Washington. The rules only cover appropriation bills.

Mr. ARCURI. If I may reclaim my time, the bill today is covered by it. As I say, this bill is about helping Americans. This is about putting Americans back to work and about putting money back into the development of infrastructure, into financing hospitals, and doing the kind of things that I was sent to Congress to do today.

Mr. Speaker, as I said earlier, passage of this bipartisan legislation, which this rule provides consideration of, is a critical step toward helping some of our neediest communities achieve economic parity with the rest of the country. The Regional Economic and Infrastructure Development Act authorizes the creation of five regional economic development commissions under a common framework of administration and management. These commissions are designed to address problems of systematic underdevelopment in their respective regions.

In general, the five commissions authorized in this bill will utilize the successful Appalachian Regional Commission model, which facilitates a bottom-up approach. Local development districts, nonprofit organizations, and others bring projects and ideas to the commission from the local level, ensuring that the actions of the commission reflect local and regional economic development needs and goals.

Mr. Speaker, as I mentioned a short while ago, the Northern Border Regional Commission created by this legislation builds on the success of the ARC. It would be charged with investing $40 million each year in Federal resources for economic development and job creation in the most economically distressed border areas of Maine, New York, New Hampshire, and Vermont. This commission will help fund projects that both strengthen traditional sectors in the region's economy and help to diversify it. The Northern Border Regional Commission is focused on helping areas in the Northeast that have higher levels of unemployment, a significant loss of population, and significantly low household incomes.

This legislation is yet another example of true bipartisan cooperation often seen on the Transportation and Infrastructure Committee.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote "yes" on the previous question and the rule.

The material referred to previously by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 704 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) One hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2740.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, with Mr. ARCURI (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 3, 2007, the amendments made in order pursuant to House Resolution 702 had been disposed of.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. ARCURI, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, pursuant to House Resolution 702, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 2740 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, the motion to recommit I have offered is straightforward. It preserves the ability of our intelligence community to protect America's national security.

We all agree that it is important to hold contractors liable for criminal acts that they commit while working overseas. No one is above the law. But, unfortunately, H.R. 2740 in its present form will have significant dangerous consequences to the intelligence community and the vital role it plays in protecting America. The motion to recommit clarifies the application of H.R. 2740 to ensure that critical intelligence activities will be able to continue.

The majority in its haste to score political points has ignored the intelligence community's concerns about the implications of the bill. Let me take a moment to outline some of the specific concerns that the majority has ignored.

First, H.R. 2740 covers all agents of any Department or agency of the United States, including clandestine assets. If a clandestine asset was implicated in a crime, investigating and arresting that asset under traditional criminal procedures could expose other assets and compromise critical intelligence activities.

Second, H.R. 2740 extends United States criminal jurisdiction without regard to the nationality of the offender. Host country nationals serving or assisting sensitive assets could become criminally liable for a felony violation of U.S. law and undermine critical intelligence activities.

Third, H.R. 2740 applies the entire criminal code to the new category of potential offenders and could implicate the authorized business of the intelligence community employees and contractors.

The bill also does not limit criminal liability to activities that occur in the course of employment, whether committed on duty or off duty, and increases the risk of exposing intelligence activities.

We agree with our colleagues on the other side of the aisle that we must hold everyone accountable under the law. Our criminal code is aimed at ensuring peace and order in our country and should not be applied internationally to every aspect of our Nation's foreign activities.

Our country relies on our intelligence community to preserve our national security and protect our citizens. We must legislate responsibly when it comes to applying our criminal code to overseas activities. Preserving our critical intelligence operations is paramount. Politics has no role in this decision.

Mr. Speaker, I urge my colleagues to support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise to accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to thank the distinguished gentleman from Virginia, the ranking member, RANDY FORBES, because we are willing on this side to accept the motion to recommit, with the understanding that we will work to clarify its scope, as has been indicated in the discussion, and that we do understand that this would not in any way weaken the Military Extraterritorial Jurisdiction Act or invalidate current law which is now in place.

Mr. Speaker, with that agreement on the part of the ranking member, this side accepts the motion to recommit.

Mr. HALL of New York. Mr. Speaker, today, the House took an important step to restore accountability to our involvement in Iraq by passing H.R. 2740, the MEJA Expansion and Enforcement Act of 2007. This bill serves an important purpose by bringing previously unaccountable private security contractors under the rule of U.S. law.

By some estimates there are nearly 50,000 private security personnel working in Iraq. These contractors operate largely outside U.S. and Iraqi law, and episodes of significant contractor misconduct raise animosity toward Americans in the field and lose us hearts and minds in Iraq.

The activities of one of the most prominent contractors, Blackwater, highlight why they are a counterproductive influence in Iraq and their activities must be curtailed. Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that resulted in the deaths of as many as 17 Iraqis. Yesterday, the Government Reform Committee disclosed that Blackwater has been involved in 195 escalation of force incidents since 2005 and in 80 percent of those Blackwater fired the first shots.

These incidents combined with a host of other abuses clearly indicate that we need to stop putting contractors in Iraq and bring those there under control. That's why I was proud to cosponsor and vote for the MEJA Expansion and Enforcement Act to bring these contractors under U.S. jurisdiction if they commit criminal acts. Only by holding these contractors accountable can we actually begin to restore our standing in the world and win hearts and minds in Iraq.

During consideration of this bill, the House of Representatives considered a motion to recommit forthwith that stated, "Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act."

I am an ardent supporter of our efforts to combat terrorism, prevent terrorist attacks, and bring terrorists to justice. I want our intelligence community to have all of the tools it needs to accomplish these tasks, and believe it can be successful in doing so within the rule of law. Some of my proudest votes on this floor have been to give our government new tools to fight terrorism and keep Americans safe. However, for the following reasons I could not in good conscience vote for this motion to recommit forthwith.

It is often said that, "the devil is in the details." In this case, I fear the level is in the lack of details. The drafting of this legislative language is extremely vague, and I have serious reservations about the scope of its impact. It seems that this language could be interpreted to provide legal cover to abuses committed by contractors, like those at Abu Ghraib, that undermine our national security and are contrary to the founding principles of our nation. On a day when the New York Times has reported at length on the concerted efforts of the Administration to twist the law to make practices like freezing and water-boarding legal, I could not support language that could be manipulated to provide cover for such illegal and counterproductive acts.

I am doubly skeptical of this language because if it was not meant to provide cover for questionable acts, it would not be necessary. The MEJA Expansion and Enforcement Act does not make any previously legal acts illegal, it simply extends the jurisdiction of U.S. law. Previously uncovered contractors would not be impeded in their work if they were acting and continue to act in accordance with the law.

For these reasons, I voted to support the MEJA Expansion and Enforcement Act and voted against the motion to recommit forthwith.

Mr. PRICE of North Carolina. Mr. Speaker, my colleague from Virginia has offered a motion to recommit H.R. 2740 the MEJA Expansion and Enforcement Act, to the Judiciary Committee and to amend the legislation with regard to intelligence activities. I will support this motion, but with 2 important qualifications.

The motion to recommit would amend H.R. 2740 with a rule of construction, stating, "nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act." This amendment does not at all modify the force of my legislation, does not limit the scope of the MEJA jurisdiction, and does not grant immunity to anyone, including contractor employees of the intelligence community. Put simply, I am voting in support of this motion because it in no way alters the underlying bill before us.

With that said, let me attach two qualifications to my support. First, the amendment is unnecessary in the context of both current law and this legislation. Second, the amendment raises serious questions about the activities its proponents may be seeking to protect.

My legislation would indeed place contractor employees of non-defense related agencies under the extraterritorial jurisdiction of United States federal law, granting the Department of Justice authority to prosecute felony offenses committed by non-defense contractors. Defense contractors are already covered by MEJA, a point that seems lost on the authors of this motion. Given that the majority of the intelligence community falls under the Department of Defense, it stands to reason that many—if not most—contractors engaged in intelligence-related activities are already under the jurisdiction of federal law. Not only that, employees of the Defense Department intelligence agencies, including agents of the Defense Intelligence Agency, the National Security Agency, and intelligence services of the different branches of the Armed Forces, among others, are covered by MEJA, and this coverage has not endangered our national security in the least. So concerns about my legislation, which deals with non-defense contractors, seem ill-founded in the context of current law.

To my knowledge, there have never been significant concerns raised about the coverage of these Defense Department intelligence agents and contractors, for one major reason: prosecutorial discretion. The Department of Justice always has the discretion to refrain from prosecuting a case if it will endanger our national security interests. My legislation does not compel prosecution and it does not interfere with the prosecutor's discretion. If a prosecutor ever has concerns that prosecution of a contractor under MEJA would endanger state secrets, expose clandestine networks, or otherwise undermine our security interests, the prosecutor has the discretion not to prosecute the case. It's as simple as that.

Let me also point out that this bill only affects contractors who commit felony crimes. So long as private contractors, including those who are engaged in intelligence-related activities, are conducting themselves within the bounds of the law, this legislation is irrelevant to them. However, if there are private, for-profit contractors tasked with duties that require them to commit felony offenses, Congress needs to know about it. Such a revelation would point to a need for a serious debate about whether we are using contractors appropriately.

My second qualification is that this amendment raises serious questions about the activities it may be intended to protect. The question here is, given that my bill only targets activities that are unlawful, why do my colleagues feel the need to clarify that it does not affect activities that are permissible? What activities are contractors carrying out that are permissible but not lawful?

I have great apprehension about what might be meant in this context, but first let me state clearly: the law is the highest authority in the land, other than the constitution. The law trumps executive orders, memorandums, and policies in all cases. I am voting for this motion with the understanding that there is no activity a contractor might be performing that could ever be permissible but not lawful. The activities that we assign to private contractors must be in accordance with the law on the books. Therefore, I interpret this motion simply to mean that nothing in my bill will have any effect on contractors working on lawful, permissible, appropriate intelligence activities.

I raise this concern because, as my colleagues well know, Congress—including members on both sides of the aisle—and this Administration have been at significant odds about the activities appropriate for our military and intelligence community to perform in certain contexts relating to the war in Iraq and the broader war against terrorism, especially with regard to the treatment of suspects in interrogations and detentions. There is rampant evidence that this Administration believes certain activities to be "permissible" which are clearly illegal under several statutes in United States Code.

Just today, for example, the New York Times reported that the Department of Justice has issued secret memorandums that, in direct contrast to the policies they have publicly avowed, amounted to "an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency" and "for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures." I submit the full article for inclusion in the RECORD.

The harshest forms of physical and psychological tactics outlined in this article are inappropriate and illegal for our military personnel and intelligence agents, to say nothing of private contractors, and it is abominable that this Administration continues to work to circumvent our time-honored values and laws to authorize behavior that is un-American to its core.

There are clear laws on the books prohibiting torture, including the War Crimes Act (18 U.S. Code 2441) and the federal anti-torture statute (18 U.S. Code 2340). Moreover, torture is prohibited by the Uniform Code of Military Justice (articles 77–134). And the United States is a ratified signatory to international treaties, including the Geneva Conventions (Common Article 3) and the Convention Against Torture, which specifically outlaw torture. Most importantly, the United States Constitution (amendments 5, 8, and 14) explicitly prohibits cruel, unusual, and inhumane treatment or punishment.

The kinds of activities that, to the great shame of our nation, have been carried out at Abu Ghraib prison and Guantanamo Bay detention facilities are not, in any circumstances, permissible. Let us be clear that, in the passage of this motion, we are in no way authorizing or legitimating these behaviors. Let us also be clear that, in this passage of this legislation, we are providing federal prosecutors the tools to arrest and prosecute any contractor working for this government who commits such abominable acts to the full extent of the law.

[From the New York Times, Oct. 4, 2007]

SECRET U.S. ENDORSEMENT OF SEVERE INTERROGATIONS

(By Scott Shane, David Johnston and James Risen)

WASHINGTON, Oct. 3.—When the Justice Department publicly declared torture "abhorrent" in a legal opinion in December 2004, the Bush administration appeared to have abandoned its assertion of nearly unlimited presidential authority to order brutal interrogations.

But soon after Alberto R. Gonzales's arrival as attorney general in February 2005, the Justice Department issued another opinion, this one in secret. It was a very different document, according to officials briefed on it, an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency.

The new opinion, the officials said, for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.

Mr. Gonzales approved the legal memorandum on "combined effects" over the objections of James B. Comey, the deputy attorney general, who was leaving his job after bruising clashes with the White House. Disagreeing with what he viewed as the opinion's overreaching legal reasoning, Mr. Comey told colleagues at the department that they would all be "ashamed" when the world eventually learned of it.

Later that year, as Congress moved toward outlawing "cruel, inhuman and degrading" treatment, the Justice Department issued another secret opinion, one most lawmakers did not know existed, current and former officials said. The Justice Department document declared that none of the C.I.A. interrogation methods violated that standard.

The classified opinions, never previously disclosed, are a hidden legacy of President Bush's second term and Mr. Gonzales's tenure at the Justice Department, where he moved quickly to align it with the White House after a 2004 rebellion by staff lawyers that had thrown policies on surveillance and detention into turmoil.

Congress and the Supreme Court have intervened repeatedly in the last two years to impose limits on interrogations, and the administration has responded as a policy matter by dropping the most extreme techniques. But the 2005 Justice Department opinions remain in effect, and their legal conclusions have been confirmed by several more recent memorandums, officials said. They show how the White House has succeeded in preserving the broadest possible legal latitude for harsh tactics.

A White House spokesman, Tony Fratto, said Wednesday that he would not comment on any legal opinion related to interrogations. Mr. Fratto added, "We have gone to great lengths, including statutory efforts and the recent executive order, to make it clear that the intelligence community and our practices fall within U.S. law" and international agreements.

More than two dozen current and former officials involved in counterterrorism were interviewed over the past three months about the opinions and the deliberations on interrogation policy. Most officials would speak only on the condition of anonymity because of the secrecy of the documents and the C.I.A. detention operations they govern.

When he stepped down as attorney general in September after widespread criticism of the firing of federal prosecutors and withering attacks on his credibility, Mr. Gonzales talked proudly in a farewell speech of how his department was "a place of inspiration" that had balanced the necessary flexibility to conduct the war on terrorism with the need to uphold the law.

Associates at the Justice Department said Mr. Gonzales seldom resisted pressure from Vice President Dick Cheney and David S. Addington, Mr. Cheney's counsel, to endorse policies that they saw as effective in safeguarding Americans, even though the practices brought the condemnation of other governments, human rights groups and Democrats in Congress. Critics say Mr.. Gonzales turned his agency into an arm of the Bush White House, undermining the department's independence.

The interrogation opinions were signed by Steven G. Bradbury, who since 2005 has headed the elite Office of Legal Counsel at the Justice Department. He has become a frequent public defender of the National Security Agency's domestic surveillance program and detention policies at Congressional hearings and press briefings, a role that some legal scholars say is at odds with the office's tradition of avoiding political advocacy.

Mr. Bradbury defended the work of his office as the government's most authoritative interpreter of the law. "In my experience, the White House has not told me how an opinion should come out," he said in an interview. "The White House has accepted and respected our opinions, even when they didn't like the advice being given."

The debate over how terrorism suspects should be held and questioned began shortly after the Sept. 11, 2001, attacks, when the Bush administration adopted secret detention and coercive interrogation, both practices the United States had previously denounced when used by other countries. It adopted the new measures without public debate or Congressional vote, choosing to rely instead on the confidential legal advice of a handful of appointees.

The policies set off bruising internal battles, pitting administration moderates against hard-liners, military lawyers against Pentagon chiefs and, most surprising, a handful of conservative lawyers at the Justice Department against the White House in the stunning mutiny of 2004. But under Mr. Gonzales and Mr. Bradbury, the Justice Department was wrenched back into line with the White House.

After the Supreme Court ruled in 2006 that the Geneva Conventions applied to prisoners who belonged to Al Qaeda, President Bush for the first time acknowledged the C.I.A.'s secret jails and ordered their inmates moved to Guantánamo Bay, Cuba. The C.I.A. halted its use of waterboarding, or pouring water over a bound prisoner's cloth-covered face to induce fear of suffocation.

But in July, after a monthlong debate inside the administration, President Bush signed a new executive order authorizing the use of what the administration calls "enhanced" interrogation techniques—the details remain secret—and officials say the C.I.A. again is holding prisoners in "black sites" overseas. The executive order was reviewed and approved by Mr. Bradbury and the Office of Legal Counsel.

Douglas W. Kmiec, who headed that office under President Ronald Reagan and the first President George Bush and wrote a book about it, said he believed the intense pressures of the campaign against terrorism have warped the office's proper role.

"The office was designed to insulate against any need to be an advocate," said Mr. Kmiec, now a conservative scholar at Pepperdine University law school. But at times in recent years, Mr. Kmiec said, the office, headed by William H. Rehnquist and Antonin Scalia before they served on the Supreme Court, "lost its ability to say no." "The approach changed dramatically with opinions on the war on terror," Mr. Kmiec said. "The office became an advocate for the president's policies."

From the secret sites in Afghanistan, Thailand and Eastern Europe where C.I.A. teams held Qaeda terrorists, questions for the lawyers at C.I.A. headquarters arrived daily. Nervous interrogators wanted to know: Are we breaking the laws against torture? The Bush administration had entered uncharted legal territory beginning in 2002, holding prisoners outside the scrutiny of the International Red Cross and subjecting them to harrowing pressure tactics. They included slaps to the head; hours held naked in a frigid cell; days and nights without sleep while battered by thundering rock music; long periods manacled in stress positions; or the ultimate, waterboarding.

Never in history had the United States authorized such tactics. While President Bush and C.I.A. officials would later insist that the harsh measures produced crucial intelligence, many veteran interrogators, psychologists and other experts say that less coercive methods are equally or more effective.

With virtually no experience in interrogations, the C.I.A. had constructed its program in a few harried months by consulting Egyptian and Saudi intelligence officials and copying Soviet interrogation methods long used in training American service men to withstand capture. The agency officers questioning prisoners constantly sought advice from lawyers thousands of miles away.

"We were getting asked about combinations—'Can we do this and this at the same time?'" recalled Paul C. Kelbaugh, a veteran intelligence lawyer who was deputy legal counsel at the C.I.A.'s Counterterrorist Center from 2001 to 2003.

Interrogators were worried that even approved techniques had such a painful, multiplying effect when combined that they might cross the legal line, Mr. Kelbaugh said. He recalled agency officers asking: "These approved techniques, say, withholding food, and 50-degree temperature—can they be combined?" Or "Do I have to do the less extreme before the more extreme?"

The questions came more frequently, Mr. Kelbaugh said, as word spread about a C.I.A. inspector general inquiry unrelated to the war on terrorism. Some veteran C.I.A. officers came under scrutiny because they were advisers to Peruvian officers who in early 2001 shot down a missionary flight they had mistaken for a drug-running aircraft. The Americans were not charged with crimes, but they endured three years of investigation, saw their careers derailed and ran up big legal bills.

That experience shook the Qaeda interrogation team, Mr. Kelbaugh said. "You think you're making a difference and maybe saving 3,000 American lives from the next attack. And someone tells you, 'Well, that guidance was a little vague, and the inspector general wants to talk to you,'" he recalled. "We couldn't tell them, 'Do the best you can,' because the people who did the best they could in Peru were looking at a grand jury." Mr. Kelbaugh said the questions were sometimes close calls that required consultation with the Justice Department. But in August 2002, the department provided a sweeping legal justification for even the harshest tactics.

That opinion, which would become infamous as "the torture memo" after it was leaked, was written largely by John Yoo, a young Berkeley law professor serving in the Office of Legal Counsel. His broad views of presidential power were shared by Mr. Addington, the vice president's adviser. Their close alliance provoked John Ashcroft, then the attorney general, to refer privately to Mr. Yoo as Dr. Yes for his seeming eagerness to give the White House whatever legal justifications it desired, a Justice Department official recalled.

Mr. Yoo's memorandum said no interrogation practices were illegal unless they produced pain equivalent to organ failure or "even death." A second memo produced at the same time spelled out the approved practices and how often or how long they could be used. Despite that guidance, in March 2003, when the C.I.A. caught Khalid Sheikh Mohammed, the chief planner of the Sept. 11 attacks, interrogators were again haunted by uncertainty. Former intelligence officials, for the first time, disclosed that a variety of tough interrogation tactics were used about 100 times over two weeks on Mr. Mohammed. Agency officials then ordered a halt, fearing the combined assault might have amounted to illegal torture. A C.I.A. spokesman, George Little, declined to discuss the handling of Mr. Mohammed. Mr. Little said the program "has been conducted lawfully, with great care and close review" and "has helped our country disrupt terrorist plots and save innocent lives."

"The agency has always sought a clear legal framework, conducting the program in strict accord with U.S. law, and protecting the officers who go face-to-face with ruthless terrorists," Mr. Little added.

Some intelligence officers say that many of Mr. Mohammed's statements proved exaggerated or false. One problem, a former senior agency official said, was that the C.I.A.'s initial interrogators were not experts on Mr. Mohammed's background or Al Qaeda, and it took about a month to get such an expert to the secret prison. The former official said many C.I.A. professionals now believe patient, repeated questioning by well-informed experts is more effective than harsh physical pressure.

Other intelligence officers, including Mr. Kelbaugh, insist that the harsh treatment produced invaluable insights into Al Qaeda's structure and plans. "We leaned in pretty hard on K.S.M.," Mr. Kelbaugh said, referring to Mr. Mohammed. "We were getting good information, and then they were told: "Slow it down. It may not be correct. Wait for some legal clarification."

The doubts at the C.I.A. proved prophetic. In late 2003, after Mr. Yoo left the Justice Department, the new head of the Office of Legal Counsel, Jack Goldsmith, began reviewing his work, which he found deeply flawed. Mr. Goldsmith infuriated White House officials, first by rejecting part of the National Security Agency's surveillance program, prompting the threat of mass resignations by top Justice Department officials, including Mr. Ashcroft and Mr. Comey, and a showdown at the attorney general's hospital bedside.

Then, in June 2004, Mr. Goldsmith formally withdrew the August 2002 Yoo memorandum on interrogation, which he found overreaching and poorly reasoned. Mr. Goldsmith left the Justice Department soon afterward. He first spoke at length about his dissenting views to The New York Times last month, and testified before the Senate Judiciary Committee on Tuesday.

Six months later, the Justice Department quietly posted on its Web site a new legal opinion that appeared to end any flirtation with torture, starting with its clarionlike opening: "Torture is abhorrent both to American law and values and to international norms."

A single footnote—added to reassure the C.I.A.—suggested that the Justice Department was not declaring the agency's previous actions illegal. But the opinion was unmistakably a retreat. Some White House officials had opposed publicizing the document, but acquiesced to Justice Department officials who argued that doing so would help clear the way for Mr. Gonzales's confirmation as attorney general.

If President Bush wanted to make sure the Justice Department did not rebel again, Mr. Gonzales was the ideal choice. As White House counsel, he had been a fierce protector of the president's prerogatives. Deeply loyal to Mr. Bush for championing his career from their days in Texas, Mr. Gonzales would sometimes tell colleagues that he had just one regret about becoming attorney general: He did not see nearly as much of the president as he had in his previous post.

Among his first tasks at the Justice Department was to find a trusted chief for the Office of Legal Counsel. First he informed Daniel Levin, the acting head who had backed Mr. Goldsmith's dissents and signed the new opinion renouncing torture, that he would not get the job. He encouraged Mr. Levin to take a position at the National Security Council, in effect sidelining him.

Mr. Bradbury soon emerged as the presumed favorite. But White House officials, still smarting from Mr. Goldsmith's rebuffs, chose to delay his nomination. Harriet E. Miers, the new White House counsel, "decided to watch Bradbury for a month or two. He was sort of on trial," one Justice Department official recalled.

Mr. Bradbury's biography had a Horatio Alger element that appealed to a succession of bosses, including Justice Clarence Thomas of the Supreme Court and Mr. Gonzales, the son of poor immigrants. Mr. Bradbury's father had died when he was an infant, and his mother took in laundry to support her children. The first in his family to go to college, he attended Stanford and the University of Michigan Law School. He joined the law firm of Kirkland & Ellis, where he came under the tutelage of Kenneth W. Starr, the Whitewater independent prosecutor.

Mr. Bradbury belonged to the same circle as his predecessors: young, conservative lawyers with sterling credentials, often with clerkships for prominent conservative judges and ties to the Federalist Society, a powerhouse of the legal right. Mr. Yoo, in fact, had proposed his old friend Mr. Goldsmith for the Office of Legal Counsel job; Mr. Goldsmith had hired Mr. Bradbury as his top deputy.

"We all grew up together," said Viet D. Dinh, an assistant attorney general from 2001 to 2003 and very much a member of the club. "You start with a small universe of Supreme Court clerks, and you narrow it down from there."

But what might have been subtle differences in quieter times now cleaved them into warring camps.

Justice Department colleagues say Mr. Gonzales was soon meeting frequently with Mr. Bradbury on national security issues, a White House priority. Admirers describe Mr. Bradbury as low-key but highly skilled, a conciliator who brought from 10 years of corporate practice a more pragmatic approach to the job than Mr. Yoo and Mr. Goldsmith, both from the academic world.

"As a practicing lawyer, you know how to address real problems," said Noel J. Francisco, who worked at the Justice Department from 2003 to 2005. "At O.L.C., you're not writing law review articles and you're not theorizing. You're giving a client practical advice on a real problem."

As he had at the White House, Mr. Gonzales usually said little in meetings with other officials, often deferring to the hard-driving Mr. Addington. Mr. Bradbury also often appeared in accord with the vice president's lawyer.

Mr. Bradbury appeared to be "fundamentally sympathetic to what the White House and the C.I.A. wanted to do," recalled Philip Zelikow, a former top State Department official. At interagency meetings on detention and interrogation, Mr. Addington was at times "vituperative," said Mr. Zelikow, but Mr. Bradbury, while taking similar positions, was "professional and collegial."

While waiting to learn whether he would be nominated to head the Office of Legal Counsel, Mr. Bradbury was in an awkward position, knowing that a decision contrary to White House wishes could kill his chances.

Charles J. Cooper, who headed the Office of Legal Counsel under President Reagan, said he was "very troubled" at the notion of a probationary period.

"If the purpose of the delay was a tryout, I think they should have avoided it," Mr. Cooper said. "You're implying that the acting official is molding his or her legal analysis to win the job."

Mr. Bradbury said he made no such concessions. "No one ever suggested to me that my nomination depended on how I ruled on any opinion," he said. "Every opinion I've signed at the Office of Legal Counsel represents my best judgment of what the law requires."

Scott Horton, an attorney affiliated with Human Rights First who has closely followed the interrogation debate, said any official offering legal advice on the campaign against terror was on treacherous ground.

"For government lawyers, the national security issues they were deciding were like working with nuclear waste—extremely hazardous to their health," Mr. Horton said. "If you give the administration what it wants, you'll lose credibility in the academic community," he said. "But if you hold back, you'll be vilified by conservatives and the administration."

In any case, the White House grew comfortable with Mr. Bradbury's approach. He helped block the appointment of a liberal Ivy League law professor to a career post in the Office of Legal Counsel. And he signed the opinion approving combined interrogation techniques.

Mr. Comey strongly objected and told associates that he advised Mr. Gonzales not to endorse the opinion. But the attorney general made clear that the White House was adamant about it, and that he would do nothing to resist.

Under Mr. Ashcroft, Mr. Comey's opposition might have killed the opinion. An imposing former prosecutor and self-described conservative who stands 6-foot-8, he was the rare administration official who was willing to confront Mr. Addington. At one testy 2004 White House meeting, when Mr. Comey stated that "no lawyer" would endorse Mr. Yoo's justification for the N.S.A. program, Mr. Addington demurred, saying he was a lawyer and found it convincing. Mr. Comey shot back: "No good lawyer," according to someone present.

But under Mr. Gonzales, and after the departure of Mr. Goldsmith and other allies, the deputy attorney general found himself isolated. His troublemaking on N.S.A. and on interrogation, and in appointing his friend Patrick J. Fitzgerald as special prosecutor in the C.I.A. leak case, which would lead to the perjury conviction of I. Lewis Libby, Mr. Cheney's chief of staff, had irreparably offended the White House.

"On national security matters generally, there was a sense that Comey was a wimp and that Comey was disloyal," said one Justice Department official who heard the White House talk, expressed with particular force by Mr. Addington.

Mr. Comey provided some hints of his thinking about interrogation and related issues in a speech that spring. Speaking at the N.S.A.'s Fort Meade campus on Law Day—a noteworthy setting for the man who had helped lead the dissent a year earlier that forced some changes in the N.S.A. program—Mr. Comey spoke of the "agonizing collisions" of the law and the desire to protect Americans.

"We are likely to hear the words: 'If we don't do this, people will die,'" Mr. Comey said. But he argued that government lawyers must uphold the principles of their great institutions.

"It takes far more than a sharp legal mind to say 'no' when it matters most," he said. "It takes moral character. It takes an understanding that in the long run, intelligence under law is the only sustainable intelligence in this country."

Mr. Gonzales's aides were happy to see Mr. Comey depart in the summer of 2005. That June, President Bush nominated Mr. Bradbury to head the Office of Legal Counsel, which some colleagues viewed as a sign that he had passed a loyalty test. Soon Mr. Bradbury applied his practical approach to a new challenge to the C.I.A.'s methods.

The administration had always asserted that the C.I.A.'s pressure tactics did not amount to torture, which is banned by federal law and international treaty. But officials had privately decided the agency did not have to comply with another provision in the Convention Against Torture—the prohibition on "cruel, inhuman, or degrading" treatment.

Now that loophole was about to be closed. First Senator Richard J. Durbin, Democrat of Illinois, and then Senator John McCain, the Arizona Republican who had been tortured as a prisoner in North Vietnam, proposed legislation to ban such treatment. At the administration's request, Mr. Bradbury assessed whether the proposed legislation would outlaw any C.I.A. methods, a legal question that had never before been answered by the Justice Department.

At least a few administration officials argued that no reasonable interpretation of "cruel, inhuman or degrading" would permit the most extreme C.I.A. methods, like waterboarding. Mr. Bradbury was placed in a tough spot, said Mr. Zelikow, the State Department counselor, who was working at the time to rein in interrogation policy. "If Justice says some practices are in violation of the C.I.D. standard," Mr. Zelikow said, referring to cruel, inhuman or degrading, "then they are now saying that officials broke current law."

In the end, Mr. Bradbury's opinion delivered what the White House wanted: a statement that the standard imposed by Mr. McCain's Detainee Treatment Act would not force any change in the C.I.A.'s practices, according to officials familiar with the memo. Relying on a Supreme Court finding that only conduct that "shocks the conscience" was unconstitutional, the opinion found that in some circumstances not even waterboarding was necessarily cruel, inhuman or degrading, if, for example, a suspect was believed to possess crucial intelligence about a planned terrorist attack, the officials familiar with the legal finding said.

In a frequent practice, Mr. Bush attached a statement to the new law when he signed it, declaring his authority to set aside the restrictions if they interfered with his constitutional powers. At the same time, though, the administration responded to pressure from Mr. McCain and other lawmakers by reviewing interrogation policy and giving up several C.I.A. techniques.

Since late 2005, Mr. Bradbury has become a linchpin of the administration's defense of counterterrorism programs, helping to negotiate the Military Commissions Act last year and frequently testifying about the N.S.A. surveillance program. Once, he answered questions about administration detention policies for an "Ask the White House" feature on a Web site.

Mr. Kmiec, the former Office of Legal Counsel head now at Pepperdine, called Mr. Bradbury's public activities a departure for an office that traditionally has shunned any advocacy role.

A senior administration official called Mr. Bradbury's active role in shaping legislation and speaking to Congress and the press "entirely appropriate" and consistent with past practice. The official, who spoke on the condition of anonymity, said Mr. Bradbury "has played a critical role in achieving greater transparency" on the legal basis for detention and surveillance programs.

Though President Bush repeatedly nominated Mr. Bradbury as the Office of Legal Counsel's assistant attorney general, Democratic senators have blocked the nomination. Senator Durbin said the Justice Department would not turn over copies of his opinions or other evidence of Mr. Bradbury's role in interrogation policy.

"There are fundamental questions about whether Mr. Bradbury approved interrogation methods that are clearly unacceptable," Mr. Durbin said.

John D. Hutson, who served as the Navy's top lawyer from 1997 to 2000, said he believed that the existence of legal opinions justifying abusive treatment is pernicious, potentially blurring the rules for Americans handling prisoners.

"I know from the military that if you tell someone they can do a little of this for the country's good, some people will do a lot of it for the country's better," Mr. Hutson said. Like other military lawyers, he also fears that official American acceptance of such treatment could endanger Americans in the future.

"The problem is, once you've got a legal opinion that says such a technique is O.K., what happens when one of our people is captured and they do it to him? How do we protest then?" he asked.

Mr. DINGELL. Mr. Speaker, I have followed with interest news reports from Iraq documenting some of the terrible atrocities that have been committed at the hands of military contractors hired by the United States. I have been keenly interested in the recent congressional hearings that have been held on this matter. Based on what I have learned, I am pleased today that the House of Representatives is considering this bill, which would ensure that those who do business with the United States Government in Iraq can be held accountable when they commit criminal acts. Unfortunately, I cannot be present for the vote today, but I wanted to ensure I submitted this statement of support so the record will reflect that I am strongly in favor of the goals of this important bill.

This bill is a fair and sensible way to ensure that military contractors can be prosecuted for their criminal actions in a U.S. court. This is important both because it gives the government a way to police the behavior of these contractors, and also because it shows the Iraqi people that the United States is serious about the rule of law. While I am glad Congress is taking this action now, I remain concerned about the Bush Administration's failure to take steps to investigate or prosecute those who committed wrongdoing in the past. I believe Congress should continue to investigate these incidents and ensure that those responsible are held accountable.

Ms. SCHAKOWSKY. Mr. Speaker, my colleague from Virginia has offered a motion to recommit H.R. 2740, the MEJA Expansion and Enforcement Act, to the Judiciary Committee and to modify the legislation with regard to intelligence activities. I will support this motion to recommit, but wish to clearly state my understanding of the motion.

The motion to recommit would amend H.R. 2740 with a rule of construction, stating, "nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act." This amendment does not change the force of the legislation, does not limit the scope of the MEJA jurisdiction, and does not grant immunity to anyone, including contractor employees of the intelligence community. I am voting in support of this motion because it simply restates existing law.

Mr. Price's legislation would place contractor employees of non-defense related agencies under the extraterritorial jurisdiction of United States federal law, granting the Department of Justice authority to prosecute felony offenses committed by non-defense contractors. The motion to recommit restates what the underlying bill requires—that intelligence activities are subject to the requirements of MEJA. Nothing in this motion to recommit or the legislation should ever be construed to authorize, condone or legitimize the abuse of prisoners during detention or interrogations. It is with this understanding alone that I support this motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passage of H.R. 2740, if ordered; ordering the previous question on H. Res. 704; adoption of H. Res. 704, if ordered; ordering the previous question on H. Res. 703; and adoption of H. Res. 703, if ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 75, not voting 15, as follows:

[Roll No. 939]

YEAS—342

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen

Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—75

Abercrombie
Andrews
Baldwin
Becerra
Braley (IA)
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Crowley
Davis (IL)
Doggett
Ellison
Farr
Filner
Gonzalez
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kucinich
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Olver
Pallone
Pascrell
Pastor
Payne
Rahall
Rangel
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Serrano
Sires
Slaughter
Solis
Stark
Sutton
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey
Wynn
Yarmuth

NOT VOTING—15

Barrett (SC)
Bartlett (MD)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Renzi
Visclosky

□ 1141

Mr. McGOVERN, Mr. ROTHMAN, Ms. VELÁZQUEZ, Mr. HONDA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. BECERRA, Mr. WAXMAN, Ms. MOORE of Wisconsin, Mr. MOLLOHAN, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. HODES, Ms. WATERS, Mr. OLVER and Mr. TIERNEY changed their vote from "yea" to "nay."

Messrs. LAHOOD, CAPUANO, WILSON of Ohio, HARE, BRADY of Pennsylvania, ISRAEL, EMANUEL, FATTAH, AL GREEN of Texas, BOEHNER, MEEKS of New York, LARSON of Connecticut, Ms. MATSUI, Mr. THOMPSON of California, Mrs. CAPPS and Mr. NADLER changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2740, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 30, not voting 13, as follows:

[Roll No. 940]

AYES—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar

Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—30

Alexander
Baker
Barton (TX)
Boustany
Broun (GA)
Burgess
Buyer
Cannon
Deal (GA)
Doolittle
Franks (AZ)
Hastert
Hoekstra
Hunter
Johnson, Sam
Lamborn
Linder
McCrery
Miller (FL)
Miller, Gary
Pitts
Price (GA)
Renzi
Rogers (AL)
Rohrabacher
Sessions
Shadegg
Tancredo
Westmoreland
Young (AK)

NOT VOTING—13

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 704, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 194, not voting 14, as follows:

[Roll No. 941]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1157

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GERLACH. Mr. Speaker, on rollcall Nos. 941, 940 and 939, had I been present, I would have voted on rollcall 939, "yea," rollcall 940, "yea," and rollcall 941, "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 188, not voting 17, as follows:

[Roll No. 942]

YEAS—227

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird

Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Barrett (SC)
Broun (GA)
Carson
Cubin
Cuellar
Davis, Jo Ann
Delahunt
Dingell
Ferguson
Franks (AZ)
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1204

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 942 I was unavoidably detained. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 3648, MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 703, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 15, as follows:

[Roll No. 943]

YEAS—223

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess

Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Abercrombie
Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Lee
Murphy, Tim
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1211

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 17, as follows:

[Roll No. 944]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Barrett (SC)
Boswell
Carson
Cleaver
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Larson (CT)
Lee
Melancon
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3246.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to House Resolution 704, I call up the bill (H.R. 3246) to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regional Economic and Infrastructure Development Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain regions of the Nation, including Appalachia, the Mississippi Delta Region, the Northern Great Plains Region, the Southeast Crescent Region, the Southwest Border Region, the Northern Border Region, and rural Alaska, have suffered from chronic distress far above the national average;

(2) an economically distressed region can suffer unemployment and poverty at a rate that is 150 percent of the national average; and

(3) regional commissions are unique Federal-State partnerships that can provide targeted resources to alleviate pervasive economic distress.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; and

(2) to ensure that the most severely economically distressed regions in the Nation have the necessary tools to develop the basic building blocks for economic development, such as transportation and basic public infrastructure, job skills training, and business development.

SEC. 3. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

"Subtitle V—Regional Economic and Infrastructure Development

"Chapter	Sec.
"151. GENERAL PROVISIONS	**15101**
"153. REGIONAL COMMISSIONS	**15301**
"155. FINANCIAL ASSISTANCE	**15501**
"157. ADMINISTRATIVE PROVISIONS	**15701**

"CHAPTER 151—GENERAL PROVISIONS

"Sec.
"15101. Definitions.

"§ 15101. Definitions

"In this subtitle, the following definitions apply:

"(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

"(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

"(A)(i) is an economic development district that is—

"(I) in existence on the date of enactment of this chapter; and

"(II) located in the region; or

"(ii) if an entity described in clause (i) does not exist—

"(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

"(II) is governed by a policy board with at least a simple majority of members consisting of—

"(aa) elected officials; or

"(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

"(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

"(B) has not, as certified by the Federal Cochairperson—

"(i) inappropriately used Federal grant funds from any Federal source; or

"(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

"(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any entity with tax-exempt or nonprofit status, as defined by the Internal Revenue Service, that has been formed for the purpose of economic development.

"(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

"CHAPTER 153—REGIONAL COMMISSIONS

"Sec.
"15301. Establishment, membership, and employees.
"15302. Decisions.
"15303. Functions.
"15304. Administrative powers and expenses.
"15305. Meetings.
"15306. Personal financial interests.
"15307. Tribal representation on Northern Great Plains Regional Commission.
"15308. Tribal participation.
"15309. Annual report.

"§ 15301. Establishment, membership, and employees

"(a) ESTABLISHMENT.—There are established the following regional Commissions:

"(1) The Delta Regional Commission.

"(2) The Northern Great Plains Regional Commission.

"(3) The Southeast Crescent Regional Commission.

"(4) The Southwest Border Regional Commission.

"(5) The Northern Border Regional Commission.

"(b) MEMBERSHIP.—

"(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

"(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

"(B) The Governor of each participating State in the region of the Commission.

"(2) ALTERNATE MEMBERS.—

"(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

"(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

"(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

"(3) COCHAIRPERSONS.—A Commission shall be headed by—

"(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

"(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

"(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

"(c) COMPENSATION.—

"(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

"(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

"(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

"(d) EXECUTIVE DIRECTOR AND STAFF.—

"(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

"(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

"(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

"§ 15302. Decisions

"(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

"(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

"(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

"(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

"(2) a State alternate member shall not be counted toward the establishment of a quorum.

"(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

"§ 15303. Functions

"A Commission shall—

"(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

"(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

"(3) not later than one year after the date of enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

"(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

"(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

"(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

"(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

"(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

"(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

"§ 15304. Administrative powers and expenses

"(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

"(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

"(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

"(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

"(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

"(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

"(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

"(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

"(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

"(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

"(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

"(1) cooperate with a Commission; and

"(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

"(c) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

"(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

"(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

"(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

"(3) STATE SHARE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

"(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

"(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

"(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

"(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

"(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

"§ 15305. Meetings

"(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of enactment of this section.

"(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

"(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

"§ 15306. Personal financial interests

"(a) CONFLICTS OF INTEREST.—

"(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

"(A) The individual.

"(B) The individual's spouse, minor child, or partner.

"(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

"(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

"(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

"(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

"(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

"(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

"(c) DETAILED EMPLOYEES.—

"(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

"(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

"(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

"(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

"§ 15307. Tribal representation on Northern Great Plains Regional Commission

"(a) TRIBAL COCHAIRPERSON.—

"(1) APPOINTMENT.—In addition to the members specified in section 15301(b)(1), the membership of the Northern Great Plains Regional Commission shall include a Tribal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate. The Tribal Cochairperson shall be a member of an Indian tribe in the Commission's region.

"(2) DUTIES.—In addition to the Federal Cochairperson and State Cochairperson, the Commission shall be headed by the Tribal Cochairperson, who shall serve as a liaison between the governments of Indian tribes in the region and the Commission.

"(b) ALTERNATE TRIBAL COCHAIRPERSON.—

"(1) APPOINTMENT.—The President shall appoint an alternate to the Tribal Cochairperson.

"(2) DUTIES.—The alternate Tribal Cochairperson, when not actively serving as an alternate for the Tribal Cochairperson, shall perform such functions and duties as are delegated by the Tribal Cochairperson.

"(3) VOTING.—The alternate Tribal Cochairperson shall vote in the case of the absence, death, disability, removal, or resignation of the Tribal Cochairperson.

"(c) COMPENSATION.—

"(1) TRIBAL COCHAIRPERSON.—The Tribal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

"(2) ALTERNATE TRIBAL COCHAIRPERSON.—The Tribal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

"(d) EXPENSES OF TRIBAL COCHAIRPERSON.—All expenses of the Tribal Cochairperson, including expenses of the alternate and staff of the Tribal Cochairperson, shall be paid by the Federal Government.

"(e) DUTIES AND PRIVILEGES.—Except as provided in subsections (c) and (d), the Tribal Cochairperson shall have the same duties and privileges as the State Cochairperson.

"§ 15308. Tribal participation

"Governments of Indian tribes in the region of the Northern Great Plains Regional Commission or the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

"§ 15309. Annual report

"(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

"(b) CONTENTS.—The report shall include—

"(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

"(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502;

"(3) any policy recommendations approved by the Commission.

"CHAPTER 155—FINANCIAL ASSISTANCE

"Sec.

"15501. Economic and infrastructure development grants.

"15502. Comprehensive economic and infrastructure development plans.

"15503. Approval of applications for assistance.

"15504. Program development criteria.

"15505. Local development districts and organizations.

"15506. Supplements to Federal grant programs.

"§ 15501. Economic and infrastructure development grants

"(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

"(1) to develop the transportation infrastructure of its region;

"(2) to develop the basic public infrastructure of its region;

"(3) to develop the telecommunications infrastructure of its region;

"(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

"(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

"(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

"(7) to promote the development of renewable and alternative energy sources; and

"(8) to otherwise achieve the purposes of this subtitle.

"(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

"(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

"(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

"(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

"(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

"(A) the project or activity involves 3 or more counties or more than one State; and

"(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

"(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

"(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

"§ 15502. Comprehensive economic and infrastructure development plans

"(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

"(1) consult with local development districts, local units of government, and local colleges and universities; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

"§ 15503. Approval of applications for assistance

"(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

"(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

"(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

"(2) meets applicable criteria under section 15504;

"(3) adequately ensures that the project will be properly administered, operated, and maintained; and

"(4) otherwise meets the requirements for assistance under this subtitle.

"(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

"§ 15504. Program development criteria

"(a) IN GENERAL.—In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment and outmigration rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"§ 15505. Local development districts and organizations

"(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

"(b) CONDITIONS FOR GRANTS.—

"(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

"(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

"(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level;

"(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

"(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

"(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

"§ 15506. Supplements to Federal grant programs

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

"(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

"(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

"(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

"(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

"(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 156—ADMINISTRATIVE PROVISIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.

"15701. Consent of States.
"15702. Distressed counties and areas.
"15703. Counties eligible for assistance in more than one region.
"15704. Inspector General; Records.
"15705. Biannual meetings of representatives of all commissions.
"15706. Relationship to other laws.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"15731. Delta Regional Commission.
"15732. Northern Great Plains Regional Commission.
"15733. Southeast Crescent Regional Commission.
"15734. Southwest Border Regional Commission.
"15735. Northern Border Regional Commission.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"15751. Authorization of appropriations.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

"This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

"(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, each Commission shall make the following designations:

"(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

"(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

"(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

"(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

"(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(c) ATTAINMENT COUNTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

"(2) EXCEPTIONS.—

"(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

"(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

"(i) a multicounty project that includes participation by an attainment county; and

"(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

"(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

"(A) by the most recent Federal data available; or

"(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

"(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

"(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

"(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

"(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

"(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

"(b) RECORDS OF A COMMISSION.—

"(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

"(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

"(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

"(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

"(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

"(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

"(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

"§ 15706. Relationship to other laws

"Projects receiving assistance under this subtitle shall be treated in the manner provided in section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212).

"SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Delta Regional Commission

"The region of the Delta Regional Commission shall consist of the following political subdivisions:

"(1) ALABAMA.—The counties of Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Pickens, Russell, Sumter, Washington, and Wilcox in the State of Alabama.

"(2) ARKANSAS.—The counties of Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff in the State of Arkansas.

"(3) ILLINOIS.—The counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Woodruff in the State of Illinois.

"(4) KENTUCKY.—The counties of Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster in the State of Kentucky.

"(5) LOUISIANA.—The parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Caldwell, Catahoula, Concordia, E. Baton Rouge, E. Carroll, E. Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Union, Washington, W. Baton Rouge, W. Carroll, W. Feliciana, and Winn in the State of Louisiana.

"(6) MISSISSIPPI.—The counties of Adams, Amite, Attala, Benton, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, Desoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jefferson, Jefferson Davis, Lafayette, Lawrence, Leflore, Lincoln, Madison, Marion, Marshall, Montgomery, Panola, Pike, Quitman, Rankin, Sharkey, Simpson, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wilkinson, Yalobusha, and Yazoo in the State of Mississippi.

"(7) MISSOURI.—The counties Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscott, Perry, Phelps, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Shannon, Stoddard, Texas, Washington, Wayne, and Wright in the State of Missouri.

"(8) TENNESSEE.—The counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakley in the State of Tennessee.

"§ 15732. Northern Great Plains Regional Commission

"The region of the Northern Great Plains Regional Commission shall consist of all counties of the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

"§ 15733. Southeast Crescent Regional Commission

"The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Commission.

"§ 15734. Southwest Border Regional Commission

"The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

"(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

"(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

"(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

"(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15735. Northern Border Regional Commission

"The region of the Northern Border Regional Commission shall include the following counties:

"(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

"(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

"(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

"(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§ 15751. Authorization of appropriations

"(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle—

"(1) $40,000,000 for fiscal year 2008;

"(2) $45,000,000 for fiscal year 2009;

"(3) $50,000,000 for fiscal year 2010;

"(4) $55,000,000 for fiscal year 2011; and

"(5) $60,000,000 for fiscal year 2012.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.".

(b) CONFORMING AMENDMENT.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

"V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT	**15101**
"VI. MISCELLANEOUS	**17101.".**

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles F and G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2009bb–13) are repealed.

(b) INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking “or the President of the Export-Import Bank;” and inserting “the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;”; and

(2) in paragraph (2) by striking “or the Export-Import Bank,” and inserting “the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,”.

SEC. 5. TRANSFERS OF AUTHORITY AND SAVINGS PROVISIONS.

(a) TRANSFERS OF AUTHORITY.—Subject to the requirements of this Act (including the amendments made by this Act)—

(1) all of the functions of the Delta Regional Authority are transferred to the Delta Regional Commission; and

(2) all of the functions of the Northern Great Plains Regional Authority are transferred to the Northern Great Plains Regional Commission.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, grants, loans, contracts, and agreements—

(1) that have been issued, made, granted, or allowed to become effective by the Delta Regional Authority or the Northern Great Plains Regional Authority in the performance of any function that is transferred by this section, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by an authorized official, a court of competent jurisdiction, or operation of law.

(c) TRANSFER OF ASSETS AND PERSONNEL.—

(1) DELTA REGIONAL COMMISSION.—There shall be transferred to the Delta Regional Commission such assets, funds, personnel, records, and other property of the Delta Regional Authority relating to the functions of the Authority as the Commission determines appropriate.

(2) NORTHERN GREAT PLAINS REGIONAL COMMISSION.—There shall be transferred to the Northern Great Plains Regional Commission such assets, funds, personnel, records, and other property of the Northern Great Plains Regional Authority as the Commission determines appropriate.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 704, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110-361, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regional Economic and Infrastructure Development Act of 2007”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain regions of the Nation, including Appalachia, the Mississippi Delta Region, the Northern Great Plains Region, the Southeast Crescent Region, the Southwest Border Region, the Northern Border Region, and rural Alaska, have suffered from chronic distress far above the national average;

(2) an economically distressed region can suffer unemployment and poverty at a rate that is 150 percent of the national average; and

(3) regional commissions are unique Federal-State partnerships that can provide targeted resources to alleviate pervasive economic distress.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; and

(2) to ensure that the most severely economically distressed regions in the Nation have the necessary tools to develop the basic building blocks for economic development, such as transportation and basic public infrastructure, job skills training, and business development.

SEC. 3. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

“Subtitle V—Regional Economic and Infrastructure Development

“Chapter Sec.
“151. GENERAL PROVISIONS 15101
“153. REGIONAL COMMISSIONS 15301
“155. FINANCIAL ASSISTANCE 15501
“157. ADMINISTRATIVE PROVISIONS 15701

“CHAPTER 151—GENERAL PROVISIONS

“Sec.
“15101. Definitions.

“§ 15101. Definitions

“In this subtitle, the following definitions apply:

“(1) COMMISSION.—The term ‘Commission’ means a Commission established under section 15301.

“(2) LOCAL DEVELOPMENT DISTRICT.—The term ‘local development district’ means an entity that—

“(A)(i) is an economic development district that is—

“(I) in existence on the date of enactment of this chapter; and

“(II) located in the region; or

“(ii) if an entity described in clause (i) does not exist—

“(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

“(II) is governed by a policy board with at least a simple majority of members consisting of—

“(aa) elected officials; or

“(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

“(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

“(B) has not, as certified by the Federal Cochairperson—

“(i) inappropriately used Federal grant funds from any Federal source; or

“(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(3) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in carrying out economic and community development activities.

“(4) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(5) NONPROFIT ENTITY.—The term ‘nonprofit entity’ means any entity with tax-exempt or nonprofit status; as defined by the Internal Revenue Service, that has been formed for the purpose of economic development.

“(6) REGION.—The term ‘region’ means the area covered by a Commission as described in subchapter II of chapter 157.

“CHAPTER 153—REGIONAL COMMISSIONS

“Sec.
“15301. Establishment, membership, and employees.
“15302. Decisions.
“15303. Functions.
“15304. Administrative powers and expenses.
“15305. Meetings.
“15306. Personal financial interests.
“15307. Tribal representation on Northern Great Plains Regional Commission.
“15308. Tribal participation.
“15309. Annual report.

“§ 15301. Establishment, membership, and employees

“(a) ESTABLISHMENT.—There are established the following regional Commissions:

“(1) The Delta Regional Commission.

“(2) The Northern Great Plains Regional Commission.

“(3) The Southeast Crescent Regional Commission.

“(4) The Southwest Border Regional Commission.

“(5) The Northern Border Regional Commission.

“(b) MEMBERSHIP.—

“(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

“(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

“(B) The Governor of each participating State in the region of the Commission.

“(2) ALTERNATE MEMBERS.—

“(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

“(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

“(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

“(3) COCHAIRPERSONS.—A Commission shall be headed by—

“(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

“(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

“(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

“(c) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the

Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

“(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

“(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

“(d) EXECUTIVE DIRECTOR AND STAFF.—

“(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

“(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

“§ 15302. Decisions

“(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

“(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

“(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

“(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

“(2) a State alternate member shall not be counted toward the establishment of a quorum.

“(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

“§ 15303. Functions

“A Commission shall—

“(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

“(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

“(3) not later than one year after the date of enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

“(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

“(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

“(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

“(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

“§ 15304. Administrative powers and expenses

“(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

“(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

“(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

“(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

“(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

“(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

“(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

“(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with a Commission; and

“(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(c) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

“(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

“(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

“(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

“(3) STATE SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

“(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

“(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

“(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

“(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

“(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

“§ 15305. Meetings

“(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of enactment of this section.

“(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

“(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

“§ 15306. Personal financial interests

“(a) CONFLICTS OF INTEREST.—

“(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

“(A) The individual.

“(B) The individual's spouse, minor child, or partner.

“(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

“(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

“(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

“(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) receives a written decision of the Commission that the interest is not so substantial as

to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

"(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

"(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

"(c) DETAILED EMPLOYEES.—

"(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

"(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

"(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

"(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

"§ 15307. Tribal representation on Northern Great Plains Regional Commission

"(a) TRIBAL COCHAIRPERSON.—

"(1) APPOINTMENT.—In addition to the members specified in section 15301(b)(1), the membership of the Northern Great Plains Regional Commission shall include a Tribal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate. The Tribal Cochairperson shall be a member of an Indian tribe in the Commission's region.

"(2) DUTIES.—In addition to the Federal Cochairperson and State Cochairperson, the Commission shall be headed by the Tribal Cochairperson, who shall serve as a liaison between the governments of Indian tribes in the region and the Commission.

"(b) ALTERNATE TRIBAL COCHAIRPERSON.—

"(1) APPOINTMENT.—The President shall appoint an alternate to the Tribal Cochairperson.

"(2) DUTIES.—The alternate Tribal Cochairperson, when not actively serving as an alternate for the Tribal Cochairperson, shall perform such functions and duties as are delegated by the Tribal Cochairperson.

"(3) VOTING.—The alternate Tribal Cochairperson shall vote in the case of the absence, death, disability, removal, or resignation of the Tribal Cochairperson.

"(c) COMPENSATION.—

"(1) TRIBAL COCHAIRPERSON.—The Tribal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

"(2) ALTERNATE TRIBAL COCHAIRPERSON.—The Tribal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

"(d) EXPENSES OF TRIBAL COCHAIRPERSON.—All expenses of the Tribal Cochairperson, including expenses of the alternate and staff of the Tribal Cochairperson, shall be paid by the Federal Government.

"(e) DUTIES AND PRIVILEGES.—Except as provided in subsections (c) and (d), the Tribal Cochairperson shall have the same duties and privileges as the State Cochairperson.

"§ 15308. Tribal participation

"Governments of Indian tribes in the region of the Northern Great Plains Regional Commission or the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

"§ 15309. Annual report

"(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

"(b) CONTENTS.—The report shall include—

"(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

"(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

"(3) any policy recommendations approved by the Commission.

"CHAPTER 155—FINANCIAL ASSISTANCE

"Sec.
"15501. Economic and infrastructure development grants.
"15502. Comprehensive economic and infrastructure development plans.
"15503. Approval of applications for assistance.
"15504. Program development criteria.
"15505. Local development districts and organizations.
"15506. Supplements to Federal grant programs.

"§ 15501. Economic and infrastructure development grants

"(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

"(1) to develop the transportation infrastructure of its region;

"(2) to develop the basic public infrastructure of its region;

"(3) to develop the telecommunications infrastructure of its region;

"(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

"(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

"(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

"(7) to promote the development of renewable and alternative energy sources; and

"(8) to otherwise achieve the purposes of this subtitle.

"(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

"(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

"(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

"(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

"(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

"(A) the project or activity involves 3 or more counties or more than one State; and

"(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

"(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

"(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

"§ 15502. Comprehensive economic and infrastructure development plans

"(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

"(1) consult with local development districts, local units of government, and local colleges and universities; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

"§ 15503. Approval of applications for assistance

"(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

"(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

"(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

"(2) meets applicable criteria under section 15504;

"(3) adequately ensures that the project will be properly administered, operated, and maintained; and

"(4) otherwise meets the requirements for assistance under this subtitle.

"(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

"§ 15504. Program development criteria

"(a) IN GENERAL.—In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment and outmigration rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"§ 15505. Local development districts and organizations

"(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

"(b) CONDITIONS FOR GRANTS.—

"(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

"(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

"(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level;

"(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

"(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

"(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

"§ 15506. Supplements to Federal grant programs

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

"(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

"(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

"(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

"(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

"(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 157—ADMINISTRATIVE PROVISIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"15701. Consent of States.
"15702. Distressed counties and areas.
"15703. Counties eligible for assistance in more than one region.
"15704. Inspector General; records.
"15705. Biannual meetings of representatives of all Commissions.
"15706. Relationship to other laws.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"15731. Delta Regional Commission.
"15732. Northern Great Plains Regional Commission.
"15733. Southeast Crescent Regional Commission.
"15734. Southwest Border Regional Commission.
"15735. Northern Border Regional Commission.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"15751. Authorization of appropriations.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

"This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

"(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, each Commission shall make the following designations:

"(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

"(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

"(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

"(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

"(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(c) ATTAINMENT COUNTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

"(2) EXCEPTIONS.—

"(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

"(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

"(i) a multicounty project that includes participation by an attainment county; and

"(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

"(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

"(A) by the most recent Federal data available; or

"(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

"(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

"(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

"(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

"(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

"(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

"(b) RECORDS OF A COMMISSION.—

"(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

"(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

"(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

"(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

"(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

"(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

"(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

"§ 15706. Relationship to other laws

"Projects receiving assistance under this subtitle shall be treated in the manner provided in section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212).

"SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Delta Regional Commission

"The region of the Delta Regional Commission shall consist of the following political subdivisions:

"(1) ALABAMA.—The counties of Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Pickens, Russell, Sumter, Washington, and Wilcox in the State of Alabama.

"(2) ARKANSAS.—The counties of Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff in the State of Arkansas.

"(3) ILLINOIS.—The counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Williamson in the State of Illinois.

"(4) KENTUCKY.—The counties of Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster in the State of Kentucky.

"(5) LOUISIANA.—The parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, E. Baton Rouge, DeSoto, E. Carroll, E. Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tangipahoa, Tensas, Union, Vermilion, Washington, Webster, W. Baton Rouge, W. Carroll, W. Feliciana, and Winn in the State of Louisiana.

"(6) MISSISSIPPI.—The counties of Adams, Amite, Attala, Benton, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jasper, Jefferson, Jefferson Davis, Lafayette, Lawrence, Leflore, Lincoln, Madison, Marion, Marshall, Montgomery, Panola, Pike, Quitman, Rankin, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wilkinson, Yalobusha, and Yazoo in the State of Mississippi.

"(7) MISSOURI.—The counties Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscott, Perry, Phelps, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Shannon, Stoddard, Texas, Washington, Wayne, and Wright in the State of Missouri.

"(8) TENNESSEE.—The counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakley in the State of Tennessee.

"§ 15732. Northern Great Plains Regional Commission

"The region of the Northern Great Plains Regional Commission shall consist of the following:

"(1) All counties of the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

"(2) The counties of Andrew, Atchison, Buchanan, Caldwell, Carroll, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Howard, Jackson, Linn, Livingston, Mercer, Nodaway, Platte, Putnam, Schuyler, Sullivan, and Worth in the State of Missouri.

"§ 15733. Southeast Crescent Regional Commission

"The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Commission.

"§ 15734. Southwest Border Regional Commission

"The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

"(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

"(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

"(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

"(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15735. Northern Border Regional Commission

"The region of the Northern Border Regional Commission shall include the following counties:

"(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

"(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

"(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

"(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§ 15751. Authorization of appropriations

"(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle—

"(1) $40,000,000 for fiscal year 2008;

"(2) $45,000,000 for fiscal year 2009;

"(3) $50,000,000 for fiscal year 2010;

"(4) $55,000,000 for fiscal year 2011; and

"(5) $60,000,000 for fiscal year 2012.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.".

(b) CONFORMING AMENDMENT.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

"V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
"VI. MISCELLANEOUS .... 17101".

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles F and G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2009bb–13) are repealed.

(b) INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking "or the President of the Export-Import Bank;" and inserting "the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;"; and

(2) in paragraph (2) by striking "or the Export-Import Bank," and inserting "the Export-Import Bank, or the Commissions established

under section 15301 of title 40, United States Code,''.

SEC. 5. TRANSFERS OF AUTHORITY AND SAVINGS PROVISIONS.

(a) TRANSFERS OF AUTHORITY.—Subject to the requirements of this Act (including the amendments made by this Act)—

(1) all of the functions of the Delta Regional Authority are transferred to the Delta Regional Commission; and

(2) all of the functions of the Northern Great Plains Regional Authority are transferred to the Northern Great Plains Regional Commission.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, grants, loans, contracts, and agreements—

(1) that have been issued, made, granted, or allowed to become effective by the Delta Regional Authority or the Northern Great Plains Regional Authority in the performance of any function that is transferred by this section, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by an authorized official, a court of competent jurisdiction, or operation of law.

(c) TRANSFER OF ASSETS AND PERSONNEL.—

(1) DELTA REGIONAL COMMISSION.—There shall be transferred to the Delta Regional Commission such assets, funds, personnel, records, and other property of the Delta Regional Authority relating to the functions of the Authority as the Commission determines appropriate.

(2) NORTHERN GREAT PLAINS REGIONAL COMMISSION.—There shall be transferred to the Northern Great Plains Regional Commission such assets, funds, personnel, records, and other property of the Northern Great Plains Regional Authority as the Commission determines appropriate.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Speaker.

The Regional Economic and Infrastructure Development Act of 2007 reauthorizes two existing commissions and establishes three new commissions. The two existing commissions, one, the Delta Regional Commission, was created through the appropriation process, and the Northern Great Plains Regional Commission was established some time ago, but we establish three new regional economic development commissions: The Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

The purpose of the regional commission approach to economic development is a recognition that economic difficulties don't stop at political dividing lines, county lines, State lines, that they transcend our political boundaries, that the economic development problems are grouped by region. By economy, if you will.

Some years ago, we had the Upper Great Lakes Regional Commission linking the upper peninsula of Michigan, the upper counties of Wisconsin and the northern tier of Minnesota. They had in common forestry, wood, wood fiber industries, fisheries, travel/tourism and Great Lakes ports connected to the international economy through the St. Lawrence Seaway. Projects conceived by the Upper Great Lakes Commission were to be linked to the commonality of regional economic difficulties the three States experienced. The same with Appalachia coal; the attendant difficulties of the coal sector of our economy stretched across State boundaries and linked the entire Appalachian region with their forestry difficulties as well and also with their need for surface transportation development. That is the principle that is extended to the three new commissions, the Southeast Crescent, the Southwest Border and the Northern Border Commission.

The Delta Regional Commission is one that has unique problems, exacerbated and at the same time underscored by the tragedy of Hurricanes Katrina, Rita and Wilma. All of the counties, or I should say most of the counties, and parishes in Louisiana, in that region suffered common economic problems. Creating an economic development structure on a regional basis will join the resources and the forces of these States, the counties and the parishes, to bring forth new ideas that will benefit not just one community, not just one parish, but a commonality of parishes, a commonality of counties and a commonality of the States.

In this legislation, we establish a structure, a common framework for administration and management modeled after the Appalachian Regional Commission but also modeled after the difficulties we experienced in previous regional economic development commissions in the sixties and seventies and early eighties. We need standard procedures. We need a voting structure. We need standard procedures for staffing, standards that establish conditions under which conflicts of interest can be evaluated and avoided. Commonality establishment of local economic development districts, a consistent method for distributing economic development funds, a uniform set of procedures that will apply to all of the commission, and, finally, with commonality then we can have uniform evaluation standards of the results of these commissions. And it will be the purpose of our Committee on Transportation and Infrastructure to hold intensive oversight hearings as these commissions get under way with their work, they are funded, and we will want to hold them accountable, we will want to see their record of success, and I am quite confident, given the grassroots-up nature of establishment of planning and mission of these commissions, that there will be great success stories.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I would yield myself such time as I may consume.

Mr. Speaker, the Regional Economic and Infrastructure Development Act of 2007 reauthorizes two economic development commissions, the Delta Regional Commission and the Northern Great Plains Regional Commission. The bill also creates three new commissions, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission and the Northern Border Regional Commission.

First, I want to thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me to add several counties in northwest Missouri to the Northern Great Plains Regional Commission and for working with other members of the committee to add their counties to the bill as well. I appreciate it very much.

The Northern Great Plains Regional Commission borders my district in the north and the west. The counties added by this bill are contiguous to the counties in the commission. Additionally, these northwest Missouri counties are experiencing problems similar to the counties in the commission already, yet they have higher levels of economic distress.

The Northern Great Plains Regional Commission will set the stage for economic growth by creating an effective Federal-State partnership for attracting new businesses, creating new jobs and developing the infrastructure in northwest Missouri. The commission will encourage local economic development by making use of local resources for the benefit of the community. The commission is designed to successfully leverage other public and private funds, providing northwest Missouri with a very valuable economic development tool.

Economic development plays a very vital role in maintaining our rural way of life by keeping folks in those communities and keeping that culture alive. A major component to economic development is the build-out of broadband services throughout many regions in the country.

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No matter where you live, broadband can bring a world of opportunities and possibilities to your doorstep. It is imperative to our rural way of life that we push broadband out to every corner of the country. Where you live should not limit your opportunities for education, commerce, and medical care.

Many citizens in rural America's small communities do not have broadband access at a reasonable cost. It should be available to everyone no matter where they live at a reasonable rate. Through this legislation and other efforts that my colleagues and I have taken on, grants will be available to further establish an infrastructure that can support this important tool to rural economic development.

Additionally, I must commend two members of the Committee on Transportation and Infrastructure, Mr. HAYES and Mr. BOUSTANY, who have been tireless advocates for their districts. I would like to recognize Mr. HAYES for his dedication to stimulating economic development and job promotion in the State of North Carolina and leading efforts to create the Southeast Crescent Authority.

Additionally, he has championed efforts to recruit new industry and create new jobs while sharpening the competitive proficiency of existing industries in the Eighth Congressional District of North Carolina.

Mr. BOUSTANY has also worked tirelessly to promote development and create opportunities for communities in his district and has been a leader on the issue for the entire State of Louisiana.

Again, thank you, Chairman OBERSTAR and Chairwoman NORTON for working with Members and working with me to bring this legislation to the floor.

Mr. Speaker, I know we have a few speakers out there, so I will cut mine short.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the very distinguished Chair of our Subcommittee on Economic Development and other subject matters, the gentlewoman from the District of Columbia who presided over the hearings and whose steady hands shaped this legislation. I am greatly appreciative of her splendid work.

Ms. NORTON. I thank the chairman for yielding.

I understand the gentleman from Maine, who is a major sponsor of this bill, has a hearing. In deference to him, I will wait until after he finishes and yield my time at this time to him, if it is all right with the chairman.

Mr. OBERSTAR. I will then yield such time as he may consume to the gentleman from Maine.

Mr. MICHAUD. I thank the gentlewoman and the gentleman for yielding.

The Regional Economic and Infrastructure Development Act of 2007 represents a vision for economic development in our Nation that will help Americans in the most distressed regions of our country.

In the northern border region, we are seeing clearly persistent patterns of economic distress. If you look at the 36 counties that lie on the border or right next to the border between Maine and New York, you will find poverty above the national average, medium household income that is more than $6,500 below the national average, persistent unemployment through layoffs in traditional manufacturing industries, and most striking of all, a meager gain of only 0.6 percent in population between 1990 and 2000, compared to the 13 percent growth nationally over the same period.

In short, Mr. Speaker, our mills are closing, our young people are leaving, and too many of our workers are looking for work. Clearly, this region has a common set of challenges and a compelling need for investment in new growth.

Two days after I was elected to Congress, the very mill that I worked at for over 28 years went bankrupt, and my hometown and region were devastated. The story of my town and the mill that I worked at has been repeated across our region. That is why we need to support our regional industries and build new job opportunities, and that is why we need the investment, leadership and focus in our regional economic development bill.

The Northern Border Commission would help the region invest in transportation, health care, agriculture, broadband, and alternative energy. It can be a partner with businesses to maintain our industry and build a new industry cluster. It can help us create jobs in the long term.

We have all the ingredients we need to face our challenges head-on and make our region an economic engine. This new commission will help us make the fundamental changes for our future.

I want to once again thank the chairman and chairwoman for all their hard work on this bill. This bill is a new way to look at economic development in our Nation.

So with that, hopefully our colleagues will pass this bill.

Mr. GRAVES. Mr. Speaker, I now yield to the gentleman from Louisiana (Mr. BOUSTANY). He has worked tirelessly for his district. And since, not so much Hurricane Katrina, but Hurricane Rita, which devastated his district, he has been working very hard to bring some economic development to his district.

I yield such time as he may consume for his remarks.

Mr. BOUSTANY. Mr. Speaker, I thank my colleague and friend, Mr. GRAVES, for yielding time to me.

Mr. Speaker, I rise in support of this bill. H.R. 3246 reauthorizes the Delta Regional Authority, which works to improve the life for residents in some of the most economically distressed areas in our country. Those parishes and counties served by the DRA have per capita incomes at or far below the national average, and poverty in the region runs nearly 55 percent higher than the national rate.

Since being created, DRA has worked to improve the economy in the delta and allowed these residents to achieve parity with the rest of the country. The key to DRA's success is its ability to foster partnerships throughout the region and to collaborate with local development districts and other Federal and State agencies to ensure maximum benefit from the dollars invested.

In fact, in an article published last year, the Economist noted: "It is creating, or helping to retain, 36,000 jobs, mostly in manufacturing, which will generate $1 billion in salaries. It has also helped 23,000 families get running water and sewage."

In the aftermath, Mr. Speaker, of Hurricanes Rita and Katrina, the DRA took a leadership role in working to address many of the recovery issues facing our State of Louisiana.

I want to thank Chairman OBERSTAR, my good friend, and the leadership of the Transportation and Infrastructure Committee, the staff, subcommittee Chairman GRAVES, my good friend, for working with me to ensure that several of the parishes in my district that were hit hardest by Hurricane Rita are included in the DRA.

Data provided by the Department of Commerce shows that these parishes are now among the most economically distressed in our country, and recovery has been slow. I want to emphasize, though, that the people of southwest Louisiana are resilient, and we will rebuild and, in fact, we are rebuilding. This legislation will provide them with just yet another tool to facilitate growth and return to economic prosperity in the region.

I urge my colleagues to support this bill. Again, I thank Chairman OBERSTAR, the Democratic staff, Chairman GRAVES, Chairman MICA and our staff. I want to thank also my legislative director, Terry Fisk, for working with me on this very important piece of legislation.

Mr. OBERSTAR. Mr. Speaker, I also want to express my great appreciation to the gentleman from Missouri (Mr. GRAVES) and admiration for the time that he devoted personally and committed to the hearings, both in the past Congress and in this Congress, and for his consolidation of the interests of the various Members on the Republican side. We really developed a very strong bipartisan initiative as a result of the gentleman's diligent efforts.

And to the gentleman from Louisiana (Mr. BOUSTANY), who also worked within the Louisiana and Mississippi delegations, did extraordinary yeoman's work bringing disparate issues, interests and personalities together which have resulted in this successful initiative we have today.

I now yield such time as she may consume to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I echo the comments of our chairman, especially as regards our ranking member, Mr. GRAVES, who worked closely with me on this bill to ensure its profoundly bipartisan nature as counties, regardless of part of the country, regardless of who represents them, were selected based on very objective and competitive criteria. I appreciate the bipartisan support that he helped round up and the bipartisan support of so many Members of Congress.

I'm going to ask that my full statement be in the RECORD, and say only a few words, first about the chairman. It needs to be mentioned where this all started. It started with the extraordinary chairman of the full committee decades ago, when he created the notion of a bill to address the most impoverished sections of the country, beginning with, of course, the classic one that everyone knows, Appalachia. All we're doing here is expanding on Mr. OBERSTAR's work.

I must say, so much that has happened in our committee is emblematic of his career. It will be hard to say what his signature bill is; but knowing him, I think he would probably want this bill to rise up among them because of who benefits, those who have least benefited from the most prosperous economy the world has ever known.

This bill is back here by popular demand, and I use that in the technical sense of the word. The subcommittee was besieged by Members saying, We want commissions, How come we don't have a commission, and then coming forward with statistics to show that, under the definition of persistent poverty, they now qualified. It wasn't easy to get a commission or to get in this bill, with one of the counties included in this bill. We held hearings, and we used very objective criteria that you had to fit in order for us, after the hearings, after full study to say, yes, that county, among many in the United States that are suffering today, should have the special attention of a regional commission.

And we think, Mr. Speaker, that as the global economy has expanded throughout our country because of all the pressures, the natural pressures that come from that and from international trade, many came forward and wanted to be included as part of these commissions. But we held to the criteria set when the Oberstar bill was first passed: there had to be systemic poverty. And the region or the county, in order to be included, had to be clearly underdeveloped relative to what was possible. And so you had only two commissions, and then you have three added now.

When it comes to poverty, there is always controversy about what works. And this time we really know what works because this bill is patterned on the very successful, indeed the acclaimed, Appalachian Regional Commission. And the bill itself simply wants to make sure that administrative procedures and methods for distributing the economic development funds are uniform. When you consider that most of the funds that will flow to these regions far and away are private funds, one has to really look at this bill as a small public investment for enormous returns in private attraction and investment.

Mr. Speaker, I want to say just a word to extricate ourselves from the stereotypes about certain regions, like the northern border region which stretches from Maine to New York. We're talking about a region that some might consider in light of large cities in the region; but if you look as the commission methodology looks at counties in the region, you will understand why the northern border qualifies: few basic industries, overdependence in today's economy on agriculture, and 12.5 percent of the population living in poverty.

Or take the southeastern region of the United States, the Sunbelt, which everyone associates with economic growth, and well you might. But these are also the States which have historically most lagged behind the national economy.

And so we have regions in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida. And the reason we have them, of course, is that on top of industrial and technological underdevelopment, this is the region in the United States that has natural disasters at a rate of two or three times the rest of the country.

Finally, Mr. Speaker, I want to say that, of all of the aspects of this bill, I think that which has been embraced most by our committee is the record of private investment in the region once we designate a commission and once it begins to operate.

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It really does tell us much about the "blessing of the Federal Government" and the methodology used by this commission. It tells us much about the reputation of what these commissions have done.

I have been in Congress 16 years. I have seldom sat in hearings where people came forward not with criticisms but with glowing examples of how a specific approach to poverty in our country works. I therefore strongly recommend the bill. I commend all of those, of whom there are dozens, who had a hand in its design.

Mr. Speaker, H.R. 3246 amends title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severly economically distressed regions in the Nation.

H.R. 3246 the Regional Economic and Infrastructure Development Act of 2007, authorizes two existing comissions and three new regional economic development commissions under a common framework of administration and management, and further provides a framework for good decision making and planning. These Commissions are designed to address problems of systemic poverty and underdevelopment in their respective regions. The five commissions are: the Delta Regional Commission, the Northern Great Plains Regional Commission, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

This bill models the administrative and management procedures for these five Comissions after the highly successful Appalachian Regional Commission. The bill provides for a voting structure, provisions regarding staffing, conflicts of interest, local development districts, and other matters designed to produce a standard administrative framework. By providing a uniform set of procedures, this bill provides a consistent method for distributing economic development funds throughout the regions most in need of such assistance and ensures a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the country.

The Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission have been proposed in legislation introduced in this and previous Congresses and are designed to address problems of systemic poverty and underdevelopment in those regions. Additional, the Delta Regional Commission and the Northern Great Plains Commission would be reauthorized through this legislation.

H.R. 3246 authorizes funds for each commission to provide vital assistance for the development of our Nation's most chronically poor and distressed regions.

I would like to say of few words about the uniqueness of each of the new commissions being authorized by this bill. The Southwest border region includes all counties within 150 miles of the U.S.-Mexico border. This region contains 11 counties in New Mexico, 65 counties in Texas, 10 counties in Arizona, and 7 counties in California for a combined population of approximately 29 million. According to research compiled by the Interagency Task Force on the Economic Development of the Southwest Border: 20 percent of the residents in this region of the nation live below the poverty level, unemployment rates often reach as high as five times the national unemployment rate, and a lack of adequate access to capital has created economic disparities and made it difficult for businesses to start up in the region.

The Northern border region stretching from Maine to New York, while abundant in natural resources and rich in potential, lags behind much of the Nation in its economic growth, and its people have not shared properly in the Nation's prosperity. The region's historic reliance on a few basic industries and agriculture has failed to provide a diverse enough economic base for vigorous, self-sustaining growth. In the belt of counties along the Northern border from Maine through New York, 12.5 percent of the population lives in poverty, median household income is more than

$6,500 below the national average, unemployment through layoffs in traditional manufacturing industries is persistent, and the population only grew by 0.6 percent between 1990 and 2000, while the U.S. population rose by 13.2 percent, showing significant out migration and loss of young people.

The southeastern portion of the United States, encompassing the states of Virgina, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, is an area which has seen poverty rates well above the national average coupled with record unemployment. The region has also experienced natural disasters at a rate of two to three times greater than any other region of the U.S. The SouthEast Crescent Authority (SECA) authorizes a local-state-federal partnership to lift citizens in this geographic area out of poverty and create jobs. With the federal allocation of funding, SECA seeks to funnel monies to programs which address one or more of the following criteria for community betterment: (1) infrastructure, (2) education and job training, (3) health care, (4) entrepreneurship, and (5) leadership development. Those communities with the greatest need will be targeted, and grants will be made according to the degree of distress.

This bill has broad bi-partisan support, and the Committee has held a series of hearings regarding the need for these economic development commissions.

I support the bill and urge the passage of H.R. 3246.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. MCINTYRE), a strong advocate for this legislation.

Mr. McINTYRE. Mr. Speaker, I rise today in support of the Regional Economic and Infrastructure Development Act which provides a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed part of our Nation.

This bill includes legislation that I have introduced in every Congress since the 107th Congress that will establish the Southeast Crescent Authority for Economic Development. This authority would cover the southeastern portion of the United States, including the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida, which have all seen poverty rates well above the national average coupled with record unemployment.

I would like to thank Chairman OBERSTAR and the ranking member, Mr. MICA, as well as the Transportation and Infrastructure Subcommittee on Economic Development Chairwoman ELEANOR HOLMES NORTON and the ranking member, Mr. GRAVES, Mr. MICHAUD and Mr. HAYES and my other colleagues who together have worked with us in trying to help the most economically disadvantaged areas of our country. It is their compassion, cooperation and commitment that has brought us here today. I applaud all those who have worked together to help our areas of the country that have suffered so much. The southeastern U.S. has suffered a double whammy, the highest levels of poverty coupled with the highest levels of unemployment over the last several years.

As a Member that represents a district from one of the southern States that has experienced stagnation in job growth, I have seen firsthand the restructuring of the South's economy. Jobs in textile and furniture-making have decreased substantially. Although a more high-tech and globally competitive economy has created new opportunities for employment in the South, it also has meant that we have lost many jobs held by employees who have few prospects for shifting to other jobs with comparable pay. In addition, the seven States of the Southeast Crescent Authority region also have experienced natural disasters at a rate of two to three times greater than any other region in the United States, and this vulnerability to natural disasters further exacerbates the ability to recover from economic distress.

Modeled primarily after the successful Appalachian Regional Commission, the Southeast Crescent Authority would enjoin a local, State and Federal partnership to lift our citizens out of poverty and give them job opportunity.

The Southeast Crescent Authority would help communities by doing several things: improving infrastructure, giving the opportunity for education and job training, better health care, business entrepreneurship and leadership development. What is great about this opportunity, Mr. Speaker, is that those areas in the greatest need will be targeted. Those with the greatest need of economic distress will be helped.

It is time indeed to change the pattern of poverty and unemployment in the southeastern United States, the only major region of the country that has never had this type of Federal focus on economic development. We are excited that we are now able to help the least of these, our brothers and sisters, who have suffered enough and suffered so much. Now we can help bolster a better opportunity for economic progress and possibility. May God bless our efforts to help those who have suffered so much and now can see a life-changing difference in economic opportunity.

Mr. OBERSTAR. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Minnesota has 10½ minutes. The gentleman from Missouri has 24 minutes.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. WELCH) and I yield myself 15 seconds to explain that, through a clerical error, unfortunately, I regret and I apologize to the gentleman, his name was not included in the cosponsors of the reintroduced bill or bill reported from the Rules Committee. I just want it known that the gentleman has, from the outset, been a vigorous supporter of this legislation. His name should have been listed as a cosponsor.

Mr. WELCH of Vermont. I thank the gentleman from Minnesota for his leadership. I thank the Chair of the subcommittee, Ms. HOLMES NORTON, and I thank Mr. GRAVES for his good work.

Mr. Speaker, this commission is going to be very helpful to Vermont. We have in the northern tier of Vermont six counties, Caledonia, Grand Isle, Lamoille, Franklin, Orleans and Essex. It is among the most beautiful parts of Vermont. It has among the most industrious people in Vermont. But it has the highest unemployment rate and the lowest wages, about $10,000 below the national median. We want economic development in our northern counties. This legislation is going to give that impetus that is going to allow our regional economic commissions that have been providing excellent leadership but on threadbare resources the opportunity to use local decisionmaking, local ingenuity and local people committed to a prosperous economy in that region to get a leg up.

What is tremendous about this legislation, modeled after its predecessors, is that it is a bottom-up approach. So if we have a proposal from folks in Caledonia County that broadband penetration is going to be what they need, or if we have folks in Franklin County who are going to do an agriculture-to-energy-related project, or something with dairy and that is what they need, they are going to have the opportunity for that to become a reality.

This is a situation where we actually have bottom-up leadership integrated into this legislation where the Federal Government here in Washington is going to be a partner, not an impediment, to the goals, the aspirations, and the accomplishments of people back home. This bill is really about hope for the future. It is about confidence that local people in those counties in Vermont can make the best decision for themselves, and it is about Congress finally working as a partner with our local communities and local leadership.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. HODES), who has, Mr. Speaker, been a tireless advocate. He has worn me out, frankly, advocating for this commission.

Mr. HODES. I thank the gentleman for yielding.

First, I thank the distinguished chairman, Mr. OBERSTAR, and the distinguished subcommittee chairwoman, Ms. ELEANOR HOLMES NORTON, as well as Mr. GRAVES for their work on this important bill.

Mr. Speaker, I rise today to urge my colleagues on both sides of the aisle to support this bill which includes the Northern Border Regional Development Commission. Parts of my home State of New Hampshire, Grafton, Sullivan and Carroll Counties, and especially in Coos County, the beautiful region known as the North Country, have taken an economic beating and are struggling to recover. A staggering number of jobs have been lost. We have seen manufacturing plants close, pulp plants disappear, and our young people leave to places that offer more opportunity.

New Hampshire's North Country has suffered repeated economic body blows. For people who live there, it is getting harder and harder to get by. As I travel throughout my State, I speak to hardworking folks who have the drive to improve their neighborhood but who feel their communities have been ignored by the Federal Government for years. The commissions created in this bill would be charged with investing Federal resources for economic development and job creation in the most distressed counties in New Hampshire and the ice belt region. I use the word "invest" purposely. New Hampshire is a very frugal State. We believe in small, effective Government. But we also know that a wise, effective Federal Government honors local control and invests wisely to promote opportunity and prosperity.

This commission employs a bottom-up grassroots approach that ensures that actions reflect both local needs and regional economic development goals. It also ensures that States have a deciding voice in what investment is made within their borders. The bill says that if you are willing to work hard and play by the rules, we are here to help you get ahead. That is why this bill enjoys such bipartisan support. It is an important step for many communities in New Hampshire.

Mr. Speaker, I urge its passage.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Thank you, Chairman OBERSTAR, for yielding time.

Mr. Speaker, I rise today in support of H.R. 3246, the Regional Economic and Development Act of 2007.

The U.S.-Mexico border region's economic challenges are deeply entrenched and have been overlooked by national policymakers for far too long. Throughout my district, low incomes and high unemployment have translated into a stagnant and depressed local marketplace. Many colonias along the border lack adequate water supplies and paved roads while a shortage of investment and development has limited the economic opportunities of residents throughout that region.

In addition to current challenges, the border region's population is expanding very rapidly and straining our local infrastructure. Historically, Congress has confronted regional economic challenges by creating multi-State development commissions designed to coordinate local resources and encourage cooperation between Federal, State and local governments.

The Southwest Regional Border Commission included within this bill would represent a significant commitment by Congress to developing the economy of the Southwest. Because the challenges of this region cannot be isolated in any one city, county or State, the commission will work to stimulate the entirety of the area's economy by recognizing the connections between local economies and by coordinating the efforts of local officials.

By facilitating the provision of grants to States, local governments, universities, small businesses, and nonprofit entities, the commission will plant the seeds of future economic growth throughout the region.

By expanding the transportation, public health facilities, wastewater treatment plants and telecommunications networks, these grants will provide the border region with the infrastructure it needs to meet its current needs while preparing for the strain of an expanding population.

Mr. Speaker, at a time when the mounting pressures of the global economy and income disparities are causing great economic distress in the border region, the Southwest Regional Border Authority has never been more needed. I urge my colleagues to support this critical legislation, H.R. 3246.

Mr. OBERSTAR. Mr. Speaker, does the gentleman from Missouri have any further speakers besides himself?

Mr. GRAVES. I don't. Just my own final words before the chairman closes.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

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Mr. CUELLAR. I want to thank the distinguished Member from Minnesota for yielding. Again, I applaud the committee's tremendous work and the work of Chairman OBERSTAR for the leadership and vision that he has provided, along with Chairman REYES.

This bill creates the Southwest Border Region Commission and will positively impact the State of Texas. Eleven out of the 12 counties that I represent will be impacted in a positive way. These counties are struggling with common infrastructure needs that inhibit the community's ability to increase economic development. Some of these communities on the U.S.-Mexico border can be identified as colonias. As you know, colonias are found in Texas, New Mexico Arizona, and California, all States that will benefit from the establishment of the Southwest Border Regional Commission.

These colonias many times do not have paved roads, hospitals, or even utilities. Many colonias do not have sewage systems, forcing residents to rely on often inadequate wastewater disposal methods, such as small and outdated septic tanks. These conditions often result in sewage pooling on the ground. Even if these colonias do have adequate sewage systems, the border area lacks sufficient facilities to treat wastewater in this area.

Mr. Speaker, again, this Southwest Border Commission will provide the resources to help colonias and other underdeveloped regions to adequately address needs to be solved. By the establishment of this commission, this will address the basic needs that are needed in these areas. This is why I am asking the Members to support this bill.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard now from folks talking about Louisiana, Maine, New Hampshire, Vermont, myself from Missouri; and I think folks can see that we have a lot of areas in the United States that are very economically distressed, and for various reasons. Every one of those regions, and, traditionally the Appalachia region, are distressed for different reasons. This bill allows these commissions to leverage public and private dollars. It is a great partnership.

Mr. Speaker, again, I want to thank the chairman for allowing me to add counties in northwest Missouri. It is very important to the folks there. I know he has been working on various aspects of these commissions for a long, long time. I appreciate his expertise and his willingness to be very open in this process and work with us.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I express my great appreciation to Mr. MICA, the ranking member of the full committee, and especially to Mr. GRAVES, who devoted so much time to the hearings, to the diligent effort within the committee of shaping and crafting this bill.

In the matter of adding counties that were not in the original commissions' proposals, we adhered to a very strict principle, that is, the additions had to conform with unemployment rate significantly above national average, per capita income rates that were significantly below national average rates, and out-migrations. In all cases, the counties recommended by the gentleman from Missouri, the parishes by the gentleman from Louisiana, and the gentleman from Mississippi all conformed when we got updated census information.

Mr. Speaker, I think we have here a splendid structure, one in which we can achieve accountability, one in which there already is success. In a report the committee received just this morning from the Delta Regional Commission on cumulative projects over the last year, the leveraging ratio is 16 to 1. That is for every $1 the commission invested in projects within the region, $16 additional in private sector and non-Federal funds have been invested. That is an extraordinary success ratio, and we want to ensure that that success will continue and will be extended to all of the commissions.

Mr. Speaker, I yield back the balance of my time and ask for a resounding affirmative vote for this legislation.

The SPEAKER pro tempore (Mr. SERRANO). All time for debate has expired.

Pursuant to House Resolution 704, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JORDAN of Ohio. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Jordan of Ohio moves to recommit the bill H.R. 3246 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly with the following amendment:
>
> At the end of the bill, add the following:
>
> **SEC. 7. LIMITATION ON THE USE OF FUNDS.**
>
> None of the funds authorized by this Act, including the amendments made by this Act, may be used—
>
> (1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or
>
> (2) to pay for expenses related to the membership of any individual or entity in an organization or association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio is recognized for 5 minutes in support of his motion.

Mr. JORDAN of Ohio. Mr. Speaker, I appreciate the work of the chairman of the committee and the ranking member. The motion to recommit that we have in front of us is an insurance policy. It will guarantee that no funds in the bill go to lobbyists or lobbying activities. This motion, in other words, is a step towards breaking that link between legislation and lobbyists.

Mr. Speaker, H.R. 3246, as we have heard from the language here on the floor today, is intended to aid the economic and infrastructure development in economically distressed regions of the country. Taxpayer dollars should be used for that purpose, and that purpose only.

The motion does two things: first, it prevents any of the funds authorized by this bill from being used to lobby or retain a lobbyist for the purposes of influencing a Federal, State or local government entity or officer. Second, the motion prohibits funds to pay for expenses related to the membership of an individual or entity in an organization or association.

Mr. Speaker, the majority promised in its opening-day rules package, section 202 of H. Res. 6, to end the K Street Project. This motion to recommit is policy that all Members should support. In fact, when this same language was offered to H.R. 569, the Water Quality Investment Act, it was approved by a 425–0 vote. That same act came out of this same committee, and the full House in unanimous fashion supported this same language.

Again, Mr. Speaker, this motion to recommit is an opportunity to improve the bill by adding explicit language to make sure that taxpayer dollars are used for their intended purpose.

Mr. Speaker, I would yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, it is well known, has been debated many times in this body, that a motion to recommit that uses the term "promptly" is simply a motion to kill the bill by sending it back to committee, where it will take weeks to then return it to the House floor. Why an initiative to try to kill this legislation would be offered is puzzling to me, since there was no opposition to the legislation in subcommittee, full committee.

Mr. Speaker, two weeks ago when the bill was debated on the suspension calendar, no one rose in opposition to the bill. There was no opposition raised to the legislation this afternoon. So the motion to recommit on the merits of the term "promptly" is clearly an effort to send it back to committee, kill the bill.

But I point out, since the gentleman offering the motion referred to initiatives by the Democratic majority to have accountability, on page 17 of the bill, section 15–306, Personal Financial Interests, conflicts of interest, we address the issue of personal conflict of interest, of integrity of personnel employed by the commission in either the Federal co-chairman's office or the State co-chairman's office, and establish very clear obligations for reporting and excluding of such activity. Furthermore, under general Federal legislation, lobbying by a Federal Government agency of the Congress is not permitted.

So this is a non sequitur motion. It does not accomplish anything except the purpose of sending the bill back to committee and, in effect, killing it by delay. Again, I repeat, there was no opposition registered. When the Committee on Transportation and Infrastructure considered this bill in subcommittee, in full committee markup, when it came to the floor under suspension of the rules, nor was there any opposition today, why there would be a motion of this nature to kill the bill is beyond me.

Furthermore, there are restraints, very explicit language on personal financial interest, conflict of interest not allowed; and, in general, Federal law, Federal agencies are prohibited from retaining a lobbyist, to pay expenses for lobbying.

Mr. Speaker, this is a transparent effort to try to kill the bill rather than deal with it on its merits. So I oppose the motion to recommit with instructions.

Mr. MCHUGH. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007. As a cosponsor of this legislation, I was disappointed when the full House failed to adopt a motion to suspend the rules and pass H.R. 3246 on September 17. That said, I am pleased that the House is reconsidering the bill today.

As I have previously stated, H.R. 3246 is important to my constituents in Northern and Central New York because it would create the Northern Border Regional Commission to help further economic development. There is no question this assistance is needed. Specifically, in 2000, each of the counties I represent—Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, Madison, Oneida, Oswego, and St. Lawrence—had a median household income that was below the national median of $41,994. Moreover, 7 of these counties had poverty rates in excess of the national rate of 12.4 percent, and 3, Franklin, Oswego and St. Lawrence counties, had poverty rates in excess of 14 percent. Similarly, from 2004 to 2006, 8 of these counties had unemployment rates in excess of the national average.

I greatly appreciate the efforts of the Gentleman from Maine, Mr. MICHAUD, to move this measure one step closer to enactment. Since the 108th Congress, we have been working to enact legislation to create a Northern Border Regional Commission, and I look forward to working with him further to do so.

Mr. GRIJALVA. Mr. Speaker, I rise today in support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007.

This bill acknowledges a critical component of our country's success, and creates the Southwest Border Regional Commission for border counties in Arizona, California, New Mexico and Texas.

First, I thank the committee for the inclusion of this region in the bill. I am proud to represent this region, home to one of the most vibrant communities. Where the United States and Mexico meet, it is a symbiotic community. For cities in my district, there is often a division.

Many times on this house floor, the debate of the border is divisive and based on demagoguery. There is no room for those issues in today's debate. This commission is about investing in U.S. citizens that live in a unique community, a community that is the gateway to our country.

For as much as this Congress debates and exploits immigration and constantly works to militarize our border, we could spare some time to discuss needed investment in the region.

The residents of the southwest border are burdened with concerns that include low income, low education levels, the lowest number of health professionals, some of the highest rates of diabetes, tuberculosis, AIDS and other health crises, a lack of economic development, and the list goes on.

The southwest border communities are at the periphery of the United States and Mexico's national economic and political concerns. The U.S. Government has historically forgotten this community in terms of economic development, education and social programs.

The Southwest Border Regional Commission takes a great step to correct this misguided omission. It is our responsibility to assist our border communities and our border residents.

I urge my colleagues to support this bill and reject any attempts to further exploit the citizens who are at the gateway of this country and who sacrifice so much already to the demands of our border security.

Mr. ORTIZ. Mr. Speaker, I'm proud to be a cosponsor of this bill to provide a comprehensive, regional approach to economic and infrastructure development in areas that need it the most, including South Texas.

The Southwest Regional Border Authority helps areas along the U.S.-Mexican border, which have: a 20 percent poverty rate, unemployment rates much higher than the national rate, and a lack of capital to spur business growth.

This bill offers a significant investment for federal-state partnerships to help economically distressed and underdeveloped areas that have experienced high levels of unemployment, poverty, or population loss.

The bill provides an unprecedented amount of money to develop transportation and infrastructure, provide job skills training and support business development.

I am personally offended—as are my constituents in South Texas—that the only infrastructure Congress has approved along the border is a wall . . . a wall that won't work and that is entirely about political expediency, not border security.

Developing the South Texas infrastructure helps ensure that this region can support the trade that churns through the U.S. economy.

South Texas faces a host of challenges in terms of economic development and infrastructure to support trade all along the Southwest border—and the only way to tackle it is all together, not piecemeal.

I ask my colleagues to join me in passing this bill that is important to both the border region—and the Nation.

Mr. TERRY. Mr. Speaker, I rise today in opposition to this legislation and urge my colleagues to oppose it.

I am a strong supporter of economic development in rural America. That is why I have been pressing for reform of the Universal Service Fund to bring the benefits of broadband telecommunications to the rural areas of the country. I also strongly support the programs of the U.S. Department of Agriculture and our State Department of Agriculture that promote economic growth in Nebraska.

But, Mr. Speaker, I cannot support this bill. The State of Nebraska already participates in the existing Northern Great Plains Commission and the North Central BioEconomic Consortium. I am told by Nebraska's Deputy Director of Agriculture that there are even more of these organizations in the Midwest dedicated to the same goals. H.R. 3246 would just add one more entity to this existing number of economic development groups now in place.

Even more troubling is the $1.25 billion price tag authorized by the bill and the creation of permanent regional commissions that will require millions of dollars in tax dollars for administrative expenses. We need to cut federal spending, not increase it.

Finally, the legislation also includes a provision requiring prevailing wages under the Davis-Bacon Act. For all of these reasons, I urge a "no" vote on this bill.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007.

This bill provides the opportunity for many communities along the border to receive the assistance and resources they have long needed in order for them to develop their infrastructure and economic prospects.

Mr. Speaker, I represent an expansive district spanning from El Paso County in far west Texas, to Dimmitt County about 550 miles south and to South San Antonio about 150 miles west. This district encompasses the longest stretch of U.S.-Mexico border of any district in the United States.

These communities along the border lack some of the most basic infrastructure including sewers, roads and health care. These mostly rural communities along the border are often too poor to take advantage of government grants and loan programs. These cities, towns and counties don't have the revenue to provide local matching funds to qualify for federal grants and programs or have the tax base to build million-dollar waste water plants on their own.

A regional economic development commission on the southwest border, I believe will put the hundreds of small, rural border communities on the fast track to becoming self-sustaining and developing economically.

Mr. Speaker, a Southwest Border Regional Commission would essentially bring the federal government to the border. This bill will not raise taxes, will not create duplicative programs and certainly not provide any services to illegal or undocumented immigrants; this bill instead provides opportunity for our communities that are most in need.

I strongly urge my colleagues to pass this bipartisan bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007. I would like to thank my colleague, Representative OBERSTAR, for introducing this important legislation, as well as for his leadership on this important issue.

Mr. Speaker, this legislation creates a comprehensive regional approach to economic and infrastructure development in some of the most severely economically distressed regions of our nation, authorizing $1.25 billion through Fiscal Year 2012 for two existing commissions and 3 new regional economic development commissions. It authorizes these 5 regional economic development commissions under a common framework of administration, providing a rubric for economic development planning.

All five regional commissions will employ the model of the highly successful Appalachian Regional Commission, crafted in the 1960s to address persistent poverty in the Appalachian region. The Appalachian Regional Commission, through the several hundred projects it funds annually, has created thousands of new jobs, as well as improving local water and sewer systems, increasing school readiness, expanding access to health care, assisting local communities with strategic planning, and providing help and resources for new businesses. Crucially, this model combines targeting communities with greatest need with a unified framework of management and decision-making.

Two of the five regional commissions authorized by today's legislation, the Delta Regional Commission and the Northern Great Plains Regional Commission, are existing entities that will be reauthorized by this legislation. The first of these, the Delta Regional Commission, was proposed by President Clinton in 1998, and is designed to strengthen the economic development of the chronically impoverished lower Mississippi River area. Included in this region are counties in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

In addition to systemic poverty and underdevelopment, this region is particularly in need of support after the devastation of Hurricanes Katrina and Rita. Hurricane Katrina resulted in more than 1,800 deaths, nearly 500,000 homes in Louisiana and Mississippi being destroyed or made uninhabitable, and about 1.5 million people being at least temporarily displaced from their homes. From housing to health care to education, the region remains in a state of crisis. Though this Congress has directed more than $6.4 billion in assistance to the victims of this disaster, we still have a great deal of work to do to rebuild these devastated communities.

Other regions will also greatly benefit from this legislation. The Northern Great Plains Regional Commission encompasses all counties in Iowa, Minnesota, Nebraska, North Dakota and South Dakota, as well as certain counties in Missouri. The Southeast Crescent Regional Commission consists of all counties in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida that are not served by the Appalachian Regional Commission or Delta Regional Commission. The Southwest Border Regional Commission covers certain counties in Arizona, California, New Mexico, and Texas. The Northern Border

Regional Commission includes specified counties in Maine, New Hampshire, New York, and Vermont.

For each of these commissions, this legislation establishes membership, voting structure, and staffing, as well as outlining conditions for financial assistance, authorizing grants to local development districts, and establishing an Inspector General for the commissions. It also includes additional provisions designed to produce a standard administrative framework. By providing a uniform set of procedures, this bill creates a consistent method for distributing economic development funds throughout the regions most in need of such assistance and ensures a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the country.

H.R. 3246 authorizes the appropriation of $1.25 billion from 2008–2012 to establish these development commissions. It also directs the five regional commissions to award grants to state and local governments, Indian tribes, and nonprofit organizations to promote economic and infrastructure development. At least 40 percent of the authorized funds will be directed to grants to develop transportation, telecommunications, and other basic public infrastructure. Remaining funds will be used for other economic development activities, such as providing job training, improving public services, and promoting conservation, tourism, and development of renewable and alternative energy projects.

Mr. Speaker, the Appalachian Regional Commission has had great success bringing about economic revitalization and improving the lives of many residents of the region. I believe that this legislation can make significant strides toward bringing similar development to five more regions of our nation. These commissions will stimulate struggling economies, and they will help strengthen communities by providing education and job training and supporting local entrepreneurship and leadership.

In addition, Mr. Speaker, I look forward to working with my colleagues, in the future, to work to extend coordinated economic development projects to some of our nation's urban areas. Many inner city areas of our country suffer from a level of economic distress similar to that felt by residents of the regions addressed by this bill, and I believe that we can do a great deal to assist the economic development of these urban areas as well.

Mr. Speaker, this is extremely important legislation that will go a long way toward improving the quality of life for significant numbers of Americans. It will create prospects for the future and strengthen communities. I believe this is extremely important legislation for our nation, and I urge my colleagues to join me in supporting it.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007, which will help spur economic development in my district of El Paso, Texas. I would like to thank Chairman OBERSTAR for his vision regarding the need and importance of regional authorities for development in areas of the country with huge economic need. For the past three Congresses, I have introduced my bill, the Southwest Regional Border Authority Act, in an attempt to bring some relief to the U.S.-Mexico border and my district of El Paso, Texas. This year, under the leadership of Chairman OBERSTAR, my bill has been included into his overall legislation. I would also like to thank many of my colleagues who represent districts along the U.S.-Mexico border for their support in the creation of the Southwest Regional Border Authority.

The Chairman's bill would authorize $1.25 billion over the period of FY 2008 through FY 2012 for five regional commissions one of which will be created in the U.S.-Mexico border region. The Authorities would be Federal-State partnerships for providing assistance to economically distressed and underdeveloped areas that have experienced high levels of unemployment, poverty, or out-migration. Three of the commissions would be new and would assist areas in the Southeastern United States and areas along the Mexican and Canadian borders; 2 of the commissions would replace existing authorities in the Delta and Northern Great Plains regions. The bill would establish uniform administrative structures and responsibilities for the commissions, and authorize the commissions to provide financial assistance for projects and programs in their respective regions to develop transportation and infrastructure, provide job skills training and support business development.

The Southwest border region, as defined in the bill, includes all counties within 150 miles of the U.S.-Mexico border. This region contains 11 counties in New Mexico, 65 counties in Texas, 10 counties in Arizona, and 7 counties in California, with a combined population of approximately 29 million.

According to research compiled by the Interagency Task Force on the Economic Development of the Southwest Border, 20 percent of the residents in my region live below the poverty level, unemployment rates often reach as high as five times the national average, and a lack of adequate access to capital has created economic disparities making it difficult for businesses to start up in the region. Border communities have long endured a depressed economy and low-paying jobs. Our economic challenges partly stem from our position as a border community.

Economic development in border communities is difficult to stimulate without assistance from the Government, private sector, and community organizations. H.R. 3246 would help foster planning to encourage infrastructure improvements, technology deployment, education and workforce training, and community development through entrepreneurship.

Modeled in part after the Appalachian Regional Commission, the Southwest Border Regional Authority and other Authorities would follow four guiding principles:

First, the Authorities would fund proposals designed at the local level followed by approval at the state level in order to meet regional economic development goals;

Second, projects leading to the creation of a diversified regional economy would be prioritized. Currently, states and counties often are forced to compete against each other for limited funding;

Third, the Authorities would be independent agencies. This would prevent them from having to attempt to satisfy another Federal agency's mission requirements when determining which projects to fund; and

Finally, the Authorities would be comprised of one Senate-confirmed Federal representative and the governors of the States of jurisdiction.

For too long, many areas of our country including the southwest border region have been ignored, overlooked, and underfunded. We need to recognize the challenges facing these under-served areas and help them make the most of their many assets. I believe the authorities created in the Regional Economic and Infrastructure Development Act of 2007 would go a long way toward achieving the goal of economic prosperity in some of the poorest regions of our county.

Again, I would like to thank Chairman OBERSTAR for his leadership on this issue and look forward to the implementation of this important legislation. I ask my colleagues to support this important measure.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JORDAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 201, nays 218, not voting 13, as follows:

[Roll No. 945]

YEAS—201

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)

Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—218

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

□ 1337

Mr. KAGEN, Mr. COOPER, Mrs. BOYDA of Kansas, Ms. WOOLSEY and Mr. MEEK of Florida changed their vote from "yea" to "nay."

Messrs. PAUL, HASTERT, FORBES, MAHONEY of Florida and Mrs. DRAKE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COSTELLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 154, not voting 14, as follows:

[Roll No. 946]

YEAS—264

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—154

Akin
Bachmann
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Reichert

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Feeney
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1346

Mrs. DRAKE changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3222) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON, to be the conferees on the part of the Senate.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 49. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

The SPEAKER pro tempore. The Chair lays before the House a privileged Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 703, I call up the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness.".

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 of such Code is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), without regard to clause (ii) thereof) with respect to the principal residence of the taxpayer.

"(3) EXCEPTION FOR DISCHARGES ON ACCOUNT OF SERVICES PERFORMED FOR THE LENDER.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender.

"(4) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (D)" and inserting ", (D), and (E)".

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 2. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) of the Internal Revenue Code of 1986 (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

"(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

SEC. 3. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 4. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.75 percent" and inserting "116.50 percent".

The SPEAKER pro tempore. Pursuant to House Resolution 703, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110-360, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Forgiveness Debt Relief Act of 2007".

SEC. 2. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness.".

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 of such Code is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), "applied by substituting $2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof" with respect to the principal residence of the taxpayer.

"(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 3. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) of the Internal Revenue Code of 1986 (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

"(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

SEC. 4. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "116.75 percent".

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the minority ranking member on the Ways and Means Committee and our staffs for working to bring some relief to those people that are feeling the problems of the subprime mortgage crisis.

I want to make a special thanks to Congressman ROB ANDREWS, whose creativity in working with the committee, along with ZACH SPACE, gave us the direction to remove some of the inequities that may relieve some of the pain that people are feeling.

It's a commonsense piece of legislation that when the banks and those that hold the mortgage decide to give forgiveness on some parts of that loan, that these parts of the loan not be considered as income and does not create a taxable event. So we do that. We passed it out by voice vote because it just made a lot of sense.

In addition to that, we make it easier for people to extend their mortgage insurance, as well as those people who own condos, to be able to get relief from debts that they may have by getting long-term extension of private mortgage insurance on all of them.

Finally, the bill makes it easier for taxpayers to form housing cooperation co-ops.

We give a general relief and at the same time make it more difficult for people to move into their rentals or vacation homes and enjoy the same tax relief as they move from their original homes. In other words, they can only get the tax relief for that part of the time they actually lived in the rental or the vacation home, rather than having the luxury of moving from one vacation home to the other and enjoying the tax benefits.

Mr. Speaker, I yield the balance of my time to one of the hardest-working members of the committee that spent a lot of time on this subject matter, Mr. BLUMENAUER, and allow him to delegate the time as requested by other Members of the House.

The SPEAKER pro tempore. Without objection, the gentleman from Oregon will control the remainder of the time.

There was no objection.

Mr. McCRERY. Mr. Speaker, I rise in support of this legislation, though not without some reservations. I share the concern of my chairman and my colleagues about the subprime mortgage crisis.

While we are all ultimately responsible for the contracts we sign, there were clearly failures in the market that led people to buy homes larger or more expensive than they could really afford, or to accept mortgage terms that might quickly become unsustainable.

The result has been a growing number of foreclosures, which, in turn, puts downward pressure on other home prices. Moreover, when a bank forgives some or all of the mortgage, that cancelled debt is treated as income and is subject to tax. Too many people are learning the hard way about this "kick-'em-when-they're-down" feature of the tax code.

In August, President Bush recognized the seriousness of this crisis and proposed a temporary provision exempting from tax the income that individuals receive when a bank reduces or eliminates the mortgage on a primary residence.

I think that his proposal, a temporary solution to a temporary crisis, is appropriate, and asked the Rules Committee to make in order a substitute which did just that. As my colleagues know, however, we were not given that opportunity, and so we are not debating such a proposal.

Nevertheless, there are good policy arguments for making this provision permanent, just as there are for making it temporary. But the important thing is that we do something to help. I am glad the chairman of the Ways and Means Committee decided to move a bill dealing with this crisis.

The bill does, however, contain revenue offsets that I do find troubling. Generally, I continue to oppose PAYGO rules that require us to raise taxes in one place in order to provide tax relief in another. Nonetheless, those are the rules that this House has adopted, so I understand the majority's need to include an offset in the bill.

The offset being used today will deny part of the capital gains exemption to families who sell a second home which was not always their primary residence. During committee markup, I expressed concerns that the proposal could undercut housing prices in areas of the country where second-home purchases form a large share of the housing market. I understand the chairman's desire to identify an offset within the housing market, and that certainly constrained our choices.

I also appreciate the chairman's efforts to include transition relief to limit the effect of this provision on families who may already own more than one home. As has been noted already and will surely be noted again, the bill, including this offset, has been endorsed by several leading real estate groups, and that calms, although it doesn't eliminate, my concerns about the impact the offset may have.

Thus, while I do support the positive tax relief in this bill for those with cancellation of indebtedness income, I would prefer to do so without this objectionable offset. It is my hope that as this legislation moves forward, as I believe it should today, we will have an opportunity to reconsider the revenue raises attached to it.

Mr. Speaker, I reserve the balance of my time and request unanimous consent that the gentleman from Kentucky (Mr. LEWIS), who coauthored the original legislation similar to the bill before us today with Mr. ANDREWS, be allowed to allocate the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, I recognize myself for 2½ minutes.

It is not often I find myself disagreeing with my esteemed friend, the ranking member of the Ways and Means Committee, but I would like to briefly address his concerns.

As our esteemed chairman, Mr. RANGEL, pointed out, this is a serious program that all agree needs a serious solution to avoid having people who lose their homes end up having their loss become a taxable event. Our legislation solves this.

Where I take modest exception to the ranking member and, in fact, had a rather spirited debate before the Rules Committee with Ranking Member DREIER that this is somehow a temporary problem and just requires a temporary solution, we are in a situation now where the majority would argue that there is never a good time to have people who lose their homes have that loss be a taxable event. Second, unlike the Bush administration thinks this is going to be solved in the next year or 2, the fact is, in 2006, 20 percent of the first-lien mortgages were in the subprime market.

We are going to see exploding adjustable rate mortgages for years. Those people shouldn't have uncertainty if there are people who assume control who think that their loss should be a taxable event.

As it speaks to the pay-for, the Democrats have made a commitment that we are going to pay for our actions. We are not going to add to the deficit. This is an entirely appropriate pay-for. There was never an intent with the $500,000 per couple exclusion from capital gains on the sale of their homes to string these together.

I came to Congress committed to enacting that relief to protect them. But under the provisions that, as it has worked out, some extraordinarily wealthy people can string these together and have a $500,000 tax-free gain three times in 6 years.

Our amendment, our pay-for, gives everybody the protection for their principal home and allows them to get the capital gains exclusion to the extent that a second home is their principal home. It's reasonable, it's balanced, it's paid for. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support for the Mortgage Forgiveness Debt Relief Act of 2007. I have heard concerns from many homeowners in my district about the serious situation in the mortgage market. A recent University of Michigan study of homeowners indicated that at least 26 percent of those surveyed had experienced a loss of equity in their home during the past year. These declining prices have led some families to sell their homes for less than they paid for them.

On August 31, President Bush spoke from the Rose Garden and called on Congress to address a crisis in the mortgage market. Included in the President's priorities was a bill that Congressman ROB ANDREWS and I introduced in April to relieve tax obligations on those who sell homes that have lost equity and have been forgiven a portion of outstanding mortgage debt.

Our measure was later incorporated into the larger bipartisan committee bill that we are debating today, just a little over a month since the President's remarks. This legislation, although not perfect, is a piece of legislation that I asked my colleagues to take a close look at and the intent of the bill before casting your vote.

You will see that this legislation delivers real help to our constituents. Under current law, only 2 categories of individuals pay taxes when selling the principal residence: Those who have been able to realize a capital gain of more than $250,000 or $500,000 on a joint return and those who lose the equity in their home and are forced to pay tax if the lender forgives some portion of the mortgage debt.

It is unfair to tax people on phantom income, particularly when they have suffered serious economic loss and had less ability to pay the tax. The Mortgage Forgiveness Debt Relief Act would relieve this tax burden.

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The Andrews-Lewis provision states that no tax will be collected when a lender forgives part of the mortgage on the sale or disposition of a principal residence. This proposal has earned the support of the National Association of Home Builders, the National Association of Realtors, and the United States Department of the Treasury.

Addressing this Tax Code inequity and other long-term issues in the housing market cuts to the core of our national economic stability as we seek to calm financial markets, aid local communities, and support one of our most basic American aspirations, and that's homeownership.

I would like to thank my colleague, Congressman ANDREWS, for his commitment to this issue. I also appreciate the time and effort of my chairman, Congressman RANGEL, Ranking Member MCCRERY, and their staffs for moving this important measure to the House floor.

The bill before us is a good first step toward addressing the mortgage situation. But more important, this bill is an example of what happens when both parties work together to produce good policy that will benefit millions of Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished Chair of the Trade Subcommittee, and a senior member of the Ways and Means Committee, Mr. LEVIN.

Mr. LEVIN. Mr. Speaker, I rise in strong support of this legislation. On the Democratic side, we've been emphasizing the importance of fairness in the code, of equity in the code, the ability to go home, meet our constituents, look them squarely in the eye and say that we're taking steps to make the Tax Code more equitable. And this legislation is a step in that direction, and an important one so a loss isn't taxable when it should not be. So this is one step, an important step, towards meeting the subprime mortgage crisis.

My home State of Michigan has very much suffered from this phenomenon, and I'm glad that we're taking this step today.

As mentioned, also included in this legislation is a 7-year extension of the deduction for mortgage insurance premiums. This is also necessary. What it does is to level the playing field among the products of mortgages; and this will be helpful, especially helpful now, in view of the crisis with these mortgages.

Let me just say a word about the payment. There's been some comment about the pay-for, and I mean to say this charitably. I think this pay-for is better than, much better than no pay-for. And we've been having too much, in recent years, legislation that proceeded without any pay-for at all. And this is an effort to be fiscally responsible, and I think it does so in an effective and an equitable way.

I urge support for this legislation.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to my friend from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for the opportunity to speak on a bill that he has spent an extraordinary amount of time on and is most timely.

The bill before us today is really a question of bringing fairness to the Tax Code. At its heart it puts those taxpayers that have been placed in the tough situation of declining property values and perhaps even foreclosure in a better position to be able to stay in their homes.

Under current law, a homeowner must pay taxes at ordinary income rates on the fictitious income never realized by the homeowner when a lender forgives part of the debt owed on a mortgage. It is simply unfair that when lenders do the right thing and try to work to keep working families in their homes during tough times, that the taxman then comes and presents that family with a bill on money that they never saw.

The kicker, Mr. Speaker, is that were the homeowner to realize a gain on selling their home, the situation is a very different matter. In that instance, the seller of the home would be only required to pay tax, and at the capital gains rate versus the income tax rate on the amount above an exclusion. Yet, for the homeowner facing a short sale or participating in a debt forgiveness proposal in order to keep them in their home, no such help is extended through the Tax Code.

This bill provides a major step toward helping taxpayers, our constituents, facing this difficult situation. And, Mr. Speaker, it does it while maintaining tight controls to ensure that this change will not be abused by those looking to game the system.

In short, given the situation facing so many of our constituents in this uncertain housing and credit market, this is a needed change for working families and for our economy as a whole.

In States such as Pennsylvania, where delinquency rates are climbing by the quarter, this will serve to keep people in their homes. Homeownership is a major part of the equation when it comes to building savings and ownership in our society, and we shouldn't permit our Tax Code to unnecessarily stand in the way of enabling working families to participate in the ownership society.

I urge my colleagues to make this bill law as soon as possible.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished Chair of the Select Revenue Measures Committee and a champion of tax fairness, Mr. NEAL from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank Mr. BLUMENAUER for yielding the time. And I want to acknowledge Chairman RANGEL and JIM MCCRERY today for the manner in which they moved this legislation and how swiftly they addressed the issue that is looming across markets here in America and has had, in fact, an international impact.

In my home State of Massachusetts, foreclosures have risen by 66 percent over the last year. Recent studies have estimated that one in five subprime mortgages from the past 2 years will result in foreclosure. That means more than 1 million homeowners will lose their opportunity to hold on to the American Dream. But even more distressing will be the tax bill if the lender is kind enough to forgive part of this debt.

We want to do all that we can to keep them in their home and to work out some arrangement to help them keep paying, even if that means forgiving a part of the tax debt. But with the tax bill looming, many might even argue that that could be counterproductive. So that's why I'm enthusiastic about supporting the legislation that's on the floor today.

This bipartisan bill, and I emphasize, the most bipartisan bill in the last 7 years on the Ways and Means committee, this bipartisan bill would change the current tax law and provide that homeowners would not be taxed on the portion of forgiven debt if due to financial hardship or decline, and I emphasize decline, in the value of the home.

It simply makes good sense to do this. The bill has been endorsed by the Realtors Association, the homebuilders, the mortgage bankers, and most importantly, members of the American family.

This is a commonsense proposal. I hope we're all going to support it.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to Mr. SAM JOHNSON from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the current problems with mortgage and real estate markets are considerable, but they're not permanent. For the individuals and families who have gotten into trouble with inappropriate mortgages, I'm glad to see that their lenders are restructuring and writing down loans so people can move on with their lives. Taxation of phantom income is something I've fought for a long time. I have confidence in the American economy and in the fact that real estate markets will rebound. It's not a permanent problem.

However, this bill puts permanent relief in place and sets up a system where there is permanent assumption of sliding home prices. Instead of a permanent problem, I believe it's a short-term problem worthy of being given emergency budget designation. This would allow this phantom income to remain untaxed, and to make it unnecessary for permanent tax increases to be imposed on other Americans.

The tax increase the majority has chosen as an offset is a permanent luxury tax on one in 20 American families who own a second home. The Ways and Means Committee has a track record on luxury taxes, and it's not good. When the Democrats were last in the majority, they imposed a luxury tax on yachts and claimed that only the rich would pay the tax. The luxury tax on yachts really ended up being a tax on boats. It was a disaster tax on the American boat building industry and on marinas all over America. The luxury tax killed the yacht business, devastated an industry and was finally repealed with sincere regret.

I fear this luxury tax on second homes will have the same effect as the luxury tax on yachts. Yet our friends, the Realtors, the bankers and the homebuilders all support the bill before us today because of the need for relief and mortgage debt forgiveness.

It's clearly not a perfect bill. It should come back from conference with the Senate with only a temporary provision, then the luxury tax on second homes ought to no longer be necessary because it should be given the emergency budget designation it deserves.

Mr. BLUMENAUER. Mr. Speaker, I yield myself 15 seconds to clarify that there's no luxury tax on second or third homes. It preserves the tax exemption for the $500,000 capital gain on a residence, and it permits people to claim an additional benefit to the extent to which it is their primary residence in the future.

I would at this point, Mr. Speaker, recognize a distinguished member of the Ways and Means Committee, Mrs. TUBBS JONES from Ohio, whose experience helped shape this legislation, for 2 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I want to commend my colleagues, both on the Democratic and Republican side, for introducing this legislation.

I rise today in support of H.R. 3648, the Mortgage Forgiveness Debt Act of 2007.

It comes as no surprise to most Americans that when debt is forgiven by lending institutions in a foreclosure, this amount must be included as income in their tax statement. In a time of rising foreclosures, I cannot imagine anything more upsetting to a family than this scenario. The situation usually occurs when the family cannot pay their mortgage and then must give up their home. Then they must pay tax on phantom income when the lender forgives some part of the homeowner's mortgage.

More than 8 years ago, I introduced a piece of legislation called the Predatory Lending Reduction Act of 2001, I believe it was. And in that legislation, I suggested that we needed to monitor or regulate mortgage brokers.

The reason I raised the issue is because most of the subprime lending that occurs in America comes through brokers who are brokering subprime lending mortgages.

The reason I'm so concerned about the statement of my colleague before about this taxation should not be permanent, the reality is, for many families who lose their homes as a result of the situation we're in, it's permanent. It's permanent loss of assets that would pass from one generation to the next. And they can never recover from it. It's permanent loss for communities where the tax duplicate is reduced because they don't have that money upon which they can build a rating so that that community could then borrow money on a bond. It's a permanent loss for public school systems that no longer receive the tax that you allow them to be able to support that public school system. So this legislation is very, very important.

And whatever happens in the housing market, and hopefully we're going to get a hold on these subprime lenders who have devastated permanently our communities across the United States of America, we're going to get a hold on that. But in the interim, let's give the people who are in this position a break.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 3 minutes to Mr. BRADY from Texas.

Mr. BRADY of Texas. Mr. Speaker, if you lose your job and lose your home or are forced to sell at a loss, only in America do you get a bill, a tax bill from Uncle Sam for forgiven debt. Having witnessed this during the terrible Texas recession of the 1980s, it is nothing less than shooting the financially wounded. There's no question this is long past time to correct this unfairness.

I applaud the authors of this bill, Representatives LEWIS and ANDREWS, and all of those who have helped bring this to the floor today. There is serious question, however, about the way we pay for it.

Raising taxes on the sales of second homes unfairly taxes families who live in one city, but are forced to work in another, and couples who have scrimped their whole lives to enjoy a retirement home they dreamed of.

☐ 1415

It is a poor way to fund this bill.

This $2 billion tax hike unfairly punishes those who make their house payments to help those who can't or who find themselves in a bad situation. It's a false choice, completely unrelated to each other. And yet those who profited millions of dollars from the sale of predatory and risky loans walk away unscathed. What type of accountability is that?

Because this pay-for has had no real study, no in-depth analysis by Congress, I and others worry there may well be unintended consequences that damage the value of second homes and, in the long run, not today but in the long run, harm lake communities, vacation communities, and retirement communities around the Nation whose economies are dependent upon these types of homes.

There are better ways to offset the tax cost of this bill, including raising more than $1 billion simply by allowing government workers in 457 plans to have the option of a Roth-style IRA, an option available to millions of workers in the private sector.

I am hopeful that before this bill goes to the President's desk that a change is made, whether that recommendation or another. This is an important measure to help those who are losing their homes or are in a bad situation. There is surely a fairer, more thoughtful way to pay for it.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished

Ways and Means Committee member, Mr. PASCRELL from New Jersey, a former mayor who has firsthand experience about the significance of this legislation.

Mr. PASCRELL. I thank the gentleman for yielding. I want to thank Mr. RANGEL and Mr. MCCRERY for the great work they have done and the great work of ROB ANDREWS from New Jersey, the exhaustive efforts in this regard, to help people avoid foreclosure, to stay in their homes.

There is a little doubt that the current tax effect on the struggling homeowners is not fair or prudent. Requiring any discharge of indebtedness to be included in taxable income further exacerbates and endangers the financial health of those already in distress.

Think about it: A bank forgives some amount of indebtedness for a homeowner in trouble, either to avoid foreclosure or to forgive a debt to a homeowner in the foreclosure process. Right now the amount of forgiven indebtedness is treated by the IRS as income, which is then taxable. That's pretty incredible, I think.

For families across America, this dubious income and the resulting tax burden can cause an even greater level of anguish that they should not have to absorb in the time of need.

This legislation would provide a permanent exclusion of gross income of discharged homeowner indebtedness. It is the wise and decent thing to do.

And I might add there is danger ahead. Right now between January and September of this year $263 billion of debt that was opened up, people were losing their homes, and in 18 months that is going to go to $700 billion of loans in the pipeline that are going to open up to higher rates. This is what we have to look forward to. This is a serious, serious problem that's not going to go away next week.

So I thank both the chairman and the ranking member. With the abundance of acute problems in the mortgage finance system, this legislation can help stabilize families, their neighborhoods and communities, as well as our national economy.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield 2¼ minutes to the distinguished Ways and Means member from Nevada (Ms. BERKLEY), who has represented an area that is facing this problem and has been so generous in sharing with us the consequences.

Ms. BERKLEY. Mr. Speaker, I thank Mr. BLUMENAUER for his leadership on this issue.

I rise today in support of the Mortgage Forgiveness Debt Relief Act. This legislation represents an important step in helping homeowners caught in our Nation's housing crisis. The people I represent have been hardest hit by this crisis. It pains me to say that the State of Nevada currently has the highest rate of foreclosure in the Nation. In Nevada there is one foreclosure for every 163 households. That is three times the national average.

Unfortunately, many of those who lose their homes to foreclosure are hit with the added insult of a surprise tax bill. This occurs when a home has decreased in value and the amount owed is more than the current value of the home. The difference between the amount owed and the actual value of the home is considered forgiven debt and, therefore, taxed at regular income. With interest rates on hundreds of thousands of mortgages about to reset and home values in decline in many areas, this foreclosure tax is likely to be a growing problem.

This bill will help protect homeowners from this tax by providing a permanent exclusion of the discharged debt as long as the mortgage was on the primary residence.

And for those who fear that this legislation will bail out wealthy land speculators who have made bad investments, let me assure you that the relief provided in this bill is targeted towards those losing the very roofs over their heads, their family's home, and not to real estate speculators who made bad bets.

Additionally, this bill will extend the tax deduction on private mortgage insurance to provide an additional measure of tax relief to homeowners. Lowering the cost of mortgage insurance by keeping this tax deductible will help ensure that more borrowers are choosing mortgages they can actually afford. For some of my constituents this tax savings will mean the difference between being able to stay in their homes or becoming one of thousands facing foreclosure and loss of their family home.

For those on the other side of the aisle who are criticizing the pay-for in this bill, not one, not one of them has come up with a sensible and honest alternative or solution to the pay-for that is included here.

I think this is a good piece of legislation. I urge support for this legislation.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, it is my honor to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who has been acknowledged as one of the prime drivers in shaping this legislation.

Mr. ANDREWS. Mr. Speaker, I thank my good friend for yielding, and I would like to thank Chairman RANGEL and his staff especially for their great work in bringing this to the floor. Thank you very much. And to Mr. MCCRERY and to my friend Mr. LEWIS for showing that when people from two parties come together in support of a good idea, it can happen.

This is what this bill is about: A person buys a house for $150,000 and has a $140,000 mortgage. And then bad times hit the neighborhood and the person can only sell the house for $130,000, but they still owe $140,000 on the mortgage. So they go to closing and they sell the house, but even after all the proceeds of the sale are paid, they still owe money on the mortgage. Now, someone is only going to do this because they have lost their job or had a health crisis or some other family crisis. By definition, this is an American family in some trouble.

If their lender says that they are going to write off that $10,000 that still is owed on the mortgage, if the lender says we are not going to bother to chase this person, usually because there is nothing to recover from, under present law the IRS would treat that family as having $10,000 worth of income. Now, they have no money in their checking account to pay it. They have no means to go earn the money. They owe a tax on money they never saw.

This is unfair, and it exacerbates the problem we see in the mortgage market right now. So Republicans and Democrats came together. We are thankful for the leadership of Chairman RANGEL, and we have before us now a bill that will address in a fair and targeted way this problem.

I would also add I do appreciate the pay-for. I think we should pay for what we do here. And what this bill does is close a loophole. It basically says that everybody can get the $500,000 exclusion for the house they actually live in, but you can't take that for a property you don't live in. That seems pretty fair to me.

So, again, I thank people on both sides of the aisle for their support. I would urge a "yes" vote.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself 15 seconds.

I want to thank Mr. ANDREWS for this bill, and I certainly have appreciated working with him on this.

And this is a good time. This is good for the American people to see that we can come together when a problem, a serious problem, is affecting them and we can come up with a solution. Instead of pointing fingers and talking about a problem, we have actually come up with a solution. So thank you for your work.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act. I commend the sponsors. I believe that this is a necessary and compassionate step in helping families recover from problems caused by the continuing mortgage crisis.

Let's face it. Unscrupulous lending practices have taken their toll as hardworking families struggle to keep pace with ballooning mortgage payments.

Under current law any debt forgiven by a lender is treated as phantom income and subject to taxation. At a time when so many families are already in crisis, it is fundamentally unfair to penalize them by taxing money they may recover through refinancing their mortgage or foreclosure of their homes.

The Mortgage Forgiveness Debt Relief Act will change the Tax Code to prevent forgiven mortgage debts from being assessed as gross income. This critical measure will help address the persistent problems in the housing market that have resulted from unfair lending practices. And I urge my colleagues to join me in supporting it.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. I thank the gentleman from Oregon.

Home foreclosures are, unfortunately, something that Ohioans face far too frequently. Ohio ranks near the top in the Nation in foreclosures. In this year alone, approximately 61,000 families will have their homes foreclosed upon. These are families who have fallen victim to unscrupulous subprime lending brokers, who have fallen victim to failing health, and who have fallen victim to a changing economy, one where we have seen our manufacturing base eroded, our cost of the living through gas and utilities increasing, and stagnant wages. The phantom tax on forgiven debt adds injury to insult, especially to working families who have undergone the trauma of a foreclosure.

I am very grateful for Chairman RANGEL's leadership on this issue and thankful that our leadership as the Democratic Party has taken up this cause as well. And, furthermore, I am gratified at the bipartisan support that this body has demonstrated in its commitment to tax relief for middle-class and working families.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, I am proud, with my colleagues on both the Republican and Democratic sides, to support H.R. 3648, the Mortgage Forgiveness Debt Relief Act. This provides much-needed tax relief to American families facing foreclosure. As mortgage rates reset to levels that families are unable to afford, this crisis continues to grow.

In my home State of Indiana, one in every 219 Hoosier families now face foreclosure. We rank well above the national rate, with 3 percent of our loans in foreclosure. Subprime loans which have affected many of our Nation's families account for nearly half of our State's foreclosures.

This legislation permanently exempts individuals from being taxed on forgiven debt in the event of foreclosure. By passing this legislation, we are taking an important step in preventing homeowners already faced with the devastation of losing their home from also incurring an additional tax burden that they are unable to repay. We should not be imposing additional hardships on families by imposing an unfair tax bill on them at the worst possible moment.

Mr. Speaker, I appreciate the bipartisan nature of this legislation.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

□ 1430

Ms. GIFFORDS. Mr. Speaker, I rise today in support of the Mortgage Forgiveness Debt Relief Act, an important piece of legislation.

A few years ago, Arizona had been a national leader in home prices. With the growing subprime mortgage crisis, Arizona is now experiencing increasing record foreclosures. In May, new foreclosures in my State were 141 percent higher than they were just 2 years ago.

Some mortgage lenders are working responsibly with homeowners to adjust their mortgages to fairly reflect the decreased home values. They are adjusting their lending policies in response to the current housing market. Congress has to do the same. We should not penalize homeowners by taxing them their discharge debt.

This bill encourages market-based decision; it creates fundamental tax fairness. This bill responsibly helps Arizona families avoid foreclosures and to remain in their homes. Fewer foreclosures will help stabilize property values and protect our local and our regional economies.

I proudly cosponsored this bipartisan legislation that is endorsed by the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association.

Mr. BLUMENAUER. Mr. Speaker, I would recognize the gentleman from California (Mr. MCNERNEY) for 1 minute.

Mr. MCNERNEY. Mr. Speaker, in my district, the city of Stockton, California and surrounding San Joaquin County are the very epicenter of the growing national home mortgage crisis. San Joaquin County has the second highest level of foreclosures in the country. Nearly one out of 50 homes is being repossessed. Stockton has the highest foreclosure rate of any United States city, and this is tearing our communities apart. To add insult to injury, former homeowners who lost money when their houses were sold, have to pay taxes on their losses. And those able to negotiate for a reduction in the amount they owe are forced to pay taxes on this amount.

This doesn't make sense. Thankfully, the legislation we're voting on today will eliminate this phantom tax and provide some breathing room for people in financial crisis.

I strongly support this bill.

Mr. LEWIS of Kentucky. Mr. Speaker, I just want to say that this isn't a perfect bill, I don't guess there has ever been a perfect bill on this floor, but it's a good bill and it does provide a solution to a real problem for Americans. I am very happy that we have a good bipartisan bill that I encourage all of my colleagues to vote for and help out in this very tough time for a lot of homeowners in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend my colleague for the work that he has done on this measure, Mr. MCCRERY, and our leadership because at core there is bipartisan understanding and support for the elimination of what has been referred to as a phantom and unfair tax on the poor souls who lose their homes and who receive no net increase to them.

Where we have modest disagreement is in two specific areas: one, the bill that is before us recognizes that there is never a good time to tax American homeowners on this phantom benefit of having their loan forgiven on a foreclosed property. There no circumstances under which we could conceive that we wanted to penalize them for something that they didn't receive, so we made it permanent. Unlike the minority, unlike the Bush administration, we don't think there is ever a good reason to tax them on something that they don't receive.

Second, we're paying for the cost that is associated with it because, sadly, even a tax provision that makes no sense carries value, and under our rules, we need to pay for it. And what we did was not to implement any additional tax, but to clarify the benefit that is given to owners of principal residences that they have a $500,000 tax-free gain if they occupy that as their principal residence for 2 out of 5 years. That's something that we broadly agree upon.

Now, we've always agreed that that ought to occur to the homeowner. Now we're hearing that somehow our friends on the other side of the aisle think that an additional tax benefit, so that people could string this together over the course of 6 years and get $500,000 three times as a tax benefit, is somehow, some way a tax increase. It is not. The purpose of that tax provision was never to reward people who could game the system and string together tax increases two or three times over a relatively short period of time.

So we have clarified it: As long as it is their principal home, their principal residence, they can claim the exclusion. And to the extent that a second home, after they've gotten $500,000 tax free, the extent to which they occupy a second home for an additional period of time, they can claim the proportion that it is actually their principal residence. I would dare say that was the intent for the majority people of why that provision was implemented in the first place. It's reasonable, it's sound, and I would strongly suggest that that's why people in this industry, Realtors, mortgage bankers, homebuilders, support the bill that we brought forward.

I suggest that this bill is something that all of us ought to support. I strongly urge its passage.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007.

Among large metro areas my district in the Inland Empire has the fourth highest rate of foreclosure filings in the Nation and was the hardest hit area in California through the first half of 2007.

In San Bernardino County alone there were 19,185 foreclosure filings during the first half of 2007, representing a staggering 345 percent increase from the previous year. Overall, there is one foreclosure filing for every 33 households in the Inland Empire.

These numbers go to show that the subprime crisis we are experiencing today is not an abstract issue. These are real people who are going through painful struggles to stay in their home and keep their families together.

Regrettably, when banks and loan servicers decide to help these families by forgiving a part of a loan, that debt is then treated as a source of income which in turn makes the forgiven amount subject to tax.

Families who are already facing foreclosure should not have to face the additional burden of paying tax on phantom income.

This bill restores fairness for homeowners who are financially and economically distressed by eliminating that requirement. It will play a central role in helping American families avoid foreclosure and stay in their homes and I urge my colleagues to support it.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act of 2007 (H.R. 3648). This measure is a necessary and compassionate step in helping individuals and families recover from the problems caused by the continuing mortgage crisis.

Unscrupulous lending practices have taken their toll on hard-working families, who are increasingly unable to keep pace with their ballooning mortgage payments. We have all seen how the skyrocketing interest rates associated with nontraditional mortgages, such as adjustable-rate mortgages, have devastated families nationwide. These families are often left with few options. They may either try to renegotiate the terms of their mortgage for fixed interest rates, or be forced to foreclose on their homes. Both options can be emotionally difficult and are further complicated by the hefty taxes that may result.

Under current law, when a lender forgives all or part of a loan, it is required to report the amount of debt forgiven to the IRS and to the homeowner. That amount is subsequently treated as "phantom income" and is subject to taxation by the IRS. At a time when families are already in financial dire straits, it is fundamentally unfair to penalize them by taxing the money they recover through either refinancing their mortgage or foreclosure of their homes.

I am proud to support the Mortgage Forgiveness Debt Relief Act, which will change the Tax Code to prevent forgiven mortgage debts from being assessed as gross income. This improvement will limit the financial penalties families incur when refinancing their homes at fixed rates and could even keep some families on the brink of foreclosure from losing their homes. I am also pleased that, under this legislation, people would not be unfairly taxed when a lender voluntarily agrees to waive prepayment penalty fees.

The Mortgage Forgiveness Debt Relief Act is a critical measure that will help address the persistent problems in the housing market resulting from unfair lending practices. This legislation is another important step toward fixing the mortgage crisis nationwide, and will help stabilize families throughout the Nation and our economy as a whole.

Ms. LORETTA SANCHEZ. Mr. Speaker, the situation in the housing market is well documented.

Unscrupulous practices by mortgage brokers in search of fees and the unrealistic belief that housing prices would continue their meteoric rise is resulting in the most perilous situation for the housing sector, and the economy as a whole since the Great Depression.

The most urgent action for this Congress is to encourage actions that enable families to stay in their homes.

Today we will consider H.R. 3648, the Mortgage Forgiveness Debt Relief Act. This bill takes the crucial step to restore fundamental fairness for homeowners in financial distress by revising language in the tax code that includes discharged home mortgage debt as taxable income.

Homeownership, especially among minorities, is at an all time high. It has contributed greatly to our economy and our social fabric. Foreclosed, empty homes only impose costs that everyone must bear.

Now is the time to make sensible reforms to protect families and consumers who are on the verge of losing their home.

I commend the Committee on Ways and Means and the House Leadership for bringing this important bill to the floor.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this important legislation and rise to support its passage

As we all know, the real estate market is troubled. In Colorado and across the country, some families are caught in a bind—as prices have declined, they are finding that the value of their homes are less than what they owe on their mortgages.

And many of these people are experiencing financial problems—including increased payments required as the interest rates on their mortgages are adjusted—that can lead to foreclosure or require them to work out other arrangements with lenders.

That is bad enough—but as things stand now, in many cases they find that there is more bad news, because today homeowners are taxed on debt that they are no longer required to pay, either because a mortgage has been foreclosed or restructured.

That is because the tax code today treats the value of cancelled mortgage debt as taxable Income.

This bill will provide relief to people in this situation. It will change the tax laws so as to permanently exclude debt forgiven under these circumstances from tax liability.

It also will help make home purchases more affordable by a long-term extension of the tax deduction for private mortgage insurance. Current law allows certain premiums paid or accrued for qualified mortgage insurance by a taxpayer in connection with financing of the taxpayer's residence to be treated as interest—that is, to be deductible. However, this is now scheduled to terminate for any amount paid or accrued after December 31, 2014.

This bill will extend the deduction through December 31,2014.

Mr. Speaker, this is a good measure. I strongly support it and urge its approval.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act.

This bill will end the double-whammy of paying taxes on the lost value of their homes by providing a permanent exclusion from gross income of discharged home mortgage debt.

We are passing this legislation at a time when anxiety over the state of the economy remains high and concerns mount that the subprime mortgage meltdown will infect the rest of the economy.

Last month, RealtyTrac released the latest bad news that foreclosures reported in August increased 36 percent since July and 115 percent since this time last year.

Expectations are that the next 18 months will be even worse, as many subprime loans reset to higher rates. We have real concerns that this subprime crisis will cause 2.2 million people to lose their homes.

The credit crunch, the worsening housing slump, market volatility, and weak consumer confidence point to a gathering storm that could drag down the economy, possibly taking thousands of American jobs with it.

In the face of this gathering storm, Democrats in Congress are working to help families stay in their home and are working to prevent another crisis. The House has passed FHA and GSE reform bills. We are working on a predatory lending bill.

We are working with regulators to advocate forbearance and with servicers to engage in workouts for strapped borrowers.

We recognize this crisis in homeownership and we are doing everything we can to respond in a forceful and responsible way.

Again, I support this legislation.

Mr. BLUMENAUER. Mr. Speaker, it is estimated that, before this housing slump is over, 2 million homeowners will lose their homes due to skyrocketing interest rates on their mortgages.

Increased foreclosures have adverse effects on the values of neighboring properties. For example, research indicates that, for each foreclosed home in a given neighborhood, the prices of nearby homes could fall by 1 percent to 1.5 percent.

Nationally, housing prices have stopped rising. In fact, some measures of home prices have already declined, by more than 3 percent since the beginning of 2007. Some economists predict that real housing prices are likely to decline by more than 15 percent over the next 2 years.

We want to prevent thousands of Americans from getting hit by the double whammy of (1) losing their homes to foreclosure, and (2) getting slapped with a tax bill when the debt on their home is discharged by the lender.

Even taxpayers that restructure their mortgages to avert foreclosure face this risk of triggering large tax bills.

It doesn't seem right for individuals in this circumstance to face a tax bill when they really have no increase in their net worth.

As I see it, their house went down in value, and the individuals couldn't meet their mortgage requirements, resulting in foreclosure. The amount of the income that they would recognize without regard to this bill would be equal to or less than the decline in value of their home. So, absent this legislation, homeowners in this situation would be slapped with a tax liability for no net increase in wealth.

H.R. 3648 would correct that result so that if a person's principal residence lost value, that loss won't give rise to a tax liability.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act. I am proud to be a cosponsor of similar legislation that also gives a much-deserved break to homeowners and their families facing enormous tax liability made more painful by the housing crisis.

Nearly 3,000 homeowners in Suffolk County, New York in my district are facing foreclosure. One out of every 180 families in my district will join 2.2 million families nationwide whose subprime loans have already failed or will end in foreclosure.

Adding insult to injury, most of them have to pay a tax when a lender forgives some part of their mortgage. The IRS treats that forgiven debt as income, and can even add interest and penalties.

To be relieved of debt at one moment, but then to be charged shortly thereafter with a huge tax bill is a tremendous shock and burden. We can all agree that middle class families who lose their homes should be spared any further penalty by the IRS.

Mr. Speaker, losing your home is bad enough. The last thing any family in today's housing market needs is for the IRS to make their struggle more of an uphill climb. I urge my colleagues to support H.R. 3648 and commend the leadership for expediting its consideration by the House today.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007 because I believe that it is the least that the Congress can do to aid beleaguered homeowners, who in addition to facing foreclosure, are also facing taxation on phantom income.

It was not a long time ago that the housing market was being touted as the savior of the economy and that homeownership was looked to as a reliable, stabilizing force in communities across the country. Now that the pendulum has swung in the other direction, and the housing market is wobbling under the weight of the subprime crisis, it is incumbent upon the Congress to assist beleaguered homeowners.

H.R. 3648 would amend current law which would now tax a homeowner who received relief from financial institutions on their mortgages in order to save their homes. H.R. 3648 would provide a permanent exclusion for any discharge of indebtedness which is secured by a principal residence through acquisition, construction or substantial improvement of the principal residence.

Mr. Speaker, this bill also extends the deduction for private mortgage insurance for 7 years through 2014 and would relax the rules, making it easier for housing groups to qualify as a cooperative housing corporation. It would also modify the exclusion of gain on sale of a principal residence, all items that would make it easier for homeowners to survive the murky waters of the current housing market. As the housing crisis continues to run its course, I believe that this legislation is a step in the right direction. I believe that more has to be done in order to keep homeowners in their homes and help stabilize the part of our economy that has been the surest route to wealth in our country. I urge all of my colleagues to vote for its passage.

Mr. POMEROY. Mr. Speaker, 75 million American households own their home. About 68 percent of these homeowners have a mortgage, and about 26 percent of those also carry a second mortgage, a home equity line, or both. In total, Americans have about $10.4 trillion of mortgage debt outstanding.

The large majority of families are paying their mortgage payments on time, but many families are having a difficult time meeting their monthly mortgage payments as the interest rates on their loans are being reset to higher levels. Missed payments can mean high added fees also apply.

In this last year, more families have found that they just can not keep up and end up loosing their home in foreclosure. Both foreclosures and their precursor, delinquencies, shot upward. By August 2007, foreclosures were up 115 percent from last year, and up 36 percent from July. Since economic research shows that a single foreclosure within a city block lowers the value of homes in the area by 0.9 percent, many lenders want to help families stay in their homes. These families work out a new loan with their lender revising the home loans by forgiving some of the debt caused by the decline in housing prices.

The last thing these families need is a tax bill for the "phantom income" arising from the loss in the value of their home or the amount of debt forgiveness. Today, Congress rips up that tax bill for struggling families as we pass the Mortgage Forgiveness Debt Relief Act of 2007. This bill provides relief to those families by permanently excluding debt forgiven under these circumstances from tax liability.

Housing is an important job creator in our economy. We still need to keep home ownership a reachable part of the American Dream. With recent reports in the Wall Street Journal showing that demand for previously owned homes tumbled in August to the lowest level in 5 years, we know that the trouble in the mortgage market hurts sales. Home resales fell to a 5.5 million annual rate, a 4.3 percent decline from July, according to the National Association of Realtors. Help for new home buyers is in H.R. 3648.

Solid Midwest values helped keep folks in my state North Dakota out of the subprime mortgage fallout, by and large. Yet, we all know that it is hard for young families to scrape together the money to make a significant down payment on their first home. Many of them are not able to purchase their home with a 20 percent down payment. Mortgage insurance protects these buyers that the market needs, while insuring against the loss in home value in the event of default.

H.R. 3648 would help our kids and other would-be homeowners secure their first homes through a long-term extension of the tax deduction for private mortgage insurance. Mortgage insurance keeps new homeowners from taking out second and riskier loans to buy their first home. Extending this tax deduction until 2015 treats mortgage insurance as a cost of homeowners hip in the same way as mortgage interest.

The bottom line is that foreclosures do not help the taxpayers. It does not help the economy and it does not help our communities. H.R. 3648 is another step that this Congress is taking to restore strength to the Nation's floundering housing market. Providing help to keep families in their homes and to improve the ability of young families to buy their first home from those houses on the market would help ease the crisis we face.

Mr. KAGEN. Mr. Speaker, my constituents in Northeast Wisconsin and countless others across this Nation are hurting because of the current mortgage crisis.

The fact is many homeowners are increasingly unable to make monthly payments or sell their homes in the middle of a national housing slump.

The number of national foreclosure filings reported last month more than doubled from a year ago.

For these reasons, I rise in support of H.R. 3648.

We need to provide tax relief to homeowners who face foreclosures on their homes.

Mr. MEEK of Florida. Mr. Speaker, I am pleased to be a co-sponsor to this bill that will provide relief to those people in my district, the entire State of Florida, and the country as a whole who are losing their homes.

Foreclosures in south Florida are escalating way too quickly. They have tripled in Miami-Dade County and more than doubled in Broward County from this time last year. In fact, Florida as a whole is second only to Nevada in new foreclosures from January through March of this year.

Why this fast increase in foreclosures? Mostly because lenders gave high-priced loans to borrowers during the housing boom, particularly borrowers in low-income, largely minority neighborhoods. Starting in 2000, because property values were rising quickly, financial institutions made risky loans that put them and the borrowers in jeopardy. About $1.3 trillion in subprime loans was lent to these borrowers. Specifically to south Florida, in Miami-Dade, about 23 percent of these loans are subprime—in Broward about 18 percent are subprime—in Miami Gardens about 66 percent are subprime.

Florida homeowners are now bearing about one tenth of that 1.3 trillion dollar debt. This is more than any other state except California. Now the value of these homes is declining but these homeowners have this huge outstanding mortgage debt. It's bad enough that these homeowners are losing their homes, but under current law they would also have to include their discharged mortgage debt in their income and pay tax on it.

This bill will give some relief to those homeowners by eliminating that tax. Equally important, the bill will help those homeowners who are doing their best to avoid foreclosures—those that are having a portion of their mortgage discharged as part of a restructuring of their debt.

It is time for those homeowners in Florida and elsewhere to get this badly needed tax relief.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, a much-needed bill that will provide relief to homeowners facing foreclosure on their homes. I appreciate the leadership of the Ways and Means Committee Chairman, CHARLIE RANGEL. I also applaud the Members from both sides of the aisle who are supporting this critical piece of legislation for homeowners. I cannot think of a more bipartisan issue than basic shelter.

It comes as a surprise to most Americans that when debt is forgiven by a lending institution in a foreclosure, that this amount must be included as income on their tax statement. In a time of rising foreclosures I cannot imagine anything more upsetting to a family than this scenario. The situation usually occurs when the family cannot pay their mortgage and then must give up their home. Then they must pay tax on phantom income when the lender forgives some part of the homeowner's mortgage.

In my home State of Ohio, the foreclosure epidemic went from bad to worse last year as the number of new cases grew by nearly 24 percent from 2005. Cuyahoga County led the state in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18 percent which is higher than the national average of 17 percent.

I must also point out that predatory lenders often target low-income and minority communities. Subprime loans are three times more likely in low-income neighborhoods than in high-income neighborhoods and five times more likely in minority neighborhoods than in white neighborhoods. This is an outrage.

Nothing is more symbolic of the American Dream than the ownership of our homes. Almost all of us dream of the day when we can have a place of our own. For most Americans, home ownership is the single biggest investment they will ever make. That is why the loss of one's home is also one of the most humiliating and debilitating experiences that anyone can go through. It is, at its core, an issue of humanity.

That is why I am pleased to rise in support of this piece of legislation that will allow taxpayers to exclude from their income debt that was forgiven by a financial institution or lender. We cannot sit by as a Congress and add insult to injury to our most vulnerable taxpayers.

Many of the homeowners in my district in Cleveland—which has some of the highest foreclosure rates in the Nation—need relief, not rhetoric. This is the same relief all Americans see and to which we must provide access. This bill provides some relief, but need I remind my colleagues that much more must be done on this front, and I look forward to working on other legislative initiatives that 5 will help to address the plight of the American homeowner.

Mr. BLUMENAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEINER). All time for debate has expired.

Pursuant to House Resolution 703, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANTOR. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cantor of Virginia moves to recommit the bill H.R. 3648 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

Strike sections 5 and 6.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Speaker, this motion to recommit is very simple. It strikes the tax hike from the bill. A vote for this motion to recommit gives us all an opportunity to vote for the underlying bill whose purpose is to provide relief to homeowners impacted by the subprime crisis without raising taxes on America's families. I, for one, don't believe we should raise taxes on one family to cut taxes for another.

Contrary to the remarks made by my friend from Oregon who alleges that some are gaming the system, which could or could not be true, there is an instance, and plenty of which occur, that will impact real families. If we don't pass this motion to recommit, there will be a real cost to real people and real families who are relying on the equity built up in their greatest asset, their home.

Take, for example, a family that moves to a new area in search of a job. If that family currently lives in an area with a depressed housing market and the family intends to return in the future, they may make the reasonable decision to rent their home instead of selling it. They would do so in hopes of recovering some of the home's value in the next few years.

Under existing law, if they later move back to their home and, having lived at least 2 years in the home for the last 5, any gains realized from the eventual sale of the home would be excluded from the tax up to $500,000. The underlying bill, however, will change that. Families that move back into their old house after several years and then intend to sell it could be facing tens of thousands of dollars in additional tax bills when they later sell that home. This is nothing more than a tax increase on those American families, an additional burden on families that are trying to put their children through school, provide health care and live the American Dream.

This provision adds another level of complexity to an already complicated Tax Code. Bottom line, Mr. Speaker, the net effect is to take away from some American families a tax benefit that they are currently enjoying.

We, in this House, should be making it easier for the American people to comply with the Tax Code, and we should strive to make it easier for them to provide for their families.

Now, Mr. Speaker, the opponents of this motion will argue that because the motion directs the committee to report back promptly that somehow this kills the bill; that simply is not true. Instead, it directs the committee to reconsider the bill.

Now, Mr. Speaker, the Senate is in recess next week and the House schedule is extremely light. If this motion passes, we will have plenty of time next week to improve the bill. And I, for one, pledge to work with the chairman, as I'm sure our leadership will and our ranking member, so that we can have a good bill waiting for the Senate when they return from their week-long recess.

So, Mr. Speaker, the underlying bill has a tax increase in it. I urge support of this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. First of all, as the gentleman mentions, using the term "promptly" means that it is kicked back to the committee to an uncertain future.

This has been before the committee for some time. There is broad bipartisan support that we need to solve this problem. And I have listened to my friends, they haven't come forward with any reasonable suggestion about an alternative pay-for. They had an opportunity in the Rules Committee;

they had an opportunity before the committee. If we follow their course, we're going to be in limbo, I don't know how long, but unnecessarily.

The minority has been interested in the past in making it temporary. That was the Bush administration's position; that's what Republicans argued before the Rules Committee. We don't want to put it back to an uncertain future.

The 1 proposal that has come forward today for a pay-for was itself a long-term revenue loser. Using a Roth-style approach to government employee accounts, I think they're 457s, is a long-term revenue drain which uses an accounting gimmick in the short term to have people pay a little tax so they save a whole lot of tax in the future. That will add to the deficit over time.

Now, contrary to what my distinguished friend from Virginia says, it does not disadvantage people. The exclusion for residential property for a prime residence was just that, it was to give people a $500,000 exclusion from capital gain on the sale of the property. It doesn't foreclose other people from stringing it forward to get more than $500,000. It just means the extent to which it's not your primary residence, you don't get a percentage increase above that. If it's your primary residence for one-third of that time, you get one-third of the benefit, in addition to $500,000 that you get with your first bite of the apple. It means you don't get 2 it means you don't get three in 6 years; you get 1 full bite, and then you get a percentage on top of that. It's reasonable; it's fiscally responsible.

I strongly urge the rejection of this proposal that puts this legislation in limbo. There is broad bipartisan support for the concept. The permanent support of a permanent nature of it is sound, the pay-for is reasonable. I urge rejection of the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CANTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 201, nays 212, answered "present" 1, not voting 18, as follows:

[Roll No. 947]

YEAS—201

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED "PRESENT"—1

Capuano

NOT VOTING—18

Barrett (SC)
Carson
Costello
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Johnson, E. B.
Lee
McNulty
Perlmutter
Pickering
Pryce (OH)
Schakowsky
Sullivan
Visclosky
Weller

☐ 1508

Ms. HERSETH SANDLIN and Ms. McCOLLUM of Minnesota and Messrs. EDWARDS, SPRATT, JOHNSON of Georgia, NEAL of Massachusetts, RUSH and BUTTERFIELD changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELLER. Mr. Speaker, on rollcall Nos. 946 and 947 on the motion to recommit H.R. 3648 and final passage of H.R. 3648, I was unable to vote due to a prior family commitment. Had I been present, I would have voted "yea" for both votes.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ETHERIDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 386, noes 27, not voting 19, as follows:

[Roll No. 948]

AYES—386

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—27

Akin
Bachmann
Blunt
Boehner
Brady (TX)
Broun (GA)
Camp (MI)
Culberson
Deal (GA)
Duncan
Foxx
Franks (AZ)
Gingrey
Herger
Issa
Kingston
Linder
Mack
Marchant
Paul
Price (GA)
Sali
Sessions
Souder
Stearns
Tancredo
Westmoreland

NOT VOTING—19

Barrett (SC)
Carson
Costello
Cubin
Davis, Jo Ann
Delahunt
Dingell
Doggett
Jindal
Johnson, E. B.
Lee
McNulty
Pence
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1516

Mr. FERGUSON and Mr. INGLIS of South Carolina changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, on rollcall No. 948, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, due to a family emergency I missed the following votes on Thursday, October 4, 2007. I would have voted as follows:

Motion to recommit on H.R. 2740—"yea."

Final Passage of H.R. 2740, MEJA Expansion and Enforcement Act of 2007—"aye."

Democratic Motion on Ordering the Previous Question on the Rule for H.R. 3246—Regional Economic and Infrastructure Development Act of 2007 (H. Res. 704)—"yea."

Rule to provide for consideration of H.R. 3246—Regional Economic and Infrastructure Development Act of 2007 (H. Res. 704)—"yea."

Democratic Motion on Ordering the Previous Question on the Rule for H.R. 3648—Mortgage Forgiveness Debt Relief Act of 2007 (H. Res. 703)—"yea."

Motion to Recommit H.R. 3246—"nay."

Final Passage of H.R. 3246—Regional Economic and Infrastructure Development Act of 2007—"yea."

Motion to Recommit H.R. 3648—"nay."

Final Passage of H.R. 3648—Mortgage Forgiveness Debt Relief Act of 2007—"yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for the purpose of inquiring about the schedule for next week.

Mr. HOYER. I thank my friend for yielding.

It is Thursday, 3:15 p.m., and we have finished our business. A lot of people have talked to me about that, and I just thought I would note it.

On Monday next, the House will not be in session in observance of the Columbus Day holiday. On Tuesday, the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. next Tuesday. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider H.R. 2895, the National Affordable Housing Trust Fund Act; H.R. 2095, the Federal Railroad Safety Improvement Act; and H.R. 3056, Tax Collection Responsibility Act.

On Friday, there will be no votes in the House.

That is a change in the schedule so everybody will want to note that. That means we expect to have no votes on any Friday for the balance of the month.

Mr. BLUNT. I am sure that will be well received. While we are on that topic, I wonder if my good friend has any sense of the anticipated November schedule, if we are working in November.

Mr. HOYER. If the gentleman will continue to yield, I thank my friend for asking that question.

The expectation for November is that we will be in until November 16. I don't mean straight through, but we will come in usually Monday nights and we will see about the Fridays because we don't know what the Senate is doing. Obviously we need to do the appropriations process and fund government. The CR runs through the 16th of November.

I want to tell all Members and the distinguished whip, my friend, that the Speaker and I would both like to conclude the business of the first session of this Congress by November 16. I don't want to represent that I think that is probable at this point in time, but that would be our desire and that is what over the next 5 weeks we are going to try to work towards.

We will not be in session either of the last 2 weeks of November, which would mean that Thanksgiving week, which is the week following the 16th, the week of the 19th, and the week following that, we would not be in session. Obviously, it would be my hope we would have concluded our business and would not, therefore, need to come back in December. I don't want to make that representation, however. The gentleman is well familiar with the fact it is too far out and the appropriations process is still not as sure as I would like it to be at this point in time. But the last 2 weeks of November we will not be here.

Mr. BLUNT. I thank the gentleman for that information. That is incredibly helpful, as is the notice on the Fridays this month. With that kind of notice, our Members have the kind of time they need and, I know, appreciate on both sides of the aisle to take advantage of that time. Like you, I hope we can find a way to be done by November 16, but I am very appreciative of knowing the schedule for the next 2 weeks in November if we aren't done.

In the process of getting done, I asked last week when you couldn't be on the floor, and I will just ask again, is there any anticipation with four Senate appropriation bills completed, and in fact the Senate having named conferees on those 4 bills, is there any anticipation we can go to conference on 1 or all of those bills in the near future?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Mr. OBEY and the leadership have met. It is our hope we will be able to go to conference on a number of these bills, and there has even been some discussion on some of the bills that have not yet passed. We passed all 12 of our bills, of course. It is our desire to go to conference on these. I can't say when exactly that will be, but I can tell you that I am in the process of discussing this with the chairman of the committee to see how quickly we can get that accomplished.

Mr. BLUNT. That would be helpful, and I appreciate the information on that.

On the Military Quality of Life bill, I think we have had that the second longest, the Homeland bill, and then the Military Quality of Life has been here about a month, and that bill has contained substantial increases for veterans and for military personnel and their families for a long time. This year I think those increases amount to $18.5 million a day, and I just advance the thought that the sooner we can get that bill finalized, a bill that all Republicans in the House voted for, a bill that all Democrats in the House voted for, they can begin to benefit from those new changes and new benefits. All four of the bills are important, but that bill, I think, particularly is a bill that has an easy path to a moment when veterans and people currently in the military would benefit from the changes in that bill. So whether it is Homeland or Military Quality of Life or the other two bills sent over, I would be eager to see us move forward on those, but particularly on the Military Quality of Life bill.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

We obviously want to have all 12 of the appropriation bills signed. They all passed with an average of 285 votes in this House. There has not been less than 81 votes for any one of the Senate-passed appropriation bills to date. These bills have enjoyed broad bipartisan support.

Very frankly, the MILCON Quality of Life bill is $4 billion over what the President requested. We believe, and obviously the vote reflected, that it is at an appropriate level to ensure that our veterans and our active-duty military have the medical care that was promised to them. So we were pleased that that passed overwhelmingly, notwithstanding the fact that is over what the President has asked for, and he indicated he was going to veto bills if it was over what he asked for. What he really meant, apparently, was if they were over what he wanted.

These bills passed very substantially in both Houses. We would hope the President would come to the table. Mr. OBEY and Mr. Nussle have had some discussions. I will tell you, those discussions have not indicated any movement at this point in time. They hope that will not be the case.

We want to see the MILCON bill signed. Frankly, we want to see the Labor-Health bill signed, which provides for a billion dollars more in basic biomedical health research on cancer, heart, lung, blood, diabetes and other diseases that inflict our citizens, and Pell Grant increases.

I appreciate the gentleman's observation regarding the MILCON bill, and I share his view. But I hope he also shares our view. Not all of the bills have passed with as big a margin, but an average of 285, indicating pretty good bipartisan support on all of these bills. And the case has been in the Senate, the ones that they have passed, that the President would discuss with us how we can get this process completed at levels that we can agree on and not be told to do.

Mr. BLUNT. I appreciate that. And I also appreciate the sentiment that the process works better if we agree on a process rather than being told about a process.

On MILCON for several years now, whether it was health care to retirees, starting a formula that ended the post-Civil War concurrent receipt problem, we have come together and passed good legislation, as I think we did this year, and this is a bill that had virtual unanimity. I am not sure that anybody voted against this bill. I would hope to get it done. I would hope to get all of our work done, and get it done in a way that we talk to each other, that gets a product on the President's desk that he can sign that we are all able to work together on and get done.

I would also like to see that happen on the Child Health Insurance Program bill. We believe that there is room for us in that discussion, and hope to be able to get there. I would tell my good friend as the whip on this side, I believe whether it would have been yesterday or Monday or 2 weeks from yesterday, we will sustain that veto, but we want to do that in a way that either now or later gets us in that discussion so that we continue this important program so that it works best for kids who don't have access to health care.

Mr. HOYER. I appreciate the observation and I appreciate the gentleman's assertion that the veto will be sustained in this House. In the other body, as you know, they have more than sufficient votes to override the veto. There are senior leaders in the Senate, very senior leaders in the Senate in the gentleman's party who believe that the President has based his veto on incorrect information and incorrect premises. Senator HATCH and Senator GRASSLEY, both of whom are conservative Republicans, leaders in your party, who believe this bill does, in fact, accomplish what the President said that he wanted to do, at your convention in 2004, that he wanted to add millions of children.

We are hopeful that we can convince some of your ranks not to vote as Republicans or Democrats but to vote in a way that does reflect, I think, what all of our priorities are on the health care of our children. So we understand what your representation is and your confidence level is, but in this case, we hope you are in error.

Mr. BLUNT. I appreciate the sentiment. If I am not in error, I hope we don't just waste the 2 weeks, and instead begin the discussions that we need to get to a bill that puts the health care of kids who don't have access to insurance first.

On one more appropriations topic, two comments made this week by Chairman OBEY, and I was interested in more information from the gentleman. One was that we won't do any supplemental funding for our troops in Afghanistan and Iraq this year, and I believe he may have said "and potentially not next year," and then the other was the question raised by him of having an income tax surcharge placed on people who pay the income tax to the tune of about $150 billion.

I believe you and others have said that surcharge will not be coming to the floor, and I wonder if you can verify that. And also any information you have about the likelihood of how we sustain our troops in the field between now and the end of the year.

I yield to my friend.

□ 1530

Mr. HOYER. I thank the gentleman for yielding.

With respect to your latter question, sustaining our troops in the field, under the continuing resolution, we think that the authority to do that exists, and we've been advised that.

With respect to if we pass the Defense appropriations bill, it's our advice as we understand it from the Pentagon that they will have sufficient funds through the beginning of next year to fund their needs. Mr. OBEY, I'm sure, will be discussing with us and others on the status of the supplemental.

I note that he's left now, but the chairman of the Appropriations Committee was on the floor. He has indicated he thinks that they will have sufficient funds if the Defense appropriations bill passes and is signed by the President. That passed, as you know, in an overwhelming vote here as well. We hope to see that bill get to the President. I don't know exactly what's going to happen to it in the Senate, we'll have to see that, but I hope that will pass.

With respect to the first question, there's no intention of bringing a surcharge to this floor. What Mr. OBEY was saying is that this war was projected to cost $60 billion by the White House when it started. We're going to be at $1 trillion before too long. That bill is going to be paid by somebody. We talked about our children and grandchildren will be paying this bill. And what Mr. OBEY's point was is that the people who are being asked to sacrifice are those going into Iraq, those families who send people to Iraq, and that the rest of us really aren't paying much of a price, but our grandchildren and children will pay that price. I think that was his point.

But in answer to the gentleman's question, we have no intention of bringing such a bill to the floor.

Mr. BLUNT. I thank the gentleman and I yield back my time.

HOUR OF MEETING TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 9, for morning-hour debate.

The SPEAKER pro tempore (Mr. CLAY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN MT. ZION, ILLINOIS

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise today to commemorate the 50th anniversary of the First Baptist Church in Mt. Zion, Illinois.

In 1957, the original 45 members of the Mt. Zion faith community gathered in front of a storefront on Main Street. They chose the name of First Baptist Church and organized a mission. The following year, that small congregation began construction on a new place of worship. As the congregation grew, so did its need for a larger building. The church moved to its present location in 1962.

Throughout the past 50 years, Mt. Zion Baptist Church has played an important role in the surrounding community through its education center, auditorium and mission. I'm happy to celebrate the church's 50th year of service, and I look forward to its continued growth and good works of its congregation.

WORD "GOD" CENSORED HERE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, "I will do my duty to God and my country." This is part of the Boy Scout oath. When a Boy Scout becomes an Eagle Scout, some Members of Congress have an official flag flown over the Capitol and these words are requested to be in the official certificate which is given to the Scout, along with the flag.

But the Architect of the Capitol, who is in charge of such matters, censors the word "God" in these certificates and only puts the word "country" in them.

The word "God," according to the Architect, violates his rules against religious references. The Architect is the caretaker of the Capitol. We have numerous references to God in these hallowed Halls. Our history is based upon a belief in God, whether the Architect likes it or not.

Maybe the Architect hasn't even seen the phrase "In God We Trust" above the flag here in the House of Representatives.

What's next? Is he going to sneak over here in the darkness of the night and chisel off the word "God" because he doesn't want that word "God" in the Capitol?

The first amendment right to express religious freedoms is being violated by the censor of the Capitol.

And that's just the way it is.

RECOGNIZING THE LIFE OF MOHEGAN INDIAN CHIEF RALPH W. STURGES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, I rise today to recognize the life of Mohegan Indian Chief, Ralph W. Sturges. Chief Sturges died on September 30, 2007, in New London, Connecticut, at the age of 88.

A lifelong resident of Connecticut, Chief Sturges was a renaissance man whose commitment to community and Nation knew no bounds. During his early life, he worked for the Civilian Conservation Corps and joined the U.S. Army's intelligence division during World War II, where he subsequently earned a Bronze Star for his outstanding service.

After the war, Chief Sturges worked tirelessly for Federal recognition of the Mohegan tribe, which finally occurred in 1992. Because of his efforts, he was elected "Chief for Life," which he faithfully worked as an ambassador of goodwill during the extraordinary growth of Mohegan Sun Resort and Casino as a world-class destination.

While his passing brings sadness to the Connecticut community, his legacy and contributions will be remembered for generations to come. I ask my colleagues to join with me and my constituents to honor his life and offer condolences to his family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ISSUE OF GOD AND FLAGS FLOWN OVER THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, Mr. POE talked about this just a few minutes ago, and I'd like to carry on his thinking regarding the Architect of the Capitol or the Acting Architect of the Capitol.

There was a 17-year-old boy who was about to become an Eagle Scout. His name was Andrew Larochelle, and he wanted to give a flag that's flown over the Capitol to his grandfather, who was one of his heroes, and he asked that his Congressman be able to put this language into the certificate that goes along with the flag. And he said, "This flag was flown in honor of Marcel Larochelle, my grandfather, for his dedication and love of God, country and family."

The Acting Architect of the Capitol, if you can believe this, Stephen Ayers, took "God" out of that and sent the certificate back. And he said there can't be a reference to God in any kind of certification like that that comes out of the Capitol.

I'd just like to say to my colleagues, right here we have "In God We Trust" over the Speaker's rostrum. We have "In God We Trust" on our currency. We have "In God We Trust" on our coinage. We have "In God We Trust" in the Pledge of Allegiance to the flag.

And I can't imagine anybody wanting to take God out of a certificate for a Boy Scout or an Explorer Scout or anybody else in scouting because they wanted to honor their grandfather.

I'd like to just tell my colleagues that a few of our Founding Fathers had something to say about having God in our activities and in our government. Patrick Henry said, "It is when people forget God that tyrants forge their chains." Thomas Jefferson said, "God who gave us life gave us liberty."

And John Adams, I want to read you this because it's a little longer but it's very important. He says, "It is the duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the Creator and Preserver of the universe. And so no subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship."

The Acting Architect of the Capitol should be removed from office posthaste for doing this, and anybody who tries to infringe upon the rights of American citizens to express themselves regarding God and country should be taken to task.

This country was founded upon the principles of believing in God and a supreme being, and we're now trying to take that apart one step at a time.

The Architect of the Capitol, who represents the Congress of the United States and this Capitol, has no right to tell a Scout that he can't honor his grandfather by giving him a flag and a certificate that says, "This flag was flown in honor of Marcel Larochelle, my grandfather, for his dedication and love of God, country and family."

And so the President, as I understand it, appoints the Architect of the Capitol. Mr. President, if he happens to be listening, I hope he will remove this man and replace him with somebody who really loves God, country, and his fellow man.

A CRISIS FOR IRAQ'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, every parent, every parent, whether living in the United States or in Iraq, wants only the best for their children. They want their kids to feel safe and to have the very best of everything. And every parent wants their child to get a quality education.

Worldwide over 100 million children do not attend school. Unfortunately, the trends of school attendance in Iraq are very discouraging. According to recent UNICEF reports, high levels of street violence and lawlessness are keeping school attendance levels, particularly of girls, to low levels.

Often because families can no longer afford to keep their children in school, girls are pulled out to assist their families with household work and to look after younger siblings while their brothers finish school.

The large refugee crisis is another impediment to education. UNHCR estimates that 500,000 school-age Iraqi children now live in neighboring countries. This could put a severe strain on neighboring countries' schools and their school systems, that is, if children are even allowed to attend school while living as a refugee. Additionally, refugee families often do not have money for tuition, and refugee children may not speak the local language.

This summer, the United Nations launched a global appeal for $129 million to get more Iraqi refugee children into schools. This is just a Band-Aid, Mr. Speaker, on the situation.

Until Iraq is stabilized and families can return to their homes, we're going to have a generation of children who have lived their lives on the run, without feeling safe and without an education.

In a nation with a rich legacy of education, a nation that has produced some of the world's leading doctors, architects and artists, parents are watching their children denied an education? This is not the future we want for American children, and it is not the future we want for Iraqi children.

Iraqis of all ages deserve a safe and secure future and one that is enriched by education.

We know how to provide that future, and it's by ending the occupation and returning sovereignty to Iraq. If this administration would only listen to the Congress, or even to the Iraqi people themselves, they would see that there is overwhelming support to bring our troops home.

This does not mean that we would end our commitment to the Iraqi people. In fact, the American people have a long history of generosity and great humanitarian works. Our dedication to the children of Iraq would not end with our military presence. Iraq is only made less stable with an endless American occupation, and our very presence appears to be inspiring even more insurgents.

Let's do what is in the best interests of the United States and of Iraq. Let's renew our humanitarian commitment to the Iraqi people. Let's end this misguided occupation. Let's bring our troops and military contractors home.

□ 1545

SPUTNIK 50TH ANNIVERSARY

The SPEAKER pro tempore (Mr. CLAY). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to take the opportunity to recognize the importance to our Nation of what happened 50 years ago today.

On October 4, 1957, Russia launched Sputnik I, the first artificial satellite to successfully be placed in orbit around the Earth. On that day, Americans were shocked, and many believed that we were no longer the technological leader of the world.

On that day Americans realized that, like never before, our homeland was threatened. This was significant, because the leader of the Nation that launched Sputnik, Nikita Khrushchev, less than a year earlier had aggressively delivered to America the now-famous threat, "We will bury you."

To many Americans, Sputnik was a major step showing how the Russians were starting to make good on their promise, and it was a promise that America had to counter and nullify before it was too late. The reverberations of Sputnik and its launch were felt many years thereafter.

Thankfully, our Nation got busy after October 4, 1957, to ensure that our space program became second to none. We began an aggressive effort to educate and train a new generation of engineers and technicians, and we began the Mercury, Gemini and Apollo programs and ultimately, of course, putting Neil Armstrong and Buzz Aldrin successfully on the Moon and bringing them home safely.

Since then, of course, we have built the most versatile and complex machine ever made by man, the space shuttle. We have constructed the International Space Station.

I am proud of what we have accomplished with our space program, and now we are moving forward with the next step in human space flight, the Constellation program, which will, again, carry us back to the Moon and, with international cooperation, on to Mars. But we are, today, facing another watershed moment in the history of our space program.

By 2010, the space shuttle is scheduled to end its over quarter century of operations. While this is a sad time for many, it will also allow us to continue on into the future with the Constellation program. Unfortunately, Constellation is not set to begin space flight until 2015.

What will America's manned space flight program be doing to put men and women into space between 2010 and 2015? Quite puzzlingly, we will be asking the Russians, the country that agreed to bury us 50 years ago, to launch our astronauts into orbit.

Now, I supported President Bush's announced plan in 2004 to someday retire the space shuttle and replace it with a new, safer and less expensive system to operate that could go back to the Moon and on to Mars, but I was critical of the President at the time, with his notion that we retire the shuttle in 2010 and not launch the new system until 2015, and that we rely, of all places, on Russia to launch our astronauts into orbit. Yet, today, that is what we are planning on doing.

What is very troubling about our relationship with Russia, while we have had good cooperation with them in recent years, there have been problems, problems with proliferating weapons of mass destruction to rogue nations such as Iran. Indeed, this body passed the Iran Nonproliferation Act, and then we had to go back and amend it to allow our current cooperation with the Russians.

Then, of course, more recently, the Russians have engaged in a number of behaviors that I consider to be very ominous for our future relationship with them, placing a Russian flag on the bottom of Arctic Circle and claiming the Arctic bottoms resources for Russia.

The Russians have bitterly opposed our deployment of missile defense systems to protect us against Iran in Europe. The Russian leader, President Putin, has claimed that it will lead to a new missile race, and he has, indeed, threatened to specifically target European capitals. Is Russia trying to bring back the Cold War? It has reinitiated its bomber patrols, patrolling our NATO allies.

I think if you add up all of these things and their recent abrogation of the Treaty on Conventional Armed Forces in Europe, which placed restrictions on conventional forces, I think this does not bode well to our continued reliance on the Russians in the years ahead, and we need a new plan to deal with our manned space flight program in the years ahead.

THE COST OF CAMPAIGNING FOR PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, what must our children think when they hear news reports about the upcoming Presidential race of 2008, and when they hear over and over and over again how much money all the candidates are raising, $27 million, $20 million, $18 million, and the ante is being raised every week.

In just 6 months of campaigning, the 2008 Presidential candidates have already amassed more than $265 million. According to the Center for Responsive Politics, some analysts predict that the eventual nominees will need to raise a half a billion dollars apiece in order to compete, a half a billion dollars apiece.

In the last 2004 Presidential election, the candidates, together, raised $880,500,000. The 2008 Presidential election will see the first billion-dollar race in American history. That's more than the gross domestic product of 25 nations.

What must our children think about this out-of-control arms race? Don't they conclude only the rich have a chance, that the rich control, that to get ahead, you have to court the rich? What must our children think of our Nation, once founded with the high ideals of patriotism, sacrifice and rebellion against the entrenched view that has now fallen so sick, so sick. A majority of its candidates in both parties run to Wall Street and hedge funds and mega-buck donors and bundlers whose real motives often come to light as scandals.

Former Member Shirley Chisholm described herself as unbought and unbossed. Those of us who knew her knew she wasn't kidding when she said that.

It's hard to imagine a Presidential candidate staying unbought under such immense pressure to raise money. Inevitably, those candidates have to turn to the superrich or to bundlers, to special interests and unsavory characters who care only about themselves and their special interests and very little about our country.

When we start looking under the rocks, it's hard to say what we will find: foreign influence in unregulated hedge funds, foreign contributions laundered through third parties, cronyism taken to the nth degree.

Almost 100 years ago, a native son of Ohio, Warren Harding, won the White House. He ushered in a level of corruption that was unrivaled at that time. The dollar amounts being tossed around in the 2000 Presidential race make it only a matter of time before another giant scandal rocks our government and further undermines the confidence of our body politic and our very system of government. We all know what's going on is wrong, wrong, wrong.

When I am asked who I am supporting for President, I say the one who has raised the least money.

We should be asking ourselves what must our children think, before it's too late. We can act now to curb this out-of-control arms race. I have introduced a bill, H. Con. Res. 6, that reaffirms that the presence of unlimited amounts of money corrupts the political process in a fundamental manner.

If money equals free speech, then lack of money equals lack of free speech. The bill expresses the need to preserve, through our Constitution, the integrity of a republican form of government, restore public confidence in election campaigns, and ensure all citizens an equal opportunity to participate in our political process.

I encourage my colleagues to join me in cosponsoring this legislation and for Americans to pay attention and call this important issue to the attention of their Representatives.

America needs a new revolution to take our politics back from the money handlers and telemarketers. Let's return our Republic to the American people and, importantly, a free Republic to our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

□ 1600

NO CHILD LEFT BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I have stood on this floor several times now speaking about the negative impact that NCLB, No Child Left Behind, has had on our children's education and, consequently, on our children's future as well.

Tonight I will speak continuously about that as well and the problems until NCLB are fixed. I will continue to speak out against NCLB until parents and educators are empowered to make the changes that will ensure an environment in which schools can teach and children can learn.

More and more information is coming to light attracting more and more supporters to the belief that not only should No Child Left Behind not be reauthorized at this time, but, actually, it should be completely scrapped.

Yesterday, in the New York Times, Diane Ravitch, a professor of education at NYU and a former assistant secretary of the U.S. Department of Education, wrote, and I quote, "the No Child Left Behind Act of 2002 is fundamentally flawed," and that it should be "overhauled, not just tweaked."

She continued, "The latest national tests, released last week, show that academic gains since 2003 have been modest, less even than those posted in the years before the law was put in place. In eighth-grade reading, there have been no gains at all since 1998. The main goal of the law—that all children in the United States will be proficient in reading and mathematics by 2014—is simply unattainable. The primary strategy—to test all children in those subjects in grades three through eight every year—has unleashed an unhealthy obsession with standardized testing that has reduced the time available for teaching other important subjects. Furthermore, the law completely fractures the traditional limits on federal interference in the operation of local schools."

Let me repeat that last point, because I believe that it is a missing piece of the jigsaw puzzle. NCLB "completely fractures the traditional limits on Federal interference in the operation of local schools."

Many times I have referenced the work of Neil McCluskey of Cato Institute, a scholar who shares my concerns about educational policy. He did a study in 2007 entitled, "End It, Don't Mend It," and he concluded that "NCLB has been ineffective in achieving its intended goals, has had negative, unintended consequences, is incompatible with policies that do work, is at the mercy of a political process that can only worsen its prospects, and is based on the premises that are fundamentally flawed."

Using several shocking statistics, McCluskey points out how States are lowering, not raising, their educational standards. They are creating a race to the bottom to ensure that their schools will not be denied Federal funding.

Let me give you just a couple. In 2003, the State of Texas decreased the number of questions on their test in order for it to be approved, from 24 to 20. In Michigan, when 1,500 schools were placed on the NCLB need improvement list, the State lowered the percentage of students required to pass the test in English from 75 down to 42 percent.

The State of Ohio backloaded its adequate yearly progress goals, aiming to increase proficiency by a mere 3 percent, 3.3 percent for the first 6 years, but then said they're going to do a 40 percent increase in the last 6 years. They did this of course in hopes of meeting NCLB's unrealistic goal of having 100 percent proficiency in math and reading in all schools. And there are other studies as well with similar conclusions.

In 2005 the Fordham Foundation compared the State proficiency scores to NAEP scores, with striking results. The NAEP tests have generally been maintained at standards over the year, and so it's a good barometer.

In the Fordham study, of the 20 States that have reported gains on their tests in 8th grade reading proficiency, mark this, only three showed any progress at even the basic level for NAEP. That means 20 States are saying that since No Child Left Behind things are going better. But if you compare it to NAEP, really not. Only three.

Furthermore, in a new study released today by the foundation, researchers note that in at least two grades, twice as many States in the U.S. have seen their tests become easier, not harder, since NCLB was put into effect. And that's my point here. All the studies are showing that since NCLB went on the books, States are racing to the bottom when it comes to trying to establish their tests, the exact opposite of what this administration tried to do.

I think all of us should be startled, at the very least, by this. Appropriately, we should be outraged. You know, if Washington is forcing our schools to basically lower their standards, putting our children's education at risk, we must act now in this House to reverse the trend. And with NCLB reauthorization coming up now, now's the time to do it.

To that end I've submitted a bill, the LEARN Act, Local Education Authority Returns Now. It's H.R. 3177. And what it will do is very simply, it would allow States to opt out of the Federal NCLB system completely, and, at the same time, allow the States to retain their funding.

I think, to me, it's very obvious that States have grown tired of Washington dangling money over their heads and holding them accountable. And I thank the Speaker for allowing us to address the issue of the reform that is needed in the area of NCLB and talking about the LEARN Act.

HONORING RICK DIEGEL

The SPEAKER pro tempore (Mr. HODES). Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, tonight I rise to honor a colleague, ally and a dear friend, Rick Diegel.

On October 1 of this year, the International Brotherhood of Electrical Workers, the union to which I proudly belong, said goodbye to long-time political legislative department director Rick Diegel.

Rick Diegel, who has been one of the most influential labor voices on Capitol Hill, is a true champion for American workers, not just organized workers, but all workers and their families. I have known and relied on his good counsel for more than 10 years.

Under Brother Diegel, the IBEW has become a respected leader on policies that affect American working men and women as they try to provide for their families.

Brother Diegel represents the true spirit of public service. A Vietnam veteran, he served in the U.S. Air Force from 1964 to 1968.

Before he came to Washington, Brother Diegel was active in politics in his native Texas. And for the record, I don't hold against him the fact that he is from Texas. In the 1970s, he served three terms as mayor pro-tem of the City of Ingleside.

As a member of Corpus Christie IBEW Local 278 in 1969, he worked for several contractors in Texas as a journeyman wireman and foreman. So, yes, he has worked with the tools.

He was elected business manager in 1977, a post he held until his appointment in 1983 to COPE director at the international office here in D.C. He became director of IBEW's political legislative department in 1998.

One of Brother Diegel's greatest achievements has been his success in helping IBEW brothers and sisters get elected to public office, where they work to advance policies that work for working families. And his success has been amazing.

More IBEW members have been elected to office than any other organization, labor or otherwise. And he has worked to create an office within the AFL–CIO to promote the election of working-class brothers and sisters to local, State, and Federal office throughout the Nation.

I hope that effort continues to bear fruit. The more that we can bring the issues of average working Americans to the forefront, the more we can take back the machinery of government from those who would use it to benefit the narrow interests of the wealthy few.

It is through the leadership of Rick Diegel and the efforts of likeminded brothers and sisters across the Nation that we can ensure that the American Government is working for the people, all people.

It is with great sadness that I say goodbye to Rick and his wife, Theresa. But I will remember Rick's kindness, his compassion, and his dedication and strive to live up to those ideals in my work on the Hill.

Congratulations on your retirement, Rick, and good luck. And as the Mexican saying goes, may you have love, success and now the time to enjoy them.

PROTECTING THE BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are certain principles that do not divide us by whether we've Republican or Democrat or an independent and that is, of course, the precious Bill of Rights, and the idea that we live in a country that is so unique and so different and so many people aspire to find just a simple taste of the democracy that we enjoy.

And yet, after 9/11, all of us gathered together realizing that if we allowed the terrorists to terrorize us, change our way of life, they had won.

Unfortunately, we have seen a number of legislative initiatives and as a member of the Homeland Security Committee, I take no back step to securing America. But I understand that our values of democracy and the protection of the Bill of Rights should be the anchor of this society. And if we terrorize ourselves by taking away our rights, the terrorists have won.

And so I stand here to emphasize certain basic principles as we look to revise the FISA law, and that is, of course, the law that clearly intercepts, undermines the fourth amendment; the right to be in your home and to be protected against unreasonable search and seizure.

I'm delighted that you will be hearing, over the next couple of days, along with a markup coming up, the principles enunciated that emphasize the protection of the values of America. And so we simply believe, as I believe, in joining with a number of colleagues to emphasize that we believe that we live in a dangerous world, but we also should be guided by principles. Those principles should ensure that Americans do not have to be surveilled in their homes when they are communicating with fellow Americans. We should not be suspect of our telecommunications companies to think that they are in cahoots, collaborating with our government to spy on us.

We realize that there is a difference when we talk about foreign-to-foreign communications, that there is a need for surveillance. And I'm here today to emphasize that we should stand and fight for the protection of the fourth amendment, to protect you in your homes and, at the same time, you can be protected against terrorists, because terrorism depends upon making sure that you have the information.

And when you have a court that is made available under the existing FISA law that was established in 1978 that understands the necessity and the urgency of the law enforcement officers that come to them, then you should support the idea of court intervention whenever someone determines from the Federal Government to intervene and to listen to your communications between one American and another.

So I stand here today to emphasize that the court system, the FISA system, the Foreign Intelligence Surveillance Court, is an imperative to protect you as Americans when your government wants to spy on you.

Will we be safe from terrorists? Absolutely. Because part of the terrorism is to ensure that information is shared with law enforcement so that we can be in front of this issue.

I am looking forward to the markup. I'm looking forward to an opportunity to devise legislation that preserves the preciousness of the Bill of Rights and the fourth amendment. We cannot step back and be subjected to our own terror, and that is to be frightened so much that we take the Bill of Rights and extinguish it.

I may not agree with the interpretation of the second amendment, but it does exist and it is part of the Bill of Rights. You may have a different interpretation of the first amendment, but it is part of the Bill of Rights. You may have a suspect interpretation of the fourth amendment, but the language is clear: you are to be protected against unreasonable search and seizure. It is unreasonable to not go into a court established to do that, to protect you, to have a court objectively look at what the urgency is and to provide that intervention to protect your rights.

I look forward to working with a number of colleagues on language that I have joined and written to establish the parameters of protecting us from the violation of the fourth amendment.

Keep the FISA law as it is. Modernize it. Ensure that the FISA court that intervenes protects our rights and keeps our values, the values that so many have strived so hard to seek a place in the sun in this Nation because they truly believe that the democracy and the liberties that we have are worth protecting, worth protecting with their lives. And I believe here in the United States Congress, we must stand in that tradition.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

PRESIDENTIAL ELECTION FINANCING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I thank you, and I'm proud to be on the floor this afternoon to talk about some issues that are very important to me and I think very important to most Members of this body and certainly to the American public.

Just a few minutes ago, the gentlewoman from Ohio (Ms. KAPTUR), a very well, well respected, fine Member of this body, did a 5-minute talking about the problem with Presidential election financing. And I think her comments, Mr. Speaker, were so compelling that indeed people, our guests in the gallery, when she completed her remarks, broke out in spontaneous applause. Maybe they knew that they shouldn't, or maybe they didn't know, but, you know, they were responding to something that they heard that they liked. And certainly, I can understand that. Folks do that every now and then. I almost felt like applauding Ms. KAPTUR as well because she was speaking the truth and bringing our attention to a real problem.

I used to enjoy so much going around the district, Mr. Speaker, and talking to school children, whether they were at the elementary, middle or high school level, and saying to them, of course, they'd always ask, Well, Congressman GINGREY, what's your favorite issue or what is your favorite thing that you do as a Member of Congress?

And I would say to them, what I'm doing right now; what I'm doing right now, speaking to young people to try to inspire them. And heretofore I would say to them, the great, one of the great things about our country is anybody in America can grow up to be President. It doesn't matter who you are or what your background. Anybody in this great country of the United States of America can grow up to be President.

Sadly, today, that's probably not true, and I think that's what Ms. KAPTUR was trying to point out. There's just something wrong in River City with all these hundreds of millions of dollars that have to be raised for a candidate of either party, the two major political parties, to have a chance to, yes, be grown up now and have an opportunity to become President. There are many people that are very qualified, I think, that would make a great President, man or woman, white or black, it doesn't matter where you come from, your meager beginnings possibly. But you don't have that chance because of what she was pointing out.

And by the way, Mr. Speaker, I want to digress just for a moment. Speaking of young people, I don't think we take enough time to thank our young men and women, our young students, our pages that work in this body and in the other body, in the House and the Senate, on behalf of Members of Congress. And usually the pages are here at the request of a Member. And this young man that's here on the floor tonight put these posters up for me and made sure that I've got a cup of water in case my mouth gets a little dry, as we continue to speak over these next 30 to 45 minutes. I think we just owe them a lot of thanks. What they do is much more, of course, than these tasks. And this young man, Edward White, Mr. Speaker, is from Atlanta, Georgia. I'm from the metropolitan Atlanta, Georgia area. I represent northwest Georgia. He's here through Congressman JOHN LEWIS, the dean of the Georgia delegation, his office. And I just want to take an opportunity to thank him and all the young men and women that help us so much and don't get as much credit as they should.

□ 1615

But my purpose of this hour was to bring to my colleagues, Mr. Speaker, another issue which has gotten completely out of control. And, yes, it has to do with spending, kind of on the theme that Ms. KAPTUR brought to us in regard to Presidential elections, and that is the issue of earmarks.

Now, the general public, I think, is fed up with so-called earmark abuse. Sometimes we euphemistically will refer to those as "Member initiatives." Some people, of course, don't like that term and they will call it "pork." But the situation is getting completely out of hand, and that's what I want to talk about primarily in the next 30 minutes or so, Mr. Speaker.

We can solve this problem. We have got a problem, and it is not unique to the Republican Party. It is not unique to the Democratic Party. I know some of my colleagues, hopefully, who are watching us during this time and maybe the general public is aware of an article just this past week. And I hold up the magazine, Mr. Speaker, it is known as "CQ Weekly." This magazine comes out every week. I know that it's difficult for Members in the back rows of the Chamber to see the magazine that I'm holding up. Maybe the cameras can focus in on that. But basically the title of this article, and there are several articles written about the problem, is "Playing the Earmark Game." "Playing the Earmark Game."

Let me reference here in just a second my first slide, this poster to my left, to show you what I'm talking about.

Now, what is an earmark? Well, an earmark is when a Member of a congressional district sees a need among those 670,000 people that he or she represents. Possibly a school system or a county commissioner or just an individual, or maybe it's a Head Start program, has brought an issue to that Member, Mr. Speaker, and says, We have a great need, Congressman or Congresswoman, in our district. You represent us. We voted for you. We have great confidence in you. But our community has a desperate need, and I want you to ask the Federal Government to try to help us in the funding process.

Well, when the Member looks at that and decides that that is a very worthwhile project and then sort of applies to the appropriators, that's called an earmark. And it could be a very, very good, worthy project. It could be a sewer project, to help a community to redevelop to get themselves back on their feet, and that is an earmark, but that's not bad. And that is when I would say this is a Member initiative and it is an appropriate thing to do.

But, unfortunately, as this magazine so clearly points out, this process is ripe with the potential for abuse. Just like Ms. KAPTUR was talking about in regard to the financing of Presidential elections and that money chase. It is absolutely ripe, this earmarking opportunity or Member initiative, it is so ripe for abuse.

And let me ask my colleagues to reflect on this first chart, this first slide, for just a minute. And this is from the Citizens Against Government Waste, a watchdog group. Thank God for watchdog groups. Citizens Against Government Waste calls this slide pork barrel spending. Pork barrel spending or earmarks or Member initiatives, if you like. Pork barrel spending, 1995 to 2007, this year.

My colleagues and Mr. Speaker, this is the total amount for the House and the Senate, 535 Members. The total amount in 1995 was $10 billion. You can say that that is a very small percentage of the overall world of discretionary spending or the total budget, which includes, of course, Social Security and Medicare and Medicaid and all the entitlement spending, mandatory spending. But $10 billion out of the discretionary amount. Well, over these 12 years, Mr. Speaker, that amount has grown until the year 2006 to $29 billion. In 2007 it drops down a little bit, but that was an anomaly because we only passed four of the 12 spending bills, and the rest of them had no earmarks in them when they bundled. But this trend is a steep slope upward, and it is getting worse and worse, both in total amount and in the percentage of all the discretionary spending that Members of Congress have an opportunity to control.

So, Mr. Speaker, this chart points it out very clearly that this spending for earmarks is becoming what I would call runaway spending, totally out of control. And, again, the CQ Weekly does such a wonderful job of explaining why this process can be so bad. It can be good, and I think, and I will talk about that a little later in the hour, with meaningful legislation that, hopefully, Members on both sides of the aisle, Mr. Speaker, the majority party and the minority party, can look at this and say, you know, Congressman GINGREY, you are absolutely right. We're getting sick and tired of picking up the newspaper almost weekly and seeing yet another Member of this august body who has this tremendous privilege, Mr. Speaker, to represent 670,000 for the House Members and an entire State for the Senators. What a privilege. What an honor. But you pick up that newspaper, and the names are people where you say, That's one of our best Members. That is a guy or that is a lady that I have known for the last 5 or 6 years, and whether she be a Republican or a Democrat, and you think, I just can't believe this. I can't believe that that Member would be doing anything that potentially is dishonest.

Now, sometimes these newspaper articles are not a court of law and you have to take some of that with a grain of salt. But I am telling you, when you look into that, Mr. Speaker, and you read and you kind of connect the dots, and they are fairly easy to connect, you start thinking if it looks like a duck and it walks like a duck and it quacks like a duck, it may well be a duck. So we have got a problem. We have a problem that we can correct, and I think I have got a solution.

Now, Mr. Speaker, one of the solutions that Members have talked about, and the gentleman from Arizona in particular, Representative JEFF FLAKE, one of my colleagues, has talked about this, about why don't we just absolutely eliminate, totally eliminate, all earmarks? In fact, I have got another slide, and I think I will reference that in just a second because this is certainly the appropriate time. Another Member on the majority side of the aisle has virtually said the same thing. Let me show you a quote, as we put up that second slide.

Colleagues, I want you to look at this poster, this second slide, if you will. I referenced Mr. FLAKE of Arizona, but here is another Member. And I will read it for you because it is very difficult to see in the back of the Chamber, and I understand that. The printing is small. And here is what it says, and this was a quote from last year in the Wall Street Journal, in fact:

"If she were to become Speaker in the next Congress, Pelosi said she would press to severely reduce earmarks."

And then here's the quote:

"Personally, myself, I'd get rid of all of them." Then the quote begins again. She says, "None of them is worth the skepticism, the cynicism the public has, and the fiscal responsibility of it."

Now, I want to repeat this. Mr. Speaker, bear with me because I think this definitely needs repeating because it is really what Ms. KAPTUR said just a few minutes ago in regard to the Presidential fundraising activities, and she got, I guess, what you would call a standing ovation for her remarks.

"Pelosi said she would press to severely reduce earmarks. 'Personally, myself, I'd get rid of all of them. None of them is worth the skepticism, the cynicism the public has, and the fiscal irresponsibility of it.'" Virtually the same thing that my colleague from Arizona (Mr. FLAKE) has said in this body, Mr. Speaker, on numerous occasions.

And yet, Speaker PELOSI is on track this year to take home $100 million, more than 1 percent of all the House earmarks. And I am not standing here, Mr. Speaker, suggesting that those Member initiatives on behalf of the Speaker or anybody else, any other Member of this body, is for anything but the most worthy projects in her district, and I'm sure that that is the case. I am sure that every one of those Member requests on behalf of Speaker PELOSI would pass anybody's smell test and would survive any kind of challenge to strike them if a Member wanted to do that on this floor, and a Member can do that and then we have a fair and open vote on it. No, I am not suggesting any such thing, and I have great respect for the Speaker.

But as this article points out so clearly, everybody in this process of being able to get earmarks for their district, all Members are not treated equally. I can't remember the exact quote from "Animal Farm," but you know what I am referring to. All Members definitely are not treated equally. That $29 billion worth of earmarks, it's not divided equally. If you look at it and you look at it very carefully, as CQ Weekly has done, and nobody in this Chamber, I think, Mr. Speaker, can deny this, you will see that members of the Appropriations Committee, that is about 65, it is a very selective committee. Most Members want to get on that very powerful committee. They do a lot of great work and it is a nice position to be in. But when you look at each Member, as they have done in CQ Weekly, and you see the discrepancy where some Members may get an opportunity to bring home $6 or $7 million to their district and other Members get an opportunity to bring home $180 million to their district or $100 million to their district, and as you look at it very carefully, it would seem that the members of the Appropriations Committee certainly get favored treatment. The members of the leadership certainly get favored treatment. Members that have been here for a long time who maybe are committee chairmen or chairwomen get favored treatment. And the last favored group, Mr. Speaker, are those Members who are representing districts where it is very competitive and they won by a very narrow margin, maybe literally by the skin of their teeth, and they are up for another re-election where it is going to be really tough.

□ 1630

So no matter which party is in control, Republicans do this, the Democrats do this, you let that Member get more opportunities, a bigger bite of the apple, if you will, to give the impression to the folks back home that they've elected the right person; we've got a Member who really can deliver this pork back home. They might rail against everybody else's pork, but that which is brought home by their Member, Mr. Speaker, is welcomed. So this is the way this process goes.

On the other hand, a rank-and-file Member, let's say a Member of what we might refer to pejoratively as the "obscure caucus," who represents a district where they are absolutely having no challenge, no difficulty getting reelected, maybe their district is inner city and it's been gerrymandered and drawn for them so that no Member of the other party has any opportunity to win that congressional seat. So they're in what we call, and we all know this, my colleagues, they're in what we call a "safe district." They don't have to worry about re-election. Hopefully, they're doing constituent services and they're representing their people well in the way they vote, but they really don't have to worry about a political challenge.

So when you look in this magazine, and you look at this article in regard to the fairness issue, you find that they are the ones that get the least amount. And yet in many instances, Mr. Speaker, they are representing districts, maybe an inner-city district, a poor district, a district that has a very poor tax base, it has a decaying infrastructure, it doesn't have a good water and sewage system in a certain part of the district, and they are the ones that need help more than anybody. And yet the way this game is played up here, they're at the back of the line in regard to what they can bring home to their district. I think many times Members don't complain about that because they're afraid if they complain, they'll get nothing. You know, it's a little dangerous to complain.

So, Mr. Speaker, I come here this hour and talk about this, yeah, with a little bit of trepidation. Have I, as Congressman GINGREY, who represents the 11th Congressional District of northwest Georgia, have I ever asked for a Member initiative? Absolutely. And I've been able to deliver on occasion, not always; most of these requests are turned back. But if it really has merit, yes, I have. And I hope, as I spend this time on the floor talking about this issue that's so problematic, that there won't be any reprisals or repercussions because of that. Because I'm trying to do it, Mr. Speaker, in a bipartisan way with a spirit of cooperation and wanting to do as Ms. KAPTUR was wanting to do in regard to Presidential election financing, do what's right for this Congress, do what's right for this body.

So here is my proposal: we have introduced legislation, and it's called the Earmark Reform Act of 2007, H.R. 3738. We just introduced it today; we had a press conference on it today. I was very, very pleased to be joined with two of my colleagues at the press conference, the chairman of the Republican Study Committee, Mr. HENSARLING of Texas, and my good friend and classmate, the gentleman from New Jersey, Representative SCOTT GARRETT.

And here is what I would do, Mr. Speaker: I would immediately say to the American public, we are going to slash these so-called "earmarks" in half for the next fiscal year. We're going to drop the number down from $29 billion to $14.5 billion. And then we're going to simply divide that number by the total membership of the Congress, the House and the Senate, and that's 535 Members, 435 here, 100 in the Senate. And when you do that division, you come up with a number of $27 million.

And you would say to each Member, Mr. Speaker, in this bill, you would say, you have an opportunity to look in your district, and if you want to ask for and receive money from the John Q. Public hardworking taxpayer to fund this project in your district, you're going to be limited to this amount in the first year of this legislation to $27 million. That means the most powerful

Member of this body, the most powerful Member of leadership, the most senior Member of this body is not going to be able to get $180 million worth of earmarks while the Members who represent districts that are most in need end up with maybe 3 or $4 million. Each Member has an opportunity, then, to ask for and receive the exact same amount. Because, after all, Mr. Speaker, think about it, we represent 670,000 people, approximately, each Member. You know, they have the same need. And if we're going to do Member initiatives, it ought to be fair and evenly balanced, and that's basically what this bill does.

You know, if a Member like Mr. FLAKE or like Ms. PELOSI, as she was quoted in the Wall Street Journal last year, decides, you know, I don't like this process, I think it's inherently wrong, and it has the potential for massive abuse, and as she says, None of them is worth the skepticism, the cynicism the public has for them, and the fiscal irresponsibility, then if Mr. FLAKE or Ms. PELOSI said, you know, I don't want any earmarks for my district, let them apply for grants through the normal process, I will help them, my office will help them, Mr. Speaker, and try to show them how to write a grant if they don't know how to do it, but I'm not going to specifically ask for any earmarks, then that amount, if it's one Member, $27 million, Mr. Speaker, what we would do is subtract that amount from the 302 Allocation of Discretionary Spending.

So you would spend $27 million less during that fiscal year because that Member said, you know what, I agree with Ms. PELOSI and I agree with Mr. FLAKE and several other Members of this body that it's wrong; it has too much potential for corruption. And if we have enough Members, let's say you had 10 Members say that, then you're talking about $270 million. People could say, well, Congressman GINGREY, you know that's a very small portion of the budget; it's just a drop in the ocean. Well, $270 million in my district is much more, Mr. Speaker, than a little drop in the bucket. It's real money.

And so, this idea, then, of, first of all, in my bill, immediately cutting this number, that number of $29 million in half, and then just say let's give every Member the same opportunity, the fairness issue, and also let each Member who is philosophically opposed to earmarks, give them back to the taxpayer, what a breath of fresh air, I think. And then in subsequent years what we would do on this bill, Mr. Speaker, is we would say that you can only earmark 1 percent of total discretionary spending.

So that would drop that number $14.5 billion down to $10 billion. And when you make that division, you're not talking about $27 million per Member, maybe you're only talking about $20 million. And eventually, it may be that the Members of this body, Mr. Speaker, will come to the conclusion, as Ms. PELOSI did and as Mr. FLAKE has done consistently, and he has, indeed, put his money where his mouth is, that maybe more and more Members, my colleagues, will say, you know, we don't really need this earmarking business. We let people apply for grants and let projects get funded on their merit, and Members then don't get tempted to have someone come to them and say, you know, I know you're a powerful Member, and we've got this little project back home, wherever it is, in whomever's district in whatever State, and, oh, by the way Congressman, what can we do for you? Can we have a little fund-raiser for you? I've got some people back in the district that would love to help you, know you're doing a great job for us, and you just get back to us and let us know what you want us to do for you; but keep this project in mind, it really means a lot to us. And that project may be $2 million, it may be $5 million, it may be a $25 million project. So that's how this happens, Mr. Speaker. I think Members just sort of fall into the trap of all of that.

What I am trying to do is two things. I'm trying to save money for the taxpayer of this great country and stop this runaway spending and cut down these budget deficits and reduce this national debt, which is approaching $9 trillion; but I'm also trying to keep my colleagues on both sides of the aisle from becoming corrupted because of a corrupt system.

And that's really what it's all about. That's why I wanted to not rush out of here on the last vote and catch the first plane back to good ole Georgia, which I'm looking forward to doing maybe tomorrow; but I felt like it was important enough to come to the floor and to say to all of my colleagues on both sides of the aisle that I see a better way. And I think we can do this in a bipartisan fashion.

And I will say this, Mr. Speaker, if we can't do it in a bipartisan fashion, this Member, this Republican Member, and hopefully his colleagues on this side of the aisle, would make a pledge to the American people that, you know, we got your message loud and clear in November of 2006. We understand why we're no longer in the majority, because we lost our fiscal discipline; but we're going to get it back, and we're going to start with this.

And this is not a baby step; this is a giant step. If you feel like maybe the better approach would be to totally eliminate earmarks, well, maybe we will get there. Maybe Members will see that this can work and it will work.

And so, Mr. Speaker, again, the opportunity to be here on the floor to talk to my colleagues, I'm sure I would have some other speakers if it were not for the fact that we had our last vote an hour and a half ago and Members needed to get home to their district, and work hard, and I understand that. But there are a lot of Members that feel very strongly about this.

We have, I think, 25 cosponsors of the legislation, again, H.R. 3738, the Earmark Reform Act of 2007. It's an issue, Mr. Speaker, that's not going away. And I wouldn't be a bit surprised if next week and the next week and the next week we don't hear about more and more Members whose action in regard to earmarks is a little questionable. And, you know, when you start connecting the dots, in some cases it can become very, very questionable.

So let's try to do the right thing. I'm going to appeal to Members on both sides of the aisle to be a cosponsor of H.R. 3738, which immediately cuts the total amount of earmark spending in half, and it makes sure that no one Member, no matter what party, majority or minority, no matter what committee, committee chairman or ranking member, no matter how threatened a Member might be politically that you want to shore up with these little trinkets of goodies, that's not right, that's not the right way. And if we can't do it the right way, then I would join Mr. FLAKE in saying, Let's get rid of all earmarks.

In the meantime, I think this is not a baby step, as I pointed out, indeed, a giant step in the right direction. And if we can't do it right with that, then the next step should be, I think, total elimination.

I thank the Speaker and I thank my leadership for giving me this opportunity to do this hour. I thank my colleagues for listening, for being here, and to try to understand that this is a Member who is not overly partisan, who has friends on both sides of the aisle, that wants to help all of the Members, but ultimately to get back to helping the American taxpayer and to restore fiscal responsibility in this place.

And with that, Mr. Speaker, I yield back the balance of my time.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It's an honor to address the House one more time.

As you know, the 30-Something Working Group, we come to share with the Members fact, not fiction. I'm so glad my good friend from Georgia (Mr. GINGREY), we came into the Congress together, Dr. GINGREY, good friend, I want to borrow that chart from him because it shows how earmarks were cut in half when the Democrats took over. But that's another story. But I'm glad that he has the accurate numbers there, and I'm glad that we're going to have an opportunity to talk about that a little bit more in the future.

□ 1645

Mr. Speaker, we came to the floor yesterday, or last night, and talked about the issue of the President's veto of the SCHIP bill. We, the 30-Something Working Group, received a lot of e-mails on that, and we received a lot of phone calls. There were a number of Members that even had questions like, "Is it true that 41 days of what we spend in Iraq could pay for a full year of health care for children? Is it true, 3½ months of what we spend in Iraq, which will come out to almost $35 billion, will pay for children's health care for 5 years?" On both of those questions I would say, "Yes. Absolutely. The numbers are there." I am going to have my charts here that I had last night hopefully join me here on the floor pretty soon.

It is very unfortunate, Mr. Speaker, that there are people that are focusing on the President. As far as I am concerned, the President said he was going to veto the SCHIP bill, the children's health care bill, and he did. Now it is up to Members of Congress. Yesterday we voted to set the date for the time that we are going to take up the SCHIP bill again to override the President's veto. I think between now and then, Members are going to have to reflect on if they are on the side of the President, of a bad decision that was a bipartisan bill, Mr. Speaker, that Democrats and Republicans voted in a bipartisan way to send that bill to the President, or are they with the uninsured children of this country.

Like I said last night, there are a number of provisions in the bill that some Members may not agree with. I have been in elected service now going on 14 years, Mr. Speaker. There has always been a provision in a bill that I didn't agree with. But for the greater good, especially when you are talking about health care for children, I saw past that one line or that one provision or that one piece that was not in there. I just want to say that this health care, and let me just share this because I want to make sure that the Members understand, that 10 million low-income children would have had health care in this country. Now, that is in every State. That is in my State of Florida. That is in Ohio. That is in California. That is in New York. That is in Texas. That is in Wyoming. All over. I think it is important that we shed light on that and we continue to talk about that in the face of wasteful spending in the past.

Another thing about this children's health care bill that wouldn't have been a reality in the 109th Congress, the Congress before this Congress, is the fact that it is paid for. Now, I am going to illustrate in a few minutes how things used to operate here on this House floor. The American people want to move in a new direction. At my house, if we are going to do something, we have to figure out how we are going to pay for it. We are not going to say, We will put it on a credit card and get it on some unforeseen date somewhere down in the future that is not necessarily lined out or identified yet, but we will figure it out somehow. We are going to end up in foreclosure or we are going to end up in a financial situation we can't get ourselves out of.

That is the position we find ourselves in now, Mr. Speaker. That is the reason why, in the majority, this House and the Senate agreed in the pay-as-you-go principles to make sure that if we say we are going to spend something, we are going to pay for it. So that is very, very important. When we look at some of the issues that the other side may bring up as it relates to fiscal responsibility, you have to look at, you just have to look at the irresponsibility, or the lack of responsibility, that the Republican side had when they were in control of this House.

When you look at $70 billion for the war in Iraq, $50 billion in subsidies to oil companies, $8 billion, these are billions, these are not millions, in loss, waste, fraud and abuse of no-bid contracts and billions for schools and roads and clinics in Iraq, but we cannot do the same for our children.

I am speaking in a very simple way here today, Mr. Speaker, because I want to make sure that Members totally understand what I am saying. I don't want to lose anyone with a whole bunch of acronyms in talking about things that are way out, pie in the sky, and some folks may not understand what is going on. The bottom line is, 10 million kids need health care for 5 years.

The other bottom line is the fact that we showed how we would pay for it, not building into an everlasting debt. Now, I am glad that this chart has made it to the floor. I think it is important. I pulled it out last night, and I have been using this chart almost for the last 3 years. We have been updating it, but I think it is important. We talk about foreign debt and we talk about the Bush administration and Republicans here in Congress what they were able to do, $1.19 trillion in get debt over the last 6 years, and that is between 2001 and 2006. These numbers are from the Treasury Department. These are not KENDRICK MEEK numbers. Forty-two Presidents, 224 years, $1.01 trillion. I say that to say that the days of just stacking on top of the $1.9 trillion are over.

Now, when we start going down the line of what is important here, and what is important is making sure that domestically we look at the needs of our children and also of our country. This is just an example, just to show you the per month. Now this is talking about college costs, but when you look at the per-year costs, that is $120 billion. I said, four and, 3½ months. I pulled this chart just to prove a point. 3½ months, $10 billion a month pays for the children's health care program. That is every State block grant, and the States get to apply it the way they want to. Many of them use private health insurance companies to provide that level of insurance that those kids need.

So when the President and some other folk in this Chamber in the minority, our Republican friends, they start to talk about socialized medicine, I don't know where they are getting these numbers from. I don't know where they are getting the logic from. But I can tell you what will be historic is making sure that we are able to enforce this piece of legislation.

I think it is important for Americans to weigh the kind of enthusiasm that the President has and our Republican colleagues may have or they do have on behalf of the Iraqi children. I'm sorry. I am a United States Congressman federalized by the people of the 17th Congressional District to come up and give representation to them and all Americans. I care about other kids in other parts of the world. I have been to Iraq. I have held Iraqi children in my arms. But guess what? I have held American children in my arms. It is not about my kids. I have two kids. We have health care. I thank God we have health care here in Congress. The people elected me to come up here and represent them not for me to have coverage and not for my kids to have coverage that they are not allowed to have, especially those that are financially challenged.

So I want the Members who are not thinking about overriding or who are thinking about joining in with the President and not allowing the Congress, this great democracy, the House and Senate, to override the President on this very bad decision. I also think it is important to highlight the fact that we have had a number, a number of editorials throughout the country, of papers, either it be rural America or urban America, either it be the East Coast or the West Coast or the Midwest or the Deep South or the North by the Canadian border, all throughout the country, they have called the decision that the President made a very, not only unpopular, but wrong decision.

The President is not running for reelection, but we Members of Congress have to run for election every 2 years. The reason why we have elections is to bring about accountability and to make sure that people back home in their given districts have the right people up here.

I think it is important for people to pay very close attention. Mr. Speaker, if this were about politics, I wouldn't spend the time to come down to the floor. I could be doing something else on this Thursday evening after we took our last votes of the week. I could be somewhere on the telephone talking to constituents, or I could be in my house here in Washington enjoying some time with the kids and the family. But I decided to be here because representation is very, very important in this 2-week span. One day has already passed. We have 9 days left. I want to make sure that American people and every Member of Congress know that in another 9 days, there will be an action to override the President.

What side are they going to be on? Are they going to be on the side of the children and on behalf of the people of the United States? Or are they going to be on the side of the President and the bad decision? I am not saying the President is not for the folks, for the good people of the United States of America. All I'm saying is that 10 million children that are poor and families would have had a guaranteed health care opportunity in their State, at least 10 million of them. That is a big number.

So when I hear the President talk about our obligations to Iraq, I can't help but think about our obligations here to the kids here in the United States and families here in the United States. I am just as passionate as anyone else may be about it. I share that today because I want my Republican colleagues who did not vote, those that voted for the SCHIP bill, congratulations. Thank you on behalf of all Americans and the 10 million children that are seeking health care. But for those who did not vote for the SCHIP bill, for the children's health care bill, I am asking you to rethink your decision for two reasons; one, you have another chance to do the right thing if you missed the opportunity to do the right thing when we pass the children's health care bill here on this floor. You have an opportunity to do the right thing. The second thing, I think more Americans are focused, 72 percent of Americans in a bipartisan poll said that they agree with the version of the children's health care bill that we passed throughout this floor. So that means they could be on the right side of the issue, and they can provide health care for 10 million children that many of them reside in their own congressional districts. I said I would give you 2. I gave you 3. And I can go on and on and on.

I think it is also important for the staff here in Congress. I have a chart that my former chief of staff left with me. It is actually a picture, Mr. Speaker. It is an iceberg. It has a little tip of the iceberg up there, a little triangle just kind of showing the top, then underwater you can see a majority of the iceberg which is almost 80 or 90 percent of the iceberg. At the top it says, Member of Congress. Right under the iceberg it says, Staff, Congressional staff. I think it is important for those members of the staff that are paying attention to this debate and paying attention to what is happening right now in the country to talk to your Member or to talk to your ranking member and say that maybe you need to reconsider your vote.

Now, I am talking inside politics here under the dome. Because I don't think that this is an us-against-them kind of philosophy because we have to all be on the side of children. Like some folks say out in the neighborhood, it is what it is. And the bottom line is, 10 million children need health care and we need every person on the ground making that happen.

Also, I think that it is important, Mr. Speaker, and I just want to point out what happened recently. This is a picture of one of the first actions that we took here in this House. You remember. We all voted on it, to put benchmarks in and also timelines as relates to giving responsibility or mandating responsibility of the Iraqi Government to rise to the occasion to patrol the streets of Baghdad so we don't have to continue to watch our troops having to do door-to-door neighborhood-to-neighborhood checks. Put the Iraqi folks up front and allow them to do it, or make them do it, so that we don't have to continue to click off $10 billion a month, some $3,316 a second in Iraq, because every time we stay there another day, another month in a combat mode, we continue to lose out.

After that, the vote was so overwhelming to do that, or, as the majority, until that, the Speaker and Leader REID decided, let's override the President because the people wanted a new direction here in the United States. Not just Democrats, not just Republicans, but the people of the United States want it.

□ 1700

Well, here are some of my good friends that are here with the President, my Republican colleagues, not one Democrat in this crowd, outside of the White House standing with the President. Mr. President, we are going to be with you and we are not going to allow the Congress to override your veto.

Now, what happened after this event? Well, the approval rating of Congress overall went straight down. The American people wanted action, and they got more of the same.

I don't want another picture like this, Mr. Speaker, because in nine days, if we find that our Republican colleagues run back down to the White House and stand on the steps with the President and say we stand with the President and we will not allow the Congress to override his veto, I think it will be a very sad day in the United States of America when we provide health care for children abroad, and we are spending $120 billion a year, and counting, in Iraq, and we have Members of Congress and we have a President who doesn't want to provide health care for 10 million children here in the United States.

I feel we are up here to represent especially those that are most vulnerable. I guess because the kids that will be eligible for the SCHIP program, they can't vote, they are under 18, maybe that is the reason.

But I ask, Mr. Speaker, that those of us that are adults, if you are a grandparent or granddad or you are a senior, or you are a mother or father or an aunt or an uncle, or if your kids have health care, and we talked about that last night, because my kids go to school with other kids, and if someone is in that classroom that has not received health care insurance and they have a cold or they have some sort of ailment, my kids are going to end up falling victim to that.

With that, Mr. Speaker, I have two of my good colleagues from Ohio, they are about an hour-and-a-half away from each other I guess by car, the Chair of the Ethics Committee and a member of the Ways and Means Committee, who I am happy to serve with on that committee, Mrs. STEPHANIE TUBBS JONES, and also Mr. TIM RYAN from the great town of Youngstown, Ohio.

With that, I would like to yield to Mrs. STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Florida for yielding.

Mr. Speaker, this is like deja vu. We were right here last night talking about many of these same issues. But these issues are so very important to the people of America, to the children of America, that it just makes sense that we are back here again trying to make sure that people across America understand the importance of providing health care for children across America.

I was sitting and smiling as you were talking about your children, or someone having a child and they go to day care and they come back home and the next day they are ill. The germs just keep floating around and around. If you have children that don't have access to health care, you present a real problem for other children in day care, and for yourself as well.

It is a problem that not only will greet those who vote against this legislation in 2007 and 2008, but they will look back on these young people who are now 4, 5, 6, 10 years old, in 10 years these children will say, well, where were you when I needed some health care? Now that I am old enough to vote, I remember back in 2007 when you voted not to support children's health care across America. I remember. I might have been a better athlete. I might have been a better student. I might have been able to go to medical school. Instead, because I wasn't able to have the appropriate health care, I wasn't able to pay attention to what is going on in class, I wasn't able to have the appropriate dental care, I am doing X.

So it will not only resound throughout America in 2007 on October 18 when we vote to override the President's veto; it will resound for years and years to come.

You know what the wonderful thing I have to say to Mr. RYAN and Mr. MEEK is? That today I have been going around the floor of the House talking to some of my colleagues who voted to support the SCHIP bill several weeks ago and asking them are they going to hold up their vote; are they going to vote with us when the time comes up on October 18. And I haven't run into anybody yet, except for one who has got an issue about something else, that said they won't be with us again on October 18 when it is time to override the President's veto of the State Children's Health Insurance Program.

This program has been so valuable. It has been so useful. It has been a hallmark for children, 6 million children in the United States of America; and it is time for us to extend it to another 4 million and to every child in these United States who needs to have great health care, some of the greatest health care that is given to all the rest of the people.

The funny thing is, I happened to be over in the United Arab Emirates, and I was seated at the table of one of the higher-ups of this country, and he said, you know, my father just came back from Cleveland getting health care services. I said, he did? And I got the information.

I am not mad at him. He can come here, we have the greatest health care in the world, and he can get it. But how is it that children right here in America can't get that same health care? That is the problem, and we got to fix it.

Mr. MEEK of Florida. Real quick, reclaiming my time, that is a perfect example of what we were talking about. I mean, you weren't drinking any "Haterade" or anything like that. You were just like, wow, I have constituents that would love to get the same health care.

Mr. Speaker, that is what I was talking about just 10 minutes ago, kids abroad having opportunities that American kids don't have, and then we have a President to speak passionately about our responsibilities in Iraq and Iraqi children. But, better yet, we have children here in the United States, Mr. Speaker.

I can tell you, it is so wrong, the veto that the President carried out. I mean, it is so wrong. I don't know how, Mr. Speaker, to be honest with you, I don't know how Members cannot vote to override the President. Because, Mr. RYAN, you know, and we said several times on this floor, that you have Members now, and you served with them too, Madam Chairman, that are watching us now and reading about the Congress, that was once upon a time, Mr. Speaker, a Member of Congress. They make bad decisions. Republicans, Democrats and independents said, guess what, we are going to send somebody up there that can make good decisions.

I am going to share with you, and if this was about politics, I wouldn't say this, and thank you for yielding, some of the new Republican Members that are on the other side can very well be reading the paper and watching Congress on television after next November if they vote against a chance for 10 million children to receive health care.

Mr. Speaker, I don't care who you are, I don't care where you came from, if you're a stone-cold conservative, Republican, what have you, we are talking about something that is paid for. It's not going into the debt. We are talking about something that provides health care for the most vulnerable children in the United States of America, and we are talking about doing the right thing as it relates to good government. The same individuals vote for subsidies for oil companies but they don't want to vote on behalf of the kids.

Mr. RYAN of Ohio. This is about making our country more competitive, period. This is a moral issue. This is an issue that needs to be handled, and needs to be addressed. But as our friend from Cleveland was saying, this is about those kids in Cleveland and Youngstown and Miami becoming more competitive because they are healthier, they go to school healthier, they are not getting all the other kids sick, and therefore everyone in the classroom is at a better starting point to learn.

When you talk about competing with China, you talk about competing with India, 1.3 billion people in each country, and we only have 300 million, we need to get everybody on a level playing field. That is what this Children's Health Care Program does.

Mr. Speaker, look at what the President would do by not signing this bill. Our bill will cover all of these kids. It is a bipartisan bill, the congressional bill that passed; 3.8 million additional kids. Now if the President gets his way, in his budget 840,000 children will lose their SCHIP coverage, because health care costs are going up, more kids are going into the system, the poverty rate is going up. So this is about making us more competitive by making sure that the poor kids, middle-class kids in our country, have an opportunity to get a little bit of health care.

Mrs. JONES of Ohio. Yesterday, again, we had an opportunity to have this discussion. The interesting thing is that we are not alone in the position that we have taken about SCHIP. We are not alone, because newspapers across this country, across the country the newspapers have said that this President is wrong.

The Washington Post: "Children's Health Check."

The Austin American Statesman: "For many kids, the doctor is not in."

The Atlanta Journal-Constitution: "Kids lose out to politics."

The Chicago Tribune: "A sound children's health bill," talking about SCHIP.

The New York Times: "Overcoming a veto and helping children."

The Daily News: "Presidential malpractice," the veto on SCHIP is "Presidential malpractice."

The Sacramento Bee: "The SCHIPs are down."

The Akron Beacon Journal: "SCHIP at the brink."

The USA Today: "Plan to protect kids' health spawns needless veto fight."

The Charlotte Observer: "Vote for healthy kids."

The Des Moines Register: "Don't abandon kids needing health care."

Charleston Gazette: "Child health—override the President."

The Houston Chronicle: "Wrong priorities—Presidential veto of SCHIP expansion would place ideology over children's health."

The Republican: "Bush abandons kids on health insurance."

And the Connecticut Post: "Insurance change to help children."

Do you know what I heard the President say today? "I am willing to negotiate."

Mr. President, don't negotiate with our children. Give them health care. Forget the negotiation, forget the political stuff you're trying to do on SCHIP, and all your Republican and Democratic colleagues in the House. Override the veto.

Mr. RYAN of Ohio. Mr. Speaker, the President said the other day, these kids can go to the emergency room.

Mrs. JONES of Ohio. Have you ever been to the emergency room?

Mr. RYAN of Ohio. Yes.

Mrs. JONES of Ohio. What's it like?

Mr. RYAN of Ohio. If you can get in. For many of the kids, you sit there and wait for hours and hours and hours, if you can even get in; and the cost, and this is the point that we are trying to make, we are trying to save the taxpayers money. There is a reimbursement that goes back to these emergency rooms when they cover charity care when people go in without health insurance.

Mr. Speaker, now, many of us can go, and you talk to the CEO who runs a hospital, and I have one in mind in my district that I talk to all the time, where he tells me at every meeting we are at, whether we are talking about giving money to build another hospital or expand their facilities, or anything else, he always brings this up. I would rather give these kids a prescription for $20 or $30 than to see them two or three weeks later come into the emergency room with pneumonia, and it costs $20,000 or $30,000.

This is what this bill does. This saves us money, not to mention the fact that the kid will miss school, the kid will go to school and get other kids sick. But to have a President of the United States in 2007 lack the sensitivity of what these families go through who do not have health care, to say, well, you can go to the emergency room.

Mr. Speaker, the President doesn't have to go to the emergency room when he goes to a fancy Navy hospital. Many of us, we don't have to go to the emergency room. Many families who have health insurance, they don't have to go. But there is a segment of our population that is forced as a last resort to end up in an emergency room because they have nowhere else to go.

Mrs. JONES of Ohio. Then the President says, if the gentleman will yield, that everybody in America can get health care because they can go to the emergency room. Could you imagine if the 4 million children who don't have any health care coverage lined up in emergency rooms all across America, what a dilemma we would be in. It's just outrageous.

Mr. Speaker, the other important thing we have to think about is the fact that when families have children who are sick in them, that means parents have to stay off work, that means they aren't able to function or pay attention on the job, that means they are dysfunctional at their job if they go there because they are going to have to leave and pick up their children. I mean, it goes on and on and on.

Health care for children is good for America, it's good for American business, it's good for American families. George Bush needs a wake-up call.

Mr. RYAN of Ohio. How about the fact, before I go to my friend, my good friend, how about the fact that we want to help these kids before it's an emergency. You're saying to go to the emergency room. Mr. President, we don't want to wait. Mr. Speaker, we don't want to wait for it to be an emergency, for God's sake.

□ 1715

Now, we understand that the way things have been run by this executive branch over the past 6 years, everything does seem to turn into an emergency. There is always a crisis going on with these guys. But this is about preventive care, saving the taxpayers money, and making very smart, prudent investments with the hard-earned money that people send here.

Mr. MEEK of Florida. Before I say something here as it relates what you just said, Mr. RYAN, I think it is important for us to at least look at the argument that the President has not been able to make. He hasn't been able to make that Democrats on Capitol Hill are trying to do something that the American people should not do. We can't say that because 18 Republicans in the Senate supported the bill along with the Democrats. It is bipartisan. And 43 Governors, including 16 Republicans, are in support of the SCHIP bill and children's health care, and 270 organizations representing millions of Americans are in support. And a strong majority of the American people are in support. I have the quotes here, and I hope to put it on the 30-something Web site about what Republicans have said about the veto and even prior to the veto.

I think it is also important to point out, Mr. RYAN and Mrs. TUBBS JONES, I think it is important for us not just to focus on the action of the President. We do have the opportunity to override. The President, like I said last night, he can't run for reelection again because he is term limited out. So the only way the American people can stand in judgment of him is when someone calls their home and asks how they feel about how the President is running the country, and those numbers are very, very low as to whether the President is doing a good job.

But when you look at this issue of health care, I think there this is a gut check for many Members of Congress. There are some numbers, and I heard Congresswoman STEPHANIE TUBBS JONES asking Members on the floor today that voted in the affirmative for the bill: Are you going to vote with us to override the President? Out of two conversations I heard, it was "yes." But I think it is important that each Member of Congress start to use their relationships with other Members of Congress, especially with the other side of the aisle. My conversation with some of my colleagues today have been, Please, I kind of like you. I think you are a nice guy. I don't know if you want to make a career decision to be with the President because that is what is going to happen. The President is talking about negotiating on children's health care when, and I am looking at a quote here, and quotes and past statements by the President, I don't think they hold any great value as to what he is going to do if it has nothing to do with Iraq.

He said at the Republican National Convention in 2004: "In a new term, we will lead in an aggressive effort to enroll millions of children who are eligible but not yet signed up for government health care insurance programs. We will not allow the lack of attention or information to stand between these children and health care that they need."

Well, I can tell you, based on his veto, he is standing in the schoolhouse door as it relates to children receiving health care. I have been talking to my colleagues in the halls and saying, Listen you need to be on the side of the children. Not with the Democrats, not with some group, either liberal or conservative, moderate, you have to be on the side of the children.

Mrs. JONES of Ohio. Lest you think it is only Democrats saying SCHIP is a good bill, let me read the statements of some of my Republican colleagues. Senator PAT ROBERTS of Kansas said: "The administration is threatening to veto this bill because of 'excessive spending' and their belief that this bill is a step towards federalization of health care. I am not for excessive spending and strongly oppose the federalization of health care, and if the administration's concerns with this bill were accurate, I would support a veto. But bluntly put, they are not." That is Senator PAT ROBERTS of Kansas.

JIM RAMSTAD of Minnesota said: "We have a moral obligation to cover all our children so every child in America can grow up healthy. It is the right thing to do. It is also the cost-effective thing to do, and that is why I strongly support extending and expanding SCHIP. I also hope we can work together to provide greater access to private insurance coverage for America's children and other uninsured Americans. There is no better investment than to invest in the health and well-being of America's children." That is JIM RAMSTAD.

Mr. REGULA, one of the senior Members in the House of Representatives said: "I voted today with the majority of my colleagues in the House of Representatives to extend SCHIP to expand health care access to the children of working parents whose income is too high to qualify for Medicaid but who, for one reason or another, do not have any health insurance coverage through their employers The program has proven to be extremely successful in covering many children who have fallen through the cracks and providing them with quality preventive and acute health care. This bill provides States with new tools to enroll more eligible low-income children with health care coverage." That's RALPH REGULA of Ohio.

VERNON EHLERS of Michigan: "I grew up with acute asthma, and I know personally how important it is for kids to have access to affordable health care. This bill will continue to provide health care coverage to millions of children who otherwise would be uninsured."

Finally, from STEVE LATOURETTE, Republican from Ohio, "The children's insurance program is too important to not support." STEVE LATOURETTE.

Mr. RYAN of Ohio. One of the arguments we get from what is a shrinking minority of Members of the House that aren't helping the override proceedings is that this is socialized medicine. And Bush is saying that this is somehow socialized medicine.

When this bill passed in 1997, there was a Republican House and a Republican Senate and a Democratic President. So what you are saying is Newt Gingrich and friends during the 1990s were for socialized medicine because they started it. It is an inaccurate argument.

The government is not taking over anything. You are still going to go to your doctor and find out where you want to go, kind of like Medicare. But this is about providing children that are poor with health care. The President is trying to say that he wants to clean it up and he is trying to say that he wants to negotiate. This is different than the House bill that passed. This is the Senate version. The Senate has enough votes to override the veto. As the gentlewoman from Ohio said, there are all these Republican Senators. We have a bunch of Republican House Members. And the other day when we were debating it, there were very few Republican House Members that even wanted to come down here and make the argument about what is going on here.

We continue today, and we will next week and the following week continue to urge the President. But we need the American people to stand up and say can't Congress at least agree on health care for children. And the only roadblock is the President's veto pen and a group of Republicans in the House.

Before I yield, I want to be sure to say that the socialized medicine argument is a red herring because the Republicans created this bill in the 1990s, signed by President Clinton, but in a Republican-controlled House.

Mrs. JONES of Ohio. Mr. Speaker, the other interesting thing is when you have 270 organizations from all over this country signed onto a letter to the President urging him to support SCHIP, and I am going to just read the last paragraph which says, "We know you agree that our children are our Nation's most precious resource, and that investments in health care for kids reap benefits that last a lifetime. We urge you to stand with our children and to put their interests ahead of the partisan rhetoric that is threatening a timely SCHIP reauthorization. We welcome the opportunity to discuss these issues with you and to work with you on this and other initiatives to be sure that all of our Nation's children have access to the health care coverage that they need."

Mr. MEEK of Florida. These are the organizations that would like, that want children to have health care. Am I correct?

Mrs. JONES of Ohio. That's correct.

First Focus of Alexandria; National Association of Community Health Centers; AARP; Action for Children of North Carolina; African American Health Alliance; AIDS Alliance for Children; AIDS Institute; Alliance for Children, Youth & Families; Alliance for Children and Families; Alliance for Excellent Education; Alliance for Retired Americans; Aloha United Way; Ambulatory Pediatric Association; American Academy of Child and Adolescent Psychiatry; American Academy of Family Physicians; American Academy of Nursing; American Academy of Pediatrics; American Academy of Pediatrics of Colorado; American Academy of Pediatrics of Iowa; American Academy of Pediatrics of Pennsylvania; American Academy of Pediatrics of Rhode Island; American Association of People with Disabilities of Washington, DC; the American Association of University Women of Utah; American Association on Intellectual and Developmental Disabilities; American Cancer Society; American College of Obstetricians and Gynecologists; American Counseling Association; American Dental Association; American Dental Hygienists Association; American Diabetes; American Health Quality; American Heart Association; American Humane Association; American Mental Health; American Music Therapy; American Network of Community Options and Resources. All of these organizations want SCHIP to be reauthorized. American Nurses; American Psychiatric Association; American Speech-Language-Hearing Association; AMERIGROUP Corporation; Anchor House.

All of these organizations want SCHIP, and the list goes on. Centene Corporation; Center for Civil Justice; Center for Community Solutions of Cleveland, Ohio; Center for Law and Social Policy; Center for Medicare Advocacy; Center for Public Policy Priorities; Central County United Way; Chicago Foundation for Women; Child and Adolescent Health Measurement Initiative; Child and Family Policy Center; Child Care; Child Welfare; Children First for Oregon; Children Now; Children's Action Alliance; Children's Defense Fund, and the list goes on. How can this President stand up to all 270 organizations?

Mr. RYAN of Ohio. Those groups want it.

Mr. MEEK of Florida. They do want it. And the thing about it, they should want it and Members of Congress should want it. These are children. They don't wear $800 suits and $200 silk ties and all of the things that big-time folk wear here in Washington, D.C.

But I think it is important that letter that was sent to the President should be sent to Members of Congress to remind them the reason why they are up here.

Some Members say KENDRICK is not talking about me. He can't be talking about me.

□ 1730

Someone who might have read the CONGRESSIONAL RECORD, said, well, he's not talking about me; yes, you too. Your children, too. Your grandchild, too. So if you're within the sound of my voice and you hear what I'm saying, your neighbor's child, too. Your child will be affected by 10 million children not having health care, will be affected by the lack of health care that that child will not have if the President and the Republican minority have their way.

Now, I commend Democrats that voted for the bill, I commend Republicans that voted for the bill, but we should make sure that we point out the fact that there are a number of Republicans in this House that will stand or say they will stand with the President. They're saying they stand with the President. They're not saying they're going to stand with the American people.

I think you're 110 percent right for sharing that with Members of Congress and letting them know, and these associations should approach their Member if they voted for it or not, just to remind them that this is very, very important.

Mr. RYAN of Ohio. I think the debate, too, has gotten a little bit off track, and I quite frankly, Mr. Speaker, find this shameful.

One of the statements made by the President: Democratic Members of Congress are putting health coverage for poor children at risk so they can score political points in Washington.

Now, that's a shame that that kind of rhetoric's coming out of the White House at this point. When you look, as Mrs. JONES has stated earlier, all of the Republicans that are supporting this bill, this is a bipartisan bill. But there is a small fringe group in this House and the White House that will not allow this bill to pass.

Score political points? We're trying to provide health care for kids. This is not where we have a debate and everyone gets little debating points as we go along, and there are a lot of Republicans in this House and in the Senate that want to support children's health care, and for the executive branch to make these kinds of statements I think totally poisons the debate.

Here's another thing that some of our friends are saying on the other side, that SCHIP is incremental steps to a government-run health care program. That's just not true. These are children who are now eligible for the program but there's not enough money in it to actually cover them, we're trying to put the money in to cover them. They will go to private doctors and they will get private health care. They're not going to go to the VA, the government-run veterans hospitals. They're going to go to private docs. They're going to be involved in private health care plans.

Mrs. JONES of Ohio. And the crazy thing about that statement is that if you talk to senior Americans across this country and you ask them about Medicare, they will say that Medicare is one of the finest systems of delivery of health care in this country, and they are so happy that we have Medicare and that the cost of running Medicare is equal to the cost that people pay, that it is a well-run program. So, even if we were talking about government-run health care, which we are not, let's talk about how great a program Medicare and Medicaid have been.

So I just want to close out, as I leave the two of you with the last few minutes of this, I'm calling upon everybody who can hear what I'm saying, and if you can't hear me and you're reading my lips or there's a script going under your TV, call your congressperson. Ask them, are you supporting SCHIP? If they are not, ask them why. Call your neighbor; ask your neighbor to call your congressperson.

This is down to a battle, and the battle is either for the children or against the children, and we're for the children.

Mr. MEEK of Florida. TIM and I have a good friend by the name of Charles, and Charles was saying how excited that he was about the fact that we pointed out the folks that wanted children to be covered by health insurance. And I think it's important that even if we continue to say everything that we're saying and we say it 10 times, it's not going to hurt. It's not going to hurt the debate here.

Let me just back up. What the White House is doing now, Mr. Speaker, and I just want to kind of bring this out into the light, let's drag it out from out of the dark halls of Congress. What's happening right now, they're getting invitations to the White House: come sit down with the Vice President or the President or some major policy person, saying, you know, a little tea, a little coffee, some cookies.

Mrs. JONES of Ohio. Little pressure.

Mr. MEEK of Florida. Little pressure in the Roosevelt Room, somewhere around there. You are with us on this stopping the overside of the President's veto; please tell me that you're with us.

Mrs. JONES of Ohio. You want a bridge to nowhere?

Mr. MEEK of Florida. Some of them are saying, well, yeah, I'm with you, you know, I'm all impressed, and they go in and take a picture with the President in the Oval Office and they go back home or they come back over here to the Capitol. That's what's happening very quietly. I just want to put that out because that's the way the White House has been successful in getting this kind of picture.

Now, I know every last Member here in this picture, and I know the conversations I've had with them one-on-one about the war in Iraq, but better yet, they're down there with the President. All I'm saying is that all of the groups, some, was it 270 and counting, are saying that we want health care for children.

And all of the Members, I want to the make sure I say it right, a number of Republicans in the Senate that voted for this measure, and over here in the House?

Mrs. JONES of Ohio. Forty-five Republicans voted in the House.

Mr. MEEK of Florida. Forty-five Republicans voted with Democrats on this bill.

Mrs. JONES of Ohio. Sixty-eight Senators, including 18 Republicans.

Mr. MEEK of Florida. I think somewhere like 18 or 20 that we would need to override. I think that number now is somewhere maybe, you know, around 15 or 16 we have to convince them to do it. I want to drag this out and put it out into the light.

Mr. RYAN of Ohio. I want to say that the most important point that I'd like to highlight before we leave, because I know time is running out, all of the waste over the past 6 years under this administration, with the nonsense with FEMA and trailers sitting in Arkansas somewhere that have rotted, the billions of dollars wasted in Iraq where unbid contracts, Halliburton wasting money, losing hundreds of millions of dollars in cash, the tax cuts that went primarily to the top 1 percent, corporate welfare that goes to the oil companies, $14 or $15 billion, we are starting to rein all that in and the President picks children's health care to draw the line in the sand and say we're spending way too much money?

That is unacceptable, Mr. Speaker. That is unacceptable. All of these opportunities wasted, and now you pick these people? You don't take on the oil companies. You don't take on the top 1 percent billionaires who got tax cuts. You're going to take on little kids? That's the message? That's your legacy? God bless you.

Mr. MEEK of Florida. We have I guess somewhere about a minute 30 left. I yield to Ms. WASSERMAN SCHULTZ, chair of the House administration in appropriations. She's an appropriator.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank you very much, and just really briefly, I want to thank you and congratulate my colleagues for holding down the fort for the last hour and standing up for our Nation's children because it's just absolutely preposterous that the President vetoed an opportunity to expand access to health care for millions of children.

And we are going to continue to fight to our last breath in the Democratic Caucus and try to override this veto so we can make sure that we do the right thing by our children. We will be here regularly week after week to make sure we stand up for people who need the most help.

Mr. MEEK of Florida. I was just told that we have four additional minutes. I was given some information that was incorrect, so if you wanted to continue.

Ms. WASSERMAN SCHULTZ. I mean, what we have tried to do in the 30-Something Working Group is to highlight, particularly when it comes to the domestic agenda of this caucus, what the other side, our good friends on the other side of the aisle's, decisions and the ramifications of those decisions and the impact that they will have.

And we had 45 Republicans do the right thing on this SCHIP vote on this children's health insurance bill, and what we need them to do is cast the right decision again, vote to override the President's veto, and we need about 17 Republicans to come with us to realize that they made the wrong decision in voting against it so that we can make sure that we give access to children, not those who are already covered by private health insurance.

The President has tried to spread the misperception that this program and this expansion is about taking kids off of private health insurance and putting them on government health insurance. That is totally false.

What is actually happening is we are going to expand access to health insurance for children that don't currently have it, for children whose families fall in the gap between Medicaid and private health care. That's what the children's health insurance program has been all about, and we need to make sure that the members of this institution, of the United States House of Representatives, be the representative body that they were elected to be and do the right thing by our kids.

Mr. RYAN of Ohio. I totally agree and that's the point. Every argument that has been put in front of this piece of legislation is a phony argument that doesn't stand the scrutiny of any kind of debate.

Ms. WASSERMAN SCHULTZ. It's just because when the facts don't meet their views, they make them up.

Mr. RYAN of Wisconsin. It's socialized medicine and then people are going to private health care. You say that it's a Democratic ploy and we have all this Republican support. The President says he's for the program, but 840,000 kids would get knocked off of it. It just doesn't work.

So I'm glad we're here to clean it up and come do our job. So good seeing everybody.

Did I announce last night, I wanted to announce before we close that Kelly Pavlik from Youngstown won the middleweight title on Saturday and what a great kid he is.

Mr. MEEK of Florida. We're all happy for him.

Mr. RYAN of Wisconsin. So Youngstown, Ohio, is now the home of the WBO/WBC middleweight champion of the world.

Mr. MEEK of Florida. I'm pretty sure there's some tourism dollars in there somewhere.

Mrs. JONES of Ohio. I just want to say, on behalf of other Members of the House of Representatives, I am so proud of this 30-Something Working Group. I'm proud to have been able to participate in this time with Mr. MEEK, under his great leadership; and Mr. RYAN, under his great leadership; and Ms. WASSERMAN SCHULTZ, under her great leadership. You're continuing to fight on behalf of the people of America, and I'm thankful to be considered 30 something.

Mr. MEEK of Florida. I just want to say that you have increased our stock. To have a chair of a full committee with us two days in a row and to have a cardinal to join us at the last minute, even though a member of the 30-Something Working Group here on the floor with Mr. RYAN and myself, I mean, in the light of other Members, they really may feel we have moved up in the world to have these two gentle ladies here with us but yet powerful.

Mr. RYAN of Wisconsin. We just hang out in the glow.

Mr. MEEK of Florida. Mr. Speaker, with that we would like to thank the Speaker and the Democratic leadership for allowing us to have this hour. We would like for the Members, if they want to get a copy of the letter that Chairwoman TUBBS JONES read into the RECORD, they can go on www.speaker.gov and also all of the groups that support and the folks, the Republican Senators, of why SCHIP should be overridden or passed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today after 2:30 p.m.

Mr. MCNULTY (at the request of Mr. HOYER) for today after 2:30 p.m. on account of personal reasons.

Mr. VISCLOSKY (at the request of Mr. HOYER) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 11.

Mr. JONES of North Carolina, for 5 minutes, October 11.

Mr. WOLF, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

S. Con. Res. 45. Concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month; to the Committee on Oversight and Government Reform.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 5, 2007, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3606. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2007-27713; Directorate Identifier 2006-NM-240-AD; Amendment 39-15079; AD 2007-12-01] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes [Docket No. FAA-2007-27806; Directorate Identifier 2006-NM-287-AD; Amendment 39-15090; AD 2007-12-12] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2006-26354; Directorate Identifier 2006-NM-196-AD; Amendment 39-15095; AD 2007-12-17] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-10E Series Turbofan Engines [Docket No. FAA-2006-25896; Directorate Identifier 2006-NE-33-AD; Amendment 39-15093; AD 2007-12-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) GE90 Series Turbofan Engines [Docket No. FAA-2007-27283; Directorate Identifier 2007-NE-05-AD; Amendment 39-15046; AD 2007-10-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines [Docket No. FAA-2005-23809; Directorate Identifier 2005-NE-52-AD; Amendment 39-15048; AD 2007-10-07] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines [Docket No. FAA-2007-28009; Directorate Identifier 2007-NE-16-AD; Amendment 39-15047; AD 2007-10-06] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2007-27859; Directorate Identifier 2007-CE-033-AD; Amendment 39-15049; AD 2007-12-08] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft (Type Certificate No. A36EU formerly held by AVIONS MUDRY et CIE) Model CAP 10 B Airplanes [Docket No. FAA-2007-27531 Directorate Identifier 2007-CE-020-AD; Amendment 39-15054; AD 2007-10-13] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate No. A-806 previously held by deHavilland Inc.) Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. FAA-2007-27193; Directorate Identifier 2007-CE-009-AD; Amendment 39-15091; AD 2007-12-13] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Transportation of Lithium Batteries [Docket Nos. PHMSA-02-11989 (HM-224C) and PHMSA-04-19886 (HM-224E)] (RIN: 2137-AD48 and RIN: 2137-AE05) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 series airplanes) [Docket No. FAA-2007-26856; Directorate Identifier 2006-NM-125-AD; Amendment 39-15082; AD 2007-12-04] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-27755; Directorate Identifier 2006-NM-289-AD; Amendment 39-15081; AD 2007-12-03] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30559; Amdt. No. 3226] received September 18, 2007; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-33, -42, and -43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and -55 Airplanes; mmodel DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-72 Airplanes; and Model DC-8-70F Series Airplanes [Docket No. FAA-2007-27334; Directorate Identifier 2006-NM-279-AD; Amendment 39-15080; AD 2007-12-02] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30558 Amdt. No. 3225] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30561; Amdt. No. 3228] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30550; Amdt. No. 3218] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Johns, AZ [Docket No. FAA-2007-27072 Airspace Docket No. 07-AWP-1] (RIN: 2120-AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision to Class E Airspace; Laramie, WY [Docket No. FAA-2005-23270; Airspace Docket No. 05-ANM-16] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Aguadilla, PR. [Docket No. FAA-2007-27594; Airspace Docket No. 07-ASO-3] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30557; Amdt. No. 3224] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30556 Amdt. 3223] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3629. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30555 ; Amdt. No. 468] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30553 Amdt. No. 3221] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30554; Amdt. No. 3222] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 3745. A bill to improve Mandarin language education by authorizing grants to support the creation of Mandarin language classes for elementary and secondary school and adult education program students; to the Committee on Education and Labor.

By Mr. McKEON (for himself, Mr. Keller, Mr. Boustany, Mr. Kline of Minnesota, Mr. Fortuño, Mr. Wilson of South Carolina, Mr. David Davis of Tennessee, Mr. Souder, and Mr. Bishop of Utah):

H.R. 3746. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. McKEON (for himself, Mr. Keller, Mr. Boustany, Mr. Kline of Minnesota, Mr. David Davis of Tennessee, and Mr. Souder):

H.R. 3747. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training, integrating existing employment and training programs to avoid duplication and overlap, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mr. Davis of Illinois, and Ms. Hirono):

H.R. 3748. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members; to the Committee on Education and Labor.

By Ms. HOOLEY:

H.R. 3749. A bill to amend the Public Health Service Act to provide for the establishment of a Drug-Free Workplace Information Clearinghouse, to authorize programs to prevent and improve treatment of methamphetamine addiction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Ms. Ros-Lehtinen, Mr. Price of North Carolina, Mr. Tiberi, Mr. Boucher, Mr. Bishop of Georgia, Mr. Boozman, and Mr. Engel):

H.R. 3750. A bill to provide for the expansion of Federal programs to prevent and manage vision loss, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL:

H.R. 3751. A bill to amend the Consolidated Farm and Rural Development Act to establish and provide for the administration of the Farm and Ranch Stress Assistance Network; to the Committee on Agriculture.

By Mr. CAMPBELL of California:

H.R. 3752. A bill to provide that the Indian Gaming Regulatory Act shall not apply to an Indian tribe or to Indian lands of an Indian tribe until that Indian tribe has been federally recognized for a period of not less than 25 continuous years; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. Daniel E. Lungren of California, Mr. Hoyer, Mr. Boehner, Mr. Berman, Mr. Pence, Mr. Watt, Mr. Bachus, Mr. Schiff, Mrs. Biggert, Ms. Wasserman Schultz, and Mr. Gohmert):

H.R. 3753. A bill to increase the pay of Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. Cardoza, Mr. McNerney, and Mr. Nunes):

H.R. 3754. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 3755. A bill to amend section 1308 of title 40, United States Code, to provide immunity for Federal Government agencies from claims resulting from the donation of unfit horses and mules and to allow certain agents of United States Customs and Border Protection to adopt such horses and mules; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE:

H.R. 3756. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CLEAVER, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIRES, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Mr. WAXMAN, Mr. WEXLER, Mr. LEWIS of Georgia, and Mr. NADLER):

H.R. 3757. A bill to provide additional protections for National Forest System lands in the Tongass National Forest in Alaska through the designation of additional wilderness areas, Land Use Designation II management areas, restoration areas, special management areas, and components of the national wild and scenic rivers system; to the Committee on Natural Resources.

By Mr. HALL of New York:

H.R. 3758. A bill to amend the Internal Revenue Code of 1986 to reduce the alternative minimum tax by increasing the exemption amounts and adjusting them for inflation and by making permanent law the allowance of the dependent care credit, the child credit, and the adoption credit against such tax; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself and Ms. WATSON):

H.R. 3759. A bill to amend the Elementary and Secondary Education Act of 1965 to enable local educational agencies to use amounts received from the Fund for the Improvement of Education for innovative programs to increase learning in financial literacy; to the Committee on Education and Labor.

By Ms. KILPATRICK (for herself, Ms. WATSON, and Mr. KAGEN):

H.R. 3760. A bill to amend the Elementary and Secondary Education Act of 1965 to enable local educational agencies to use amounts received from the Fund for the Improvement of Education for innovative programs to increase learning in nutrition and exercise; to the Committee on Education and Labor.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 3761. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. COHEN, Mr. DAVIS of Illinois, and Mr. HARE):

H.R. 3762. A bill to amend the Elementary and Secondary Education Act of 1965 to foster community involvement, and for other purposes; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. PAYNE, Mr. HARE, and Ms. MATSUI):

H.R. 3763. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself and Mr. VAN HOLLEN):

H.R. 3764. A bill to amend the Internal Revenue Code of 1986 to suspend the 5-year period relating to the exclusion of gain on the sale of a principal residence during a period of service with the Peace Corps; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. LARSON of Connecticut):

H.R. 3765. A bill to amend the Internal Revenue Code of 1986 to provide transparency with respect to fees and expenses charged to participant-directed defined contribution plans; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3766. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. NUNES (for himself and Mr. COSTA):

H.R. 3767. A bill to provide the Secretary with the authority to increase the number of Customs and Border Protection personnel at Fresno Yosemite International Airport; to the Committee on Homeland Security.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. COSTA, Mr. CARDOZA, and Mr. RADANOVICH):

H.R. 3768. A bill to require the Secretary of the Interior to study and construct all projects and programs that are included in the Friant Water Users Authority document titled "San Joaquin River Restoration Program: Water Management Goal-Recirculation, Recapture of Restoration Flows and Mitigation of Water Supply Reductions", and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself, Mr. PATRICK MURPHY of Pennsylvania, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. CUMMINGS, Mrs. BOYDA of Kansas, Mr. MURTHA, Mr. BURTON of Indiana, Mr. BOSWELL, Mr. BLUMENAUER, Mr. BOYD of Florida, Mr. GORDON, Mr. TANNER, Mr. BRADY of Pennsylvania, Mr. DONNELLY, Mr. KLINE of Minnesota, Mr. YOUNG of Florida, Mr. HARE, Mr. SHIMKUS, Mr. CRAMER, Mr. MAHONEY of Florida, Mr. BACA, Mr. COSTA, and Mr. WOLF):

H.R. 3769. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Ms. SCHWARTZ (for herself, Mr. MCDERMOTT, Mr. RAMSTAD, and Mr. PORTER):

H.R. 3770. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. PETRI):

H.R. 3771. A bill to amend the Internal Revenue Code of 1986 to provide that the graduated income tax rates that apply to principal campaign committees of candidates for Congress shall apply to all comparable committees of candidates for State and local offices; to the Committee on Ways and Means.

By Mr. BAIRD (for himself and Mr. ROHRABACHER):

H.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. BAIRD):

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H. Con. Res. 226. Concurrent resolution calling on the United States Postal Service to create a special exterior light display on March 4, 2008, to reignite public awareness and appreciation of the accomplishments of the New Deal and the legacy of those programs for our Nation today, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California:

H. Con. Res. 227. Concurrent resolution expressing the sense of Congress that secondary schools should consider starting school after 9:00 in the morning; to the Committee on Education and Labor.

By Mr. SCHIFF (for himself and Mr. SHAYS):

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress with respect to countries that withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, and Mr. FORTENBERRY):

H. Res. 711. A resolution expressing the sense of the House of Representatives concerning the United States-India nuclear cooperation agreement; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H. Res. 712. A resolution expressing support for the Declaration on the Rights of Indigenous Peoples and commending the United Nations General Assembly for its adoption of the Declaration on September 13, 2007; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. HOYER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. BUTTERFIELD, Mr. ADERHOLT, Ms. KAPTUR, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. KILPATRICK, Mr. PAYNE, and Mr. PITTS):

H. Res. 713. A resolution congratulating the Ukrainian people for the holding of free, fair, open and transparent parliamentary elections on September 30, 2007, in a peaceful manner consistent with Ukraine's democratic values and national interest, in keeping with its commitments as a participating State of the Organization for Security and Cooperation in Europe; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself, Mr. THOMPSON of Mississippi, Mr. DENT, Mr. KING of New York, Mr. REICHERT, and Mr. CUELLAR):

H. Res. 714. A resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association; to the Committee on Oversight and Government Reform.

By Mr. SOUDER (for himself, Mr. CUMMINGS, Mr. BOOZMAN, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CONYERS, Mr. HUNTER, Mr. MCHUGH, Mr. LEVIN, Mr. PAYNE, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. REYES, Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, and Mr. DONNELLY):

H. Res. 715. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

206. The SPEAKER presented a memorial of the General Court of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 calling on the President of the United States and the Congress of the United States to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Act; to the Committee on Education and Labor.

207. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 165 memorializing the Congress of the United States to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demands; to the Committee on Transportation and Infrastructure.

208. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 172 urging the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increases pollution by British Petroleum into the Great Lakes; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced a bill (H.R. 3772) for the relief of Enrique Soriano and Areli Soriano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. POE.

H.R. 281: Ms. LORETTA SANCHEZ of California and Mr. BERRY.

H.R. 371: Mr. PRICE of North Carolina.

H.R. 468: Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Mr. MCGOVERN, Mr. BACA, Mr. PASTOR, Ms. HARMAN, and Mr. FILNER.

H.R. 503: Mr. LIPINSKI, Mrs. BIGGERT, Mr. REICHERT, and Mr. ANDREWS.

H.R. 578: Mr. CUELLAR and Mr. HODES.

H.R. 581: Mr. LAMBORN.

H.R. 589: Mr. ISRAEL.

H.R. 618: Mr. SULLIVAN.

H.R. 662: Mr. MARKEY.

H.R. 697: Mr. WALBERG.

H.R. 715: Mr. ETHERIDGE.

H.R. 750: Ms. KILPATRICK.

H.R. 871: Mr. HASTINGS of Florida.

H.R. 997: Mr. REHBERG.

H.R. 1004: Ms. BERKLEY.

H.R. 1014: Mr. NADLER and Mr. SIRES.

H.R. 1023: Mrs. MALONEY of New York, Mr. CONAWAY, Mr. TIAHRT, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. KING of Iowa, Mr. BRADY of Pennsylvania, and Mr. TANCREDO.

H.R. 1070: Mr. TOWNS.

H.R. 1077: Mr. BOEHNER.

H.R. 1110: Mr. KIND, Mr. SERRANO, Ms. FOXX, Ms. HARMAN, and Mr. NEUGEBAUER.

H.R. 1192: Mr. DONNELLY.

H.R. 1222: Mr. COSTELLO.

H.R. 1223: Mr. COSTELLO.

H.R. 1248: Mr. TIERNEY.

H.R. 1280: Mr. ALLEN.

H.R. 1283: Mr. MURPHY of Connecticut, Mr. MURTHA, and Mr. WEINER.

H.R. 1295: Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Mr. HALL of Texas, Mr. MCCOTTER, and Mr. SESSIONS.

H.R. 1312: Mr. HODES.

H.R. 1314: Mr. LAMBORN.

H.R. 1386: Mrs. MALONEY of New York, Mr. MARSHALL, Mr. PLATTS, Ms. SCHAKOWSKY, Mr. NADLER, and Mr. LANGEVIN.

H.R. 1399: Mr. ROGERS of Kentucky.

H.R. 1419: Mr. GERLACH and Mr. KUHL of New York.

H.R. 1459: Mrs. JO ANN DAVIS of Virginia, Mr. SPRATT, and Mr. BISHOP of Georgia.

H.R. 1537: Ms. WATERS.

H.R. 1567: Mr. HINCHEY and Mr. OLVER.

H.R. 1584: Mr. DONNELLY, Mr. GOHMERT, Mr. KELLER, Mr. VISCLOSKY, and Mr. SMITH of Washington.

H.R. 1610: Ms. WOOLSEY and Mr. ETHERIDGE.

H.R. 1616: Mr. DAVIS of Alabama.

H.R. 1619: Mr. RYAN of Ohio and Mr. OBERSTAR.

H.R. 1644: Mr. NADLER, Mr. WEINER, Mr. RODRIGUEZ, Mr. BOUCHER, and Ms. KAPTUR.

H.R. 1667: Ms. ZOE LOFGREN of California and Ms. LORETTA SANCHEZ of California.

H.R. 1693: Mr. MARKEY.

H.R. 1721: Mr. BUCHANAN.

H.R. 1747: Mr. DEFAZIO.

H.R. 1748: Mr. CAPUANO and Mr. DELAHUNT.

H.R. 1772: Mr. MANZULLO, Mr. DELAHUNT, and Mr. LATHAM.

H.R. 1813: Mr. BRADY of Texas.

H.R. 1820: Ms. SCHWARTZ and Mr. MEEK of Florida.

H.R. 1823: Mr. TIM MURPHY of Pennsylvania and Mr. STEARNS.

H.R. 1843: Mr. FRANK of Massachusetts.

H.R. 1845: Ms. KAPTUR.

H.R. 1888: Mr. WYNN

H.R. 1946: Mr. CRAMER.

H.R. 1974: Mr. SCHIFF.

H.R. 2045: Mr. HINCHEY and Mr. ALLEN.

H.R. 2063: Mr. WEINER, Mr. MATHESON, Mr. ALTMIRE, and Mr. PRICE of North Carolina.

H.R. 2070: Mr. FERGUSON.

H.R. 2074: Mr. CASTLE.

H.R. 2092: Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Mr. TIERNEY, Mr. FATTAH, and Ms. GRANGER.

H.R. 2116: Mr. MARIO DIAZ-BALART of Florida, Mr. MARSHALL, Mr. MILLER of Florida, and Mr. ALEXANDER.

H.R. 2123: Mr. STUPAK, Mrs. MALONEY of New York, Mr. WYNN, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, and Mr. HARE.

H.R. 2138: Mr. ALLEN and Mr. HODES.

H.R. 2169: Ms. CORRINE BROWN of Florida and Mrs. JONES of Ohio.

H.R. 2183: Mr. CRAMER.

H.R. 2234: Mr. WALBERG, Mr. CONYERS, and Mr. UDALL of Colorado.

H.R. 2253: Mr. FOSSELLA.

H.R. 2267: Ms. GRANGER.

H.R. 2280: Mr. KAGEN.

H.R. 2364: Mr. HARE.

H.R. 2421: Ms. WATSON.

H.R. 2452: Mr. LEVIN and Ms. WASSERMAN SCHULTZ.

H.R. 2490: Mr. POE.

H.R. 2508: Mr. POE.

H.R. 2548: Ms. ROYBAL-ALLARD and Ms. MATSUI.

H.R. 2606: Mr. ORTIZ and Mr. ALLEN.

H.R. 2695: Mr. THOMPSON of Mississippi, Mr. WYNN, and Mr. HASTINGS of Florida.

H.R. 2711: Mrs. BONO, Mr. BROWN of South Carolina, Mr. FERGUSON, and Mr. DEFAZIO.

H.R. 2796: Mr. BAKER.

H.R. 2814: Mr. TERRY.

H.R. 2852: Mr. RANGEL, Mr. COBLE, and Mr. MARCHANT.

H.R. 2882: Mrs. LOWEY, Mr. HASTINGS of Florida, and Ms. SUTTON.

H.R. 2933: Mr. WAMP and Mr. SCOTT of Georgia.

H.R. 2965: Ms. WATSON, Mr. DAVIS of Alabama, and Ms. GRANGER.

H.R. 2994: Mr. KENNEDY and Mr. WALBERG.

H.R. 3014: Mr. BERMAN and Mr. DOGGETT.

H.R. 3026: Mr. JINDAL.

H.R. 3042: Mr. DOGGETT, Mr. UPTON, and Ms. BERKLEY.

H.R. 3045: Ms. DEGETTE, Mr. YARMUTH, Mr. ABERCROMBIE, Ms. WATSON, Mr. CAPUANO, and Mr. KILDEE.

H.R. 3057: Mr. WALBERG.

H.R. 3098: Mr. CARNEY.

H.R. 3114: Mr. COHEN, Ms. SCHAKOWSKY, and Ms. MATSUI.

H.R. 3115: Mr. MCGOVERN.

H.R. 3132: Mr. WELCH of Vermont and Mr. ALLEN.

H.R. 3140: Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. KINGSTON, and Mr. PICKERING.

H.R. 3191: Mr. LEWIS of Georgia, Ms. NORTON, and Ms. HOOLEY.

H.R. 3195: Mr. THOMPSON of California, Mr. WEINER, Mr. PALLONE, Mr. LARSEN of Washington, and Ms. JACKSON-LEE of Texas.

H.R. 3197: Mr. LIPINSKI.

H.R. 3219: Mr. LATOURETTE and Mr. COURTNEY.

H.R. 3223: Mr. KLEIN of Florida.

H.R. 3257: Mrs. MALONEY of New York.

H.R. 3298: Mr. CUMMINGS.

H.R. 3327: Mr. CLAY, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.

H.R. 3348: Mr. BURTON of Indiana.

H.R. 3363: Mr. MORAN of Virginia.

H.R. 3366: Mr. GRIJALVA, Mr. STARK, and Mr. BRADY of Pennsylvania.

H.R. 3372: Mrs. TAUSCHER, Ms. NORTON, Mr. CONYERS, and Mr. MILLER of North Carolina.

H.R. 3385: Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, and Mr. SPACE.

H.R. 3414: Mr. GINGREY, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. FEENEY, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. CAMPBELL of California, Mr. SHADEGG, Mr. GOODE, Mr. KUHL of New York, Ms. FALLIN, Mr. PITTS, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, and Mr. LAMBORN.

H.R. 3418: Mrs. MALONEY of New York, Ms. SHEA-PORTER, and Mr. MILLER of North Carolina.

H.R. 3438: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3439: Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Mrs. CAPPS, and Ms. SHEA-PORTER.

H.R. 3452: Mr. HASTINGS of Florida.

H.R. 3459: Mr. HINCHEY.

H.R. 3461: Mr. ALTMIRE, Mr. SHIMKUS, Mrs. BONO, and Mr. RUSH.

H.R. 3465: Mr. SALAZAR.

H.R. 3498: Mr. RYAN of Ohio.

H.R. 3499: Mr. GONZALEZ and Mr. MATHESON.

H.R. 3512: Mr. MCNERNEY and Mr. RYAN of Ohio.

H.R. 3531: Mr. EVERETT.

H.R. 3533: Mr. WEINER, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Ms. LEE, Mr. ARCURI, Mr. PRICE of North Carolina, Mr. CUMMINGS, and Mr. CULBERSON.

H.R. 3545: Mrs. EMERSON.

H.R. 3547: Ms. WASSERMAN SCHULTZ.

H.R. 3563: Mr. DAVIS of Illinois and Mr. BISHOP of Georgia.

H.R. 3577: Mrs. LOWEY, Mr. HARE, and Ms. BERKLEY.

H.R. 3609: Ms. ZOE LOFGREN of California.

H.R. 3616: Ms. KAPTUR.

H.R. 3622: Mr. LATOURETTE, Mr. EVERETT, Mr. BOREN, Mr. TIAHRT, Mr. PICKERING, Mr. SMITH of Nebraska, Mr. AKIN, Mr. WALBERG, Mr. CLAY, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, and Mr. SPACE.

H.R. 3646: Mr. BRADY of Pennsylvania and Mr. FORTENBERRY.

H.R. 3654: Mr. KUHL of New York, Mr. SHAYS, Mr. DUNCAN, Mr. FORBES, Mr. DAVIS of Illinois, Mr. MILLER of Florida, Mrs. EMERSON, Mr. GORDON, and Mr. WAMP.

H.R. 3660: Mr. SPACE.

H.R. 3689: Mr. NADLER.

H.R. 3691: Mr. ELLISON.

H.R. 3695: Mr. MORAN of Virginia.

H.R. 3700: Mr. MCNULTY.

H.R. 3726: Mrs. LOWEY and Mr. MAHONEY of Florida.

H.R. 3729: Mr. HONDA, Mr. LANTOS, Mr. MCKEON, and Mr. ROHRABACHER.

H.J. Res. 3: Mr. BACA.

H.J. Res. 6: Mr. ROGERS of Kentucky.

H.J. Res. 12: Mr. TIBERI.

H.J. Res. 54: Mr. SESSIONS, Mr. TOWNS, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, and Mr. WALBERG.

H.J. Res. 55: Mrs. CUBIN and Mr. POMEROY.

H. Con. Res. 22: Mr. CRAMER.

H. Con. Res. 40: Mr. MORAN of Kansas.

H. Con. Res. 122: Mr. ELLSWORTH.

H. Con. Res. 176: Mrs. EMERSON.

H. Con. Res. 182: Mr. DANIEL E. LUNGREN of California, Mr. GOODE, and Mr. PRICE of North Carolina.

H. Con. Res. 204: Mrs. DRAKE.

H. Con. Res. 215: Mr. GOODE, Mr. MARSHALL, Mr. WHITFIELD, Mr. SHAYS, Mr. PLATTS, Mr. MCNULTY, Mr. SHIMKUS, Mr. SESSIONS, Mr. KIND, Mr. ORTIZ, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HINCHEY, Mr. KELLER, Mr. ARCURI, and Mr. MARCHANT.

H. Con. Res. 216: Mr. EDWARDS.

H. Con. Res. 224: Mr. FATTAH and Mr. KENNEDY.

H. Res. 37: Mr. SALAZAR and Ms. SUTTON.

H. Res. 106: Ms. RICHARDSON and Mr. FORTUÑO.

H. Res. 111: Mr. LIPINSKI, Mr. HIGGINS, Mr. MURPHY of Connecticut, and Mr. POE.

H. Res. 231: Mr. BILBRAY, Mr. RADANOVICH, Mr. PORTER, Mr. THORNBERRY, Mr. CAMP of Michigan, Mr. PETRI, Mr. BISHOP of Utah, Mr. POE, Mr. MARCHANT, Mr. PETERSON of Pennsylvania, Mr. HOBSON, and Mrs. BIGGERT.

H. Res. 237: Mr. FALEOMAVAEGA.

H. Res. 245: Mr. MCNULTY and Mr. HASTINGS of Florida.

H. Res. 259: Mr. PRICE of North Carolina.

H. Res. 282: Mr. YOUNG of Florida and Mr. TERRY.

H. Res. 310: Mr. MILLER of North Carolina.

H. Res. 335: Mr. FALEOMAVAEGA, Ms. SCHAKOWSKY, Mr. FORTUÑO, Mr. MACK, Mr. MCGOVERN, Mr. UPTON, Mr. COBLE, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California.

H. Res. 407: Mr. WEINER.

H. Res. 433: Mr. LEWIS of Georgia.

H. Res. 542: Mr. BARRETT of South Carolina.

H. Res. 573: Mr. REICHERT, Mr. KENNEDY, Mrs. CHRISTENSEN, Ms. WATSON, and Mr. MEEKS of New York.

H. Res. 587: Ms. SHEA-PORTER.

H. Res. 618: Mr. DOGGETT, Mr. FATTAH, and Mr. LANGEVIN.

H. Res. 619: Mr. BROUN of Georgia.

H. Res. 620: Mr. PALLONE, Mr. MCGOVERN, Mr. LANGEVIN, Mr. HINCHEY, Mr. PAYNE, Mr. JACKSON of Illinois, Ms. NORTON, Mr. GRIJALVA, and Mr. SHERMAN.

H. Res. 671: Mr. THOMPSON of California.

H. Res. 674: Ms. BERKLEY and Mr. WEINER.

H. Res. 693: Mr. COHEN, Mr. TOM DAVIS of Virginia, Mr. LEWIS of Georgia, Mr. ENGEL, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mr. JEFFERSON, Mr. STARK, Mr. RUSH, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. WYNN, Mr. WAXMAN, and Mr. GUTIERREZ.

H. Res. 700: Mr. NUNES, Mr. COHEN, Mr. COLE of Oklahoma, Mr. FRELINGHUYSEN, and Mr. FEENEY.

H. Res. 709: Mr. MCKEON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. OBERSTAR or his designee to H.R. 2095, the "Federal Railroad Safety Improvement Act of 2007", does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 3554: Mr. Salazar.

H. Res. 106: Mr. Shimkus.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

172. The SPEAKER presented a petition of the Board of Commissioners of the County of Armstrong, Pennsylvania, relative to a Resolution supporting legislative changes proposed in the 2007 Farm Bill that would provide agricultural producers, farm-related businesses, and rural homeowners with broader access to financing by the cooperative Farm Credit System; to the Committee on Agriculture.

173. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 497 requesting that the Congress of the United States ensure that health insurance for children through the State Child Health Insurance Program (SCHIP) is continued and expanded; to the Committee on Energy and Commerce.

174. Also, a petition of the City Council of the City of Edina, Minnesota, relative to a Resolution endorsing the United Nations priciple of the responsibility to protect; to the Committee on Foreign Affairs.

175. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 3 supporting the proposal of an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

176. Also, a petition of the City Council of the City of West Hollywood, California, relative to a Resolution petitioning for the impeachment of President George W. Bush and Vice President Richard Cheney; to the Committee on the Judiciary.

177. Also, a petition of the Arizona Democratic Party, relative to a Resolution calling for the full investigation into the abuse of power by President George W. Bush, Vice President Richard B. Cheney, and Attorney General Alberto Gonzales; to the Committee on the Judiciary.

178. Also, a petition of the Town of Ashfield, Massachusetts, relative to a Resolution calling for an investigation and a vote to impeach President George W. Bush and Vice President Richard B. Cheney as provided in the Constitution of the United States of America; to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 2, by Mr. BOEHNER on House Resolution 559: John M. McHugh, Jerry Moran, and Spencer Bachus.

SENATE—*Thursday, October 4, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Jim Henry, pastor emeritus, First Baptist Church, Orlando, FL.

The guest Chaplain offered the following prayer:

Bow your heads and hearts with me, please.

Dear Father, we acknowledge You as almighty, sovereign, holy God. Yours, O Lord, is the greatness and the power and the glory and the majesty, and the splendor for everything—in heaven and Earth—is Yours. I know, my God, that You test the heart and are pleased with integrity. Grant it for these who serve in this Senate. Remind every one of us that we are servant leaders, so give humility and not arrogance.

May your holy angels protect each household. Bless the staff and all of those who work behind the scenes with joy in their labor. Surround our Senators with people who would speak truth to their ears, so to place principle above temporary favor. Teach us to number our days that we may apply our hearts to wisdom, that we might discern the times. Instruct us with the reality that 100 years from now, names will be but print on the pages of history. Let their legacy be a nation that remains free and a lighthouse of hope to the world and that this Senate served this generation nobly. We desire Your "Well done, good and faithful servant." So help us God.

In the name of my God, my Lord, my saviour Jesus Christ, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Florida.

THE GUEST CHAPLAIN

Mr. NELSON of Florida. Mr. President, it is my privilege to start off this session by making some comments about our guest Chaplain, who has been a personal friend of mine in Orlando for the last three decades. He has pastored over those three decades the very significant and very dynamic First Baptist Church of Orlando, just recently handing over the reins to his successor after a transition period of some number of years which have seen that particular church become one of the dominant institutions in the State of Florida; among spiritual institutions, one of the giants.

Jim Henry is, indeed, a great leader in the church, not only among his flock, which was Orlando, but having risen to the position as the head of the Southern Baptist Convention. All of us in this political realm know the enormous tensions that have been raised in the religious community over various doctrines, the interpretation of the Scriptures, differences that arise and cause strife. As the leader of the Southern Baptist Convention, Jim Henry was the great healer, the great reconciler, bringing together the various sides to, in effect, emulate what Jesus of Nazareth taught.

It is interesting, in Jim's prayer this morning, he asked that we all become servant leaders. Isn't that true about the role model that was set by Jesus of Nazareth, a servant leader who said that if you want to be first, you should be last; if you want to be the master, you should be the servant? That principle, laid out in the Scriptures, is one of the greatest principles for us to follow as public servants. What is our obligation? To serve as servants of the public we represent.

It is with great privilege that I welcome my dear friend and one of the great spiritual leaders of America, Pastor Jim Henry, and thank him for his service as the Chaplain in the Senate for the day.

MEASURE PLACED ON THE CALENDAR

Mr. NELSON of Florida. I understand that H.R. 2828 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

> A bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

Mr. NELSON of Florida. I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the 2 leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. NELSON of Florida. I ask unanimous consent that the time I have used not be charged against the majority's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas.

VETO OF SCHIP

Mr. CORNYN. Yesterday, the President vetoed the State Children's Health Insurance Program expansion that the Congress had sent to him, as he said he would. I would hope all of us would get down to work on the serious matter of trying to come up with a compromise which would achieve the original intent of Congress when we passed the legislation back in 1997 and when it was signed into law by President Clinton and which has served the Nation's children so well. Instead, it appears you can't take the politics out of politics and you can't take the politics out of Washington.

This matter has become a political football that is going to be used for partisan political gain. I think that is a shame. I say that not with a sense of anger but with a sense of disappointment that we would see something as important as providing health coverage to our Nation's children be used in political ads and that rather than have a veto-override vote in the House of Representatives forthwith, it has now been postponed by Speaker PELOSI to October 18 to give the Democratic Congressional Campaign Committee time to run ads against those who would likely uphold the veto in their congressional districts over the next week or so. That is a shame. I wish they would reconsider.

The problem, after all, with the bill Congress passed is that while the State Children's Health Insurance Program was designed to take up where Medicaid left off, this was fundamentally a welfare benefit, one which I believe the Congress wisely decided was necessary for our Nation's poor, low-income children, to make sure they got access to health coverage. But what we see is this vehicle was then used, with a 140-percent increase in Federal spending, to take this program not just from children up to 200 percent of poverty but to then say this can be a wealth transfer from the pockets of the American taxpayers to the middle class because under the bill the President vetoed, up to 400 percent of poverty level could be covered by this welfare benefit. That translates to a family of four roughly making $80,000 a year. It is simply unacceptable, from my perspective, to say that you can take money from the pockets of the American taxpayer not for a welfare benefit to help those in need but to help those who already have their own health insurance, simply to provide a free benefit to those who are already covered by their own health insurance. There is no sound basis upon which to take what is essentially a welfare benefit and transform that into a middle-class entitlement—unless, of course, there is something else going on here, which I suspect there is. I will talk about that in a moment.

In my own State, I wish we would redouble our efforts to focus our vision on the original intent of the SCHIP legislation because in my State, there are roughly 500,000 Medicaid-eligible children who are not covered by Medicaid. Why? Because their parents haven't signed them up for benefits they are entitled to under the law. There are an additional 200,000 SCHIP-eligible children, up to 200 percent of poverty level in Texas, who are not signed up for that benefit. So why in the world, when there are still children in the target population we are trying to help who remain uncovered, are we going to be diverted by a huge expansion of this program beyond its original intent to cover adults in 14 States? In the State of Wisconsin, more adults than children are covered by the State Children's Health Insurance Program—obviously, that was not part of Congress's original intent—up to 400 percent of poverty level, up to $80,000-plus for a family of 4. It is simply another example of a well-intended, perhaps as originally intended, program that has now been expanded beyond all recognition.

If possible, I would say this was the equivalent of mission creep for the U.S. military. It is clearly another example of trying to use a successful Government program, a welfare benefit for low-income kids, and to expand it beyond recognition—another example, I am afraid, of wasteful Washington spending run amok.

The question is not whether the State Children's Health Insurance Program will continue. Even after the President's veto, as my colleagues know, we passed a continuing resolution which would continue the current program through November 16. I know today that if we had an opportunity to vote on a continuation of the current program as targeted, it would pass unanimously in the Senate. But rather than take care of business, rather than do our jobs, unfortunately this has degenerated into political gamesmanship, where the House leadership, Speaker PELOSI and others, have decided that rather than have the vote on the override of the President's veto, which they know will be sustained, immediately they have decided to put it off until October 18 in order for the political games to continue.

Obviously, this is another reason Congress's approval rating in most public opinion polls is well under 20 percent. The American people wonder why is it that Washington is not hearing what they are saying when it comes to being good stewards of the taxpayers' dollars, when it comes to making sure the money we do spend that they earn and which is transferred to the U.S. Treasury is spent efficiently and effectively on important programs we all support as opposed to these programs being used essentially as a Trojan horse for other objectives.

The final concern I have about this vast expansion of the SCHIP program—a 140-percent increase over the current program—is it clearly represents another step toward a Washington-controlled health care system, something I think would be a tragedy for our country. Eventually, it would crowd out the private sector and the choice and the individual decisionmaking Americans can make with their own health care provider to determine what is in their best interest, what kind of treatment they want to have for their health care needs, as opposed to turning that over to Government bureaucrats.

There are three things I can guarantee will happen when Washington makes all the health care decisions. No. 1 is, it will be expensive. It will not be free, or I should say you would be surprised at how expensive "free" health care turns out to be in terms of the tax payments that will be required to support it.

Secondly, I will tell you that a Washington-controlled health care system will be excessively bureaucratic. It is just in the nature of Washington. With central Government control for 300 million people, there will be more red tape than anybody can imagine. It will make it harder to get access to the health care that right now is readily available for virtually all Americans. The question is, how are we going to deliver it the most efficiently, not whether they can get access to it. Because we all agree they should have and do have access to health care today.

The third thing I will say is, I will guarantee once Washington makes all health care decisions, it will be controlled by rationing. The costs of health care delivery—when Washington makes all the decisions—will be controlled by rationing. What is the evidence of that? Well, if you look right now at the reimbursement rates Medicare, Medicaid, and SCHIP provide to health care providers, who provide health care services under those programs, those reimbursement rates are much lower than private health insurance.

Where I live in Austin, TX, only 18 percent of physicians are accepting new Medicare patients. Why? It is because the reimbursement rates set by the Federal Government are so low that most doctors cannot treat new Medicare patients and keep their doors open for other business.

So if we continue down this road to a single-payer, Government-run health care system out of Washington, DC, it will be expensive, it will be bureaucratic, and it will result in rationing such as citizens of Canada and the United Kingdom currently have with their single-payer system, where the kinds of access to health care we take for granted in this country—and we can get in a matter of hours or a matter of days, at most—they have to wait months and years because of the rationing resulting from a single-payer, Government-run health care system.

That is the wrong prescription for the American people. I believe once they begin to realize this radical expansion of this program—which has a very important target audience of 200 percent of poverty, poor kids—has now been blown up into something that hardly anybody would recognize, covering middle-class Americans, resulting in a vast wealth transfer from the taxpayers to the middle class—and that it is not just a welfare benefit, but an incremental step toward a single-payer, Washington-controlled health care system—I think that would be the wrong prescription for America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to spend a few minutes talking about this issue of health care and children's health care, the issue about all the politics that are involved, and the issue about the next election and how you can make somebody look bad because they do not agree that we ought to transfer a large segment of our health care to the Government.

I think it is most important that the American people ought to be asking some questions. Why is it we have a health care program that we are putting out that the President rightly vetoed that pays $4,000 to buy $2,300 worth of care? It is a simple question. We are going to pay $1,700 more than we should to run it through the Government—to buy $2,300 worth of care. That makes no sense. But whoever said Washington makes sense?

As a matter of fact, this bill is more nonsensical than any bill we have passed this year. It assumes that 22 million Americans now have to start smoking to pay the taxes that will pay for this bill. Twenty-two million? Right now we have a problem with the cost of tobacco use in this country and long-term care.

The other situation which has not been characterized is, if you look at the CBO scoring, for any one new child who goes on SCHIP under this bill, one comes off of private insurance. It is one for one. That is what the CBO says. So what we are doing is, we are asking the American taxpayers—but, actually, we are not. We are asking the very children whom we are supposedly going to give care to, to allow us to borrow money now to pay for their care so they can pay a higher tax rate 25 years from now.

This bill lacks integrity in terms of the way it pays for itself. Everybody knows that. It is another little wink and nod from Washington: Yes, we have a pay-go rule. Yes, we are going to pay for it. But, oh, by the way, it costs $121 billion, but we are only going to tell you it costs $35 billion. And, by the way, we don't have the tax revenues to pay for it, so we are going to lie about the tax revenues on it.

It is important that Washington start getting what America has already got; that is, how about some plain words that have to do with our health care situation? If we want to move to national health care, let's have a debate about national health care. Let's talk about the fact that in England the average length of time waiting for treatment for a cancer after it is diagnosed—they are trying to move from 10 months to 3 months. In this country it is 4 weeks. It is 4 weeks. The cure rates for cancers in this country are 50 percent to 100 percent better than anywhere else that has a nationalized health care system. Why is that? Why is it that 80 percent of all the innovation in health care in terms of new medical products, new techniques, new devices, new diagnostics come out of this country's private sector?

Let's have a real debate about national health care. But let's quit lying to the American people that in the name of children we are going to spend their future money to create a segue to national health care.

In the State of New Jersey, well over half the money for children's health care is spent on adults. In the State of Florida, 750,000 kids under 200 percent of the poverty level are not on SCHIP right now. In the State of Texas, 700,000 are not. Yet we are going to create a system to raise—it is important the American people know what 200 percent of the poverty level is. It is $42,000 a year.

What we are saying under the present SCHIP bill—the one that has been extended with the CR—is if you as a family make less than that, we are going to help you out with your kids. But if you make more than that, you ought to be contributing.

This body does not care about kids because it voted against a premium support amendment to allow kids in these higher income families a way to buy health insurance. What we have said is no, we cannot do that. But we can certainly be dishonest about what our intentions are in the rest of the bill.

So as the American public hears all the criticism of those who say: We don't want more Government; we want less; we want the Government we have to be more efficient, more transparent, and more accountable—as they criticize us for those positions, they are going to say we don't care about children.

Do you care about children if you are going to steal their future by undermining their ability to have a future by not paying for and growing the Government and borrowing more and more money? It cannot happen. We cannot give our children a future if we continue to be dishonest with ourselves and dishonest with the American public.

I think President Bush is right on this issue. No. I don't think so. I know he is. One of the reasons we are having difficulty at this time in our country with health care is because 52 percent of the health care now is run by the Government. Why is it a large percentage of people who are now coming on to Medicare—and in 3 years the baby boomers start coming on to Medicare—why is it the vast majority of them cannot find a Medicare physician? Why is that? Could it be that we have promised something we are not going to pay for, so we are going to reimburse at a lower level?

The next thing to come out of this body will be: If you are a physician in this country, you have to take Medicare, just as in Massachusetts you have to take Medicaid. Our health care system ought to be about freedom and choice and personal responsibility, and, yes, it ought to be about helping those who need our help. But, quite frankly, if you are making $80,000 a year in this country, we ought to be about paying off debt rather than paying for your child's health insurance. That is what this bill does. That is what this bill allows.

So we are going to have a debate. We are going to see the political games played out. This bill will not be overridden in the House, and then we are going to have to come back and address it. My hope is when we address it, we will add premium support for those who are on the edge so we can help those who are in private insurance stay in private insurance, we will be honest on how we pay for it. The most disappointing thing about this bill is the lack of integrity and honesty and character in terms of the way it is paid for. It shows the depths of which we fool ourselves and play the game of politics rather than play the game of statesmanship. It is a disappointing aspect, and I would say our approval rating is well earned just on the basis of this bill.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHIP VETO

Mr. WHITEHOUSE. Mr. President, as I have traveled around Rhode Island, I have met so many families who worry about health care. Will their child fall ill? Will the price of prescription drugs or a visit to the doctor go up again?

As health care costs skyrocket and the number of uninsured Americans approaches a staggering 50 million, we have a solemn obligation to make health care more accessible and affordable.

This obligation is not new. For decades, our Government has treated it as one of the most sacred promises we keep with the American people, and it has been one of our best opportunities to just plain do the right thing. Initiatives such as Medicare and Medicaid are among our greatest accomplishments. The Children's Health Insurance Program is a shining light in the American health care system, providing health coverage to millions of American children whose families could not otherwise afford insurance.

Since its creation in 1997, the Children's Health Insurance Program has given children in America's working families better access to medical care for common conditions such as asthma or ear infections, better school attendance rates, better academic achievement, better medical access, and more preventive care. It means that children stay out of expensive urgent care settings such as the emergency room. The Children's Health Insurance Program is among the singular health care success stories of our generation. That is why it has long enjoyed bipartisan support, including enthusiastic support from Republican Governors.

My State of Rhode Island has played a vital role in creating and sustaining the Children's Health Insurance Program. The distinguished Republican Senator John Chafee, whom so many of my colleagues will remember, was one of the early bipartisan architects of this bill. For years, my senior Senator, JACK REED, has been one of the most powerful advocates for this program in the Senate. I am proud to add my voice of support to his.

I am proud also to represent a State with one of the lowest rates of uninsured children and adults in the Nation. Rhode Island has worked for 15 years to achieve this success, beginning with Gov. Bruce Sundlun's establishment of the original RIteCare Program in 1993. I was honored to have been part of Governor Sundlun's team.

Similar to many State programs, RIteCare relies on this funding that the President vetoed—relies on it to help families pay for regular checkups, immunizations, prescriptions, nutrition and other services and to reduce the number of uninsured children in our State.

This year, leaders on both sides of the aisle came together in the Senate to make this strong, vital program even stronger. The $35 billion agreement Congress passed last week would have brought health care to 10 million American children over the next 5 years, including adding up to 6,600 currently uninsured children in Rhode Island. We improved the program in other ways as well, adding quality dental and mental health care for children and new incentives for States to enroll more eligible children and to improve the quality of care.

But President Bush took all that away with the stroke of his veto pen. Why? Health insurance, he says, should be delivered in the private market. Well, guess what, Mr. President. The majority of children's health beneficiaries receive their coverage through private health plans. In fact, in 2005, all but two separate State children's health programs used a managed care company to provide CHIP benefits. The children's health plan does not threaten privatized health care; it is privatized health care for almost two-thirds of its enrollees. In Rhode Island, the Children's Health Insurance Program is delivered entirely through private insurers. As I have displayed here, the children's health program looks a lot like the health insurance the President has and the Senate has, and it doesn't look anything like the socialized medicine Republican opponents of this program have used as a red herring.

By the way, as a footnote on the public versus private health insurance question, maybe President Bush, who claims to be a fiscal conservative, would be pleased to learn that the small group of children's health beneficiaries who actually are in public insurance programs, cost the Government less than those who are on private insurance. In fact, publicly insured children cost taxpayers 10 percent less than privately insured children, and publicly insured adults cost 30 percent less than privately insured adults.

But the President is not persuaded by these facts. It does not matter to him that publicly insured children have a much better chance of having a well child care visit than uninsured children and a much better chance of having a dental care visit. It does not matter that practical Republican Governors across the country support this bill or that it is one of the most bipartisan achievements of this Congress. All that seems to matter to this President is ideology, and in this case, it is a bizarre ideology that doesn't think struggling, working-class families should have health care. In fact, he especially doesn't believe that struggling, working-class parents should have health care. He threatened to veto this bill based on that feature alone.

As recently as last summer at a Finance Committee hearing, his own CMS Administrator, Mark McClellan, stated—and this is a quote from the Bush administration:

> Extending coverage to parents and caretaker relatives—

Parents and caretaker relatives—

> not only serves to cover additional insured individuals, but may also increase the likelihood that they will take the steps necessary to enroll their children. Extending coverage to parents and caretakers may also increase the likelihood that their children remain enrolled in CHIP.

Here is a copy of a letter that Administrator McClellan wrote to my home State of Rhode Island on January 13, 2006. It reads:

> We are pleased to inform you that your amendment to the RIteCare section 1115 demonstration, as modified by the special terms and conditions accompanying this award, has been approved.

It also notes that Rhode Island's request to renew its demonstration project has also been approved.

And what exactly did Mark McClellan approve? Here is the next quote:

> Expenditures for expanded SCHIP eligibility to individuals who, at the time of initial application, are custodial parents or relative caretakers of children eligible under the plan.

Signed Dr. Mark McClellan.

The Bush administration approved the program in Rhode Island for custodial parents and relative caretakers. Yet the President is shocked—shocked—that this program may cover some adults.

President Bush, you authorized the coverage for these adults over and over, State by State, through your Cabinet Secretary overseeing this problem. Your argument, sir, is with yourself.

All I can say is you were right the first time, before you took this shameful ideological U-turn.

Setting aside reason, setting aside the security and peace of mind of countless working-class families, driven by ideology, President Bush lifted his veto pen for only the fourth time in his Presidency and struck down the Children's Health Insurance Program. His reason this week: Because it costs too much.

In other words, the same administration that in 1 year, in 2008, will spend $70 billion to pay for the Bush tax cuts for the top 1 percent of income earners, thinks it is too much to spend half that much over 5 years to provide billions of American children affordable health care. Said another way, the annual cost of Bush tax cuts for the superrich is 10 times the annual cost of this bill for children's health care, and he says he vetoes it over its cost.

The same administration is spending more than $10 billion each month in Iraq, with no plan for ending the war and bringing our troops home, an administration that is now asking for 200 billion more dollars for the war this coming year, refuses to spend $35 billion over the next 5 years to provide millions of children all over this country affordable health care.

Instead, the President sought a funding level that would result in 1 million American children losing—losing—their health insurance.

So where would their families go to get these children health care if they don't have access to this insurance under the President's proposal? Well, before an audience in Cleveland on July 10, the President of the United States revealed his approach:

> People have access to health care in America—

He said.

After all, you just go to an emergency room.

So that is it.

Tax cuts for billionaires that explode our national debt and leave future generations on the hook to pay for it—that is a big priority for President Bush. Billions for Blackwater, for an endless war with no plan to end it, for no-bid contracts for Halliburton—that is a big priority for President Bush.

But health care for children and their struggling working-class families, all paid for in the budget after hard-working bipartisan compromise? Nope. That is not a priority. That is a veto.

And the kids? "Send them to the emergency room," he says.

I am ashamed of the President's decision. His veto was unnecessary. It was wrong. It is now up to Congress to make it right. I ask my colleagues to override the President's veto of children's health insurance.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I wish to commend the Senator from Rhode Island for voicing his concerns about the veto of the children's health bill that is so important to so many children, and I appreciate his strong statement.

I think yesterday was a sad day for all Americans. For reasons I can't comprehend, President Bush yesterday decided to veto our bipartisan effort to invest in health care for the Nation's children. With no fanfare, behind closed doors, when no one was looking, the President put his personal politics ahead of increased investment in our most precious asset, our children.

I was so proud last week when, with bipartisan support in good margins in both Houses of Congress, we passed the Children's Health Insurance Program. That bill is an example of how Government ought to work.

Leaders in the House and in the Senate, both Republicans and Democrats, worked together to find a compromise that could work for everyone at the table. Nobody got everything they wanted, but the final product was worthy of support and pride on all sides.

I had hoped that after seeing the tremendous work that went into this compromise the President would think of the kids in every State of the Union who needed basic health care and reconsider his position.

I had hoped he would think about the families who are struggling to make ends meet and reconsider his position.

I had hoped that in the end he would reconsider his plan to say no to our children and to our families. But yesterday those hopes were dashed.

All children should be able to see a doctor when they are sick, and all children should be able to get the medicine they need to make them better. When a child gets a cut that requires stitches or comes down with a fever or an earache or with any other imaginable problem, they ought to be able to get help, period.

Unfortunately, as we all know, today in America—the richest and most successful country ever—that is not the case. In fact, millions of American children do not have health insurance, which means millions of American kids cannot see a doctor when they are sick, and millions of American children don't get the medicine they need to help them get better.

It doesn't matter if you are a Republican or a Democrat, whether you are a progressive or conservative, I believe making sure our children get health care is the moral thing to do.

This veto that the President penned yesterday has real and serious impact on many families in my State and across the country. Because President Bush vetoed that bill, 3.8 million uninsured children are going to continue to live without coverage. Let me say that again. President Bush told 3.8 million children in America they cannot have health care. To me, that is just shameful.

When I came to the floor a couple of weeks ago to talk about this important bill, I told the story of a woman in my State, Sydney DeBord, who lives in Yakima, WA. She is a young girl who has cystic fibrosis. Her mom wrote to me to tell me how important this children's health insurance program was to her family. She said it allowed her daughter, Sydney, to get and extend her life, and it allowed her to live her very tough life to the fullest. I want to quote again from that letter because I believe she speaks for those more than 3 million children and their families on this dark day.

Ms. DeBord said:

> I know for a fact that without this bit of assistance her life would end much sooner due to the inability to afford quality health care for her. As her parent, it frightens me to even think some day she may be without health care coverage if programs like CHIP are no longer available.

Today, I share Ms. DeBord's fears, and all other parents do as well.

We have another chance. The President doesn't have the final say on this one. Right now, Members of the House of Representatives are working to find the votes to override this veto, perhaps, and hopefully end the fears of Ms. DeBord and millions of moms just like her. They need a few more votes. If they get a few more votes, we can tell the President that investing in families and investing in America is a priority of the men and women of this Congress no matter how many vetoes he sends our way.

It is very troubling to me that the President continues to ignore the wishes of the American public. The American people and the vast majority of Congress want to expand stem cell research to find cures for diseases affecting so many in our Nation. The President says no.

The American people and the vast majority of Congress want to change course in Iraq and bring our troops home safely. The President says no.

The American people and the vast majority of Congress want investment in roads, bridges, medical research, and education. The President says no.

The American people and the vast majority of Congress want to provide health care for our young children today. The President says no.

So we need a few more Republicans to join us and to join the American people in telling the President he is wrong and he cannot stand in the way of progress for our young kids. I hope the disappointment felt by kids and their families today is going to be washed away in the weeks to come by another bipartisan show of support for this outstanding and critical health care program in America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR DOMENICI'S RETIREMENT

Mr. BINGAMAN. Mr. President, we have all seen the news that our friend and colleague, PETE DOMENICI, is planning to announce today that he will retire from the Senate at the conclusion of his term. Senator DOMENICI called me yesterday afternoon to tell me of this decision. My reaction was one of surprise first, and then that gave way to admiration and appreciation for this man's decision to conclude his distinguished career of public service on his own terms.

He and his wife Nancy are traveling to Albuquerque this morning for the announcement this afternoon. This is a great gesture to the people of New Mexico, and in New Mexico the Domenicis will be greeted with the affection and respect which they richly deserve.

When I arrived in the Senate in 1983, PETE DOMENICI was then a 10-year veteran of this place, and he was here to welcome me at that time. In his 34 years in the Senate, PETE has earned a reputation as a fierce and effective champion for New Mexico. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for our State and for this country.

Today, and during his entire Senate career, PETE has achieved what all of us try to achieve; that is, to be effective in getting results in Washington, while also staying close to the people who have sent us here to represent them.

PETE and I, of course, have worked together on many issues and projects, but our most productive collaboration has been on the Energy and Natural Resources Committee. For the last few years, he has been the most senior Republican, and I have been the most senior Democrat. In the last Congress, when PETE was chairman of the committee and I was the ranking Democrat, we were able to secure passage of the Energy Policy Act of 2005. PETE deserves substantial credit for the passage of that important legislation.

Senator DOMENICI's announcement today is not, I am glad to say, that he is leaving the Senate at this time. His announcement will be that he will serve out his term, but he will not stand for reelection to another term. He has assured me that he expects the remaining 15 months of his service in the Senate to be productive and, knowing PETE, I am sure they will be.

There will be time later for valedictories. For today, we will listen to Senator DOMENICI's announcement and send our thanks and best wishes to him and to Nancy.

Mr. SMITH. Mr. President, today I pay tribute to one of our most distinguished Senior Senators, and a personal friend of mine, PETE DOMENICI of New Mexico, who yesterday announced he will retire at the end of this Congress.

The son of Italian immigrants, Senator DOMENICI has accomplished many things in his long and distinguished career. Growing up in Albuquerque, he worked in his father's wholesale grocery business. After earning a degree in education from the University of New Mexico in 1954, he pitched for the Albuquerque Dukes, a farm club of the old Brooklyn Dodgers. He left baseball to be a teacher, and then earned a law degree in 1958.

Senator DOMENICI's life of public service began in 1966, when he was elected to the Albuquerque City Commission. In 1972, he was elected to the United States Senate, where he has served with dedication and distinction ever since. PETE DOMENICI was my home State Senator when I clerked for the New Mexico Supreme Court. At the time, I never thought that one day I would have the privilege of calling myself a colleague of Senator DOMENICI.

PETE has been a tireless champion for the public land states of the West. He understands the challenges facing an arid climate, including water resources management in the face of drought and the conflicts over water allocation, as well as public lands management and issues relating to resource extraction, forest health and grazing.

PETE has worked tirelessly to ensure that our Nation has the energy resources it will need to meet the growing demand well into the 21st century. The Energy Policy Act of 2005 provides the incentives and the Federal support required to meet these future energy needs. It also encourages energy efficiency and conservation, as well as the development of clean, non-emitting resources.

When I was first elected to the Senate, I served on the Budget Committee, which was then chaired by PETE DOMENICI. I could not have asked for a better mentor on the complex issues related to the Federal budget process. I also served on the Energy Committee, where PETE has been both Chairman and Ranking Member.

Senator DOMENICI has also been a stalwart leader and champion in the battle to provide persons with mental illness equal access to health care services. In 1996, Senator DOMENICI teamed with then-Senator Paul Wellstone to pass the first Federal law intended to help persons with mental illness acquire protections and access to care.

Fortunately, Senator DOMENICI understood that more could and should be done. So it was with pleasure I was able to work with him to craft S. 558, the Mental Health Parity Act of 2007, which has passed the Senate. This bill will help ensure that insurance companies begin treating illnesses of the mind on the same level as illnesses of the body.

I also want to acknowledge his work to help protect Federal programs serving our citizens who battle mental illness. He has, over the years, authored and supported policies improving Medicare and Medicaid for persons living with these diseases. His compassion and leadership will be greatly missed by the mental health community, and I personally will miss his insight and knowledge in the U.S. Senate.

In closing, let me wish you and your wife Nancy the very best on your retirement and return to your beloved State, New Mexico.

Mr. KENNEDY. Mr. President, it is with sadness that I speak about my friend, the senior Senator from New Mexico, PETE DOMENICI, who will announce later today he will not seek a seventh term and will return, instead, to his beloved New Mexico at the end of this Congress.

PETE was born to Alda and Cherubino Domenici, and he has never forgotten where he came from and what he was sent here to do by the people of his State. He grew up learning about the value of hard work as an employee each afternoon in his father's wholesale grocery business while attending school in Albuquerque during the day. At the University of New Mexico, PETE found an early calling for public service and earned a degree in education. He was a remarkable athlete as well and became a pitcher, briefly, for the Albuquerque Dukes, the farm team of the Brooklyn Dodgers, and then taught math at junior high school while he earned his law degree.

In 1966, PETE was elected to the Albuquerque City Commission, where he served until he was elected to the Senate in 1972. He is now the longest serving Senator in New Mexico history. For some 35 years, he has been an outstanding colleague, admired and respected by all of us on both sides of the aisle.

PETE will be remembered by all Americans as a brilliant and tireless champion for the rights of those with mental illness. His tenacity and commitment led, in 1996, to the passage of the first legislation to end discrimination against people with mental illness. More than anyone, PETE understood that such discrimination prevented vast numbers of people with mental illness from receiving the care and treatment and, frequently, the cure they deserved. Over the past 5 years, I have had the privilege of working closely with PETE to improve that original legislation. His passion and perseverance to achieve full equality in the covering of mental and physical illness has never wavered. The recent Senate passage of the Mental Health Parity Act is a tribute to PETE and the result of his extraordinary dedication and ability.

I am sure PETE and Nancy thought long and hard about the decision to retire from the Senate and that it wasn't an easy choice to make. But I know they will have much more time to spend with their eight children and the wonderful people and breathtaking mountains of New Mexico. We are fortunate that we will have at least another year to work together on the issues we care so deeply about.

As we prepare to say farewell to our great friend, I am reminded of the lines of the New Mexico State song:

O, Fair New Mexico,
We love, we love you so,
Our hearts with pride o'reflow,
No matter where we go.
O, Fair New Mexico.

No matter where PETE goes, we will always love and respect him, miss his leadership, his statesmanship and, most of all, his friendship.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I would like to proceed on my leader time.

The PRESIDING OFFICER. The Senator is recognized.

BURMA

Mr. MCCONNELL. Mr. President, I have come to the floor every day this week to highlight the plight of the Burmese citizens who have bravely protested for democratic reform. I have also tried to focus attention on the brutal actions that the ruling military junta, the State Peace and Development Council, or SPDC, has taken to crack down on its own people.

The whole world watched with horror as Buddhist monks, armed with nothing but prayers for peace, met uniformed thugs armed with rifles sent to do their Government's bidding. Untold numbers have been slaughtered, more are unjustly imprisoned, and the Burmese citizens who are left are afraid to step outside of their homes. The SPDC's swift and barbaric punishment of the Burmese people seems like a relic from another era. But what we have seen on our television sets is all too real.

I thank my fellow Senators for shining a spotlight on the actions of the SPDC this week to reveal them for the despots they are.

I was encouraged when, on Monday, my colleagues adopted a sense-of-the-Senate resolution we offered with Senator KERRY condemning the SPDC for its violent crackdown against the peaceful protesters. And yesterday, Senators BOXER and MURKOWSKI held a hearing of the Senate Foreign Relations Committee's Subcommittee on East Asian and Pacific Affairs on the atrocities in Burma. I appreciated the opportunity to be over there and testify at that hearing, along with others. Democratic reform in Burma is an issue that has received far too little interest for a very long time. But the strong bipartisan support in Congress is encouraging.

To see significant change in Burma, ultimately the U.N. Security Council will have to enact meaningful sanctions on the SPDC. Only then will the Government be pressured to move toward peaceful reconciliation. And for the U.N. Security Council to move, China must be persuaded to move. Many changes need to happen in Burma, but until they do, I will continue to act and to advocate on behalf of the Burmese people on the Senate floor.

DEFENSE APPROPRIATIONS

Mr. MCCONNELL. Mr. President, Republicans and Democrats have been debating all year long about the troops. This has not been a debate about who wants to bring them home. Frankly, all of us want to bring them home. It has been a debate about whom do you trust to decide when these troops come home, about who has the authority and judgment to make decisions about how to protect our national security interests in the Persian Gulf. Republicans think it should be the Commander in Chief in consultation with his commanders on the ground. We don't think our foreign policy should be drafted by MoveOn.org or CODEPINK.

However, on one thing we have almost all agreed: When we have forces in the field, we ought to fund them. Once they are over there, you do not leave them guessing about whether they are going to eat or be clothed or have the equipment they need to do their jobs, and you don't leave their replacement units wondering whether they will be trained or equipped.

In the heat of the first Iraq debate, we passed by a strong bipartisan vote of 82 to 16 the Gregg resolution expressing the sense of Congress that no funds should be cut off or even reduced for troops in the field which would result in undermining their safety or their ability to complete their mission. We passed, by an overwhelming 96-to-2 vote, the Murray resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their missions. And we repeatedly rejected the Feingold amendment as recently as yesterday, once again, that would cut off funds for the troops after a date certain next June regardless of whether they have completed their mission.

Under the Feingold amendment, which forbids U.S. troops from fighting anyone but al-Qaida and its affiliates, we would have to deploy a brigade of lawyers to interview the enemy, and we would lose the ability to gather the kind of intelligence from Iraqis themselves—intelligence that has been an invaluable component of the Petraeus plan so far. The Iraqi people are talking to us now because they feel safer having U.S. troops around. Pulling those troops out of the neighborhoods and replacing them with snipers in helicopters would cut us off from the very people who are helping us find the targets in the first place.

This Senate has argued for months about Iraq, but on this one point almost all of us have agreed again and again and again: You don't cut funds to troops who are already in the field. Yet now it seems even that may be about to change.

All last year, the Democrats complained that the President was hiding his spending requests for the war by leaving them out of the Defense spending bill and putting them into a supplemental instead. So earlier this year, he responded to those criticisms in good faith by making his request in concert with the DOD appropriations bill. He said we would need about $150 billion for 2008.

The majority has been sitting on this request for 8 months, and now they have made a conscious decision to leave it out of the Defense spending bill altogether. Some of them are arguing that the Defense Department has the legal authority to sustain the war on its own. That is right, they could do that, but what the Defense Department cannot do is plan ahead without a future spending commitment from this Congress. They cannot plan for training, equipment, feeding, or protecting our troops until they know the money will be there beyond the immediate future, and they cannot plan to be ready for any other operations that might arise outside of the current conflicts. This is no way to run a Defense Department, it is no way to treat the troops, and it is entirely inconsistent with the expressions of support for the troops that we registered with the Gregg and Murray resolutions and which we reaffirmed repeatedly, including yesterday, by rejecting the Feingold amendment.

All summer, America and its allies waited for GEN David Petraeus to come to the Hill and tell us about the prospects in Iraq. We were encouraged when he told us the military objectives of his strategy were in large measure being met. We were proud when he told us that in the face of tough enemies and the brutal summer heat, coalition and Iraqi security forces had achieved real progress toward achieving their goals, in large part because they dealt what he described as a "significant blow"—a significant blow—to al-Qaida.

General Petraeus recommended that as a result of these early successes, we can begin to draw down our troops beginning this year. That drawdown has already begun. Last month, the Marine Expeditionary Unit that was deployed as part of the surge left Iraq after a job well done. A combat brigade team will leave in mid-December, with four others and two surge marine battalions to follow in the first half of next year. This was General Petraeus's cautious but expert plan for building on the successes we have made in Iraq. The President accepted that plan, and a majority of Americans, including a majority of Democrats, if we are to believe the polls, think it is a good idea.

We have a new strategy in Iraq, according to the general in charge. It is working, and we owe it to the men and women in the field, first of all, to keep a commitment we have already made to fund them while they are carrying out that strategy. We cannot, we must not close this session without providing the funding these troops need.

We also owe it to them to bring them home in a way that reflects the best judgment of their commanders. General Petraeus gave us a rare and valuable glimpse into the minds of our soldiers and marines when he testified on Capitol Hill last month. General Petraeus said:

> None of us want to stay in Iraq forever. We all want to come home. We all have days of frustration and all the rest of that. But what we want to do is come home the right way, having added to the heritage of our services, accomplished the mission that our country has laid out for us.

That is what General Petraeus had to say. Then he gave us an idea of the caliber of the men and women who are serving our country in Iraq. Talking more about the commitment they have to their task, here is what General Petraeus said:

> I think that that's a very important factor in what our soldiers are doing, in addition to the fact that, frankly, they also just respect the individuals with whom they are carrying out this important mission, the men and women on their right and left who share very important values, among them selfless service and devotion to duty. And that, indeed, is a huge factor in why many of us continue to serve and to stay in uniform, because the privilege of serving with such individuals is truly enormous.

The Defense Department is currently revising its spending requests for the current fiscal year, but that is no reason to deny the funds it already said it needs to get through the spring. The fact that we are waiting on a request for more is not an excuse to deliver nothing.

The men and women who are serving our country deserve better. Let's not pass up the chance to acknowledge their "selfless service and devotion to duty" by giving them exactly what they need—before we conclude this session of Congress.

Mr. President, I yield the floor.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 49, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 49) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 49) was agreed to, as follows:

S. CON. RES. 49

> *Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.
>
> SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, and the text of the Senate committee-reported bill be considered and agreed to; the bill, as amended, be considered as original text for the purpose of further amendment; and that no points of order be considered waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3211) was agreed to.

(The amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

Ms. MIKULSKI. Mr. President, I am proud to present to the U.S. Senate the bill to fund the Departments of Commerce, Justice, and our science agencies. I want to thank Senators REID and MCCONNELL for agreeing to bring up the CJS bill, and Chairman BYRD and Ranking Member COCHRAN for the CJS Subcommittee's robust 302(b) allocation. This is a bipartisan bill. Senator SHELBY and I worked hand-in-hand. I thank him and his excellent staff for their partnership.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did. We are proud that our bill is $3.2 billion above the President's budget request.

Let's talk about how we spent the money. The subcommittee had three priorities:

Security—keeping 300 million Americans safe from terrorism and violent crime.

Innovation—investments in science and technology to create jobs that will stay in the United States.

Accountability—fiscal accountability and stewardship of taxpayer dollars, standing sentry against waste, fraud and abuse.

The subcommittee's first priority is protecting America from terrorism and violent crime. The Justice Department is almost 50 percent of the CJS bill. Funding for Justice totals almost $25 billion, $2.1 billion more than the President's request. The CJS bill funds our major Federal law enforcement agencies, and our State and local cops on the beat.

CJS funds the Federal Bureau of Investigation, FBI. The FBI is our domestic national security agency. It has a dual mission—disrupting terrorism on U.S. soil—tracking and taking down terror cells and dismantling dirty bombs, as well as fighting violent crime in our communities. The CJS bill provides $6.6 billion for the FBI, $150 million more than the President's budget request. This includes almost $4 billion for FBI counterterrorism. Our bill will put 230 new counterterrorism agents on the beat and give agents new tools to collect intelligence to protect Americans here at home. At the same time, the President's budget cut 100 FBI agents dedicated to fighting violent crime. This is outrageous—because for the first time in almost 15 years, violent crime has increased. Robberies are up 7 percent. Homicides are up 2 percent. Nearly every region of the country has been affected—from large cities to small communities. We've heard from our colleagues that the FBI needs more agents fighting violent crime in their communities. The CJS bill rejects the President's irresponsible cut. We provide full funding to retain 100 FBI agents that the President eliminated.

The CJS bill also funds the Drug Enforcement Administration, DEA. The DEA is an international agency—in over 60 countries, with significant local responsibilities. It's fighting a $330 billion annual drug trade in over 60 countries around the world. Drugs finance over two-thirds of all terrorist activity, including the Taliban. The DEA is in Afghanistan fighting narcoterrorism, working hand-in-hand with our military to disrupt the poppy trade that funds terrorist networks. And the DEA is in our communities, fighting the scourge of illegal drugs like heroin and meth that destroy our neighborhoods. We were horrified to learn that the DEA has a hiring freeze. The DEA can't hire new agents. This is outrageous—so we added $50 million to DEA to lift the hiring freeze so DEA can hire up 200 new agents to fight drugs at home and abroad.

The CJS bill funds the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, which investigates arson and stops illegal firearms trafficking. The ATF is working hand-in-hand with our military to disable the improvised explosive devices, IEDs, that are so perilous to our troops on the battlefield. We provide robust support for our U.S. Marshals Service, keeping our marshals on the beat to track down dangerous fugitives—including sexual predators and drug kingpins—protect Federal judges and provide security at terrorist trials here in the U.S. and in Afghanistan.

The CJS bill is also the most important source of Federal funding for the frontline men and women of our State and local police forces, working tirelessly to keep our families and neighborhoods safe. Our cops on the beat are working harder than ever to fight rising violent crime. And our State and local police are often the first to identify suspected terrorist activities in their communities. At the same time, State and local budgets are under increased stress. So we were deeply troubled by the President's draconian cuts of almost $1.5 billion from grant funds for State and local police. The CJS bill rejects these outrageous cuts. Instead we provide a total of $2.7 billion to give our cops the tools they need to fight crime, gangs, drugs, domestic violence, and crimes against children.

Our bill provides $660 million for Byrne formula grants. President Bush eliminated Byrne grants formula grants to States that pay for police and prosecutors, training and technology, and require a 25-percent State match. The first President Bush named these grants for Edward Byrne, a New York City police officer killed in the line of fire. If Byrne grants were good enough for Bush 41, why aren't they good enough for this President Bush?

We also provide $550 million for Community Oriented Policing Services, COPS, grants. President Bush only asked for $32 million to terminate COPS grants. COPS is a competitive grant program that pays for police salaries and overtime, police technology, and equipment like surveillance cameras and interoperable communications equipment. The CJS bill makes sure that our cops are not walking the thin blue line drawn through green eyeshades.

The CJS bill provides over $300 million to prevent, investigate and prosecute despicable crimes against children. This includes: $55 million for a new national initiative for grants to State and locals to locate, arrest and prosecute child sexual predators; $65 million to fight child abduction and exploitation and locate missing children; $9 million for the FBI's Innocent Images project—for agents and technology to track the deviants who use the Internet to prey on our children; $8 million for the U.S. Marshals to apprehend fugitive sexual predators and get them off our streets and out of our neighborhoods; $10 million for grants to keep kids safe from violence at school.

Our second priority for the CJS bill is investing in America's future competitiveness. We added $1 billion above the President's request for science, education and economic development to foster job creation—for jobs that will stay in this country and to inspire and train our future scientists and engineers. We based our funding levels on the best ideas from outside experts like the National Academy of Sciences. We took the politics out of science. The CJS bill implements the framework of the recently enacted America COMPETES Act. This bipartisan legislation recommended investments in science and education to improve America's global competitiveness.

We provide $6.5 billion for the National Science Foundation, NSF, $125 million above the President's budget request. NSF is important because it funds 20 percent of all federally supported basic research conducted by America's colleges and universities in many fields such as math and computer science. NSF is the major source of federal support. NSF keeps the U.S. on the leading edge of discovery in areas like astronomy and geology. And NSF supports our college and universities' efforts to educate our next generation of scientists and engineers, including at our historically Black colleges and universities, HBCUs.

We provide $860 million for the National Institute of Standards and Technology, NIST. NIST is important because it sets standards that are critical to successful commerce, and transfers technology to American industry. Our recommendations provide $100 million for the Technology Innovation Partnership program, which will replace the Advanced Technology Program to foster the development of the newest technologies, and $110 for the Manufacturing Extension Partnership, MEP, which helps U.S. manufacturers to be more competitive.

The bill also provides $17.5 billion for NASA, $150 million above the President's budget request. NASA is our No. 1 innovation agency. No other agency has the ability to inspire our future scientists and engineers like NASA does. The bill keeps our commitment to human space flight. It fully funds the space shuttle at $4 billion and the space station at $2.2 billion. And we provide $3.9 billion to Ares and Orion, the next generation vehicle. The space shuttle will be retired in 2010. We must continue to have safe, reliable space transportation.

Later, I will offer an amendment with Senators HUTCHISON, SHELBY and LANDRIEU to finally begin to pay the bill of returning the space shuttle to flight after the Columbia tragedy. To ensure that we continue to have the premier space agency in the world, NASA must have a balanced portfolio of human space flight, science and aeronautics research.

In the area of Earth science, the bill includes $25 million above the budget request to begin to implement the recommendations of the recent Earth Science Decadal Survey, the top priorities of the scientific community, and missions we need to accomplish to help us better understand and predict the Earth's environment and climate.

For aeronautics research, we provide $554 million. This is so critical because we must rise to the challenge of our international competitors. Aeronautics is an area that we would have liked to do more. As our bill moves to conference with the other body, we hope to be able to add funding for aeronautics.

A strong patent system is critical to an innovation-friendly government. We provide $1.9 billion for the Patent and Trademark Office, PTO—this is full access to all fees. We know there have been concerns that the PTO's fees have been used to pay for other priorities. Senator SHELBY and I are committed to giving PTO full access to the resources it needs. Our bill will allow the PTO to hire 1,200 new patent examiners to reduce application backlogs and processing times. We are livid that it takes almost 3 years for the PTO to make a decision on a patent application. Through our oversight, we have required PTO to implement management reforms to reduce the backlog of applications, while ensuring quality.

The CJS bill also provides $420 million for the International Trade Administration, ITA, to investigate unfair trade practices and enforce our trade laws. It includes $48 million for the United States Trade Representative, USTR, to negotiate trade agreements that protect our intellectual property.

For the National Oceanic and Atmospheric Administration, NOAA, the bill provides $4.2 billion, $400 million above the President's budget request. This includes $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. Seventy percent of the Earth is covered by oceans, but only 5 percent of the oceans are explored. Our Nation's economy depends on the oceans. Oceans contribute $120 billion to our economy and support over 2 million jobs. The bill also provides full funding for the National Weather Service, which is so important to saving lives and livelihoods.

I think my colleagues would be interested in knowing that the CJS bill funds 85 percent of all federal climate change science. That's about $1.6 billion for peer-reviewed basic research at NSF, atmospheric weather and climate research at NOAA, and NASA Earth science missions studying. As we look for solutions to this crisis, the CJS bill will continue to give us sound science to inform our policy decisions.

The CJS bill emphasizes oversight, accountability and fiscal stewardship. Let me tell my colleagues—there's a new sherriff in town. It's a bipartisan posse against cost overruns, ineffective management and mismanagement of taxpayer dollars. The CJS Subcommittee, through its oversight, has uncovered enormous cost overruns and schedule slippages. NOAA's satellite program was $4 billion over budget. NSF's research equipment was $25 million over budget. At the appropriate time, I will offer an amendment to prevent this mismanagement and get our agencies back to fiscal discipline.

Through our oversight, we also uncovered dramatic backlogs at PTO and the Equal Employment Opportunity Commission, EEOC. And we required effective, efficient management reform. The CJS bill insists on discipline and vigorous oversight. It requires each agency to notify the committee about cost overruns greater than 10 percent, bans funding for lavish banquets, and requires that inspectors general conduct random audits of grant funding.

Unfortunately, the President threatened to veto the CJS bill. He doesn't support funding for these additional investments I have outlined. The CJS bill reflects bipartisan priorities to make America safer and smarter. I think these investments in fighting terrorism and violent crime, and educating our future scientists and engineers, are wise uses of taxpayer dollars.

Let me be clear—we didn't overspend; the President under funded. It is not lavish to lift the DEA hiring freeze so we starve terrorists of their financing, or to give our men and women in blue the tools they need to keep us safe.

The President should not veto this bill. Instead, together we should veto funding for the Taliban and jobs moving overseas. I believe that, if necessary, the Senate will stand up for our families, neighborhoods and communities by standing up against the President's veto. Let's veto jobs going overseas; let's veto the Taliban.

Again, I want to thank Senator SHELBY and his staff for their cooperation and collegiality. This is a fair and balanced bill, and I urge my colleagues to support it. For the information of our colleagues, Senator SHELBY and I intend to move this bill quickly. We encourage Members with amendments to come to the floor and offer them now. The bill fully complies with the subcommittee's 302(b) allocation so any amendments will need offsets. It also fully complies with the recently enacted Honest Leadership and Open Government Act.

Mr. President, in a short time, I will be joined by my colleague, the distinguished senior Senator from Alabama, who is my ranking member. He, too, will be making his opening statement. I thank Senators REID and McCONNELL for agreeing to bring up this billand Chairman BYRD and Ranking Member COCHRAN for a rather robust 302(b) allocation to let this bill go forward.

First, let me say to my colleagues in the Senate as they watch this debate that this bill is a bipartisan bill. The Senator from Alabama, Mr. SHELBY, and I worked hand in hand to craft a bill that is in the best interest of the United States of America and not trying to score partisan political points. That is what we have done.

The Commerce-Justice-Science bill promotes a strong economy, promotes a safer country, and also promotes U.S. competitiveness in the world.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did, and we are proud that our bill is $3.2 billion above the President's request because we put the money primarily into security. We spent the money in this bill on security, keeping 300 million Americans safe from terrorism and also fighting violent crime. We also promoted innovation and competitiveness by investing in scientific research and technology and the scientific education of our people. But we were also strong stewards of the taxpayers' money and have promoted accountability, fiscal accountability, and stewardship of taxpayers' dollars. We, working on a bipartisan basis, stood sentry against waste, fraud and abuse and we have put our language also in the checkbook.

The subcommittee's first priority is to protect the American people—to protect the American people from terrorism, a war without borders, a war without a front. We also want to protect them here at home against violent crime, against murder, mayhem, sexual predators stalking our children, violence against women, looking out for our children, and making sure there are enough cops on the beat.

The Justice Department is almost 50 percent of the CJS bill. Funding for the Justice component totals over $25 billion. But remember what we do: We fund the Federal law enforcement agencies—the FBI, the DEA, the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as our Marshals Service. Our major law enforcement count on us. But who else also counts on us? State and local cops on the beat. We have put the money into the Federal checkbook to say: As you go after the bad guys, we are absolutely on your side.

Let us start with our primary responsibility as a Federal government, and that is funding the FBI, the Federal Bureau of Investigation. It is our premier domestic law enforcement agency. It has a dual mission. One is fighting violent crime in our communities, and in that it is well known, well established, and well respected. But after that terrible attack on the United States, we had to decide how we were going to have a domestic agency also focus on terrorism. We didn't create a new Federal agency to do that because we didn't want a new bureaucracy. We wanted a new and fresh effort against terrorism. So we gave it to the FBI. If you read all the British spy novels and so on, the FBI is akin to the MI5 in England.

This bill provides $6.6 billion for the FBI. That is $6.6 billion for the FBI, which is $150 million more than the President's budget. This includes almost $4 billion for their counterterrorism effort. To make sure we are fighting terrorism effectively, our bill also puts 230 new counterterrorism agents out there and gives them new tools to protect Americans at home.

At the same time, we want to make sure we are fighting violent crime. We have been very concerned about some of the budget games going on at Justice and OMB, where they keep moving agents around, out of their job of fighting crime to fight terrorism so those numbers look good; then they eliminate those vacancies, and there we are. We need our FBI doing both. Violent crime in America has increased 2 percent. Homicides are up 2 percent and robberies are up 7 percent. Nearly every region of the country has been affected, from very large cities to small communities.

We have heard from our colleagues the FBI needs more agents and more help fighting violent crime in their communities. The CJS bill rejects the President's cut. We provide funding to retain 100 FBI agents that the President eliminated. Eliminating FBI agents when we are fighting crime and fighting terrorism? I don't think that is a good idea. I don't think that is a good idea at all. On a bipartisan basis, we rejected that foolhardy recommendation. So we will be there for the FBI.

But they are not the only ones fighting terrorism and fighting crime in our streets. The other is the DEA. It is an international agency as well as an all-American agency. It is in over 60 countries. Yet, at the same time, has very strong border and local responsibilities. Fighting a $330 billion international drug trade, they need help. Drugs finance over two-thirds of the terrorist activities. It comes out of Afghanistan, from the poppy fields of Afghanistan, and they are seeing one of the biggest crops they have ever had. That money goes to funding the Taliban and funding terrorist activity.

The DEA is, right now, in Afghanistan fighting narcoterrorism, working hand-in-hand with the Karzai Government, working hand-in-hand with our military to disrupt that poppy trade. But right now they are also in our streets and our neighborhoods working with our local police chiefs, working with our local sheriffs, working with our local FBI, fighting to keep the scourge of illegal drugs, ranging from heroin to meth, from destroying our neighborhoods.

We were horrified during the committee hearing to learn that DEA has a hiring freeze. A hiring freeze on drug enforcement agents? Oh, my gosh. Foolhardy. Foolhardy. This is outrageous. So, again, working on a bipartisan basis, we added a modest $50 million to DEA to lift this hiring freeze so they can now hire up to 200 new agents to fight drugs at home, drugs in schools, and drugs overseas.

We have also funded the Bureau of Alcohol, Tobacco, Firearms, and Explosives, which does everything from investigating arson to stopping illegal firearms trafficking. They are also working hand-in-hand with our military to come up with ways to deal with these terrible improvised explosive devices.

We also provide robust support for our Marshals Service, where we ask them to track down everyone from dangerous fugitives to sexual predators. They protect our Federal judges, they provide security at terrorist trials, and they are doing a good job, so we need to support them.

Where we have also made another significant effort, though, when it comes to State and local law enforcement in the CJS bill, is the most important source of Federal funding for that thin blue line of local law enforcement that is out there every day working tirelessly to keep our families, our schools, and our neighborhoods safe. Our cops on the beat are working harder than ever to fight this rising tide of violent crime. Our local and State police are often the first to identify suspected terrorist activities, but their budgets are under increased stress. So we were deeply troubled when the President came in with draconian cuts to the State and local police.

What did the administration do? Well, first of all, in that famous Cops on the Beat Program that helped local law enforcement have more officers, they reduced the funding to a skimpy, Spartan $32 million for the whole country to put cops on the beat. One State alone could use that. At the same time, they eliminated the Byrne grants. The Byrne grants are those Federal funds named after Edward Byrne, a police officer from New York killed in the line of duty, and this program was to help local law enforcement have the tools, the technology they need to protect themselves so they can protect us. That was eliminated.

We are spending a fortune on so many other things, such as the war in Iraq, and yet we eliminated the Byrne grants? Well, this committee stepped up to it and we have added $1.5 billion for grants for the State and local police. These funds will fight crime, gangs, meth, violence in the schools, and we think it is terrific. Our bill will provide $660 million for the Byrne grant formula. It will pay for the improved technology they need, improved training and police and prosecutors.

We also added $550 million to the community policing efforts, which is a competitive grant program that enables them to bring more police into their department, paying their salaries and their overtime. We stand with the frontline. We stand with the thin blue line.

We are also protecting ourselves against other threats. We do not want to have a declining economy or a declining ability to compete in the world. So our committee fostered innovation and competitiveness. So when we look at those things in our legislation, we added more money. We implemented the recently enacted bipartisan bill called the COMPETES Act. We added $1 billion to the science and commerce part of this bill, and $6.5 billion for the National Science Foundation. We provided $860 million for the National Institute of Standards and Technology. We provide close to $2 billion to the Patent and Trademark Office, to make sure they are fully functioning and dealing with the backlogs. We fund the ITA and our International Trade Representative.

We also have two premier science agencies, one is NOAA, the National Oceanic and Atmospheric Administration. We provide $4.2 billion for that, which is $400 million above the President's request; and $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. We also provided money to look into Federal climate change. This is not new for this committee. The NSF, NOAA, and NASA provide 85 percent of all the Federal research looking at climate change. As we work on policy, as we try to find sensible solutions that are affordable to our country, they are going to turn to science, and in turning to science, we need to make sure we have funded them.

Last, but not at all least, a very important agency—NASA. Today is the 50th anniversary of Sputnik. Fifty years ago, the Russians launched into space a 180-pound satellite that shook the cosmos. It shook the cosmos and it said that the Russians were the first in space. Well, we knew we couldn't let that lie. So President Eisenhower answered that call with robust efforts in science and particularly the National Science Foundation.

A few years later, 3 years later, a dynamic President, named Jack Kennedy, put out a national goal that we were going to go to the Moon, we would be there first and return our astronauts safely. Well, 50 years later, we honor that legacy by providing $17.5 billion for NASA, $150 million above the President's request, to keep our commitment to a balanced space program—the space shuttle, the space station, and the next-generation space vehicle.

We make significant efforts in science and aeronautics, and I will talk more about that later when I will offer an amendment, along with my colleagues, Senators SHELBY, HUTCHISON, LANDRIEU, and NELSON, on how to help NASA continue to meet its responsibility.

In conclusion, let me say this committee has been strongly committed to reform, strongly committed to accountability and oversight and fiscal stewardship. Through our oversight, we uncovered cost overruns on the NOAA satellite programs, with $4 billion over budget; the NSF's research equipment program, $25 million over budget; and dramatic backlogs at the Patent Office and backlogs at the EEOC. We said we were not going to allow that.

We also found that some of our funds were going into things such as lavish conferences, lobster rolls, and limousines. Well, you are going to have an amendment later on that is going to take that right out. When we give money to these agencies to do the kind of training we want them to do, it is not to sit around sipping chardonnay and eating lobster rolls and so on. So if you will pardon the expression, we told them "to take a cab." Our bill continues to do that.

I hope the President doesn't veto our bill. We will talk about that more in conclusion. Again, this bill is a bipartisan bill. I presented it to the Senate and now I compliment my ranking member, Senator SHELBY, and his staff.

Our staffs have worked together. I wish the taxpayers could see it; they would be proud of us. They would be proud of our working relationship, and that is why we produced a bill that works for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will not replicate what Senator MIKULSKI went through. She has done a very thorough explanation of the bill. This is a very complex bill. It funds Commerce-Justice-Science—NASA, for example—and related agencies. I will touch on some things.

I chaired this committee before and Senator MIKULSKI was the ranking Democrat on the committee. Now she chairs it and I am the ranking member. She probably has related on many occasions that we go back to our House days. We were on the Energy and Commerce Committee in the House of Representatives, working together then on a lot of these same issues but perhaps manifested in different ways.

This bill funds a number of our Nation's most important programs and initiatives, and I am pleased to outline some of the highlights. I thank Senator MIKULSKI, the chair of the committee. She works well with us, our staffs work together, and we tried to bring forth a bill that reflects our strong bipartisan relationship.

This bill was crafted with a tight allocation of $54 billion. Within these limitations, the subcommittee was forced to strike a difficult balance between the competing priorities of law enforcement, terrorism prevention, research, space exploration, and U.S. competitiveness through investing in science.

For the Department of Justice, the committee's recommendation is $24.3, $2 billion over the request. The President's budget request cut over $1.6 billion from State and local law enforcement at a time when violent crime is on the rise. Chairwoman MIKULSKI and I worked together to ensure that law enforcement receives the funding and support it needs to begin to address the increased crime problem and help protect our citizens and our communities all over this country.

The bill also provides the Department of Commerce with $7.35 billion—$754 million over the budget request. The Commerce Department oversees some of our Nation's most important business development, economic analysis, and science and research agencies, including the Economic Development Administration, the National Institutes of Science and Technology, and the National Oceanic and Atmospheric Administration, NOAA. Our bill provides $4.2 billion for NOAA, an increase of $405 million over the fiscal year 2008 budget request. The committee believes it is critical to the overall health of NOAA to restore funding to programs that suffered over the past year under static funding levels.

Also, existing competitive grant programs were given increased funding and new competitive grant programs were created in an effort to reduce earmarks. The subcommittee's bill also provides $7.5 billion for NASA, an increase of $150 million over the request. This funding will allow NASA to move forward with crew explanation and crew launch vehicles while also funding the ongoing activities of the space shuttle, the International Space Station, and other important research activities.

This bill funds the National Science Foundation at $124 million above the request. Nearly all the additional funds go toward investments into the scientific education of our students, from kindergarten to doctorates. Combined with the funding for the National Institute of Standards and Technology, the funding provides more than the request for the American Competitiveness Initiative, ACI, and lays the groundwork to address the concerns laid out in the National Academy of Sciences "Gathering Storm" report.

This investment helps keep the competitive edge our Nation holds in the world economy. By focusing on the ingenuity of our people, we will remain at the forefront of scientific and technical advancement for generations to come. In a year when discretionary dollars are scarce, Chairwoman MIKULSKI and I have worked together to find ways to ensure that the priorities of our Nation and our States are met. I urge all my colleagues to join with us in supporting this bill and expediting its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, on August 2, 2007, by a vote of 83–14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule XLIV, it is required that the chair of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested and the committee is required to make those certification letters available on the Internet.

The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–124, dated June 29, 2007, and has been available on the Internet for 3 months. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations.

I want to say this bill complies with the Honest Leadership and Open Government Act of 2007, and Senator BYRD certifies that, under Senate rules, all this information is available on the congressional Web site.

I ask unanimous consent the certification by the chairman of the Committee on Appropriations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–124, filed on June 29, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Ms. MIKULSKI. Mr. President, this committee now says to our colleagues, if they have any amendments, this is an excellent time to bring them down and offer them. We know we have some amendments we are working now to clear, but if someone wants to talk about our bill, this is a very good time to come and speak on it. If they have amendments they wish to offer that might require a vote, this is a good time to offer them.

It will be the intention of Senator SHELBY and myself to try to finish this bill today, so this whole idea of let's hang around until 8 o'clock at night and then come around like little vampires to offer amendments is not a good idea. Frankly, as we move along and as some of the major amendments will be addressed, if there are no amendments, we will move the bill. It is not a threat. It is for people who know the holidays are coming. We are ready.

Colleagues, if you have amendments you think can improve this bill, come down and discuss them.

Mr. President, while we are waiting for the onslaught of Members coming to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3215

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3215.

The amendment follows:

(Purpose: To require reporting regarding the costs of conferences held by the Department of Justice)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

Ms. MIKULSKI. Mr. President, my amendment is very straightforward. Remember earlier in my remarks I talked about our accountability and our stewardship? I will be offering two amendments that will deal with those. This is the first of them. It makes sure the Department of Justice is not misusing taxpayer dollars on lavish expenditures and conferences. Conferences are meant for training.

Our amendment simply requires that Justice do two things: Notify the inspector general of any conferences exceeding $20,000 and demonstrate what steps are being taken to implement the inspector general's recommendations that actually uncovered some of these expenditures at lavish conferences.

To elaborate, the Justice IG issued a report and said the 10 most expensive conferences had totaled over $6.9 million. Most conferences are well organized and the money is spent frugally—which I know is a big issue with the Presiding Officer. What we found was that some of those funds were spent on "networking." They had lobster skewers. At 1 conference, each meatball cost $4. That is a lot of money for a meatball. Literally, we believed because we were working so hard to make sure that law enforcement had the tools they needed, we wanted to make sure the taxpayers got a good deal and that we got law enforcement for our money and not $4 meatballs.

I don't know if my colleague wishes to speak on the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I tend to agree with Senator MIKULSKI. We are trying to check with a couple of people to clear this amendment. I hope we can move it soon. We are checking with somebody right now. I think it makes sense.

Ms. MIKULSKI. I move the pending amendment be laid aside subject to the clearance of one of our colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3216

Ms. MIKULSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3216.

The amendment is as follows:

(Purpose: To require certain evaluations by the Secretary of Commerce and the Director of the Office of Management and Budget before the satellite acquisition program of the National Oceanic and Atmospheric Administration may proceed)

After section 113, insert the following:

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE.

(a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term "key decision point" means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term "major milestone approval" means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term "program" means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term "satellite" means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It stops the cost overruns on NOAA's weather satellites before they get out of control.

The NOAA satellite program is an absolutely crucial program to the United States of America. It gives us major weather satellites, known as NPOESS, polar orbiting, and 1 called GOES that gives us the geostationary information. They are crucial to our ability to forecast weather, measure climate change, and actually pinpoint where disasters could be threatening a community. It saves lives and saves livelihoods. Thanks to these satellites, we can often get early warnings when a disaster is coming, from a tornado to a hurricane.

What has happened is the satellites have grown far beyond their original estimates. We are concerned that the ideas are good, but they are not being properly managed.

Let me tell you about these overruns. Two years ago, NOAA's polar orbiting satellite grew by 25 percent. That is $4 billion, $4 billion.

Now, because the Defense Department is a partner in the satellite program, the Nunn-McCurdy process was triggered. There was a stand-down and the processes were reassessed. Nunn-McCurdy acts like a circuit breaker, forcing management reforms and program changes to control costs.

But with the next generation of geostationary satellites we are beginning to see early signs of trouble. We have been alerted that the costs may grow substantially. One of our satellite programs has Nunn-McCurdy, but the 1 that is called GOES does not. Therefore, I am offering a commonsense amendment modeled after Nunn-McCurdy that all NOAA satellite programs follow essentially this kind of oversight.

The amendment requires the Secretary of Commerce to certify the satellite program; requires the Secretary to look at alternatives if the cost exceeds 15 percent of the original estimate; makes sure they notify Congress and keep us informed sooner rather than later; requires the Secretary of Commerce to utilize independent cost estimates.

This will act as a circuit breaker to make sure that as these satellites go forward, they are coming up with not only good ideas to protect the Nation but good fiscal stewardship to protect the taxpayer.

I urge my colleagues to support this amendment because it will bring strong management, better and stronger management and fiscal discipline to the satellite program.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think this is a very good amendment that Senator MIKULSKI has proposed. We are checking with some of our colleagues and hope they will not object. They are on their way to the Senate floor now, I understand.

I believe the amendment has merit. But I did tell them that I would check with them. If we can, let's set this aside temporarily until they get to the Senate floor and we see where we are.

Ms. MIKULSKI. Mr. President, I concur with setting aside the amendment.

I also want to say something. I believe I am the bastion of collegiality. I believe conversation avoids confrontation. That is why we have such a great bill. We have a fantastic bill we have arrived at together.

Senator SHELBY and I go back a long way, from the House of Representatives where we served, and we have been appropriators during our entire time in the Senate. But in clearing things, we are talking about clearing it with one Senator. That Senator must exercise a lot of fiscal responsibility. I am ready to move my bill along. I would like him or his representative to promptly come to the floor.

If we have this new kind of arrangement where we have to clear it with this Senator rather than clearing it with the ranking member and our leadership, then I would like that Senator to come to the floor. I will be collegial. I will be patient up to a point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate return to consideration of amendment No. 3216.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If there is no further debate, the question is on agreeing to amendment No. 3216.

The amendment (No. 3216) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

IRAN

Mr. BYRD. Mr. President, last week the Senate voted on an amendment to the Defense authorization bill that designated a portion of the Iranian Armed Forces as a terrorist organization. I joined 21 of my illustrious colleagues in voting against that amendment. It was a dangerous, unnecessary provocation that is escalating the confrontational rhetoric between the United States and Iran.

In response to the passage of that amendment, the Iranian Parliament on Saturday designated the U.S. Armed Forces and the Central Intelligence Agency as terrorist organizations. Would someone please explain to me what has been achieved by this exchange of international verbal spitballs? It is deeply troubling to see the Senate joining the chest pounding and saber rattling of the Bush administration. I am no apologist for the Iranian regime, anymore than I was for Saddam Hussein, but I fear we may become entangled in another bloody quagmire.

We have been down this path before. We have seen all too clearly where it leads. Four and a half years ago, Secretary of State Colin Powell made a speech before the United Nations Security Council claiming to have evidence that proved Saddam Hussein had weapons of mass destruction and was an imminent threat to U.S. and international security. Others in the administration made the rounds of Washington news programs to pound the drums of war, scaring the public with visions of mushroom clouds and mobile chemical weapons labs. The proponents of war compared Saddam Hussein to Adolf Hitler, warning ominously of the dangers of Chamberlain-like appeasement. That is a seductive analogy, but it is a dangerously specious one.

Every foreign adversary is not the devil incarnate. We know now that Saddam Hussein was militarily a paper tiger. The intelligence that suggested he was an imminent threat was flat wrong. Saddam Hussein had no weapons of mass destruction. Saddam Hussein had not attacked our country. Saddam Hussein was a ruthless tyrant, but he was not an imminent threat to U.S. national security. Now we hear the same scare tactics and several analogies trotted out again, this time with Iran. Analogies can be dangerous. They risk oversimplifying complicated situations and can lead to erroneous conclusions. While there may be some superficial similarities between Hitler and Ahmadi-Nejad, it does not mean our only option is to start world war III.

We are now more than 4 years into a war that was launched by false fears and scary hyperbole, and here we are again being led down a path by chest-pounding rhetoric, without a clear idea where that path is taking us.

As the philosopher George Santayana once said:

> Those who cannot remember the past are condemned to repeat it.

Are we condemned to repeat the colossal blunder that is the Iraq war or has the Senate learned the lessons of history?

Every day it seems the confrontational rhetoric between the United States and Iran escalates. We hear shadowy claims about Iran's destabilizing actions in Iraq, with little direct evidence offered to back it up. The

President telegraphs his desire to designate a large segment of the Iranian Army as a terrorist organization—and instead of counseling prudence, the Senate rushes ahead to do it for him. I hope we can stop this war of words before it becomes a war of bombs.

We have seen the results when the Senate gives this administration the benefit of the doubt: A war that has now directly cost the American people $600 billion, more than 3,800 American deaths, and more than 27,000 American casualties; a war that has stretched our military to the breaking point; a war that the commander of our forces in Iraq, just 3 weeks ago, could not say had made America safer.

I daresay many—perhaps most—in this Chamber wish we had never gone into Iraq. Are we willing to sleep-walk into yet another disastrous military confrontation with a Middle East tyrant?

We need to talk directly to the Government of Iran without preconditions or artificial restrictions and indicate that regime change is not our goal. Unfortunately, the President seems unwilling to take that step. We have held only two talks at a relatively low level, and those have focused solely on Iraq.

Direct talks with North Korea about the issue we were most concerned with—North Korea's nuclear program—resulted in the first progress toward a denuclearized Korean peninsula in years. And yet with Iran we continue to refuse to discuss the issue we are most concerned about: Insisting that they must first renounce their nuclear program. That is not negotiation; that is dictating ultimatums.

I agree that no option should be taken off the table when considering how to deal with any threat posed by Iran. But if the President concludes, after serious diplomacy has failed, that an attack is necessary, he must make the case to the Congress and the American people. Under article I, section 8 of the U.S. Constitution, only the Congress—the elected representatives of the people—have the power to declare war, not the President.

The President has stated his belief that previously enacted congressional authorizations to use force give him all the authority he requires to start a new war. I respectfully disagree. It is incumbent upon us—it is incumbent upon us—to reassert the powers granted to the people's branch in the Constitution. That is the best way to prevent another colossal blunder in the Middle East. It is the people of this country who pay the price of such Presidential misadventures. We, as their representatives in the Congress, must not fail in our No. 1 duty: To protect their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3214

Mr. INOUYE. Mr. President, I wish to speak on amendment No. 3214. This amendment would establish a commission to investigate the circumstances surrounding the relocation, internment, and deportation of Latin Americans of Japanese descent from December 1941 to February 1948.

The story of the internment of U.S. citizens is a story that has been made well known after a fact-finding study by a commission authorized by Congress in 1980. However, far less known is the story of Latin Americans of Japanese descent.

Toward the end of its investigation, the 1980 commission discovered this extraordinary effort by the U.S. Government soon after December 7, 1941. However, because information surfaced so late in its study, the commission was unable to fully review the facts but found them significant enough to include in the appendix of its published report to the Congress.

It appears that soon after December 7, 1941, the Government of the United States called upon certain governments in Latin America and requested that certain Japanese be sent to the United States to be used for prisoner exchange programs. Approximately 2,300 civilian men, women, and children—who had committed no crime—were taken from their homes in Latin America. They were stripped of their passports, brought to the United States, and interned on American soil. Some were taken from this camp and used for civilian exchange with Axis countries. You can imagine the anxiety and the fear in the hearts and minds of these men, women, and children not knowing where they were headed for and for what purpose.

Despite their personal tragedies, these Japanese Latin Americans were not included in the Civil Liberties Act of 1988 because this program appears to have been executed outside of Executive Order 9066, and the internees were not citizens of the United States.

Under this amendment, nine commission members—three appointed by the President, three appointed by the Speaker of the House, and three appointed by the President pro tempore of the Senate—would have a year to report their findings to Congress.

This amendment does not authorize any payment for restitution and would not affect direct spending or revenues. It was reported out of the Homeland Security and Governmental Affairs Authorizing Committee and was approved by the Commerce, Justice, and Science Appropriations Subcommittee to attach to the Commerce-Justice-Science appropriations bill.

Today I seek your support for this amendment, which would establish a fact-finding commission to extend the study of the 1980 commission. I believe examining the extraordinary program of interning citizens from Latin America in the United States would give finality to, and complete the account of, Federal actions to detain and intern civilians of Japanese ancestry.

As a footnote, when the war was over, and these internees were released from their camps, they were persons without a country. They were soon arrested for not having a permit or passport to be in the United States. So they were scheduled for deportation to their supposed home, and these Latin American countries said: Oh, no, we are not responsible. We are not taking them. So there they were not knowing where to go. This is the subject of my amendment.

I think the United States would like to have this clarified. It is a blight on our record. I am certain my colleagues will go along with this.

I thank you very much.

I yield the floor.

Mr. BYRD. Hear hear.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3214

Mr. INOUYE. Mr. President, I ask unanimous consent to call up my amendment No. 3214, the Latin American internees bill, and I ask that it be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending business is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3214.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3214

(Purpose: To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

(b) The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c)(1) There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the "Commission").

(2) The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4)(A) The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d)(1) The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e)(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2)(A) Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. INOUYE. Mr. President, I ask unanimous consent that the amendment be set aside for future consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we are trying to clear amendments that have been cleared by Senator SHELBY and myself. Others are looking at them, so we are proceeding. While those amendments are being cleared, one of the issues I wanted to bring to our colleagues' attention is how we are making America more competitive with this bill.

Earlier in my presentation in which I gave an overview of the bill, I emphasized what we were doing in law enforcement, which I am so proud of, and of course the Presiding Officer himself as a former attorney general knows how important the Federal and local law enforcement agencies are. But this bill is called Commerce-Justice-Science.

We focused, in our subcommittee—myself and my ranking member, Senator SHELBY—on three issues this year: security, competitiveness, and accountability—the stewardship of the taxpayers' dollar. We focused on competitiveness because it is our subcommittee that funds the major science agencies that come up with the new ideas that help come up with the new jobs, the research that enables the private sector to take value and add to it to come up with the new products and very high-end technology. That provides jobs right in our own country and enables us to be competitive.

We based a lot of our work on legislation called the America COMPETES Act. I know the Presiding Officer was part of that. This year, it was a bill that was passed by the House and the Senate to ensure our Nation's competitive position in the world through improvements to math and science, both a commitment to research and math and science education. It follows through on a commitment to ensure U.S. students, teachers, businesses, and workers are prepared to continue to lead the world in research and then taking that research to the private sector so it can come up with those products.

In our bill, we don't do anything that picks winners and losers. We are not industrial policy people. What we are, though, is American policy people, to do this.

This America COMPETES Act was based a lot on recommendations that came from the National Academy of Science report called "Rising Above the Gathering Storm." That report was done at the request of three leaders: Senator DOMENICI, Senator BINGAMAN, and Senator ALEXANDER. Then I, after it was published, became part of the group to implement it.

Well, this is a great day for our colleague from New Mexico. I know last night our colleague from New Mexico, Senator DOMENICI, announced that he is going to retire from the Senate. He is in his home State of New Mexico today sharing his plans for his own future with his constituents. But while he is talking about his own future with his constituents, I want to acknowledge that he worked very hard on a bipartisan basis to ensure the future of the Nation. He and Senator BINGAMAN and Senator ALEXANDER, again, working together, showed that we can do better so that we can compete in the world and that we compete in the world not only to win Nobel prizes—and we will continue to do so—but we will also win the markets, for which we must to have a stronger economy.

So "Rising Above the Gathering Storm," which was promoted by those three excellent and wonderful colleagues, led to, with the help of people such as Senator LIEBERMAN and others, the America COMPETES Act. It keeps research programs at the National Science Foundation, the National Institute of Standards, and DOE on a path for doubling the money for research in these key areas.

But, in addition to research, we wanted to make sure we have the scientists, the engineers, and the technology experts to do so. We are falling behind in the number of people who choose science as a career or people with a science education to go into our classrooms. The America COMPETES Act puts an emphasis on that into action. They wanted to prepare thousands of new teachers and provide current teachers with teaching skills in the area of NSF's Noyce teacher scholarship program. They also wanted to enhance undergraduate education for the future science and engineering workforce. They also wanted to authorize new competitive grants at the Department of Education to increase the number of teachers, so grant programs also help do that.

So we passed the America COMPETES Act. But, as my colleagues know—what is authorizing legislation? It sets the policy, sets the direction, and puts national goals into the Federal lawbooks, which is a great first step. But now, the legislation we bring before the Senate, the Commerce-Justice-Science bill, the Mikulski-Shelby bipartisan bill, following on the tradition that sparked us, we are actually putting money in the Federal checkbook to do that.

One of the areas, of course, where we do that is we increase funding for research. We are going to talk later on today about NASA, on the anniversary of sputnik, where that little round ball weighing 180 pounds shook up the cosmos and even the galaxies. But little known is something called the National Science Foundation. This was an agency which was created during the Eisenhower administration and has now withstood the test of time. President Eisenhower responded, a warrior—and we all saw the great miniseries of Ken Burns on the war. We are so proud of Senator INOUYE, who was featured in it. But Eisenhower, the man who led us in Europe, knew that when sputnik went up, we were in a race for America's future and we could either respond militarily or we could respond in a way that would have many uses.

Eisenhower created 2 things: One, the National Science Foundation, and 2, something called the National Defense Act.

The National Defense Act was to get our young people involved in science and in technology so that they could come up with those new ideas to make sure that we not only beat the Russians in space but that we beat the Russians in everything—an idea with currency today, I might add. And then, the National Science Foundation. His brother was president of Johns Hopkins University, Milton Eisenhower. Later, what did the National Science Foundation do? We could have put a lot of money into the military so we could shoot those satellites down, but we said we were going to develop our own and be better at it. We became the premier country in satellites. Satellites defend the Nation. Satellites also give us information on weather. Satellites give us information and early warnings on things such as solar flares that can take out our power grid. Satellites were one of the greatest inventions ever created. America led the way.

Eisenhower created this, where we would fund—we, the Federal Government, working in a unique partnership with universities, not Government doing the research but the Government putting money out in almost intellectual venture capital to come up with new research in physics, chemistry, biology, and the basic sciences; and then to give stipends so young, smart people, such as the people who wanted to do the "October surprise," could come out of the hollows of West Virginia and the streets of Baltimore, our communities, to go on to do this.

What did we fund? We funded programs that then we're able to do. In our legislation, we have now increased our research to $6.5 billion. In this, we have focused on education, K through 12. We have also funded other important programs in research, our science programs. We help with minority education.

By the way, this is 1 of the most important agencies that helps historically black colleges, to make sure they have the financial resources they need. An example would be the increased funding for the Louis Stokes Alliance for Minority Participation. We provide $75 million for math and science partnerships in education. We estimate that our program will have an impact upon over 140 math and science teachers. We also have a talent expansion program to begin to recruit them. We are bringing teachers into internships. Over at Morgan University and down at the Eastern Shore, we have something called the Chesapeake Consortium, where our young people are getting paid internships to work on rocket ships that go off—small rockets that go off from down on Wallops Island.

If you came with me to the Eastern Shore, to Somerset County, where primarily the lifestyle is that of watermen and agriculture—these people work hard and have dirt under their fingernails and big dreams. One of the largest employers is our prison. This is an area the Senators from Virginia share, where the facility is called Wallops Island. Our young people at the Chesapeake Consortium are working at Wallops to develop these small rockets and also work with UAV research. If you went down there with me to that county that has one of the highest poverty rates, in terms of cash income, in my State, and you saw these young men and women with the Chesapeake Consortium shirts on, where they had worked at historically black colleges with our talented science team instead of flipping hamburgers, they had a paid internship, they are flipping ideas. Each and every one of them is a graduate and they have jobs in major technology agencies in our country. This is what we are doing.

I want my colleagues to know we are increasing funding in research. We are investing in education. We are investing in and implementing the America COMPETES Act, and we are making sure we are truly rising above the gathering storm.

I hope Senator DOMENICI will be here today. I will personally pay my respects to him for being the leader he is. When he returns, he will find we passed this bill. It is a tribute to what bipartisanship means, finding that sensible Senator, and we are going to build a stronger country because of this. I wished to bring this to our colleagues' attention as we clear these amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3231

Mr. SHELBY. Mr. President, I call up amendment No. 3231 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Ms. MIKULSKI, proposes an amendment numbered 3231.

The amendment is as follows:

(Purpose: To improve the working conditions for the United States Marshal's Service)

On page 28 line 3 strike "." And insert ": *Provided further*, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report I-2007-008."

Mr. SHELBY. Mr. President, Senator MIKULSKI and I have cleared this amendment on both sides. This will provide $10 million for upgrades to the DC Superior Court Moultrie Courthouse for the U.S. Marshal space. It is badly needed and long overdue.

Ms. MIKULSKI. Mr. President, I concur. I thank the Senator from Alabama for bringing this to our attention. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to amendment No. 3231.

The amendment (No. 3231) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3220

Ms. MIKULSKI. Mr. President, I ask that the pending amendment be set aside, and I call up amendment No. 3220 on behalf of Senator MENENDEZ of New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. MENENDEZ, proposes an amendment numbered 3220.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for juvenile mentoring programs)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading "JUSTICE INFORMATION SHARING TECHNOLOGY" under the heading "GENERAL ADMINISTRATION" under this title is reduced by $5,000,000;

(2) the amount appropriated under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title is increased by $5,000,000; and

(3) of the amount appropriated under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title, $10,000,000 is for juvenile mentoring programs.

Ms. MIKULSKI. Mr. President, this amendment provides additional funding of $5 million for juvenile mentoring programs. The Senator from New Jersey has an appropriate offset. We have no objection to the amendment. It has been cleared on both sides. Therefore, I ask for the adoption of the amendment. As I said, it has been cleared on both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3220.

The amendment (No. 3220) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

Ms. MIKULSKI. Mr. President, I continue to ask that the pending amendment be set aside, and I call up amendment No. 3227.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DORGAN, for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN, proposes an amendment numbered 3227.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide adequate funding for the Drug Courts program)

On page 52, line 5, strike "$1,400,000,000" and insert "$1,415,000,000".

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded;

Ms. MIKULSKI. The amendment provides additional funding for a drug court program. The amendment has appropriate offsets. I ask for the adoption of the amendment. It has been cleared on both sides of the aisle.

Mr. SHELBY. The amendment has been cleared. I concur with the chairwoman.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3227.

The amendment (No. 3227) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, while we continue to clear our amendments, I say to our colleagues who might have amendments, bring them down. I note that we have hotlined our request.

While we continue to clear amendments, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, first, I thank the chairman of the committee, Senator MIKULSKI, for allowing me to speak for 2 or 3 minutes.

Last Thursday, the Senate Foreign Relations Committee held a hearing on the Law of the Sea Treaty, and we will hold another hearing. The committee may be holding another hearing today. As chairman of the Environment and Public Works Committee when the Republicans were in the majority, I held several hearings in March of 2004. We also had hearings before another committee on which I serve, which is the Senate Armed Services Committee.

Proponents of the ratification of the Law of the Sea Treaty will tell you that the treaty will be a great asset to the military by allowing our Navy the freedom of movement to and from any point on and under the ocean, unencumbered by the need to send requests to foreign governments for permission to enter territorial waters or to pass through straits. While this treaty does maintain that this is true, it is subject to several caveats that really do concern me.

Under the terms of our treaty, our naval warships must pass by the coast and not engage in any type of exercise, ground all aircraft, and negate the use of any defensive devices. The issue of passage not only applies to ships but also to aircraft, both commercial and military.

This is interesting because when we had our hearing, one of the Under Secretaries, I believe his name was Turner, appeared before the committee. He was promoting the ratification of this treaty.

I said: As I read this, it is not just 70 percent of the Earth's surface, water, but also the air above it. He said that could very well be. He could not respond or deny that fact.

Another issue of concern is the effect the Law of the Sea Treaty will have on the President's Proliferation Security Initiative, PSI, with which we are all familiar. It was designed to combat the transfer of weapons of mass destruction. Advocates of the treaty assure us that the treaty in no way damages the effectiveness of PSI because countries that want to participate in these open ocean inspections to assure nuclear weapons are not being traded illegally voluntarily sign on to the President's PSI agreement.

However, under the treaty, boarding a vessel is allowed under four circumstances: One, if there is suspicion of piracy; second, engaging in slave trade; third, unauthorized broadcasting—I am not sure what that is, Mr. President—and fourth, whether it is unwilling to show its nationality.

Taken literally, as most countries will, a U.S. warship would not be allowed to stop a vessel with a shipment of nuclear energy materials if it is flying a State flag on purportedly legitimate business.

The Law of the Sea Treaty creates—and this is, I think, the worst part of it—this international seabed authority. There is a mentality around Washington that unless you have some great big international body, we shouldn't have any sovereignty, and that is exactly what this treaty does. It has an international seabed authority which actually would have jurisdiction over 70 percent of the area of this globe.

They also have taxing authority. I think a lot of us—and I have to admit I have been critical of the United Nations, and they are the ones behind this issue. If they are able to have this taxing authority, then those of us—and most of the Members of this Senate have done this at one time or another—when it gets to the point where they are not doing a good job with something or the U.N. has something with which we disagree, we send a resolution that says: If you don't stop doing this, then we are going to withhold some of our dues. The way they overcome that is with global taxation so that the U.N. would not have to be accountable to anyone.

With all these problems, this is a treaty on which we should be able to have hearings. I would like to have a hearing, as I did in 2004, and have some of the same people testify because nothing has happened since then. I am talking about in both the Environment and Public Works Committee and in the Senate Armed Services Committee because this is a national security issue. I am putting that request in, and, hopefully, we will be able to do it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Inouye amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3233

Ms. MIKULSKI. Mr. President, I have an amendment which I wish to send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. SHELBY, and Mrs. MURRAY, proposes an amendment numbered 3233.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for the Office on Violence Against Women)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN" is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN"—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

Ms. MIKULSKI. Mr. President, this is a very straightforward amendment. What it does is add $10 million to the Office of Violence Against Women.

October is Domestic Violence Awareness Month, and we wanted to be sure that, in our legislation, one of the things we were going to be clear about was that there would be enough resources for our local communities to really deal with the growing issue of domestic violence.

It might come as a surprise that many local law enforcement people are injured in the line of duty when responding to domestic violence. You might say: Well, aren't they hurt when they are responding to robberies and burglaries? The answer is yes. But when a police officer responds to a domestic violence call and he walks into a home—or she—the police officer usually does not have a weapon drawn because they want to de-escalate the situation. This is often happening behind closed doors where someone is being battered, and the perpetrator could very likely feel threatened and, in turn, use the officer's weapon or another lethal object on the police officer. So the police officers are in danger, the spouse or the child being battered is also in danger, and we want to make sure the funding is not also in jeopardy.

I strongly support the Office of Violence Against Women that was established by our colleague from Delaware, Senator BIDEN. My amendment simply increases the money, for a total of $400 million. It has an appropriate offset, and it will provide more funding for the training of police officers and prosecutors. It would also continue the funding for battered women shelters and at the same time have a very strong effort in reducing rape, and also prosecution of rape.

The amendment is noncontroversial. We have several cosponsors, including my colleague, Senator SHELBY, and also Mrs. MURRAY of Washington State. So I hope my colleagues would accept this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend Senator MIKULSKI for offering this amendment. I am a cosponsor of it, and many of us believe what she is doing is the right road to go down. I believe we should adopt this amendment as soon as possible.

Ms. MIKULSKI. Mr. President, I thank my colleague for supporting this, and I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3233) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I thank my colleague for his support.

It will not be our intention to adjourn for lunch. We are going to keep on working and keep on hearing our amendments, and then somewhere around 2 p.m. we will be offering an amendment to deal with NASA funding, which we think will take a considerable amount of time. With our colleagues' cooperation in bringing their amendments to the floor and the NASA amendment, we really do believe, with those who are working to clear these amendments, we can finish up late this afternoon. So we are not going to take a break for lunch; we are going to keep on working. To any colleagues who wish to speak on our bill or bring amendments to us, this is the time. With their cooperation, we can cooperate with all those who would like to be able to call it a day today and get back to their districts for the recess period.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I admire our two floor managers and their diligence and perseverance in moving the legislation forward. I have a few small items I think are of some importance, but I don't want to interrupt the process or the consideration of the amendments. So I will proceed, but if the managers find there is an amendment that needs addressing, I will be glad to withhold. I don't intend to take very long, but I would like to be able to make these comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise in response to the shocking news reported on the front page of the New York Times that the Department of Justice gave legal advice authorizing the use of extreme interrogation techniques not only in 2002 and 2003 but also at least two more times in 2005. This revelation shows that the Justice Department has fallen even lower than we had realized and that it is up to Congress to take a firm stand against torture because this Executive cannot be trusted to do so.

We have been here before. Before this morning, we already knew about an earlier opinion by the Office of Legal Counsel that authorized the use of torture. When this "torture memo" came to light, the Bybee memorandum, it inspired worldwide outrage and condemnation. America lost its moral high ground in the fight against terrorism, possibly for years to come. This memo and others like it violated the values we hold dear, undermined our intelligence gathering, and encouraged our enemies to respond in kind. But the opinion was not only morally wrong, it was also legally wrong. After the public outrage over the opinions broke, the Office of Legal Counsel took the extraordinary step of withdrawing it, and as far as we know, this is the first time an OLC opinion had ever been overturned within a single administration.

Today's New York Times story tells us that this disgraceful episode did not end when the torture memorandum was withdrawn. At the same time the Justice Department was publicly claiming it had put things right, the Office of Legal Counsel was secretly issuing two new opinions. The first opinion authorized harsh interrogation techniques together, in combination, to create a more extreme overall effect. In other words, interrogators could withhold food at the same time they subjected detainees to freezing temperatures. The second opinion declared none of the CIA's interrogation methods violated the ban on cruel, inhuman, and degrading treatment that Congress was getting ready to pass. This was at a time when the CIA was using waterboarding and other foreign techniques copied from the Soviets and other brutal regimes.

So how did the Justice Department go from secretly authorizing brutal interrogation techniques in 2002 and 2003 to withdrawing some of that authorization in 2004 to once again secretly reauthorizing such techniques in 2005? The answer, we now know, is that the White House overruled all those pesky officials who told them what they didn't want to hear—who told them that torture is wrong and illegal.

James Comey told his colleagues at the Justice Department that they would all be ashamed when the world eventually learned of these opinions. He was sidelined by the White House. Jack Goldsmith met the same fate. These were conservative Republicans and loyal patriots who were simply trying to uphold the law.

It is clear why President Bush wanted Alberto Gonzales to run the Justice Department—he wanted to install his personal lawyer, not a guardian of the rule of law. Mr. Gonzales approved these two memos and everything else the President needed for legal cover.

It would be bad enough if this administration had disgraced itself and this country by engaging in cruel and degrading treatment of detainees. It is worse still that it enlisted the Justice Department in an attempt to justify and cover up its activities.

Today's revelations give new urgency to the need for congressional action. I am the sponsor of a bill that responds to this need—the Torture Prevention and Effective Interrogation Act. The bill makes one basic reform: To apply the standards of the Army Field Manual to all U.S. Government interrogations, not just the Department of Defense interrogations.

When Congress passed the Detainee Treatment Act of 2005, we recognized that the Army Field Manual represents our best effort to develop an effective interrogation policy. The Senate voted 90 to 9 to apply its standards to all Department of Defense personnel. By enacting the Detainee Treatment Act, Congress tried to ensure that our Government honors its commitment to the basic rights enshrined in the Geneva Conventions, which protect both the values we cherish as a free society and the lives of our service men and women overseas.

We now know, however, that the 2005 Act falls short of our goals. We left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the reform to the Department of Defense, but not to the CIA. And as today's New York Times story shows, it is the CIA that we need to be most worried about.

Last year, in the Military Commissions Act, Congress left it to the President to define by Executive Order the interrogation practices that would bind all government interrogators, including the CIA.

The President's Executive order took maximum advantage of this loophole. It is vague and fails to prohibit many of the most flagrant interrogation practices. Combined with these new OLC opinions that have just come to light, this Executive order makes clear that the President believes these interrogation practices to be perfectly acceptable.

The Torture Prevention and Effective Interrogation Act closes the loophole left open by the Detainee Treatment Act. It follows the warning of General Petraeus that brutal interrogation methods are both illegal and immoral, and that "history shows that they also are frequently neither useful nor necessary."

This bill is an opportunity to restate our commitment to the security and ideals of our country. It is an opportunity to repair some of the damage done to our international reputation by the Abu Ghraib scandal and the abuses at Guantanamo. It is an opportunity to restore our nation's role as a beacon for human rights, fair treatment, and the rule of law. And it is an opportunity to protect our brave servicemen and women from similar tactics.

It is a simple measure that is long overdue.

Once again, this morning, Americans and people all over the world are revolted by what they have learned about this administration's refusal to reject cruel and degrading treatment. It will be up to the next Attorney General to restore the Justice Department to integrity. It is up to Congress to restore the rest of the government to the principles of law and justice that make this country great.

Mr. President, I will make a brief comment on an item that I think needs addressing.

CHIP VETO

Yesterday the President vetoed the CHIP program. I mentioned at that time that it was the most intolerable, inexplicable, and incomprehensible veto I have seen in the Senate. I think today the American people are beginning to understand why.

This is President Bush's quote, when he was Governor of Texas. This is from President Bush's Web site when he was Governor.

> Governor Bush and the Texas legislature worked together to implement the CHIP program for more than 423,000 children. . . .

Taking credit for the CHIP program in Texas when he was Governor. This is what he went on to say in 2004.

> America's children must also have a healthy start in life. In a new term we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance program. We will not allow a lack of attention or information to stand between these children and the health care they need.

We read that the President only yesterday had vetoed this program because, as he pointed out, he believed it was a government health insurance program, and his allies have called it socialized medicine. I was here in the Senate when we passed Medicare, and that was called socialized medicine. Those who called it socialized medicine were successful the first time, and then 9 months later we were successful in passing that program. It was in 1964, and it was passed in 1965. The intervening event was a Presidential election.

They said Medicaid was socialized medicine. They said the prescription drug program was a socialized program, and it was passed. They said the veterans health programs are socialized medicine programs.

We have found the President stated that Social Security, he believes, ought to be privatized—and that has been resisted by Democrats and Republicans—and that Medicare ought to be privatized. Let's make no mistake about it across this country: The President has now selected the CHIP program for the beginning of the privatization of these health programs and Americans ought to be very much aware—children today, seniors tomorrow, veterans the next day. Let's understand that.

Americans want practical solutions to these issues. The practical solution was the CHIP program. Even the CBO says if you are interested in ensuring uninsured children, the CHIP program is the way to go. The administration's own agency has stated that. Americans want the practical, not the ideological, which the President resorted to yesterday.

Finally, Americans want investment in America and American priorities. The No. 1 priority for Americans is American children, rather than the sands in Iraq—pouring billions and billions of dollars into the sands of Iraq. Americans want to invest in the children. That is what this debate is about. That is what this discussion is about, Republicans and Democrats coming together for practical resolution and decision on this issue of the CHIP program.

When we recess briefly now and return to our States, hopefully the American people are going to speak to their representatives and say: On this issue, do what is right for the children. Put children first. Put American children first and vote to override the veto.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Before the distinguished Senator from Massachusetts leaves the floor, I thank him for his leadership in so many areas but none more important than advocating for health care and for the children of this country. As he has said numerous times, we are spending $330 million a day in Iraq and we have come together in a bipartisan way to say children should be receiving $19 million for health care; $19 million for children's health care in the United States for working families versus $330 million for Iraq.

I thank the Senator from Massachusetts for his voice. There is no one stronger or more passionate or more effective on this issue.

Also, before speaking further about health care, I thank our leaders on this very important appropriations bill in front of us, our Commerce-Justice-Science bill which Senator MIKULSKI has led so effectively, along with her ranking member, Senator SHELBY. When we talk about changing the direction of the priorities of this country, this particular appropriations bill does that. Under the leadership of the chairwoman, we are investing in community policing, we are beefing up the FBI, we are dealing with drug enforcement, we are doing those things to keep our communities safe every day. I am very proud to support her efforts in changing the direction of this country, to focus, among other things, on keeping Americans safe and investing in science and research and opportunities for jobs for the future.

HEALTH CARE REFORM

I particularly come to the floor today to speak about affordable, accessible health care—quality health care for Americans. Access to affordable health care is one of the most critical issues facing families of America, facing businesses of America. There is not a meeting I go to—whether it is with seniors, with families, with those advocating for children, with small businesses, big businesses—the No. 1 issue folks want to talk about is the skyrocketing cost of health care, health insurance premiums going up, and the difficulty in getting health insurance. They want us to come together, our Federal Government, our Congress, our President, and find a solution to something that is a national crisis.

Health care should not be a commodity. It should not be just an issue. It is a public issue, a public service, a public health issue. We are all paying the price for not having addressed this sooner.

According to a recent study by "Families USA," approximately 90 million Americans have gone without health insurance for all or part of the last 2 years. These numbers are even higher than we had thought. Certainly in my home State of Michigan, where we are seeing the middle-class families across Michigan being squeezed on all sides—folks who have worked in manufacturing and continue to work in manufacturing, the industries that created the middle class of this country—they find themselves being squeezed, being asked to take less pay in order to continue to have health care for themselves and their families; more and more people falling into the category of those losing their jobs, therefore losing their health insurance. What is most amazing and important for us to understand, of the 90 million people who have not been able to get health insurance for all or part of the last 2 years, 70 percent of them are working full time.

This is a crisis and it is not acceptable in the greatest country in the world. To add insult to injury, we in America pay twice as much of our GDP for health care as any other industrialized country. We are paying twice as much, and 90 million people in the last 2 years were without health insurance for part or all of that time. This has to change. It is long past needing to change. This has to change soon.

That is why I am so pleased to be joining a bipartisan group of Senators in making a commitment to universal health coverage. I am very proud to be cosponsoring the Healthy Americans Act, which has been championed by RON WYDEN, my friend and colleague from Oregon, and his partner, Senator BENNETT from Utah. It is important that we tackle this issue in a bipartisan way so both parties, so all of us, are invested in making the changes we need to make the health care system work for everybody, for all Americans—for our businesses, for our families, individuals, small towns, big cities. We have to get a handle on this. I am so appreciative of the focus and the leadership Senator WYDEN is providing, in bringing all of us together to do that.

There is a sense of urgency that is needed and we are coming together to provide that sense of urgency, to say we hear it from those around the country and we are rolling up our sleeves and getting to work. This legislation is a good place for us to start, for us to develop a real solution to the health care crisis. The bill's main goal is making sure each American gets health insurance that is equal at least to what every Member of Congress gets. I would think as employees of the American people, the employer should be asking for nothing less.

It creates a strong insurance regulatory system that protects families against discrimination based on preexisting conditions. This is absolutely critical. If we are talking about a universal system that is privately administered, then you cannot have insurance companies cherry picking, covering only certain people, saying if you have some kind of a preexisting condition, you cannot get insurance. That is not going to work and this bill changes that.

It is critical that there be accountability and oversight and the regulation that is needed to make sure everyone can afford to get the insurance they need for themselves and their families. This is the goal all of us as Members of the Senate should be behind. I do understand this is a work in progress. I come to this bill with important improvements that I believe need to be done in order for me to ultimately support a final bill. As the process moves forward, it is important that certain critical improvements be made, such as people who currently have good insurance plans and want to keep them should be able to do so. We should not do anything to undermine employer-sponsored health insurance for those who choose to keep it.

Second, and this is so important, we are seeing with so many people in Michigan now, and others in the auto industry, any voluntary employee benefit association, or so-called VEBA, that results from a collective bargaining agreement must get the same tax treatment they do under current law.

Three, I believe there should be a choice of a public plan for health insurance, such as Medicare, to compete with private sector plans. When we are talking about a choice of private plans or keeping what you have, we should also add to that a public choice, so people have real competition and real choice. That is something I am advocating for.

I mentioned earlier that we need to make sure whatever is done involves the best possible consumer protections; that whatever we are doing in terms of private sector insurance, they should need to take allcomers. They should not be able to pick and choose who gets insurance based on preexisting conditions. There are other important regulatory mechanisms that need to be in place.

Finally, it is critical that there be a real safety net for low-income families who are now on Medicaid or similar programs. I strongly believe we cannot keep the status quo when it comes to health care. We cannot do it anymore. We cannot do it. It is affecting every part of our economy.

Rapidly growing health care costs are literally costing us jobs in America. When we look at good-paying manufacturing jobs in this country, I invite you to come to Michigan and talk to people who have worked hard all their lives, who have built a good life for their family, who are now, because of health care costs, losing their jobs.

American businesses are at a serious disadvantage in competing with businesses around the world that do not have to pay the same costs for health care. Our workers are being asked to take pay cuts in order to keep their coverage. Too many Americans find themselves without basic health insurance in the greatest country in the world. Shame on us. It is time to get this right.

It is past time for every American to have access to the health care they need and deserve. Let me say as part of that, we have shown what we can do as a Senate, in a bipartisan way, when we come together and we have a focus on the goal of covering children and working families with health insurance.

Despite the President's veto, which is, to me, unexplainable, given the overwhelming need and support of American families, and even from business and labor, and health care providers coming together on a bipartisan basis here, it is mind boggling to me that the President would veto that bill. We have shown what we can do together.

I am so pleased to be working with my colleagues on the other side of the aisle, as well as with Senator WYDEN, certainly Senator BENNETT, but I want to particularly say I am proud to be coming to this process and this legislation at the same time as my good friend, Senator CHUCK GRASSLEY, who has shown such courage. He and Senator HATCH are heroes in terms of advocating for children's health care and showing the courage to stand up to their President. It is not an easy thing to do. But to stand up and tell the truth, to debunk what has been said as inaccurate, it is something that truly everyone in this Chamber and around the country respects and admires.

Coming to this legislation with Senator GRASSLEY is also something that is important to me. I believe in addition to making sure that 10 million children have health insurance they need, it is time to then take the next step—universal health care for every person in America. I believe health care should be a right in the United States of America, not a privilege.

It is time to get this done. I am hopeful this legislation will serve as a starting point for Democrats and Republicans to accomplish what the vast majority of Americans want: to be able to afford good health insurance for themselves and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, let me begin by saying that Senator BENNETT and I are thrilled to be able to welcome Senator STABENOW to this bipartisan coalition, the first bipartisan coalition in 13 years that has been designed to try to finally fix American health care and ensure that all of our citizens have good quality affordable coverage.

Four Senators joined us this week. I want to say just a little bit about each one of them. First, Senator STABENOW has put decades into this cause of improving health care. Again and again, she has spoken for seniors, for kids, for holding down costs, for prevention. We sit right next to each other in the Senate Finance Committee. And to have Senator STABENOW and Senator GRASSLEY who have pulled out all of the stops once again to try to bring together a bipartisan coalition for our children, when I think about having Senator STABENOW and Senator GRASSLEY join those of us in this coalition and to have their support in the Senate Finance Committee, this is an enormously important day.

As Senator STABENOW said, she represents constituents facing one of the great challenges in American health care; that is, how to make the transition for so many of our key workers and companies in basic industries. When you open a business today in the State of Michigan or Montana or Oregon or anywhere else, you spot your foreign competition about 18 percentage points the day you open your doors. Those businesses in our States see premiums go up 10, 12, 14 percent a year. And they are competing in global markets against people who have State-funded health care.

So as Senator STABENOW has said, and as we have seen just in the last couple of weeks with the new UAW agreement, there is going to be change in the air. The question is how we shape it. And to have people such as Senator STABENOW and Senator GRASSLEY, who have been leaders for years and years in this cause, it is of enormous benefit.

Senator BENNETT and I are very appreciative. We are also glad to have Senators LANDRIEU and COLEMAN join us. Senator LANDRIEU, of course, is wrestling with the great challenge of how to reform health care in the State of Louisiana. She has looked at a number of innovative reforms that we support.

Senator COLEMAN, coming from Minnesota, which has been a huge tech center that has contributed to an area that Senator STABENOW has a great interest in, which is health information technology—Senator COLEMAN's involvement will be very helpful as well.

It seems to me this Congress has the chance to deliver a bipartisan one-two punch for health care this year. Punch No. 1 is to try to make sure our kids are covered. Americans are watching the back and forth between the Congress and the President with respect to children's health care.

Clearly, it is a moral abomination that so many of our youngsters in America do not have health care. The American people want action. They cannot understand the bickerfest going on in Washington, DC, over this issue.

I am very hopeful that the White House will continue to work, pick up on the model set out by Senator GRASSLEY and Senator HATCH, working with Senator BAUCUS and Senator ROCKEFELLER, and we will resolve this issue quickly.

It is clear to me that covering kids is a moral issue, but it is also a financial issue. If these youngsters do not get good health care, America plays catch-up ball for years and years in the aftermath. Because they cannot get the preventative services they need, they pick up illnesses, and we are already seeing the great problems with childhood obesity and chronic illnesses setting in at a very early age.

So punch No. 1 is covering the kids, and punch No. 2, as Senator STABENOW suggested, is moving on to the broader reform issue of making sure all Americans have quality, affordable coverage. What is promising about this period that we have not had in the past is that both Republicans and Democrats have been willing to search for common ground.

In our conversations, Senator BENNETT, Senator GRASSLEY, and I, and others, have talked about the need to cover everybody. Certainly, back in 1993, that was something that was a bit of a show stopper. People said: You cannot afford it. Today, many Republicans share the view of Senator STABENOW and myself that the country cannot afford not to cover everybody because what happens today is people who are uninsured shift their bills to people who are insured, and not only do they shift the bills, they shift the most expensive bills: those hospital emergency room bills and expensive treatment bills for acute illnesses.

So I very much credit Republicans such as Senators BENNETT and GRASSLEY and GREGG and all of those who have joined us from the other side of the aisle by being willing to search for common ground around the proposition of getting everybody covered.

But Democrats have also been willing to look at new approaches to make sure we could address this issue in a bipartisan way. Senator STABENOW has said the Healthy Americans Act focuses on a private delivery system, a private delivery system which is, of course, what we enjoy. When we all go home, we go home to Montana or Michigan, and everyone says: We would like coverage like you people have back in the Congress.

Well, we have private coverage. I have a Blue Cross card in my pocket. A couple of Wyden twins in a few weeks are going to get their health care through that Blue Cross card. Nancy is at home in Oregon, and we are going to have those kids in a few weeks. They are going to be covered with private health insurance.

So we want to make sure everyone in this country has private choices like Members of Congress have. As Senator STABENOW has mentioned, Democrats who might have said, well, we ought to be looking at a Government program, are willing to reach out and work with Republicans to say: If we can cover everybody, if we can get everybody in America good, quality, affordable coverage, we are willing to make sure there are private choices, which is something our colleagues on the Republican side have talked about as well. We also have responsible ways to pay for this program that covers all Americans.

As the Lewin Group has indicated—and the report is on our Web site so folks can see it—by redirecting the money in the Tax Code, which now disproportionately favors the most affluent and rewards inefficiency, you get substantial funds in order to pay for the transition to a program that covers everybody.

Why in the world would we want to continue to say, if you are a high-flying CEO, you can go out and get a designer smile put on our face and write the cost of that off your taxes, while a woman of modest means at the neighborhood furniture store, with no employer coverage, gets virtually nothing out of the Tax Code. So Senator STABENOW and Senator GRASSLEY and Senator BENNETT and the other cosponsors and I are going to work to redirect that Tax Code money to the people in the middle-income brackets and the lower middle-income brackets so we make better use of that money, which now is well over $200 billion.

We are also going to create, in our effort, significant administrative savings. We are going to get some, as Senators STABENOW and WHITEHOUSE and others have talked about, through better use of health information technology. I support that. We are also going to get the savings, as the Lewin Group reported in looking at our legislation, by making sure that after you sign up once under the Healthy Americans Act, you are not going to have to go through a sign-up ever again if you wish.

From that point on, everything will work through the world of electronic transfers. And all of those folks who are low income, on Medicaid, who have to dive through all of these different boxes in order to be eligible, they will get choices like Members of Congress have. And once they sign up, they are done. No more dehumanizing, wasteful kinds of programs where you have to sign up again and again and again. And you waste money and take dollars that ought to go, as Senator STABENOW has talked about, to make sure that every poor person does not fall between the cracks of the American health care system.

Our coalition is going to be talking a fair amount about this effort on the floor of the Senate in the days ahead. We now have 9 Senators as part of this effort. We are going to be talking about the ways this proposal modernizes the health system and how we make the changes from what we have today to what we will have in the future.

One other area that I would like to just touch on briefly is that I think under the Healthy Americans Act we can respond to something that Americans are talking about all over this country; that is, making the health care system portable. Right now, so many folks are pretty much locked in their jobs and just hoping that their employer is not going to find health coverage unaffordable in the days ahead.

I cannot tell you how many times people in their late fifties have come to me and said: RON, I just hope my employer can hang on until I am 65 and I will be eligible for Medicare. We ought to make coverage portable so that if you change your job, in Michigan or Montana or anywhere else, your health care coverage goes with you.

Andy Stern, the President of the Service Employees Union, points out that the typical worker today changes jobs about 8 times by the time they are 35. Let's come up with a system that ensures coverage is portable, and that even if you fall on hard times, even if you lose your job, even if your company goes down, you are in a position to take good, quality, affordable coverage—with choices like we have in Congress—with you.

I see a number of colleagues on the Senate floor. I think I would just like to wrap up by expressing my appreciation to Senator STABENOW for coming today. She has appropriately singled out Senator GRASSLEY as well. I want to thank all of the members of our coalition. Health reform is a top issue. Everybody remembers what happened in 1993 and all of the ads and the shrill rhetoric.

It seemed every time you turned around in 1993, the decibel level went up and up. Now what we are seeing, as Senator STABENOW touched on, is a group of Senators coming together on a bipartisan basis who want to roll up their sleeves, take out a sharp pencil, and go to work. This is going to be a lot of work. If Senator STABENOW and I got 100 Members of the Senate to be cosponsors of the Healthy Americans Act today, it would still be a lot of work because we are going to have to look at a variety of issues and walk the country through all of these choices, through hearings and town meetings and forums, so we can pick up on all of the wisdom and suggestions that are out there across this land. But we are making a very important start. We have received a huge boost this week with the four additional Senators who have joined us.

To my friend from Michigan, for all her knowledge and passion and years of effort, I want her to know how much I am looking forward to teaming up with her on this issue in the Finance Committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3215

Ms. MIKULSKI. We are making slow but steady progress. I, therefore, call up amendment No. 3215. It is a Mikulski- Shelby amendment.

The ACTING PRESIDENT pro tempore. The amendment is pending.

AMENDMENT NO. 3230 TO AMENDMENT NO. 3215

Ms. MIKULSKI. I also call up a second-degree amendment offered by Senator COBURN of Oklahoma, amendment No. 3230.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. COBURN, proposes an amendment numbered 3230 to amendment No. 3215.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure Department of Justice conference spending does not fund excessive junkets, lavish meals, or organizations linked to terrorism)

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

Ms. MIKULSKI. I ask that the second-degree amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3230) was agreed to.

Ms. MIKULSKI. Parliamentary inquiry: Did we agree to amendment 3215, as amended by Coburn, or did we just agree to the Coburn second degree?

The ACTING PRESIDENT pro tempore. We agreed to the Coburn second degree.

Ms. MIKULSKI. I now ask that amendment 3215, as amended by the Coburn amendment, be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to amendment No. 3215, as amended.

The amendment (No. 3215), as amended, was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. CASEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. CASEY. Madam President, I rise to speak on the challenge posed by Iran to our national security and the interests of our friends and allies, how the United States should best address the challenge posed by Iran and its leader Ahmadi-Nejad.

This has been much in the news lately. The Iranian President visited New York to the United Nations general assembly last week and delivered a controversial address at Columbia University. During the very same week, the Senate approved a resolution condemning Iranian activity that helped destabilize Iraq and called upon the administration to take actions to deter future Iranian meddling in Iraq and other places. It is no surprise that the debate over how to handle Iran occurs very much in the shadow of the Iraq war.

Five years ago, Congress voted to give the President the authorization to go to war against Saddam Hussein based upon Iraq's alleged weapons of mass destruction programs. The shocking failure to uncover those so-called WMD programs and the fatally flawed manner in which the President took our Nation to war must weigh upon all of us now as we debate the right course of action against Iran.

Let me be clear from the outset: Through its refusal to halt prohibited nuclear activities in the face of multiple United Nations resolutions, its support for extremist groups across the region, and its harsh crackdown in recent months on human rights and civil society leaders, the Government of Iran has demonstrated why it should be isolated from the international community. The United States must take the lead in a concerted campaign to coerce Iran into changing course, drawing upon all facets of American power, in close coordination with friends and allies. We must always remember that while the Iranian Government may be hostile to our interests and values, it does not speak for the Iranian people. While the Iranian clerical regime, in power since the 1979 resolution, has remained reliably anti-American, the Iranian people, led by a younger generation born after the traumatic events of the last 1970s, are remarkably open to American ideals. Two-thirds of the Iranian population is below the age of 30. These Iranians view the United States as a potential friend, not as an implacable enemy.

Few Americans remember that a candlelight vigil was spontaneously organized in Tehran shortly following the 9/11 attacks, attended by thousands of ordinary Iranians to honor the memory of those who perished in those terrible attacks. I can think of no other Muslim nation where such a public expression of sympathy and solidarity emerged in the grief- stricken days following September 11. So in articulating our response to Iran's recent provocations, we must always distinguish between the oppressive clerical regime and the Iranian people.

The mullahs in Tehran would love nothing more than a perception that the United States, and the broader West, by extension, is hostile toward Iran itself. It would spark an instant boost in popularity for the regime. Accordingly, any U.S. policy to diffuse Iran's nuclear program and halt its support for extremist groups elsewhere must be undertaken in a careful fashion, emphasizing that our quarrel lies with the clerical regime, not the people of Iran.

Let me first address Iran's nuclear program. The Iranian regime has forfeited the goodwill of the international community by engaging in a secret program over the past two decades to develop the key components of a nuclear fuel cycle—uranium enrichment and plutonium reprocessing. These activities can constitute the elements of a peaceful civilian nuclear program, but the nuclear nonproliferation treaty to which Iran is a signatory requires that nations fully disclose such activities in an open and transparent fashion. That Iran went to such lengths to conceal its activities and continues today to refuse to provide a full accounting of the history of this program leads a reasonable observer to suspect that the program was intended not just for a civilian nuclear program but also to enable the production of fissile material for nuclear weapons.

This crisis came to a head in 2003, when reports from an Iranian exile group prompted the International Atomic Energy Agency, IAEA, the U.N. nuclear watchdog, to open an investigation. Despite initial efforts by an alliance of European powers to persuade Iran to come clean with the IAEA, Tehran continued to work on its uranium enrichment program, spurning offers of economic and trade benefits.

Last year the United Nations Security Council took action, passing an initial resolution calling upon Iran to suspend all uranium enrichment activities. Iran ignored that resolution. The Security Council passed 2 successive resolutions imposing a set of limited sanctions. Yet again, the Iranian regime chose to ignore a clear message from the international community. Today the United States is in talks with other U.N. Security Council members on a third and potentially more far-ranging round of sanctions. To its credit, the Bush administration has made very clear to Iran that the United States is willing to join a comprehensive dialog with Iran and the so-called EU–3 nations—meaning the United Kingdom, France, and Germany—once Iran verifiably suspends its uranium enrichment activities. Iran has refused to do so, and so it is on pace to operate as many as 3,000 uranium centrifuges by the end of the year. Under a worst-case estimate, if Iran were to eject all international inspectors and operate these 3,000 centrifuges around the clock, it could produce sufficient fissile material for one nuclear warhead within a year.

An armed Iran that has a nuclear weapon or nuclear weapons would be emboldened to intimidate its neighbors, export Islamic extremism throughout the region, and deter the United States and others from defending their core interests. A regime with leaders who have openly called for the destruction of the State of Israel by "wiping it" off the face of the Earth cannot be allowed to possess the means to achieve that goal. Furthermore, we cannot abide the risk, however small, that a nuclear Iran may one day decide to share its nuclear technology and material with a client terrorist group such as Hamas or Hezbollah.

Iran's nuclear program also poses a genuine danger to the future of the nuclear nonproliferation treaty, so-called NPT, an agreement that has helped prevent the nightmare vision of President Kennedy of a world with 20 nuclear powers from coming to fruition. The NPT is based upon a fundamental premise. A nonnuclear weapon state is entitled to a civilian nuclear program in exchange for committing to verification and inspections to ensure it does not produce nuclear weapons. Yet Iran threatens to demonstrate a backdoor option for future nuclear aspirants. Here is what it is: Build a civilian program, with a complete nuclear fuel cycle, in open view to acquire the basic knowledge to produce nuclear fissile material.

After achieving that goal, a nation can then withdraw from the NPT and, utilizing the knowledge gained from its civilian program, build nuclear weapons. This so-called virtual nuclear weapon threatens to undermine the NPT and lead to a world where multiple states are poised on the thin line between civilian nuclear power and weapons programs. For that reason, the international community must demonstrate a united front to compel Iran away from that path through diplomatic and economic pressure.

The threat posed by an Iranian nuclear weapon is very real. However, we cannot afford to panic and blindly accept worst-case scenarios, as we did with Iraq to such tragic ends. Iran has made great strides in its nuclear program over the past 3 years, but it must do much more if it seeks a nuclear weapon. We do not know to what extent those Iranian centrifuges already produced are operationally active and whether they have been linked together in a required "enriched cascade." We do not know whether the Iranian regime has begun work on warhead design so any highly enriched uranium that may eventually be produced can be fabricated into an actual nuclear weapon.

It is those uncertainties, and the recognition that any "crash program" to build a nuclear weapon will encounter inevitable difficulties, that explain why our intelligence community has judged that Iran is not likely—not likely—to acquire a nuclear weapon until the early to middle part of the next decade. This conclusion is spelled out in the most recent National Intelligence Estimate.

Based upon what the International Atomic Energy Agency has been reporting with regard to the Iranian nuclear program, and what our own intelligence community is telling us, we have time—we have time—to resolve this very complex, serious challenge. That does not mean we have the luxury to relax or postpone difficult choices, but, rather, that we can exercise a methodical approach that gradually escalates the diplomatic and economic pressure against Iran in a unified manner.

We must present a very clear choice to the Iranian regime—it is this—one that will be visible to the people of Iran: End all illicit nuclear activities, come back into compliance with IAEA safeguards, and provide full transparency. That is one choice. In return, the United States and our European partners will be prepared to return to the table and discuss potential economic and trade benefits. If Iran chooses the path of continued defiance—the path they have been on—we must show that the international community is prepared to deny Iran the benefits of the global economy, including trade in key energy products, facilitation of essential financial transactions, and investment in key economic sectors.

Iran's nuclear program is not the only threat that emanates from Tehran today. Just as critical is Iran's ongoing support for extremist movements across the region, ranging from Hamas in the Gaza Strip and Hezbollah in Lebanon to Shiite militia forces in Iraq. Unfortunately, Iran's leadership today has made the strategic decision to support these forces, promoting chaos and instability across the Middle East.

The Iranian Government has placed itself on the side of those who are undermining democratically elected governments, fomenting violence and anarchy, and contributing to attacks against U.S. forces. So long as the Iranian Government continues to bankroll and supply weapons to terrorist groups and insurgent militias, we cannot expect any semblance of constructive dialog between Tehran and Washington.

The evidence surrounding Iranian involvement in Iraq is particularly disturbing. Iran has interests in Iraq. We know that. The Shiite majority that now has power for the first time in Iraq shares vast cultural, religious, and political links with the Iranian people. However, Iran and Iraq are two different nations, and the Shiite population in Iraq does not and should not serve as a proxy for the mullahs in Tehran. When the Iranian Government provides weapons and financing to sectarian militias battling other Iraqis as well as U.S. forces in Iraq, it is only exacerbating the violence that currently plagues Iraq.

The administration in Washington, supported by our military leadership, has alleged that the Iranian Government has directly supplied insurgent groups in Iraq with mortars, rocket-propelled grenades, and, most dangerous of all, the explosive formed penetrators that have served as the most lethal of roadside bombs killing American troops.

The evidence the administration has provided—serial numbers on the weapons linking them to Iranian sources and eyewitness testimony—is compelling. It remains unclear to what degree this assistance has proceeded with the direct knowledge of Iran's senior ruling leadership. Regardless, the Iranian Government must be held responsible for all activities—all activities—emanating from its territory or carried out by its agents. Iran must work with the United States and the international community in supporting a stable Iraq and deemphasizing sectarian conflict there.

The question that we, as Senators, must answer is how best to persuade and, if necessary, compel Iran to change its behavior both in terms of its nuclear program and its support for extremist groups. What are the tools available to us to persuade Iran that its current course of action will only further isolate it from the international community? How can we promote fissures inside the Iranian regime between the hard-line elements associated with President Ahmadi-Nejad and more pragmatic figures?

I believe the United States should implement a strategy of containment to deny the Iranian regime any benefits from its nuclear program and support for extremist forces, while laying out potential—potential—incentives if and when the regime changes its behavior. Let me be clear: Military force is always an option, but it is not an option that makes sense under the current circumstances.

Instead, the United States should pursue a three-pronged strategy against Iran's nuclear program and its support for extremist groups.

First, the United States should continue its campaign to diplomatically isolate Iran at the United Nations Security Council. The Security Council has condemned Iran's evasion and deceit of the IAEA and called on Iran, in order to restore the world's confidence in the ostensibly peaceful aims of its nuclear program, to halt all work—to halt all work—on its uranium enrichment and plutonium reprocessing activities.

While some may view that action as insignificant, it is important to remember that Iran never expected Russia or China—its two primary benefactors—to sign onto such resolutions. Yet the State Department has carefully brought along Moscow and Beijing at every step so that the international community is speaking in a united voice to Tehran. Today, the Iranian regime is viewed as a pariah state at the international level, with sanctions imposed by the Security Council and key officials linked to the nuclear program prohibited from international travel.

Now it is time for the United States to further isolate Iran diplomatically. Washington can encourage other nations to avoid contact with Mr. Ahmadi-Nejad, who should be shunned first and foremost for his noxious anti-Semitic remarks. The United States should propose, as one element—as one element—of the next sanctions resolution, to impose a complete prohibition on arms exports to Iran. To the extent we can make a clear linkage between Iran's defiance on its nuclear program and its further diplomatic isolation, more and more Iranians, including influential officials in the Government and military, will question the wisdom of proceeding with its nuclear program.

Second, the United States should take action in concert with other nations to apply substantial pressure on Iran's energy sector. Although Iran boasts the world's second largest oil reserves, its oil production has been falling in recent years, as its oilfields suffer from a lack of investment. More importantly, as Iran's population continues to grow by a half a million people every year, demand for oil and other energy resources is beginning to outstrip domestic supply. Iran will soon be forced to confront a choice between diverting petroleum exports to its domestic needs, thus surrendering much needed foreign currency, or facing increasing shortages at home.

There are concrete steps the Congress can take. S. 970, the Iran Counter-Proliferation Act of 2007, of which I am proud to serve as a cosponsor, would close existing loopholes in the Iran Sanctions Act that currently allows subsidiaries of multinational firms to escape U.S. sanctions when they invest in Iran's energy sector. I agree with Representative TOM LANTOS, who has pushed forward similar legislation on the House side, when he says the ultimate U.S. goal should be zero—zero—foreign investment in Iran's energy sector until it changes course on its nuclear program.

Iran exhibits a particular vulnerability when it comes to gasoline. It is still suffering from the after effects of the Iran-Iraq war of the 1980s, when much of Iran's capacity to refine gasoline was destroyed. In recent years, U.S. sanctions have limited the ability of Iran to rebuild its refining capacity through foreign investment. Accordingly, Iran is forced to import as much as 40 percent—40 percent—of its annual consumption of refined gasoline, despite its vast oil riches.

This imbalance between supply and demand for refined gasoline is exacerbated by Iran's practice of subsidizing gasoline prices for its citizens, which only artificially boosts demand. Today, Iran ensures that refined gasoline is available to Iranian citizens at the subsidized price of 38 cents per gallon. It is no wonder, then, that Iran, early this year, was forced to take the draconian step of rationing gasoline, limiting the owners of private vehicles to no more than 26 gallons of fuel per month. This decision produced a backlash in the country, with more than 50 petrostations in Iran burned to the ground by angry mobs and plummeting support for the Iranian President, who largely ascended to power in 2005 on the basis of his promise to improve Iran's economy.

Iran's growing shortages of refined gasoline is a golden opportunity for the international community as it tightens the screws on Iran's leadership.

The average Iranian will question why Iran's leadership continues to pursue an illicit nuclear program at the cost of gasoline shortages and economic unrest. For that reason, I am working on legislation to expand the scope of the Iran Sanctions Act to crack down on all foreign exports of refined gasoline products to Iran until the leadership there changes course on its nuclear program.

I wish to now go to the third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community.

Ms. MIKULSKI. Madam President, will the Senator yield for a moment?

Mr. CASEY. Yes.

Ms. MIKULSKI. How much longer does the Senator intend to talk? We know the Senator from Wisconsin needs to talk, and we need to clear some of our amendments and get ready for a NASA amendment. Of course we want the Senator to finish his third pillar.

Mr. CASEY. If I could have about 3½ to 4 more minutes.

Ms. MIKULSKI. If the Senator could contain his remarks, it would be useful to us.

Mr. CASEY. I thank the Senator.

The third pillar, just like the first two, should be to take prudent steps in this strategy.

The third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community is to lay the groundwork for financial sanctions that make it increasingly difficult for Iranian companies and banks to do business with the global economy. The steps taken by the Treasury Department under the leadership of Secretary Paulson and his deputy, Stuart Levey, are a good first step. Utilizing existing U.S. law, such as the PATRIOT Act, the Treasury Department has convinced a series of major financial institutions in Western Europe and Asia to suspend business with Iranian financial institutions such as Bank Saderat and Bank Sepah by cutting off the access of these institutions to the U.S. financial system. The United States can pursue these measures outside the United Nations Security Council, as they involve U.S. laws and regulations. As a result, Iranian firms are increasingly forced to finance their transactions in Euros, not dollars, and find that conducting routine financial transactions to be more difficult and costly. Once again, we must demonstrate to the average Iranian that they are the ones who pay a price for the unwise decisions of the Iranian regime—which will only serve to heighten domestic unrest and dissatisfaction with the regime's current course.

It is for this reason I am so pleased to cosponsor the Iran Sanctions Enabling Act, introduced by my colleagues Senators OBAMA and BROWNBACK. This legislation would call upon the Treasury Department to publicly identify all companies that invest in a minimum level of funds in the Iranian economy, giving pension funds and individual investors an informed choice on whether to continue to direct funds to those firms that do business with Iran. In addition, the legislation would grant unfettered legal authority to State and local governments to divest their investment holdings of any such firms that do business in Iran. If the State of Pennsylvania, for example, wishes to wash its hands clean of any firms that directly or indirectly support Iran's pursuit of a nuclear program, this legislation ensures that it can do so free from any lawsuits.

I wish to conclude this statement by briefly discussing what we should not do. If we are to convince the Iranian regime that a nuclear weapons program and support for extremist groups are not in their best interests, then we should strive to remove any plausible excuse they have for engaging in such behavior. That means the United States should de-emphasize the threat of regime change. When people associated with the Vice President drop hints on their desire to overthrow the Iranian regime and the advantages of using military force, they only reinforce a strong nationalist streak within Iran and serve to rally the Iranian people around an otherwise unpopular government.

The Iranian people rightly aspire for democratic change. To the extent that the U.S. Government can support such aspirations in an effective manner, we should do so through quiet assistance to forces promoting civil society and the rule of law inside Iran. People-to-people exchanges can help bring young Iranians to the United States and demonstrate the benefits of a democratic culture and a government informed by the consent of the people. Credible public diplomacy, including the transmission of accurate and unbiased news into Iran, is another necessary pillar. But, as Iraq has so painfully taught us, imposing democracy at the spear of bayonet is not a realistic option, especially when our military is already so overstretched.

So the United States should talk less about regime change and talk more about behavior change when it comes to Iran. We should make clear that Washington is prepared to engage an Iran that ends its illicit nuclear activities and ceases support for Hamas, Hezbollah, insurgent forces in Iraq, and other extremist groups across the region. Laying out a credible choice to the Iranian regime represents our best hope for defusing the crisis over Iran's nuclear program and persuading Iran to end its support for antidemocratic groups throughout the Middle East.

The tentative success achieved in North Korea gives us a model for which to aspire. During the President's first term, his administration raised the desirability of regime change in Pyongyang at every opportunity. Since 2005, under the leadership of Assistant Secretary Chris Hill, the United States has substituted patient diplomacy for fiery rhetoric and we may finally achieve real success in containing and rolling back North Korea's nuclear program.

Iran today represents one of the greatest national security challenges to the United States. It is incumbent that we respond to this threat with hardheaded diplomacy and an appropriate set of financial sanctions to squeeze the Iranian economy, putting aside for now ill-advised talk of hasty military action. Iran's leaders must be presented with a fundamental choice: end your defiance of the international community or face growing isolation.

I think we have an opportunity to get this policy right, but this will require bipartisan work. It will require cooperation in this body and the other body, and it will require the administration to work with the Congress to get this policy right. We cannot afford to get our Iranian policy wrong and make the same mistakes we made—this country made—leading up to the war in Iraq. So for that reason and all of the reasons I outlined in my statement, it is imperative that we do this carefully and thoughtfully to get this policy right, to prevent Iran from obtaining nuclear capability which threatens the Middle East and threatens the United States and threatens the entire world.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I ask that the pending Inouye amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3213, AS MODIFIED

Ms. MIKULSKI. Mr. President, I call up amendment No. 3213, as modified, by Senator DOMENICI of New Mexico and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DOMENICI, proposes an amendment numbered 3213, as modified.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3213, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, may increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

Ms. MIKULSKI. Mr. President, this amendment has been cleared on both sides of the aisle, and as an act of respect for our colleague, I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3213), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are continuing to clear our amendments, and at or about 2 o'clock, we will begin our debate on the NASA amendment, which we expect will take roughly about 2 hours. At the conclusion of that, we want Senators who have amendments to have either brought them over for consideration, to have either worked with us to clear the amendments, to be either offering the amendments or withdrawing the amendments, so that we can meet our goal to be done in the early evening. We believe we can meet that goal with cooperation. We are in the business of clearing amendments. We hope to have several cleared before we begin the NASA debate, which we expect to be extensive.

I note the Senator from Wisconsin wants to speak at this time. I am going to need about 10 or 15 minutes to actually do the work of the bill. I understand both of my colleagues wish to speak. I am more than happy to cooperate, but at about 10 of 2, we have to move to cleared amendments.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEMOCRATIC REPUBLIC OF CONGO

Mr. FEINGOLD. Mr. President, it is no secret that Africa has not been high on Congress's priority list historically. This is due to a number of reasons including that African issues have not generated the same kind of public passion and constituent attention as closer-to-home subjects like health care or education. But this is beginning to change. Interest in Africa is at its highest level in recent memory—perhaps ever.

I am concerned, however, that because the bulk of this attention is focused on humanitarian tragedies and grave violence we are depicting a continent caught in a downward spiral, which offers little motivation for long-term U.S. engagement. Funding relief efforts in response to crises—while an important element of U.S. policy—does not address fundamental issues such as the development of democratic institutions and civil society, good governance, security and justice sector reform, and regional security arrangements. We must provide more focus on these underlying concerns—and to do so requires consistent, long-term engagement, collaboration, and commitment from national governments, regional and international organizations and, of course, bilateral donors like the United States.

Sporadic engagement that is devoid of a long- term strategy is like sticking a band aid on a gaping wound instead of taking a trip to the hospital. The abundant potential that exists in so many parts of Africa, and which the United States and others should be more actively promoting, is being stalled or even undermined by our quick-fix approach to problem-solving on the continent. Without identifying and developing the possibilities for more serious engagement, we may end up doing more harm than good.

At the end of our August recess I traveled to the Democratic Republic of Congo and Uganda, two countries that have made impressive gains since I was last there 7 years ago. But today I want to talk about the Democratic Republic of Congo primarily, because the situation is gravely deteriorating and urgent steps much be taken to stop it from devolving further and threatening the region writ large.

Last year's historic elections in the DRC injected hopeful momentum into the war-torn country, thanks in large part to generous funding from the U.S. and others and with critical support from a strong United Nations peacekeeping mission—the largest in fact in the world. During my visit, however, I was troubled to learn of the new government's failure to consolidate and build upon this historic progress. A lack of capacity, political will, and democratic experience is reversing early gains and increasingly destabilizing an already fragile political situation. The local population is growing disenchanted with the government's inability to follow through on its election promises as decisions on key issues—including those on decentralization and the illegal exploitation of natural resources—are slow-rolled.

One of the first promises President Kabila made after his election was to restore order in the war-ravaged provinces of his country. But violence in eastern DRC has only gotten worse in recent months, not better. More than 120,000 people—many of whom voted in favor of Kabila—have been forced from their homes because of increased fighting, with little attention or assistance from the capital.

There is no easy solution to the rapidly unfolding conflict in the restive east, but it is clear that the underlying drivers for this continued violence must be addressed at the same time that the more immediate emergency needs are dealt with.

On my trip, I visited a camp for internally displaced in eastern DRC. One Congolese man, living in a camp nestled in the rolling hills outside Goma spoke for many others when he told me: We want to restart our normal agricultural work and resume our lives. We want it to be stable enough so we can do that.

I met with a group of displaced Congolese women who had been sexually abused and in many cases raped. Extreme sexual violence and rape in the DRC is so pervasive because it is committed by all actors and with little consequence. Sadly, afraid I am afraid it is not getting any better. Just 2 days after I left, tens of thousands more civilians were forced to flee their homes because of renewed fighting between the Congolese army and dissident General Laurent Nkunda's rebel forces, whose ammunition, weapons, and fighters are likely supplied by Rwanda.

In early September, U.N. peacekeepers secured an informal, and I might add, already violated truce between the government and a main rebel leader. The U.N. Security Council has appealed for more dialogue between the 2 warring parties but this appeal needs to be significantly amplified and backed by incentives for peace. Neighboring countries—and particularly Rwanda—need to be part of this conversation, to ensure the current situation does not worsen while also effectively addressing longstanding regional tensions.

In contrast, on a recent trip to Uganda, the U.S. Assistant Secretary for African Affairs signaled that the U.S. would support regional efforts for a more militarized policy towards all rebel groups. In fact Assistant Secretary Frazer said: We feel we have the basis to assist in efforts to mop up the LRA and to get them out of Congo, out of Garamba Park. And so we will not sit still and just let them live in Garamba Park and cultivate land and kill animals. This is not the time to start talking about our support for a military solution to these conflicts.

Instead, we should seek to build upon current diplomatic initiatives—both in the region as well as at New York last week at the opening of the U.N. General Assembly.

We should work to expand existing forums such as the Tripartite Plus Commission to become genuine opportunities for political solutions. The United States, a proud champion of building strong and independent institutions that create the space for lively debate and discussion, should be advocating for enriched dialogue and diplomacy to address the entrenched problems that have allowed these conflicts to fester—or worsen. We should not be encouraging military operations if there are other legitimate avenues open—or if they have not yet been explored. Military action should be the path of last resort, period.

The Great Lakes region is at a critical moment in its history and we run the risk of contributing to events that could have far-reaching and long-term repercussions if we do not engage responsibly. With its vast resources, the DRC could be an anchor of stability in an area that has been plagued by violence and destructive activity for decades. The changing nature of global threats could render sub-Saharan Africa—and the Great Lakes region in particular—ripe for exploitation by any number of rogue actors. We can stop this before it begins if we work to ensure stability for the long term.

Our National Security Strategy states:

> We will work with others for an African continent that lives in liberty, peace, and growing prosperity.

We must help strengthen Africa's fragile states and help build indigenous capability secure porous border.

I know the United States has many priorities that compete for attention and resources, but if done right, and as part of a comprehensive long-term strategy, a little can go a long way towards achieving these lofty goals in Africa. The United States should increase engagement in and expand assistance to the eastern DRC.

We should work in concert with other allies and press all regional governments—and in particular Rwanda—to adopt a renewed focus on a political solution for peace. It must be clear that the United States supports peaceful conflict resolution, and that we are not a war-mongering country that prioritizes quick military fixes over more protracted, but also more likely to be sustainable, political dialogues.

First, we must increase our support for the DRC's security sector reform initiatives by working with the Congolese government to downsize, discipline, and further transform its military. The national army must no longer be allowed to commit grave human rights abuses with abandon as this only contributes to the rampant impunity and public legitimacy deficit indicative of a weak state. Justice sector reform, within and outside the security sector, is essential in this regard.

Second, while Ambassador Bill Swing is doing an incredible job in the DRC as the Secretary General's special representative, we must augment diplomatic attention to the east part of the country by calling for the appointment of a U.N. special envoy who will work in conjunction with the current special envoy for northern Uganda—former Mozambique President Chissano. Such an initiative will jump start a regional process for political engagement that can help to reverse the current deterioration and work towards resolving longstanding grievances between a number of actors in the region. Time and time again on my recent trip I was pleased to learn of the credibility and integrity President Chissano has injected into the northern Uganda peace process; we need to see the same thing for eastern Congo.

Third, we need to significantly augment U.S. government efforts in the region. The U.S. government needs to be fully engaged to bring about stability in eastern Congo and to establish conditions for a sustainable peace throughout the region. The dearth of U.S. personnel in the DRC means we have little choice but to outsource our diplomacy to others, which should not become the norm. In the face of a steadily increasing conflict that could ignite tensions throughout the region, we should be looking to robustly increase our on-the-ground presence before it is too late.

It is the grim truth that our mission in Kinshasa is not equipped to handle the looming instability in the east and that we are limited in our engagement because we have no diplomatic presence in the conflict-affected areas.

I do not wish to insinuate that this is due to lack of interest, concern, or dedication from the committed embassy team we have on the ground in Kinshasa. On the contrary, I got to know those individuals on my recent visit and was very impressed with both their capacity and resourcefulness with the limited means available to them. It is because of this administration's myopic focus elsewhere that we are not adequately able to respond in places like the Democratic Republic of Congo.

As a first step, the Secretary of State should dispatch a "booster" team to help prepare the embassy to deal with the diplomatic, humanitarian, and security work needed in order to exercise our influence and to participate in a broader international effort to prevent eastern DRC from deteriorating into complete chaos. At the same time, we need to begin looking at serious infrastructure change that will enable our front line diplomats to have the resources and flexibility they need not just in Africa, but throughout the world.

The United States has much to offer beyond public statements to ensure that violence in the DRC does not escalate further and that those who have been displaced can look forward to returning home sooner rather than later.

We in Congress need to send a strong signal that we are not going to turn a blind eye to the deteriorating situation in the east—or to the administration's inadequate response. In eastern DRC, as in other parts of Africa, we must take steps today to promote political solutions that truly address the underlying causes of conflict, or else we will be grappling with these vicious crises for years to come.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Wisconsin on his comments and his compelling defense for the oppressed, and particularly his eloquent and poignant description of what is happening to women there in the Congo, which should motivate us more to action.

I am happy to report we are getting momentum here and are clearing our amendments. We have some right now that I wish to clear. In a few minutes, we will be going to the NASA amendment.

Mr. President, I thank everybody on both sides of the aisle, and especially Senator SHELBY and his team for being great in helping us with this. Many Senators are being cooperative.

AMENDMENT NO. 3222

Ms. MIKULSKI. Mr. President, I call up amendment No. 3222 by Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI) for Ms. LANDRIEU, proposes an amendment numbered 3222.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice, and for other purposes)

On page 35, line 12, insert ": *Provided further*, That of the amount appropriated under this heading, **$2,000,000** shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: *Provided further*, That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6" before the period.

Ms. MIKULSKI. This amendment has been cleared on both sides. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3222) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3210

Ms. MIKULSKI. Mr. President, I call up amendment No. 3210 by Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mr. BINGAMAN, proposes an amendment numbered 3210.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To conduct a study regarding investments in intangible assets)

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce shall set aside sufficient amounts to complete the study described in subsection (a).

AMENDMENT NO. 3210, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce may set aside sufficient amounts to complete the study described in subsection (a).

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3210), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3219

Ms. MIKULSKI. Mr. President, the last amendment I have cleared is amendment No. 3219 by Senator MURRAY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mrs. MURRAY, proposes an amendment numbered 3219.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure FBI work force is properly allocated to meet the FBI's mission requirements and priorities)

On page 37, line 14, strike the period and insert ": *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.".

AMENDMENT NO. 3219, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 37, line 14, strike the period and insert ": *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations and the Committee on the Judiciary of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.".

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3219), as modified, was agreed to.

Ms. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, many of our colleagues have filed amendments. I want to soon recognize the Senator from North Dakota who, I know, wants to speak on a tribal issue. First, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3250

Ms. MIKULSKI. Mr. President, I call up an amendment which is at the desk relating to the National Aeronautics and Space Administration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. SALAZAR, Mr. LIEBERMAN, Mr. BENNETT, Mr. VITTER, Mrs. CLINTON, and Mr. BROWN, proposes an amendment numbered 3250.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide necessary expenses for return to flight activities associated with the space shuttle and to provide that funding for such expenses is designated as emergency spending)

On page 74, between lines 4 and 5, insert the following:

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, **$1,000,000,000** to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to "Exploration Capabilities" and "Science, Aeronautics, And Exploration" for restoration of funds previously reallocated to meet return to flight activities: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

Ms. MIKULSKI. Mr. President, this amendment has got a rollcall of cosponsors. Of course, it is cosponsored by my very able ranking member, Senator SHELBY; Senator HUTCHISON of Texas, another strong advocate of space and one of the original architects; Senator LANDRIEU of Louisiana; NELSON and MARTINEZ of Florida—NELSON is an astronaut—SALAZAR of Colorado; LIEBERMAN; and strong bipartisan support from Senators BENNETT and VITTER. Senator CLINTON of New York is included, as well as Senator BROWN of Ohio.

This amendment will increase funding for NASA. It is unique and historic that we offer this amendment right at this minute. This is the 50th anniversary of Sputnik. Fifty years ago, that 180-pound piece of round metal went into space and changed the destiny of mankind. When Sputnik went up, we didn't know what the intent of the Russians was, but a wonderful Republican President by the name of Eisenhower knew we had to get into the space race. We have been in it ever since. But it has never been for predatory purposes or military purposes. Our NASA has always been to go where no man or woman has ever gone before, to be involved in discovery, to also come up with the science to protect our own planet and to further our national agenda in aeronautics.

Joining us today, as we offer this amendment, in the gallery are the astronauts from the space ship *Endeavor.* They have spent 14 days in space, continuing the work to assemble the International Space Station, which is our lab in the sky, which will also be a gateway to go back to the Moon and stay there when we do, and then on to Mars; after that, who knows where. We welcome them today to watch this debate because, just as we want to keep space free of politics, we want them to see that here on the Senate floor we can work on a bipartisan basis to put the money in the Federal checkbook to do what NASA needs to do to keep this mission.

What this amendment does is adds $1 billion to NASA's budget. It covers the cost of repairing and upgrading the safety of its space shuttle fleet. It comes in the aftermath of the Space Shuttle *Columbia* accident in 2003. The funding was declared an emergency and they received full funding to return to space.

Our amendment follows the precedent set after the 1986 Space Shuttle *Challenger* accident, when Congress made a special appropriation to get the shuttle flying again. So this amendment follows the precedent set in 1986 after the *Challenger* accident. A one-time amount of $3 billion was given to NASA to get the shuttle flying again—not only to simply get it flying, but to make sure our astronauts were safe when they did fly.

By contrast, after the *Columbia* accident in 2003, NASA only received $100 million in special appropriations. Let me be clear, our goal is not to increase the NASA space budget but to restore the funding that was forced to get after the *Columbia* accident.

This funding is necessary for three reasons: First, since 2003, when that terrible melancholy event occurred, it has cost NASA over $2 billion to comply with the recommendations of Admiral Gehman to fix what it would take for the remaining shuttles and to fly them safely. Admiral Gehman was asked by the Nation to chair a commission to see what it would take to restore the shuttle's ability to fly again, but also to protect those astronauts. It had engineering solutions, technological solutions, and management recommendations. It was a great report and it was expensive, and do you know what. It was worth it. Is the shuttle flying safely today? You bet it is, and we are all thankful.

At the same time, though, the shuttle has become more expensive to maintain and fly safely. The shuttle is a bit old. It has been hit by unforeseen events, from a hurricane to damage in space. We need the shuttle to maintain our commitment to the International Space Station, where we have treaty obligations.

Second, another reason to support this amendment is the shuttle will be retired in 2010, and we are faced with the challenge of developing a new, reliable, safe human flight vehicle. But the costs of returning the shuttle to flight have forced NASA to cut funds for the next transportation vehicle by almost $500 million. This cut contributes to the gap of over 5 years between when the shuttle retires in 2010 and when we get a brandnew vehicle in 2015.

This is not acceptable. We cannot let China get to the Moon before the United States does. We also need to make sure we keep our astronauts safe for the remaining time they use the shuttle. Also we have to keep that excellent talent down there of scientists, engineers, and mechanics, to keep our shuttle flying safely.

Third, NASA has had to forage for funds in other programs to pay to fix the shuttles. Since 2003, science and aeronautics have been cut by almost $100 million.

Science on the space station has been drastically cut. This has a ripple effect within the scientific community. It affects our future ability to understand and protect changes in our planet and in other issues. The National Academy of Sciences says we need more space science, not less.

The consequences of not doing this amendment are clear. It contributes to the delay of our next space transportation vehicle. No one wants that. We do not want to be grounded for an extensive period of time. It reduces our commitment to our international treaty obligations on the space station.

The goals of the amendment are clear. It maintains our commitment to safe, reliable, and robust human spaceflight. It keeps us on track for the next reliable space transportation vehicle and maintains our commitment to scientific discovery.

We didn't leave NASA with an unpaid bill 20 years ago, and we shouldn't do it now. Twenty years ago, our colleagues, Senator BYRD and Senator STEVENS, provided $2.7 billion out of the defense budget to buy a replacement space shuttle. We did not cut NASA's budget after the *Challenger* accident. We shouldn't do it after the *Columbia* accident.

We recommend this amendment because it is $1 billion. It follows the precedent from the *Challenger* accident. It does not add to the base. It fulfills important national goals which were set by our President to lay the groundwork for space exploration to Mars. But if we are going to do that, I believe we have the national will to do that, I believe we need the national wallet to do that.

So 50 years after the birth of our great Apollo Program, we need to make sure we keep our commitment to exploration and discovery. I urge my colleagues to support this bipartisan amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on an amendment Senator MIKULSKI and I have worked on for a long time. After we lost the space shuttle *Columbia* over Texas and we were so involved in the cleanup of that tragic accident, all of us—Senator SHELBY, Senator MIKULSKI, Senator NELSON from Florida, many of us—did try to make sure we had the funding that was needed, first of all, for a comprehensive review of what happened. We did have an incredibly good product from the Commission that was put together that did determine the cause. We did fund that at $100 million. But the added safeguards and safety measures that were required by that study and the Commission report were not funded.

As Senator MIKULSKI said, we are about $2 billion to $3 billion in the hole. We cannot allow that to happen because here we are on the 50th anniversary of Sputnik and it is another sputnik moment. When all of us in America were shocked that Russia had put up the first spaceflight, we were left to say: Why weren't we first?

Today, 50 years later, we are looking at a 5-year gap from the end of the space shuttle before the crew-return vehicle will be on line to put American astronauts back in space. That is another Sputnik moment.

Are we going to rely on Russia after 2010 to put American astronauts in space? I hope not. I hope America never loses its commitment to be the first in technology, in knowing what can be done, in exploring issues we haven't even thought about because we know how much that exploration has already done for our country.

In fact, what has happened is exactly as Senator MIKULSKI just explained. The accounts for NASA have been drained. We have drained from science, we have drained from the Hubble telescope, and we have drained from other aeronautics research to fund the Columbia accident report and safeguards, and we have not moved forward for the crew-return vehicle.

It is estimated that if we can get this billion dollars and if we can fully fund the accounts that have been bled, we could chop at least 2 years off that gap.

We are talking about a technological and educational issue at a time when India and China are doing more and more exploration into space, and we are talking about a national security issue that the United States would not have the capability for 5 years to put an American astronaut in space.

Who can forget the beginning of the war against terror when we were putting missiles, guided through satellites, into windows from 2 miles away because we have that capability we have gained from the exploration in space. In addition, if we look at the science and innovation we must continue to pursue to make the investment in the space station worthwhile and to keep our commitment to our international partners, we have to be willing to put the amount that is required from America with our international partners into the space station. That, too, has been robbed.

Just think, last month Senator MIKULSKI and I went to a signing between the National Institutes of Health and NASA of an agreement that the National Institutes of Health would be a partner in the international space station lab, that it would begin to do some of the far-reaching medical research that could only be done in the space station because of the microgravity conditions, and NIH signed the agreement. Are we going to continue to rob the accounts for scientific research at a time when we are on the cusp of doing the research about which we have been talking—research into breast cancer, research into osteoporosis—where we can see the cells grow because there is no gravity that is pulling against the growth?

What about Dr. Samuel Ting, the Nobel laureate from MIT who testified before our committee? I am the ranking member—former chairman—of the NASA, space, and science subcommittee. He came to our committee and wowed all of us with the potential for scientific research on the space station. He is a Nobel laureate in physics. He said cosmic rays are the most intense in space. On the space station, we can begin to find what cosmic rays do in that intensity and perhaps even begin to find a new energy source from being able to harness those cosmic rays and create a form of energy which he says can only and best be done on the space station.

I ask my colleagues, in a time when we are all trying to find ways to cut back on expenditures that are not necessary, to look at this amendment carefully because it is an investment in the future. It is an investment to make sure our technology transfers are continued. As an example, look at the items on Earth that have been discovered or enhanced by space research: international TV broadcasts, pacemakers, automatic insulin pumps, car phones, CAT scans, infrared thermometers, long-range weather forecasting which has revolutionized not only our agriculture industry but the ability to predict hurricanes. We have so many quality-of-life issues that have been enhanced or discovered because we were willing to do this research.

I ask my colleagues to look at this investment. Do we want to see this go to the Chinese or to India or to Russia, or do we want to continue to make sure that America is the creator, America is the innovator, that it is Americans who take the discoveries and turn them into products that can change our lives, especially in medical science?

I ask my colleagues to look at what we have gained in superiority in defense because we have invested in space. Yet, at a time when we are at war, when we know we have used the satellites to the most effective point they have ever been used for intelligence gathering, for the ability to do intelligence gathering without harming Americans, without putting Americans in a plane because we can take from the satellites the information so that the pilot is not in danger of being shot down because there is no pilot. We can gather intelligence, we can retain our superiority and technology and creativity, but it will take the investment. If we are going to pay for an emergency out of operating funds, we are eating our seed corn.

Madam President, surely America and our Congress and this Senate understand that issue. The leadership of the appropriations and authorizing committees, Senator MIKULSKI, Senator SHELBY, myself, and Senator BILL NELSON of Florida, are the 4 chairmen and ranking members of the relevant committees. All of us have asked to meet with the President to talk about this priority that we must continue exploration in space and determine how we would go forward in a bipartisan way to 'assure America's leadership in this important endeavor. I hope the President will support this amendment, will meet with us to have a joint effort to do this amendment.

The President himself has already laid out the vision. He has said we are going to put people on the Moon again, we are going to establish a base on the Moon, and from there we are going to go to Mars. The President has laid out the vision, but we must have the capability to fulfill the mission by having the scientific research that will keep us in the technological lead by continuing to make sure we are looking at all of the energy sources we can use, by creating the medical capabilities that can only be done in the microgravity conditions.

I join with so many of my colleagues on both sides of the aisle in asking that we adopt this amendment, that we get 60 votes, if that is what we need, to assure that this goes forward, not as another appropriation but as an investment to assure that America's leadership continues.

Madam President, I wrote a piece for the Hill, which is one of the local Capitol magazines. It goes into more detail about why this is so very important.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Oct. 3, 2007]

MAINTAIN U.S. SUPREMACY IN SPACE

(By Sen. Kay Bailey Hutchison)

On Oct. 4, 1957—almost 50 years ago to the date of this publication—the Soviet Union launched the world-famous Sputnik satellite, setting off alarm bells throughout Washington that America was falling behind in space technology. But America's ingenuity was dramatically mobilized by President Eisenhower, who passed The National Defense Education Act, which provided massive investments in science, engineering, and technology. Those investments paid off when we safely landed a man on the Moon, fulfilling President Kennedy promise. The research program we created spawned some of the most significant technologies of modern life, including personal computers and the Internet.

Today, we are on the verge of another Sputnik moment. In November, China will launch its first lunar orbiter—a major milestone in its rapidly-developing space program. In fact, China's progress has been so substantial they're planning on landing a man on the moon by 2020. A decade or so from now, the Red Flag may be flying on the lunar surface.

In this ominous environment, you would think Washington would be trying to recharge America's commitment to space exploration. In fact, the opposite is happening. Right now, NASA is planning to retire the Space Shuttle in 2010. Until its replacement is ready—not expected until 2015—the U.S. will have no way to launch humans into space.

During this five-year time gap, we will have to rely on Russia to get our own scientists and astronauts to the International Space Station. As the world's leader in space technology, it is simply unacceptable that we will be in this position technological dependency. Our national security depends on our ability to explore space without relying on nations who may not always have our best interests at heart. Thankfully, there is still time to prevent this frightful scenario from becoming reality.

Congress should provide NASA with the added funds it needs to narrow or close the gap in our human spaceflight capability, by accelerating Ares and Orion—the shuttle replacement vehicles—providing increased support to potential commercial vehicles, and, if necessary, keeping the space shuttle flying longer than 2010. This will ensure that America stays in control of its space destiny.

Since NASA was created in 1958, the research that has gone into the space program has also spurred innovations that have greatly improved our lives—from car phones to heart monitors, from ultrasound scanners to laser surgery. Recently, NASA has been implementing my plan to use the U.S. segment ofthe ISS as a "National Laboratory," which means that even more breakthroughs can be expected once that lab is fully operational. On Sept. 12, NASA and the National Institutes of Health signed the first of what should be several inter-agency agreements to facilitate ISS research in the future.

We want the U.S. to be the global leader in space research because the unique environment of outer space enables scientists to conduct many experiments not possible on Earth. For example, NASA is considering placing a sophisticated particle detector on the ISS to learn more about cosmic rays. This research must be carried out in space where researchers can collect data without the hindrance of Earth's dense atmosphere and gravity. The results could lead to breakthroughs in our fundamental understanding of matter, and possibly new sources of energy.

There is a strong, symbiotic relationship between space research and national security. For example, by using space-based navigation systems, we can guide a missile to within meters of its intended target. This not only allows our military to more effectively hit a target, it also saves civilian lives and limits collateral damage.

The Chinese are gaining ground in technological areas. For example, China recently surpassed the U.S. as the world's largest exporter of information-technology products (and the U.S. has become a net importer of those products). The Chinese are now turning their attention to space technology—and they are determined to use it as a means of strengthening their military. We cannot allow other countries to acquire new weapons technologies while America does not keep up.

On the day before he was tragically assassinated, President Kennedy remarked, "This nation has tossed its cap over the wall of space, and we have no choice but to follow it. Whatever the difficulties, they will be overcome."

As we mark the 50th anniversary of Sputnik, let's renew our commitment to overcome those difficulties once again. We've worked too hard, and accomplished too much, to willfully forfeit our leadership in space. Let's make the necessary adjustments to maintain our supremacy. Our future depends on it.

Mrs. HUTCHISON. Madam President, I urge my colleagues to support the Mikulski-Hutchison amendment that has bipartisan support of all of the four members of the relevant committees' leadership. I hope together we can take this step to assure America's leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I join with my colleagues, Senator MIKULSKI, Senator HUTCHISON, and Senator NELSON from Florida, in asking all Senators to support this amendment.

Senator MIKULSKI and I have worked hard with the others to craft a bill that addresses the priority of our Members, but despite our generous allocation, the funding necessary for NASA to aggressively pursue the President's "Vision for Space Exploration" cannot be accommodated without this amendment.

Since the tragedy of the Space Shuttle *Columbia* breaking up during reentry in February of 2003, NASA has spent $2.7 billion to make the shuttle program as safe as possible to ensure our Nation continues to be the leader in space exploration. Unfortunately, as has been pointed out by Senator MIKULSKI and Senator HUTCHISON, the NASA budget requests have not adequately restored the necessary resources in their subsequent requests. Instead, the costs have been absorbed from within NASA.

Science funding has been cut significantly, and programs not directly associated with the exploration vision are being deferred, delayed, or canceled. By slowing down the cutting-edge science carried out by NASA, we are mortgaging our future. The foundation for technological leadership and the successes of tomorrow are built on the investments that we make in NASA today.

NASA's research in cutting edge technological advancements have driven science and innovation in this country since the dawn of the space age. We are shortcoming our future by not fully funding science innovation and space exploration. This critical knowledge will be needed in the years to come to make human exploration of the Moon and other planets a reality. These effects cannot be ignored any longer if we are to maintain our leadership and our presence in space.

With the burden of correcting the dramatic Presidential budget cuts in critical justice programs and in NOAA, it is increasingly difficult for the committee to find the resources necessary to keep NASA on the right track. In order to balance the lack of support for NASA's science and aeronautics programs in the budget requests, there are few options left to consider.

The adoption of this amendment, offered by Senator MIKULSKI and Senator HUTCHISON, will not only respond to the pressing needs brought about by a tragic accident, but will also send a clear signal that Congress is serious about ensuring that the U.S. retains its leadership position in space exploration. I would urge all my colleagues to vote for this amendment. It is sorely and direly needed now.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, Senator NELSON will be coming out to speak shortly, an astronaut Senator who will speak eloquently about this. We also hope, for those who would like to challenge our thinking, that they will use this as a time to come to the floor so that we can have an ongoing and continuous debate. We would certainly like to vote on this within the hour, in the interest of moving our bill forward. So we would ask our colleagues to come and speak.

Before I yield the floor, Madam President, I ask unanimous consent that Senator BOXER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are observing the 50th anniversary of the launch of Sputnik, the first artificial satellite that was launched by humans. In that time, 50 years ago, it shocked the entire world that the Soviet Union had become sufficiently technologically proficient that they could suddenly seize the high ground—a high ground that heretofore had not been achieved but that mankind had always longed for—to soar into the heavens.

As a result of that significant technological achievement, the United States got shocked out of its lethargy, out of its willingness to just go along with the thinking that we were that good, but in fact we were falling behind. As Senator SHELBY said, we suddenly became shocked at the fact that we were falling behind in math, in science and technology, and that, lo and behold, with the symbolic value of the Soviet Union—at that point our mortal enemy in the Cold War—having achieved that first.

Finally, we got Explorer into space, the first American satellite, and we started to take comfort that this Yankee ingenuity of America would suddenly screw up its determination to achieve and that we would not be passed by. And then, lo and behold, as we are preparing Alan Shepard to go into space—not into orbital space, really, but only into suborbit—suddenly the Soviets surprised us again and they sent Yuri Gagarin into one orbit to achieve what no earthbound nation had done.

I remember years ago, Madam President, as a Member of the House of Representatives—and I had already flown on the space shuttle—as I was sitting on the floor of the House, the then-Speaker of the House, Tip O'Neill, beckoned me over.

He said: Billy, I want to tell you a story. He said: When I was a young Boston Congressman, I remember I was down at the White House—President Kennedy was the President—and I had never seen the President so nervous. He was just pacing back and forth like a cat on a hot tin roof. He said: I leaned over to one of his aides, and I asked what in the world is wrong with the President?

What was happening was we were getting ready to launch Alan Shepard on the Redstone rocket, which only had enough lift power to go into suborbit. Here we were, 3 weeks behind the Soviet Union, which had just put up Gagarin into one complete orbit. And, of course, we know what happened. Alan Shepard made that first suborbital flight successfully.

We didn't even have a rocket at that point that would get us into orbit with that mercury capsule. We flew a second time in suborbit with Gus Grissom. In the meantime, the Soviets now send another cosmonaut, Titeuf, and he goes into several orbits, and here we are struggling to get up for the first time in orbit. Well, they said, we are going with that Atlas rocket, which was an intercontinental ballistic missile. And so there, among those first 7 astronauts, they chose John Glenn. We knew that we had a 20-percent chance that rocket was going to fail.

It is hard for me even to tell this story without getting a lump in my throat, but John Glenn is in orbit for three orbits when there is an indication that his heat shield is loose, which would mean, upon reentry, that John Glenn and the capsule would burn up. And on that de-orbit burn, as he is starting to plunge back into the fiery reentry of Earth's atmosphere, before we lost radio contact, John Glenn was heard humming the "Battle Hymn of the Republic."

Of course, his flight was successful, and we continued on. But because that President said we were going to go to the Moon and return within the decade, and because the Nation put its mind to it and put the resources to it, we achieved what was almost unbelievable—sending 12 Americans to the Moon and returning them safely, including the crew of Apollo 11, which was one of the greatest rescue ventures ever in all of mankind, with Jim Lovell and his crew, when they lost all of their power en route to the Moon on that crippled Apollo 13 spacecraft.

They shut down the Apollo Program in the early 1970s, with massive layoffs, and it was a long time from that last flight in 1972 to the Moon and a follow-on 1975 flight linking a Soviet Soyuz with an American Apollo. And for days, in the midst of the Cold War, 2 mortal enemies, 2 cosmonauts and 3 Americans, were docked together in space, lived and worked and enjoyed each other and communicated to the world as peaceful partners. Because of the disruptions in the space family, it was not until 1981 that we got back into space, with humans, in the space shuttle.

Now, there is a lesson in what I have just discussed about our history in space that would teach us not to repeat that now. What is that lesson? First of all, one of the great lessons of that era is the fact that we got excited about science and technology and mathematics and engineering and space flight. We produced a generation of exceptionally talented and educated young people who were told to go to their limit. As a result, we had, in a space program that had to have limited volume, light in weight, and highly reliable systems, a technological revolution of micro-miniaturization that had come directly out of the space flight. This watch is a direct spinoff of the space program. So many of the modern medical miracles and medical techniques are a direct spinoff of the American space program.

In fact, one example in our daily lives is the communications we take for granted. We can go anywhere on Earth and know precisely where we are by the global positioning system, GPS, which is now in our cars, and we can have a hand-held unit and go out on a boat, and if we get lost or stranded, with no motor in the ocean, the Coast Guard knows exactly where to come because we have a GPS to tell us exactly where we are. So, too, spinoff after spinoff: enhancement of our Nation's economy; the educated workforce. About that workforce, need I remind you now that China is graduating five times the number of engineers that the United States is and India is graduating three times the number of engineers?

I want to return to that era, where we can get young people excited again about science and technology, and there is nothing like the space program that will rivet and ignite those little imaginations.

Right now we are at a critical point because NASA has been starved of funds. That is part of the reason why Senator MIKULSKI and Senator SHELBY have brought this amendment to the floor. It is not like the loss of Challenger over 2 decades ago, when emergency funds funded the recovery to flight, the investigation, the designing of new systems, the repair of old systems that got us into safe flight again—not this time. NASA had to pay for this out of its operating expenditures, to the point of $2.8 billion. It was already a tight budget to begin with, not helped by the inability of us last year in the Congress to meet agreements, and we had to operate under an appropriation called a continuing resolution, that left us at last year's funding levels—not the increase.

As a result, what we have is that NASA is desperately short of funds, to the point that when it shuts down the space shuttle in October of 2010, with the paucity of funds, the next vehicle, called the Constellation System, with a capsule called Orion and a rocket called Aires, will not be able to fly with humans until after a 5-year gap.

That is not good for our educational system. It is not good for our technological prowess and achievements.

The amendment of Senator MIKULSKI will help correct it; not with the $2.8 billion NASA lost but only a third of that, that we are asking that this Senate will appropriate out of emergency funds.

There is not a young person in America who does not get excited about space flight. There is not an old person in America whose heart does not quicken when they think of the daring adventures and the exploration. There is not a scholar or academic who does not appreciate what manned and unmanned space flight has done by putting up the Hubbell Space Telescope, which has opened up the vistas into the beginnings of the universe and understanding where we came from and how all of it came about and what is the order in the universe. Yet we only know 4 percent of all that we can know about the universe. We still have 96 percent, still to learn.

That is what our space program can do for us. It can ignite the imaginations and the desire to achieve in those young people. It can quicken the hearts of all Americans. It can lead to great new technological achievements that will spin out and affect our daily lives. It will open the new areas of knowledge about what we are as a people who populate a planet called Planet Earth in a solar system that revolves about one star that we call Sun, in a galaxy that is ours in a universe that is so large our human minds cannot even contemplate it.

These are the worlds we want to explore. It is our nature, it is our character as Americans that we are, by that nature and that character, explorers and adventurers. At the beginning of this country, we had a frontier and it was westward. The great leaders of our country at the founding of the country said: Go and explore. Today those frontiers are different. Those frontiers are upward and those frontiers are inward. The great leaders of today ought to be saying: Go forth and explore.

I am hoping the great leaders in this body called the Senate will support Senator MIKULSKI and Senator SHELBY in approving this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in support of the Mikulski amendment and to echo the comments of my good friend and colleague from Florida, Senator NELSON. The Senator and I both have had the great privilege, not only of representing the great State of Florida but also both of us grew up within a short car ride from where all this excitement was happening, as we were young people growing up. Cape Canaveral, the excitement of flights to space, the heroics of our early astronauts and then later the flights to the Moon and the touch of the tragic that, from time to time, have been a part of any dangerous endeavor, have been a part of our daily lives. Of course, my senior Senator from Florida took it a step further. He himself donned the suit and went into space on the space shuttle on what was, I know, a life-changing event for him.

I know the excitement with which he speaks of the space program is not something I can speak about firsthand as he does, because he has been a part of it, but I can certainly speak to it as a person who has seen the benefits of it to our communities, through research, through improvements to so many things that have been derivative from our space program.

As we go to the Kennedy Space Center these days and we talk to these great scientists, these great engineers, these people who are so enthusiastic, who are so competent in what they do, they speak with great commitment to completing the space shuttle flights that are pending. They speak with great commitment about our space lab and the great advancements in science and technology that are taking place in the space lab—now a new component in biomedical research that will hopefully be opening the doors to the cure of many illnesses. All of these things have been a part of our space flight, of our tradition, and our history.

The 5-year gap Senator NELSON spoke of, where we will have no manned space flight, is something I do not think most Americans understand. As it is right now, because of shorting the space program year after year, what we have is a situation in which there will be a 5-year gap from the last space shuttle flight until the next vehicle is ready for manned flight.

I think, as the American people would know about this, it would raise concerns for them in the area of science and technology, of advancement, of exploration, which has been such a part of our country where we have led the world without a doubt.

But there is something else about it which troubles me greatly and which I think the American people also ought to be made aware of, which is the fact that in order for an American to fly into space for those 5 years, we would be completely and totally at the mercy of Russia. We have had a very good and cooperative relationship. The Americans and Russians and, frankly, many other citizens of other countries, have been a part of the space shuttle and more particularly of the space lab. We have modules there—obviously the space shuttle arm from Canada, modules that have come from Japan and from Italy and many other countries. Each of those countries with great pride has had one of their crew members go on the space shuttle and go to the space lab. Our cooperation with the Russians has been fantastic, even back to the days of the Soviet Union.

But in an ever-changing world, should not we wonder if it is safe for America to totally be reliant upon an increasingly undemocratic Russia for our space flights? I do not necessarily want to create enemies where none exist. But it does concern me to see these Russian bombers coming into areas where they know very well are our waters, our airspace, and repeatedly now over the last month or so coming into what is U.S. airspace and challenging us to intercept them. Why are they doing that? What is the purpose behind that? What could happen over the next 3 years as we conclude the space shuttle, and then the next 5 where we are without the ability to put a man in space, if our relationship with Russia is not as strong as it is today in 8 years, 5 years, 6 years? It certainly isn't as positive and strong as it was 3 years ago.

It behooves us, for the sake of our independence, our sovereignty, our ability to be in control and the destiny of this magnificent laboratory up in space, that we could accelerate the time where this gap was going to exist. It is going to be there no matter what we do, but we can shorten it. I believe if we shorten it by a couple of years, that would be in our best interests.

When we look at the totality of our expenditures, when we look at the cost-benefit ratio of what we get from our space program, how it inspires our young people at a time when we are falling behind in competition with the world in science and technology, when we know the world is moving faster than we are as it relates to the education of our young people and science and technology, what could be better than a vibrant space program to continue to imbue our young people with the desire to explore, the desire to invent, the desire for all he things that the space program has been to our country?

Our technological edge was never finer honed than when we had a vibrant and strong space program in the late 1950s and on into the 1960s. That was our finest and best time when it comes to science and technology.

We have, in many ways, been living off that for the last 25 years. Now we can have the dawning of a new age of space exploration into areas that have so far eluded us completely—well beyond the moon. This can all happen. This is a small downpayment into a very important part of America's future. It is certainly a very strong and important issue as we look also at very practical issues like our workforce.

The workforce at Kennedy Space Center is a well-trained workforce. It is a workforce that has, over the years, developed and over the years improved its skills. If we were to tell these people over the next 5 years there is no work for you, they will go into other pursuits. These are sharp, talented people. It is not like they are going to be unable to get a job, but it is going to be our loss when those people are not engaged in the continuation of the U.S. space flights.

NASA is a good investment for America. We are not talking about breaking the bank. We are talking about a very small investment for what I believe would be a great return. I am very pleased to join with my colleague from Florida, Senator NELSON, who is my expert when it comes to these issues. We both have great affection for the Cape. He grew up a very few miles south of it. I grew up a very few miles to the west of it. This is our backyard. We know it, we love it, and we know what it has meant to our country. We know the future of it can be very bright and we certainly do support this effort to improve funding for NASA.

I yield the floor.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the proponents of this amendment have had a very thorough discussion of why we support this amendment. We have spoken for about an hour. We certainly want to be sure that those who might have pause or flashing yellow lights about it bring their concerns to the floor so we can engage in a discussion, maybe even a debate, so we could move this debate forward and dispose of the amendment no later than 4:00 and earlier if possible.

I want to give everyone warning, if there is nobody here, we will move the amendment.

BAN ASBESTOS IN AMERICA ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 321, S. 742, the Ban Asbestos in America Act of 2007; that the amendment at the desk be considered and agreed to, the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban Asbestos in America Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than $100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) there is no known safe level of exposure to asbestos;

(7) even low levels of exposure to asbestos may cause asbestos-related diseases, including mesothelioma;

(8) millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

(9) worker deaths from noncancerous lung disease can occur at levels of exposure to asbestos below the levels allowed by the Occupational Safety and Health Administration as of the date of enactment of this Act;

(10) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(11) approximately ⅓ of mesothelioma victims were exposed to asbestos while serving the United States on Navy ships or shipyards;

(12) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(13) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(14)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(15) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(16) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(17) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(18) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(19) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(20) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(21) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(22) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(23) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(24) asbestos was banned throughout the European Union in 2005; and

(25) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking ", or" and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) any material formerly classified as tremolite, including—

"(i) winchite asbestos; and

"(ii) richterite asbestos; and

"(H) any asbestiform amphibole mineral.";

and

(3) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

"In this subtitle:

"(1) APPROPRIATE FEDERAL ENTITY.—The term 'appropriate Federal entity' means any appropriate Federal entity, as determined by the Director, including—

"(A) the Agency for Toxic Substances and Disease Registry;

"(B) the Department of Health and Human Services;

"(C) the Environmental Protection Agency;

"(D) the Mine Safety and Health Administration;

"(E) the National Institute of Standards and Technology;

"(F) the United States Geological Survey;

"(G) the National Institute of Environmental Health Sciences;

"(H) the National Institute for Occupational Safety and Health; and

"(I) the Occupational Health and Safety Administration.

"(2) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

"(3) ELONGATED MINERAL PARTICLE.—The term 'elongated mineral particle' means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

"(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term 'biopersistent elongated mineral particle' means an elongated mineral particle that—

"(A) occurs naturally in the environment; and

"(B) is similar to asbestos in—

"(i) resistance to dissolution;

"(ii) leaching; and

"(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

"(5) DIRECTOR.—The term 'Director' means the Director of the National Institute for Occupational Safety and Health.

"(6) PERSON.—The term 'person' means—

"(A) any individual;

"(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

"(C) any Federal, State, or local department, agency, or instrumentality; and

"(D) any interstate body.

"SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

"(a) STUDIES.—

"(1) CURRENT STATE OF SCIENCE STUDY.—

"(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

"(i) a description of the current state of the science relating to—

"(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

"(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

"(ii) recommendations for—

"(I) future research relating to diseases caused by exposure to—

"(aa) non-asbestiform minerals; and

"(bb) elongated mineral particles;

"(II) exposure assessment practice needs;

"(III) any new classification of naturally occurring elongated mineral particles; and

"(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

"(aa) non-asbestiform minerals; and

"(bb) elongated mineral particles.

"(B) COMPONENTS.—The report described in subparagraph (A) shall include—

"(i) peer-reviewed published literature;

"(ii) regulatory decisions; and

"(iii) information obtained from the National Institute for Occupational Safety Asbestos Research Roadmap.

"(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

"(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

"(i) to evaluate the known or potential mode of action and health effects of—

"(I) non-asbestiform minerals; and

"(II) elongated mineral particles; and

"(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

"(I) may cause any disease or health effect; or

"(II) does not cause any disease or health effect.

"(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

"(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

"(I) to exhibit resistence to dissolution and leaching; and

"(II) to induce other physical, chemical, and biological processes as a result of contact with—

"(aa) lung cells; and

"(bb) other cells and fluids in the human body connected to a disease;

"(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

"(I) may cause any disease or health effect, as determined by the Director, including—

"(aa) mesothelioma;

"(bb) any other form of cancer; and

"(cc) any other non-cancer form of disease; and

"(II) does not cause any disease or health effect; and

"(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(b) METHODOLOGY STUDY.—

"(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

"(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

"(B) to clarify the mechanism of action.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"SEC. 223. PUBLIC EDUCATION PROGRAM.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

"(1) to increase awareness of the dangers posed by—

"(A) products having asbestos-containing materials in homes and workplaces; and

"(B) asbestos-related diseases;

"(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

"(A) the dangers of asbestos exposure;

"(B) asbestos-related labeling information;

"(C) health effects of exposure to asbestos;

"(D) symptoms of asbestos exposure; and

"(E) available and developing treatments for asbestos-related diseases, including clinical trials;

"(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

"(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

"(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"Subtitle C—Prohibition on Asbestos-Containing Materials

"SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

"In this subtitle:

"(1) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

"(2) EXCLUSIONS.—The term 'distribute in commerce' does not include—

"(A) the possession of an asbestos-containing material by a person that is an end user; or

"(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

"SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

"(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

"(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

"(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

"(B) provide for implementation of subsections (b) and (c); and

"(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

"(b) EXEMPTIONS.—

"(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

"(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

"(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

"(i) does not present an unreasonable risk of injury to health or the environment; and

"(ii) may be substituted for an asbestos-containing material.

"(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

"(3) GOVERNMENTAL USE.—

"(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

"(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

"(I) use of the asbestos containing material is necessary to the critical functions of the Department;

"(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

"(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

"(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

"(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration;

"(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

"(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

"(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

"(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

"(B) REVIEW.—

"(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

"(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

"(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

"(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

"(c) DISPOSAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

"(2) EXEMPTION.—Nothing in paragraph (1)—

"(A) applies to asbestos-containing material that—

"(i) is no longer in the stream of commerce; or *"(ii) is in the possession of an end user; or*

"(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

"(d) COMPLIANCE TESTING.—

"(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

"(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

"(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

"(4) ANNUAL REPORT.—

"(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

"(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report for the annual testing period covered by the report available to the public.".

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end of the items relating to title II the following:

"Subtitle B—Asbestos-Containing Products

"Sec. 221. Definitions.

"Sec. 222. National Institute for Occupational Safety and Health report and study.

"Sec. 223. Public education program.

"Subtitle C—Prohibition on Asbestos-Containing Materials

"Sec. 231. Prohibition on asbestos-containing materials.".

SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

"(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

"(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

"(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

"(2) the Director of the National Institute for Occupational Safety and Health; and

"(3) the head of any other agency, as the Secretary determines to be appropriate.

"(c) ASBESTOS-RELATED DISEASE REGISTRY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

"(A) State cancer registries and other cancer registries;

"(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

"(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

"(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

"SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

"(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treatment network (referred to in this section as the 'Network') to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

"(b) INCLUSIONS.—The Network shall include— .

"(1) intramural research initiatives of the National Institutes of Health; and

"(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

"(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

"(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

"(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

"(B) have access to an appropriate population of patients with asbestos-related diseases; and

"(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

"(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

"(A) be chosen by the Director of NIH after competitive peer review;

"(B) conduct laboratory and clinical research, including clinical trials, relating to—

"(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

"(ii) early detection and prevention of asbestos-related diseases;

"(iii) palliation of asbestos-related disease symptoms; and

"(iv) pain management with respect to asbestos-related diseases;

"(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

"(i) to accommodate the maximum number of patients practicable; and

"(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

"(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

"(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common infomatics) with other entities included in—

"(i) the Network; and

"(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

"(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

"(A) the 1-year period beginning on the date of selection of the center; or

"(B) such longer period as the Director of NIH determines to be appropriate.

"(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to $1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

"SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

"(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

"(1) the Director of NIH;

"(2) the Director of the National Institute of Occupational Safety and Health; and

"(3) the head of any other agency, as the Secretary determines to be appropriate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.".

The amendment (No. 3257) was agreed to, as follows:

On page 24, strike lines 10 through 22.

On page 24, line 23, strike "(10)" and insert "(6)".

On page 25, strike lines 1 through 3.

On page 25, line 4, strike "(12)" and insert "(7)".

On page 25, line 7, strike "(13)" and insert "(8)".

On page 25, line 11, strike "(14)(A)" and insert "(9)(A)".

On page 25, line 20, strike "(15)" and insert "(10)".

On page 25, line 23, strike "(16)" and insert "(11)".

On page 26, line 1, strike "(17)" and insert "(12)".

On page 26, line 6, strike "(18)" and insert "(13)".

On page 26, line 10, strike "(19)" and insert "(14)".

On page 26, line 15, strike "(20)" and insert "(15)".

On page 26, line 19, strike "(21)" and insert "(16)".

On page 27, line 1, strike "(22)" and insert "(17)".

On page 27, line 6, strike "(23)" and insert "(18)".

On page 27, line 15, strike "(24)" and insert "(19)".

On page 27, line 17, strike "(25)" and insert "(20)".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 3258) was agreed to, as follows:

Amend the title so as to read: "To amend the Toxic Substances Control Act to reduce the health risks posed by asbetos-containing materials and products having asbestos-containing material, and for other purposes.".

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban Asbestos in America Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than $100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(7) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(8) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(9)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(10) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(11) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(12) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(13) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(14) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(15) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(16) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(17) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(18) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(19) asbestos was banned throughout the European Union in 2005; and

(20) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking ", or" and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) any material formerly classified as tremolite, including—

"(i) winchite asbestos; and

"(ii) richterite asbestos; and

"(H) any asbestiform amphibole mineral."; and

(3) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

"In this subtitle:

"(1) APPROPRIATE FEDERAL ENTITY.—The term 'appropriate Federal entity' means any appropriate Federal entity, as determined by the Director, including—

"(A) the Agency for Toxic Substances and Disease Registry;

"(B) the Department of Health and Human Services;

"(C) the Environmental Protection Agency;

"(D) the Mine Safety and Health Administration;

"(E) the National Institute of Standards and Technology;

"(F) the United States Geological Survey;

"(G) the National Institute of Environmental Health Sciences;

"(H) the National Institute for Occupational Safety and Health; and

"(I) the Occupational Health and Safety Administration.

"(2) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

"(3) ELONGATED MINERAL PARTICLE.—The term 'elongated mineral particle' means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

"(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term 'biopersistent elongated mineral particle' means an elongated mineral particle that—

"(A) occurs naturally in the environment; and

"(B) is similar to asbestos in—

"(i) resistance to dissolution;

"(ii) leaching; and

"(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

"(5) DIRECTOR.—The term 'Director' means the Director of the National Institute for Occupational Safety and Health.

"(6) PERSON.—The term 'person' means—

"(A) any individual;

"(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

"(C) any Federal, State, or local department, agency, or instrumentality; and

"(D) any interstate body.

"SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

"(a) STUDIES.—

"(1) CURRENT STATE OF SCIENCE STUDY.—

"(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

“(i) a description of the current state of the science relating to—

“(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

“(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

“(ii) recommendations for—

“(I) future research relating to diseases caused by exposure to—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles;

“(II) exposure assessment practice needs;

“(III) any new classification of naturally occurring elongated mineral particles; and

“(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles.

“(B) COMPONENTS.—The report described in subparagraph (A) shall include—

“(i) peer-reviewed published literature;

“(ii) regulatory decisions; and

“(iii) information obtained from the National Institute for Occupational Safety Asbestos Research Roadmap.

“(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

“(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

“(i) to evaluate the known or potential mode of action and health effects of—

“(I) non-asbestiform minerals; and

“(II) elongated mineral particles; and

“(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect; or

“(II) does not cause any disease or health effect.

“(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

“(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

“(I) to exhibit resistence to dissolution and leaching; and

“(II) to induce other physical, chemical, and biological processes as a result of contact with—.

“(aa) lung cells; and

“(bb) other cells and fluids in the human body connected to a disease;

“(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect, as determined by the Director, including—

“(aa) mesothelioma;

“(bb) any other form of cancer; and

“(cc) any other non-cancer form of disease; and

“(II) does not cause any disease or health effect; and

“(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

“(b) METHODOLOGY STUDY.—

“(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

“(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

“(B) to clarify the mechanism of action.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

“SEC. 223. PUBLIC EDUCATION PROGRAM.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

“(1) to increase awareness of the dangers posed by—

“(A) products having asbestos-containing materials in homes and workplaces; and

“(B) asbestos-related diseases;

“(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

“(A) the dangers of asbestos exposure;

“(B) asbestos-related labeling information;

“(C) health effects of exposure to asbestos;

“(D) symptoms of asbestos exposure; and

“(E) available and developing treatments for asbestos-related diseases, including clinical trials;

“(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

“(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

“(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“Subtitle C—Prohibition on Asbestos-Containing Materials

“SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

“In this subtitle:

“(1) IN GENERAL.—The term ‘distribute in commerce’ has the meaning given the term in section 3.

“(2) EXCLUSIONS.—The term ‘distribute in commerce’ does not include—

“(A) the possession of an asbestos-containing material by a person that is an end user; or

“(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

“SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

“(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

“(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

“(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

“(B) provide for implementation of subsections (b) and (c); and

“(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

“(b) EXEMPTIONS.—

“(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

“(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

“(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

“(i) does not present an unreasonable risk of injury to health or the environment; and

“(ii) may be substituted for an asbestos-containing material.

“(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

“(3) GOVERNMENTAL USE.—

“(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

“(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

“(I) use of the asbestos containing material is necessary to the critical functions of the Department;

“(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

“(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

“(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

“(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration;

“(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

“(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

“(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

“(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

“(B) REVIEW.—

“(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

“(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

“(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

“(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

“(c) DISPOSAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

“(2) EXEMPTION.—Nothing in paragraph (1)—

“(A) applies to asbestos-containing material that—

“(i) is no longer in the stream of commerce; or

“(ii) is in the possession of an end user; or

“(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

“(d) COMPLIANCE TESTING.—

“(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

“(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

“(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

“(4) ANNUAL REPORT.—

“(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

“(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report for the annual testing period covered by the report available to the public.”.

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

“Subtitle A—General Provisions”;

and

(2) by adding at the end of the items relating to title II the following:

“Subtitle B—Asbestos-Containing Products

“Sec. 221. Definitions.

“Sec. 222. National Institute for Occupational Safety and Health report and study.

“Sec. 223. Public education program.

“Subtitle C—Prohibition on Asbestos-Containing Materials

“Sec. 231. Prohibition on asbestos-containing materials.”.

SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

“(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

“(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

“(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

“(2) the Director of the National Institute for Occupational Safety and Health; and

“(3) the head of any other agency, as the Secretary determines to be appropriate.

“(c) ASBESTOS-RELATED DISEASE REGISTRY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

“(A) State cancer registries and other cancer registries;

“(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

“(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

“(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

“(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

“SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

“(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treatment network (referred to in this section as the ‘Network’) to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

“(b) INCLUSIONS.—The Network shall include—

“(1) intramural research initiatives of the National Institutes of Health; and

“(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

“(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

“(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

“(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

“(B) have access to an appropriate population of patients with asbestos-related diseases; and

“(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

“(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

“(A) be chosen by the Director of NIH after competitive peer review;

“(B) conduct laboratory and clinical research, including clinical trials, relating to—

“(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

“(ii) early detection and prevention of asbestos-related diseases;

“(iii) palliation of asbestos-related disease symptoms; and

“(iv) pain management with respect to asbestos-related diseases;

“(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

“(i) to accommodate the maximum number of patients practicable; and

“(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

“(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

“(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common infomatics) with other entities included in—

“(i) the Network; and

“(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

“(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

“(A) the 1-year period beginning on the date of selection of the center; or

“(B) such longer period as the Director of NIH determines to be appropriate.

"(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to $1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

"SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

"(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

"(1) the Director of NIH;

"(2) the Director of the National Institute of Occupational Safety and Health; and

"(3) the head of any other agency, as the Secretary determines to be appropriate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.".

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all of my colleagues in the Senate for taking a moment this afternoon to pass a very important piece of legislation. What the Senate did was pass the Ban Asbestos in America Act of 2007. This is a piece of legislation I have been working on now for almost 7 years.

When I heard about Americans and people who were dying from asbestos, I thought to myself, my gosh, I thought asbestos was banned many years ago. How can this be?

Well, the fact is asbestos has never been banned. In fact, today 2,500 metric tons of asbestos are being imported every year. It is in products such as hair dryers, ceiling tiles, it is in brake pads, and over 3,000 other products Americans are using and being exposed to every day.

I began, with Senator Paul Wellstone, 6 years ago to try and pass this legislation. Of course, I lost my friend Senator Wellstone in an airplane crash. I thought to myself: Wow, how am I ever going to get this out of the Senate without his passion?

Well, I was very fortunate because I found another partner who was just as passionate, and he is here with us today, Senator ISAKSON from Georgia, who took up this banner with me, who has worked this bill through every way possible, because he too looked in the eyes of those families who were losing loved ones, members of their families today, because asbestos was exposing them to deadly diseases, and they were dying of mesothelioma.

I could not have done it without him. I thank him from the bottom of my heart for working this bill through every nook and cranny, every difficult challenge we have had, every difficult sentence.

For anybody out there who thinks legislation passes without anybody looking at it, we can tell you that every "T" has been crossed, every "I" has been dotted, and this legislation, when it passes, is going to make a real difference in the lives of Americans.

I thank Senator BOXER, the chair of the EPW Committee, who, when she heard us working on this bill 7 or 8 months ago now, said: Senator MURRAY, Senator ISAKSON, this bill is in my jurisdiction. I am going to work with you to get it passed. She has worked every single day through all of the challenges we have had, to this moment now, and what a moment it is.

When I began this battle, I began it with 2 men I met who were dying of mesothelioma as a result of being exposed to asbestos: Fred Biekkola and Brian Harvey. I told them I would stand with them every step of the way until this bill was passed, sent to the President, and signed into law.

I lost both Brian and Fred, because they died of mesothelioma. But I have met many others along the way too. Today I stand here on the floor of the Senate and I tell everyone, when you believe in something, and you work hard, and you find good people to work with you, you can make a difference.

Because of the Freds and the Brians and the many other people I have met, and my great colleagues on the floor of the Senate, today we are making a difference. We are well on our way to banning the use of asbestos.

It goes now to the House. We are working to make sure the House gets this passed and to the President's desk. I can tell everyone in America, when that bill is signed, we will no longer be exposed to the importation and use of asbestos in this country. You can pick up your hair dryer, or know that the ceiling tiles you buy, or the brake pads that are in your car, or the mechanic who is exposed to it accidentally will no longer be exposed to it, and we will have made a major step forward in the health of all Americans.

I thank Senator ISAKSON, Senator BOXER, Senator INHOFE, all of the people who have worked with us. But as we all know, we are doing this because we want America to be a safer place. I thank everybody for this major step forward.

I yield to my colleague who has worked so hard with me on this.

Mr. ISAKSON. Mr. President, today this body will pass comprehensive, bipartisan legislation to permanently ban the production, manufacture, and distribution of asbestos, a deadly carcinogen that is still legally used in the United States.

It was my honor and pleasure to work with Senator MURRAY on this legislation. I have nothing but the highest regard for the Senior Senator from Washington State. The Senator and her staff have worked tirelessly on this issue for several years, and I am eager to continue to work with her to assure passage of this important legislation.

We also received invaluable cooperation and assistance from the Chair and Ranking Member of the Environment and Public Works Committee, Senators BOXER and INHOFE.

When inhaled, asbestos is known to cause diseases including mesothelioma, a cancer that occurs when malignant cells develop in the protective lining around the lungs. Despite this hazard, the substance is not banned.

The EPA initially proposed a ban of most asbestos-containing materials in the late 1970s. The rule was not finalized until 1989. Only 2 years later, however, the Fifth Circuit struck down the rule, finding that the EPA had "failed to muster substantial evidence" in support of the ban.

Today, the U.S. consumes about 2,000 tons of asbestos yearly, down from almost 800,000 tons consumed in the mid-1970s. Our bill will establish a permanent ban of asbestos that will be enforced by the Environmental Protection Agency.

The bill also mandates the most thorough Government study of asbestos to date. The study will ensure the best experts from the National Institute of Occupational Safety & Health, the National Academy of Sciences and the EPA examine all aspects of asbestos, including its natural properties, its geographic distribution across the United States, and its effects on the human body.

The bill also calls for a national mesothelioma registry and a public information campaign about the hazards of asbestos-containing materials.

For the few areas where asbestos is still used in the United States, this bill provides narrow exemptions or reasonable transitions to other alternatives.

This bill is the culmination of months of bipartisan work to find common ground on this issue. With a sweeping bill such as this one, many issues were difficult to resolve.

One difficult issue to resolve involved the treatment of nonasbestiform minerals. These so-called "cleavage fragments" are minerals that appear naturally and more abundantly than asbestos, are in land and dirt and are mined all across Georgia and in significant areas of the Nation. They are similar to asbestos in chemical makeup but differ significantly in structure and many other respects. The Federal Government has in the past through two decisions—one by OSHA, 1992 rulemaking, and one by CPSC, 1988 decision—spoken to the lack of health risk from nonasbestiform minerals, and many published, peer-reviewed studies confirm those findings.

Our bill makes no presumption as to the health effects of nonasbestiform minerals but rather enlists the Nation's best scientists to study nonasbestiform minerals and elongated mineral particles, a term that includes, but is not limited to, asbestos and other biopersistent elongated mineral particles. It will be important in these studies to both differentiate these minerals according to the asbestos-related health risks, and distinguish between these minerals as they are identified in the natural, mixed dust environment.

Asbestos, the path of its deadly health effects, the identification and differentiation of asbestos from other minerals especially in the natural, mixed dust environment, are all complex areas of science and it is time for the Federal Government to pool its expertise scattered among a half-dozen agencies, to better understand the risks and how to properly identify the fibers of risk.

Senator MURRAY is to be complimented for her skill in crafting a bill that provides what we intend to be a level playing field that will produce a better understanding of the why's and how's of life-threatening exposure to asbestos, how to accurately identify and measure it in the natural and mixed dust environments, and how to separate it from common everyday dirt and rocks critical to farming, homebuilding, construction and our everyday society.

Our bill provides for research by Government agencies including the world-renowned National Academy of Sciences, calling on their input into their input into the Federal studies, to assure peer review and consideration of the best science and studies available. It is essential that we bring the best science possible to bear on this most important issue.

Another difficult issue involved asbestos-based filters used in the production of chlorine. Our bill includes a reasonable compromise that protects the safety of the workers at these facilities and empowers the EPA to review the installations to ensure that the filters pose no unreasonable risk to workers.

Lastly, I want to commend the hard work of our staff on this issue. Specifically, Bill Kamela with Senator MURRAY, Mary Anne Dunlap with Senator INHOFE, Grant Cope with Senator BOXER, Ed Egee from my staff, and Colin Campbell with the Office of Legislative Counsel.

Banning asbestos is simply the right thing to do. This bill provides the framework for how this country must go about achieving this goal. I plan to work with my colleagues on both sides of the aisle to see it to the President's desk.

Mr. President, I thank the distinguished Senator from Washington, Mrs. MURRAY, for her kind remarks.

But I tell everyone in this Chamber and everyone who reads about this event, without her championing this issue over the last 7 years, it would not have happened. She has been a marvelous champion on behalf of those who have suffered from asbestos-related diseases, in particular mesothelioma.

I have watched her encounter countless hurdles on what is a very complex issue and a very complex piece of legislation. She has done a marvelous job. Her staff member Bill Kamela has been a tremendous help, as has my staff member Ed Egee. It would not have happened without the 2 of them.

As was mentioned by Senator MURRAY, Senator BOXER has been the real champion and given us the platform, the framework, and the latitude in the committee to work this through this day.

When I entered the Congress in 1999, I had the privilege of meeting a gentleman by the name of Bruce Vento, a Congressman from the State of Minnesota. I only got to know Bruce for a short period of time, because a couple of years later his life was taken by mesothelioma. That was my first experience with it. His wife Sue has been an advocate, in countless appearances before the Congress, working toward a ban on asbestos. Today in Washington, Renee Hansen from my State of Georgia, Watkinsville, who suffers from mesothelioma, is here today by chance advocating on behalf of those who suffer from that dreaded disease, and seeking the Congress of the United States to take the action this Senate has just taken.

This country started 37 years ago by banning asbestos. But through court cases, through regulatory rulings, the ban never took place. Although the use of it has been restricted, as was stated by Senator MURRAY, it is used in countless products. This bill puts an end to asbestos. In those narrow exceptions of national defense, the space program, and a chlorine filter in a contained filter system, those are grandfathered, but with a system where they go out of business as replacements that can substitute for them come in.

Instead of taking legislative descriptions, we took scientific evidence and declared scientific studies in the future to make the determinations to see to it that Americans are no longer exposed to life-threatening fibers known as asbestos.

It has been a privilege for me to work on many things in my legislative career, both back in Georgia and in the Congress, but I do not know that I have ever had a more rewarding experience than looking in the eyes of those whose families and lives who have been touched by mesothelioma, and tell them the Congress today is going to do something about banning asbestos and take the step that is long overdue.

I am very proud to have walked in that march with Senator MURRAY and with Senator BOXER. I thank Senator INHOFE and his staff for their cooperation, who in the end made all of this possible.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, before Senator BOXER speaks, I want to thank all of my staff who have been involved in this. I will insert their names in the RECORD. Bill, Crystal, Alex, in my press shop, Mike, Pete, previous staff members have put in countless hours on this. Without them we would never do this. I certainly know that working with Senator ISAKSON's staff and the staff from EPW and Senator BOXER's staff. It takes a lot of people to get something done. A tremendous amount of people have worked on this. I thank them. Because of their work, we are going to ban asbestos, we are going to dramatically expand research and treatment, and we are going to launch a public education campaign so all Americans understand how they can protect themselves from the deadly asbestos products that may be in their home.

With that, I thank our chairwoman.

The PRESIDING OFFICER. The Senator from California.

Mrs BOXER. Mr. President, I thank the Senator from Maryland for allowing us these few minutes to mark a very, I think, emotional moment for all of us and a very important moment for the health and the safety of the people of our Nation.

The work of Senator MURRAY, that of Senator Wellstone in the past, and that of Senator ISAKSON, cannot be overstated. Because when the book is written on how a bill becomes a law, what you learn is that on something that has just a hint of controversy to it, you have to go through so many hurdles and so many late-night meetings and so many hours, and that is why the staffs deserve so much credit. In the Environment and Public Works Committee, Bettina Poirier, Grant Cope, and Erik Olson are very important, and from the HELP Committee, Bill.

Let me say, many countries have banned asbestos. As Senator MURRAY said, if you would ask a person in the street: Is asbestos banned? They would say, yes. But there was a court case many years ago which overturned that ban. So we have seen a tremendous amount of asbestos in the workplace, in consumer products, and the like. We still have more work to do. We have to get this through the House. We think there are friends in the House, remembering the wonderful Congressman Vento whom Senator ISAKSON mentioned, in his memory.

Certainly we feel very good that the beloved Congressman will get this honor after his death. We want to say, his wife has been an extraordinary person in pushing this through.

Today Senators MURRAY and ISAKSON got a standing ovation from the men and women who are suffering either from mesothelioma or their families who were there representing them or some whose families are here, although their loved one has perished. In this press conference I read a poem written by a beautiful woman, a Californian who lost her husband, and her agony as she watched her husband literally disappear before her eyes. I met a woman today whose son died at age 33 from mesothelioma. They can't figure out exactly where the exposure came from. I saw his picture when he was 31, a vibrant, beautiful young man, his emaciated face, still handsome a couple years later, and then he was gone. This bill is so important, that we join the nations of the world who have already banned asbestos and say, there are moments here you feel proud of, you feel kind of proud of, you feel not so proud of. Today I am so proud of my colleagues. The day I learned I had jurisdiction over this matter in committee was a joyful day for me, because I knew we could pull it off because we had JOHNNY ISAKSON on the Republican side who would take the lead. We worked across party lines. And to PATTY MURRAY, I would say: There is a snag, call JOHNNY. And they would talk.

So we are here this day. It is emotional. It is a wonderful moment. I congratulate Senators MURRAY and ISAKSON. I am so proud I was in the right place at the right time to help them.

The PRESIDING OFFICER (Mr. WEBB). The majority leader.

Mr. REID. When I went to law school, I can only remember one woman in my law school class. I went to George Washington. It was a large class. Women didn't go to law school much in those days. A few years later, I took the bar. It was a small group of men studying for the bar in Nevada. There may have been a couple women, but that was it. When I came to the Senate, MIKULSKI was the woman. She still is. Since that time, we have had the good fortune of having a significant number of women elected to the Senate. Fortunately, most of them are on this side of the aisle. The Senate is a much better place because of women being here. The legal profession is a better profession now because of women being in it. Because as much as we joke about it, men and women are different. They think differently. I can testify to that as a result of having served in the Senate with a meager number of women and now with a significant number. The Senate would only be better if there were more women.

I extend my appreciation to PATTY MURRAY, a woman of great stature, somebody who has persevered on an issue that when she started it, she was alone. She stood up during our battles we had here in recent years on asbestos liability, with her eyes pointed toward one thing this country should do, and that is not allow the importation of asbestos. That now has happened.

BARBARA BOXER, a kind, thoughtful person she is, with a heart as big as anybody's heart in the Senate. I knew from the very beginning this was something she wanted to do as chairman of the Environment and Public Works Committee. It has been done.

JOHNNY ISAKSON is a conservative Republican from the State of Georgia. But he is a person who is mindful of the need to work together and get things done. I so admire his ability to work across party lines. As tenacious and hard working as these 2 women I have mentioned are, it couldn't have been done without Senator ISAKSON. This is a very important day.

I can remember so clearly Bruce Vento. Two examples, then I won't take any more time of Chairman MIKULSKI. I was a brand new House member, walking across Independence Avenue. He said: You should have a national park in Nevada. Because of him, we got a national park in Nevada. The Great Basin National Park is in Nevada. Bruce Vento pointed me in the right direction and that is what we did. The most significant legislation I have ever offered has been something in Nevada we call a negotiated settlement which involved two endangered species, two Indian tribes, 100-year water war between the States of California and Nevada. Wetlands had dried up from 100,000 acres to probably 1,000 putrid areas. It involved irrigation districts, the cities of Reno and Sparks.

Bruce Vento was on the floor in 1993, and by unanimous consent in the House worked his magic. It was late in the session, and it was the next to the last thing that passed that session. As happens over there late at night when they are trying to get things done, there was a lot of confusion going on, but he got it done.

This is a wonderful day for the American people. We will get this through the House and this will be signed by the President. I feel so happy that this is done for so many different reasons.

Mr. LEAHY. Mr. President, I commend Senator MURRAY for her efforts to end the use of asbestos in the United States. America should join the more than 40 other countries that have banned its use. This is an issue where the devastating health effects of asbestos far outweigh the economic benefits of its continued widespread use. It is surprising to me that there is any significant debate in light of what we know about the deadliness of this substance, and the tremendous suffering of so many Americans.

Nearly 10,000 people die each year from asbestos-related disease. Asbestos is among the most lethal substances ever to be widely used in the workplace. Between 1940 and 1980, more than 27.5 million workers were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods of time. We even know of family members who have suffered asbestos-related disease from washing the clothes of loved ones. The ravages of disease caused by asbestos have affected tens of thousands of American families. Given what we know about asbestos, we should not permit the immense suffering its use has caused to continue any longer.

Senator MURRAY's bill is a step in the right direction toward a more comprehensive solution to this problem. I am glad this bill contains provisions for increased research and education concerning asbestos. Preventing future exposure is a good thing, but we must do more to address the terrible suffering that continues in the United States and we owe it to those who have been affected to enact an effective system for their care and compensation.

Although I would have preferred to have retained the more extensive provisions contained in the comprehensive bipartisan bill then-Judiciary Committee Chairman SPECTER and I proposed in the 109th Congress, I believe that if enacted, this legislation will save many lives in the future. We owe it to all Americans to do everything we can to end the use of asbestos and to confront the terrible legacy this deadly substance has left behind.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Before my three colleagues who have accomplished this significant feat leave the floor, I, too, wish to salute them. Dear colleagues, what an emotional day. First, our good friend Senator Wellstone embarked on that with you, Senator MURRAY, many years ago. Paul is no longer with us. His legacy lives on. There is a saying I learned in Catholic girls school: exegi aani perrenius. I will build a monument in lasting bronze. And when one thinks about a monument to Paul Wellstone, the kind of wise guy he was, he wouldn't be a marble guy or want some bronze statue. He would want this as a memorial that others might live. As a Senator from Maryland, my State is a manufacturing State. In my shipyards, there was so much asbestos. To this day, the shipyard workers of Baltimore and Fairfield, Bethlehem Steel, people who built the liberty ships, the ones who helped win the battle of the North Atlantic, the ones who every day would go to work with their lunch pail, now go to the senior citizen meetings carrying an oxygen tank, and not only have they suffered but their spouses suffer. Most of the guys in those days would come home and they would wash their clothes and take care of them. The women were exposed to this as well. It is not only secondhand smoke, but it was secondhand asbestos.

For me today to know that when we talked about better things through chemistry, the answer was yes, but what we did without realizing it was subject our American citizens to such unbelievable pain. So for the guys at the shipyards, we say to Murray, to Boxer, and to Isakson: Anchors aweigh, my boys and girls, anchors aweigh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues and our floor staff on both sides of the aisle who helped us. They know that Senator ISAKSON and I dogged them every single day, every single minute of the way until we got this done. Without their help we couldn't be here either. I will end by saying I have looked in the eyes of too many people who have lost a loved one to a product that contained asbestos because they went to work and didn't know they were being exposed. To all of those people who have stuck with us and worked with us and fought with us—some of them are here in the Senate with us today—we wouldn't be here without you and your passion. Because of that, we are changing the world to a better place.

I thank the Chair.

DEPARTMENTS OF COMMERCE AND JUSTICE AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

Ms. MIKULSKI. Let me tell you where we are right now, because the pending amendment is the Mikulski-Hutchison-Shelby-Nelson, et al. amendment on expanding funding for NASA. We also understand the Senator from Oklahoma, Mr. COBURN, intends to come over rather shortly to offer his amendment. We have had a lot of talk, a little bit in morning business, but we are making great progress. We invite all who might either want to speak on our amendment or in opposition to the NASA amendment, please come to the floor now because we will be moving toward a vote. We are also waiting for the Senator from Oklahoma to come.

I know a lot of time has been used with morning business, but at the same time we are making a great deal of progress behind the scenes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent for a few minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE TRADE

Mr. SANDERS. Let me congratulate Senator MURRAY, Senator BOXER, and Senator ISAKSON for their very important work on this asbestos issue.

What I wish to focus on is a front-page story that appeared in the Wall Street Journal. The headline reads: "Republicans Grow Skeptical on Free Trade." What it says is:

> The new Wall Street Journal/NBC poll posed two statements to voters. The first was, "Foreign trade has been good for the U.S. economy because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers."
>
> The second statement was, "Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products."
>
> Asked which statement came closer to their own view, 59 percent of Republicans named the second statement, while 32 percent pointed to the first.

Back to the headline, "Republicans Grow Skeptical On Free Trade." That is the Republicans.

In terms of the Democrats, earlier in the article:

> Other leading Democrats have been harshly critical of trade expansion, pleasing their party's labor union backers. In a March 2007 WSJ/NBC poll, before recent scandals involving tainted imports, 54 percent of Democratic voters said free-trade agreements have hurt the U.S., compared with 21 percent who said they have helped.

So what do we have? We have the overwhelming percentage of Republicans who are now telling us that unfettered free trade is not working for American workers.

We have the overwhelming percentage of Democratic supporters telling us free trade has not been working for the American people. Yet despite those numbers, and a growing consensus among working families in this country, what we continue to see is people in the White House, people in the Senate and the House who keep telling us how great free trade is.

Well, let me be very clear. Free trade is very good for the large multinational corporations who can throw American workers out on the street, move abroad to China and other low-wage countries, hire people there for pennies an hour, and bring their products back into this country. For those people, we concede—for the CEOs of large corporations—unfettered free trade has been a very good thing. But for the middle-class and working families of this country, for working families and poor people in Mexico and in other low-wage countries, unfettered free trade has been an unmitigated disaster.

Now, there are a lot of reasons the middle class in America is shrinking. There are a lot of reasons nearly 5 million Americans have slipped into poverty since George Bush has become President. There are a number of reasons. Certainly, one of the processes by which we as a Nation are engaged in a race to the bottom has been the unfettered free-trade agreements negotiated by the President of the United States and passed by the Congress. And by that I mean NAFTA. I mean permanent normal trade relations with China.

The reality of those trade agreements, plus other economic decisions being made by the U.S. Government, is not just that poverty is increasing, it is that median income for working-age families has declined by about $2,400 since the year 2000. It is that personal savings rates in this country are below zero, and have been below zero for eight consecutive quarters—something that has not happened since the Great Depression.

Unfettered free trade has a lot to do with the fact that over 8 million Americans have lost their health insurance since 2000, and we are now up to 47 million Americans without any health insurance.

Hunger in America is growing. The cost of college education is becoming harder and harder for middle-class families to afford. It is interesting to note that a few months ago, in a poll done by, again, the Wall Street Journal, more than two-thirds of the American people believe the U.S. economy is either in a recession now or will be in a recession next year. That is a poll from August done by Wall Street Journal/NBC News.

In my view, it is imperative that our country trade. Nobody I know of believes we should place a wall around this country. Trade is a good thing. But what we must begin doing is negotiating fair trade agreements that reflect the interests of working families in America, working families in other countries, and not just large multinational corporations and the CEOs who help write these trade agreements.

I just returned the weekend before last from a trip to Costa Rica, where I witnessed something that was really quite extraordinary. Costa Rica will be the first country in the entire world to actually have a referendum to vote up or down whether they want to enter these CAFTA agreements. I have no idea who is going to win that referendum. It looks as if it is going to be very close.

But on one side you have all of the moneyed interests. What I heard is, the "yeses," the people who want that free-trade agreement, CAFTA, are spending 100 times more than the people who are in opposition. You have a media which is almost universally supportive in Costa Rica of this CAFTA agreement.

On the other side you have students, you have environmentalists, you have trade unionists, you have environmentalists, you have an extraordinary grassroots movement such that in a nation of fewer than 4 million people, a week ago, 150,000 people came out in a rally—150,000 in a nation of less than 4 million people—to express their opposition to the CAFTA agreement.

We have—especially with the fact that fast track is no longer in existence—the opportunity as a Congress to begin rethinking our trade policies, to create trade policies which create good jobs in the United States and good jobs in the countries of our trading partners, policies which benefit all of the people and not just the people on top.

So I conclude by saying, if some of my Republican friends think it is just progressives or people who are concerned about the needs of working people on this side who are concerned about trade, I suggest you go to the Wall Street Journal today, and what you will find is the vast majority of Republicans now have serious concerns about our current trade policies because they see those trade policies as being harmful to the middle class and working families of this country.

Mr. President, I ask unanimous consent that the poll from the Wall Street Journal be printed in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 4, 2007]

REPUBLICANS GROW SKEPTICAL ON FREE TRADE

(By John Harwood)

WASHINGTON.—By a nearly two-to-one margin, Republican voters believe free trade is bad for the U.S. economy, a shift in opinion that mirrors Democratic views and suggests trade deals could face high hurdles under a new president.

The sign of broadening resistance to globalization came in a new Wall Street Journal-NBC News Poll that showed a fraying of Republican Party orthodoxy on the economy. While 60% of respondents said they want the next president and Congress to continue cutting taxes, 32% said it's time for some tax increases on the wealthiest Americans to reduce the budget deficit and pay for health care.

Six in 10 Republicans in the poll agreed with a statement that free trade has been bad for the U.S. and said they would agree with a Republican candidate who favored tougher regulations to limit foreign imports. That represents a challenge for Republican candidates who generally echo Mr. Bush's calls for continued trade expansion, and reflects a substantial shift in sentiment from eight years ago.

"It's a lot harder to sell the free-trade message to Republicans," said Republican pollster Neil Newhouse, who conducts the Journal/NBC poll with Democratic counterpart Peter Hart. The poll comes ahead of the Oct. 9 Republican presidential debate in Michigan sponsored by the Journal and the CNBC and MSNBC television networks.

The leading Republican candidates are still trying to promote free trade. "Our philosophy has to be not how many protectionist measures can we put in place, but how do we invent new things to sell" abroad, former New York City Mayor Rudy Giuliani said in a recent interview. "That's the view of the future. What [protectionists] are trying to do is lock in the inadequacies of the past."

Such a stance is sure to face a challenge in the 2008 general election. Though President Bill Clinton famously steered the Democratic Party toward a less-protectionist bent and promoted the North American Free Trade Agreement, his wife and the current Democratic front-runner, Hillary Rodham Clinton, has adopted more skeptical rhetoric. Mrs. Clinton has come out against a U.S. trade deal with South Korea.

Other leading Democrats have been harshly critical of trade expansion, pleasing their party's labor union backers. In a March 2007 WSJ/NBC poll, before recent scandals involving tainted imports, 54% of Democratic voters said free-trade agreements have hurt the U.S., compared with 21% who said they have helped.

While rank-and-file Democrats have long blasted the impact of trade on American jobs, slipping support among Republicans represents a fresh warning sign for freemarket conservatives and American companies such as manufacturers and financial firms that benefit from markets opening abroad.

With voters provoked for years by such figures as Pat Buchanan and Ross Perot, "there's been a steady erosion in Republican support for free trade," says former Rep. Vin Weber, now an adviser to Republican presidential candidate Mitt Romney.

One fresh indication of the party's ideological crosswinds: Presidential candidate Ron Paul of Texas, who opposes the Iraq war and calls free-trade deals "a threat to our independence as a nation," announced yesterday that he raised $5 million in third-quarter donations. That nearly matches what one-time front-runner John McCain is expected to report.

In a December 1999 Wall Street Journal-NBC poll, 37% of Republicans said trade deals had helped the U.S. and 31% said they had hurt, while 26% said they made no difference.

The new poll asked a broader but similar question. It posed two statements to voters. The first was, "Foreign trade has been good for the U.S. economy, because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers."

The second was, "Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products."

Asked which statement came closer to their own view, 59% of Republicans named the second statement, while 32% pointed to the first.

ROCKY OUTLOOK

Such sentiment suggests a rocky outlook for trade expansion. Early in his term, Mr. Bush successfully promoted a number of new free-trade pacts, but the efforts have stalled, particularly after Democrats took control of Congress last November.

Even relatively small deals are facing resistance. While trade pacts with Peru and Panama have a strong chance of passing in the current congressional term, deals with South Korea and Colombia are in serious jeopardy. Some legislators believe South Korea isn't opening its market wide enough to American beef and autos.

'FAST TRACK'

Presidential "fast track" trade negotiating authority has lapsed. Without such authority, which requires Congress to take a single up-or-down vote on trade deals, the next president would have trouble pursuing large trade agreements, particularly the stalled global Doha Round.

Julie Kowal, 40 years old, who works in a medical lab and is raising five children in Omaha, Neb., said she worries that Midwestern producers face obstacles selling beef and autos abroad. "We give a lot more than we get," she said. "There's got to be a point where we say, 'Wait a minute.'"

Beyond trade, Republicans appear to be seeking a move away from the president. Asked in general terms, a 48% plurality of Republicans said the next president should "take a different approach" from Mr. Bush, while 38% wanted to continue on his path.

In the poll, Mr. Giuliani maintained his lead in the Republican field with support from 30% of respondents. Former Sen. Fred Thompson drew 23% in the survey, to 15% for Sen. John McCain, 10% for Mr. Romney and 4% for former Arkansas Gov. Mike Huckabee. The telephone survey of 606 Republican voters, conducted Sept. 28–30, has a margin of error of four percentage points.

A clear majority of Republicans want more tax cuts, but among Republicans who identify themselves as moderate or liberal—about one-third of the party's primary voters—a 48% plurality favored some tax increase to fund health care and other priorities.

In part, the concern about trade reflected in the survey reflects the changing composition of the Republican electorate as social conservatives have grown in influence. In questions about a series of candidate stances, the only one drawing strong agreement from a majority of Republicans was opposition to abortion rights.

Post-911 security concerns have also displaced some of the traditional economic concerns of the Republican Party that Ronald Reagan reshaped a generation ago. Asked which issues will be most important in determining their vote, a 32% plurality cited national defense, while 25% cited domestic issues such as education and health care, and 23% cited moral issues. Ranking last, identified by just 17%, were economic issues such as taxes and trade.

John Pirtle, a 40-year-old Defense Department employee in Grand Rapids, Mich., said he drifted toward the Republican Party in large part because of his opposition to abortion, but doesn't agree with the free-trade views of leading candidates.

"We're seeing a lot of jobs farmed out," said Mr. Pirtle, whose father works for General Motors Corp. Rankled by reports of safety problems with Chinese imports, he added, "The stuff we are getting, looking at all the recalls, to be quite honest, it's junk."

BUSH'S VETO

Mr. Bush lately has sought to elevate the importance of economic issues. Yesterday he vetoed a bill passed by Congress that would expand funding for a children's-health program by $35 billion over five years. He slammed what he described as the Democrats' tax-and-spend approach during a speech in Lancaster, Pa.

Economic advisers to Republican presidential hopefuls acknowledge the safety scandals have made defending free trade more difficult. "Americans are right to be angered at companies that take shortcuts" in importing goods, said Larry Lindsey, once the top economic aide in the Bush White House and now an adviser to Mr. Thompson's presidential bid. "The next president has to promote free trade by playing hardball, and to be seen doing so."

In the Republican campaign so far, elevating populist trade concerns has been left to the long shots. "The most important thing a president needs to do is to make it clear that we're not going to continue to see jobs shipped overseas. . . . and then watch as a CEO takes a $100 million bonus," Mr. Huckabee said at a debate earlier this year. "If Republicans don't stop it, we don't deserve to win in 2008."

Mr. SANDERS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3250

Ms. MIKULSKI. Mr. President, to those who might be watching the actions of the Senate in either the gallery or on C-SPAN—because we do function in an open and transparent way—they might wonder: What is going on there? Well, I will tell you what is going on. We are debating the appropriations subcommittee report that funds all of the Commerce, all Justice, and good, significant aspects of America's science programs—the National Science Foundation, the space agency, the agency that does research on oceans.

In the course of debating this appropriations bill, there have been others who have asked to speak on other matters. When you see the Chamber is empty, what we are doing is clearing amendments offered by our colleagues. We are waiting for another colleague to come to offer an appropriations amendment. For us, we are trying to make sure America remains premier in space.

I will reiterate, the Mikulski-Shelby-Hutchinson-Bill Nelson-Mel Martinez bipartisan amendment is to restore the funding that it took when the Columbia accident occurred to return our astronauts to space safely and swiftly.

I will elaborate on that later, but I note the Senator from Rhode Island is here, who also wishes to speak on the amendment, as does the Senator from Louisiana.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I am here today to speak on the Commerce, Justice, and Science appropriations bill, and I begin by thanking the chairman of the committee, Senator MIKULSKI, and the ranking member, Senator SHELBY, for an extraordinarily well-crafted appropriations bill which responds to the needs of the country and responds particularly to those areas which were neglected in the initial submission by the President.

This bill will protect our citizens and support law enforcement, which is a critical aspect of our engagement to provide security and safety for all of our citizens. It will strengthen America's competitiveness in the global economy. And it will also go a long way to begin to properly husband and conserve our oceans and coastal communities.

Once again, let me commend Senator MIKULSKI and Senator SHELBY for a job well done. I hope as we go forward the President will work with the Senate and the House to enact this legislation, to sign it, to fund it appropriately, and to continue to strengthen our country in so many different ways.

This bill will restore $1.5 billion in funding cuts to State and local law enforcement programs. We have seen, shockingly in my mind, an increase in the statistics of violent crime in this country. That tears at the fabric of every community in America. We need these funds. I am pleased to see the chairman and ranking member respond to that need by providing additional resources.

Since 2001, budgets for these law enforcement programs have been decimated, and many in law enforcement believe these cuts have contributed to this very rise in violent crime. To reverse this troubling trend, the bill provides $2.66 billion in funding for the Office of Justice programs, which includes Justice assistance, State and local law enforcement assistance, community-oriented policing services, and juvenile justice programs.

The $550 million for the COPS Program will help local law enforcement agencies combat crime and respond to terrorist threats. There is another dimension. When we enacted the COPS Program years ago, we were thinking of law enforcement at the local level simply being an agent to stop those perpetrators of crime. Now we have to deal, and they have to deal, with terrorists, and they have to be prepared to do that.

In Rhode Island, the COPS Program has provided nearly $30 million in Federal funding and helped over 395 police officers—it has helped that many—since its inception. We would have literally hundreds of police officers absent from their place on the streets of Rhode Island if this program had not been adopted, and if this bill does not continue to support it. I have been pleased to be a cosponsor of Senator BIDEN's amendment, which I think was one of the foundations of the proposal we see today in the appropriations bill.

This bill also provides $7.35 billion for the Department of Commerce. This is a diverse agency. It has a significant impact in Rhode Island. It supports, in Rhode Island, ocean exploration. We have the University of Rhode Island School of Oceanography, which is one of the best in the country, and it depends significantly on support from NOAA and the Department of Commerce. Coastal protection: We are the "Ocean State." We have, per area, the longest coastline of any State in the country. We have a fisheries program. We are an active fishing state, and we need that help and support.

I am excited about the opportunities, particularly for increased research with respect to our oceans. Oceans, through fishing, through transport, through recreation, contribute an estimated $120 billion a year to our economy, and they support over 2 million jobs. Yet we do very little to research the ocean. We do little to stimulate aquaculture, commercial fishing, tourism—all of these things which are huge economic drivers to our economy in Rhode Island and in many parts of the country. This bill will begin to pick up the pace when it comes to supporting these important endeavors.

There is a Joint Oceans Commission that has been charged with looking at oceans policy, and they have given our country a grade. In 2006, it was a C-minus. It was a little bit better than 2005—that was a D-plus—but we want to get A's when it comes to ocean policy. That means supporting this legislation and putting the money in to help NOAA particularly. This bill provides $4.2 billion for the National Ocean and Atmospheric Administration, including $795 million to fund the Joint Ocean Commission's recommendations for ocean research, education, observation, and exploration.

Let me commend again Senator MIKULSKI and Senator SHELBY for making this a part of this important legislation. The world is basically covered by ocean. We spend a very small fraction on ocean research relative to major research programs for the atmosphere, for space. We have to start looking within the oceans, not only for scientific answers but for commercial opportunity.

The bill also strengthens U.S. innovation and competitiveness. Following the recommendations of the National Academy of Science's report "Rising Above the Gathering Storm," the bill invests in research and technology that will pay dividends for our future. Specifically, the bill provides over $5.1 billion for basic research through the National Science Foundation, including $117.5 million for the Experimental Program to Stimulate Competitive Research—the EPSCoR Program. This EPSCoR Program has been very critical in my home State of Rhode Island. It has provided a partnership between the Federal Government, academic agencies, schools, universities, and State government to stimulate research. It is a valuable catalyst for research going forward.

Now, with more than 50 percent of NSF's funding going to seven States, this EPSCoR Program makes sure that the other States—the other 43 States—get a little attention and a little cooperation and a little support. It is incredibly important to Rhode Island, and I particularly thank the chairman and the ranking member for their support.

Let me mention something else about NSF funding, something else about research funding. It is not just the foregone experiment, the foregone program research; without robust funding for the National Science Foundation and other areas of academic endeavor, we are losing a whole generation of researchers, of academics.

I went to the laboratory at Brown University, the neuroscience lab—terribly sophisticated, doing remarkably good work. I talked to a young researcher, a Ph.D., a woman in her early thirties. She said not only did she need additional support, but she looked back at her class of Yale graduates, Ph.D. scientists, and she is the only one of about seven of those Ph.D.s from Yale who has the money to do the research. She pointed out that if you don't get that money at 30 years old to do this fundamental research and establish yourself, you will not get tenured at 39, and as a result, you quickly decide you are leaving the field. You can go to a pharmaceutical company; you can go to an investment bank and use your skills in terms of analyzing portfolios and investments. You won't be doing basic research, expanding the knowledge, teaching other scientists and other young students. That is what is so critical about this, in addition to simply making sure we continue to do the research, and I thank my colleagues for their support.

Let me also mention another program, and that is the manufacturing extension program. All of my colleagues, without exception—and I include myself—come to the floor and talk about the decline of American manufacturing, the fact that we used to have, particularly up my way in the Northeast, communities that revolved around manufacturing plants at every corner. Growing up in Rhode Island, when you drove through communities such as Pawtucket in the 1950s on a Saturday, all you could hear was click, click, click. Those machines were working overtime. There was no air-conditioning; the windows were open until 11 o'clock at night. It is silent there now. We are losing manufacturing.

This manufacturing extension program is the only real money we put in to directly aid manufacturing. It gives them new techniques, new technology. It gives them suggestions about how they can be competitive on a global basis. It helps the small manufacturer. It is critical. It is the last support for many of these individual companies, the last support they get to face a very competitive world. I again appreciate so much how this money has been included in this appropriation.

This bill also provided $283 million to the Economic Development Administration. EDA is one of those critical agencies of the Federal Government that will allow local communities to fulfill their plans for local economic development. We have used this program repeatedly to jump-start progress at the local level. They have gone in and they have funded, and they have a rather wide mandate that they can justify as economic development, but they have funded programs that have allowed investments by States and cities and private entities to really give us a leg up in terms of providing employment, providing new economic opportunities for my communities in Rhode Island. Again, it is a very valuable agency.

Of this funding, $15 million is for trade adjustment assistance for firms, and this is targeted to medium-sized manufacturers and agricultural companies that experienced loss from foreign imports.

Again, related to the struggle of our manufacturing companies, we are seeing so much that used to be produced in America is now imported, and what is lost in the balance is many jobs, and this money will help, at least a bit, to ease that transition. It allows people really to retool themselves for a new economy. It gets them off the unemployment rolls more quickly than otherwise and gives them something more important than just a check; it gives them new hope. For many of my constituents, it is particularly distressing when you reach midlife, you have worked very hard, you got out of high school in the 1960s and thought you could have a whole career based on a high school diploma, and guess what. Now the company is gone. You have to have new skills. Where are you going to turn? This helps these individuals, not just with the monetary compensation, not just with a little bit of assistance, but with a new hope that they can get on with their lives. It is very important.

So much of this bill is commendable, and it is the work of not only the hands but the hearts of both Senator MIKULSKI and Senator SHELBY that have made this such a worthwhile piece of legislation. I am proud to support it. I hope we can move it forward quickly, and I hope the President will sign it. I believe it will be a victory for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me associate myself with the remarks of my colleague, the Senator from Rhode Island. He has raised several important initiatives: the ocean initiative, basic research and development, the disparity between some of our research dollars to a few universities and leaving out so many other good and fine universities, and many of those universities in the South. It has been a program where I have supported more equitable funding. We are proud of our southern universities. I know the Senator from Alabama most certainly is. That is one way his bill, along with the Senator from Maryland, is helping many of our universities.

I rise today to give support to the amendment that is under consideration now, the $1 billion amendment to add funding to the NASA budget. When people think about New Orleans and Louisiana, they think about good food and Mardi Gras and fishing and maybe even wetlands and other things, but they might not think of space and space programs and high tech, but we are all of the above.

In New Orleans east, particularly, there is a great national asset called Michoud, which has been there since 1961, which has done some of the basic research and manufacturing for the space program, which also has parts, of course, in Texas and in Houston, in Huntsville, AL, where I have had the pleasure of visiting, in parts of Florida and along the gulf coast of Mississippi. Senator MIKULSKI honored me and honored our State by coming to visit the Michoud facility several years ago and walked through—actually, I think we might have skated or rode carts through.

Ms. MIKULSKI. If the Senator will yield, I have been on thin ice, but I didn't skate.

Ms. LANDRIEU. The Senator was not on skates—strike it from the record—but we were on carts, and some people were on bicycles because this facility is so large. It is 43 acres under roof, air-conditioned, employing 4,000 people, committed to our space program.

Right down the road in our neighboring State of Mississippi, there are another 4,000 people employed at the Stennis Space Center—of course, named after our former colleague, Senator Stennis himself.

But the reason I bring this up is not only because this is important to Louisiana and to the gulf coast area of Mississippi and to the State of Alabama, our sister States, but it is important to the Nation. When the Columbia accident happened, as the leaders have so eloquently said, NASA had to scramble and take a lot of money from other parts of its budget to cover the battle back to space, to support back-to-flight missions. We have not ever reimbursed them appropriately for that. Their program is quite challenged because of it. So that is why this amendment is so important. It is a great boost to the rebuilding of our region.

Let me say, for the employees at Michoud, they have been back at work even though they had no houses in which to live. They were back at work building levees around this facility even though there was water all around. They kept this program and this building open and operating, and there was not a stop, even during some of the worst parts of this storm. That is how committed this workforce is to this program.

So I want to support this amendment. I thank the Senator for her leadership, and I am proud to be a cosponsor of the $1 billion amendment to add much needed revenue to the NASA budget. Again, I am very proud of this work in New Orleans Parish, in St. Tammany Parish, as well as along the gulf coast of Mississippi.

If I might, before I yield the floor, also thank the leaders of this committee for already approving an amendment I offered, and it has been accepted by voice earlier today. It is a small amendment, but I actually think it can help in a very timely situation in the country right now.

As my colleagues are aware, we have had a terrible series of events in Louisiana commonly referred to as the Jena 6. There have been many allegations made on all sides about events that occurred on and off the school grounds in Jena, LA, a small town I represent.

Looking into the situation and talking with many people involved, it came to my attention that there were really very little resources that the Federal Government had to bring to bear early on that could have potentially avoided some of the conflict that occurred, some of the attention that rose up about these incidents.

The more I looked into it, the more I became concerned because I found out that the Community Relations Service does exist within the Department of Justice. The service's mission, when appropriate, is to serve as a mediator during and after periods of racial tension in our country. This was created some years ago. I read its mission and its statement, and it seems as if that would be a very good way for us to spend a very small portion of money that is allocated to help because, of course, the American dream is for all of us from different races to be able to live and work together and to prosper. It has not really been done in any other country as well as it is being done here in the course of human history, so it is something we should be proud of, although we do have problems. But we need all parts of our Government coming forward and committing to making this happen.

It occurred to me—and I learned—that this is a very excellent service. The problem was, there were only three people employed in the service for the 31 million people who live in New Mexico, Texas, Louisiana, and the 2 other States in our region. So it occurred to me that it might be a good use of taxpayer money to add some money to this Community Relations Service, specifically directing some of the new hires to this region, to keep money in the field—not here in Washington but pushed out into the field so when these incidents happen, maybe a well, trained mediator from the field could show up, work with the community leaders, work with the attorneys general, maybe work with some local elected officials, and prevent some of the harsh things that were said and done over the course of this time.

This is in no way saying who was right and who was wrong. I think it is a very good service that our Justice Department could do. I was pleased to offer this amendment. I understand it has been accepted. It will be most certainly a help to us as we try to reconcile and heal this community, Jena and LaSalle Parish in Louisiana, and bring the community back together after a series of very unfortunate events.

Finally, let me say I thank the Chair, and I can either call up now—or it can be accepted later—another amendment regarding the COPS Program, which will help some of the disaster areas that are still struggling with law enforcement challenges. If it is appropriate, I think both sides have cleared this amendment No. 3223.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, there is no objection to this amendment.

AMENDMENT NO. 3223

Ms. LANDRIEU. Mr. President, I call up amendment No. 3223 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3223.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To waive certain matching requirements for counties and parishes in which the President declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005)

On page 57, line 23, after "Office:" insert the following: "*Provided further*, That the Attorney General shall waive in whole the matching requirement under section 1701(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant recipient located in a county or parish in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005:".

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. There is no objection to the Senator's amendment on either side of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3223) was agreed to.

Ms. LANDRIEU. Mr. President, I thank the leaders for their work on this bill and for continuing to support NASA, as we clean up our criminal justice system and bring some reconciliation to Jena and LaSalle Parish.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank the Senators for the cooperative way in which they have worked with us. I also wish to comment on Senator LANDRIEU's amendment that was accepted, which eliminated a copay for a matching portion for the COPS Program in areas that don't have the money to match. It is a smart thing that we are doing. It is right. It will come to an end at some time, but until they get back on their feet, we ought to do it.

I wished to spend a few minutes talking about the bill overall. I think even though the chairwoman and ranking member have done a great job with the bill in terms of priorities, I am concerned at the overall spending level, and I think the administration probably will be too. Inflation, last year, was less than 3 percent. In title I, the Commerce portion of the bill, it grows by 13.88 percent, which is 4½ times the rate of inflation. In title II, the Justice portion, it grows 6.1 percent, which is over two times the rate of inflation. In title III of the bill, in the Science portion, it grows by 8.1 percent over last year's actual appropriation, which is almost three times what the rate of inflation was.

That probably would not be a problem if we didn't borrow $454 billion from our kids last year. It would not be a problem if everybody else had an 18-percent or 13-percent or a 10-percent increase. But the fact that this bill has grown this much says we are going to go down the road again of borrowing additional money.

This is a rationalization, and I admit it. What we are doing is funding this increase this year on the backs of our grandchildren, because if it goes through this way and coming out of conference, and if the President signs it, the increase in spending for the Commerce, Justice, and State Departments will come on the back of future payments of debt for our kids.

The contrast I wish to show is that the average family's income rose less than 4 percent last year. Their taxes aren't going to rise much more than 4 percent, but the taxes on their grandkids are going to rise disproportionately more than that, probably 12 or 13 percent, because we cannot get hold of this Government. That is no reflection on the leaders of this committee. They are given a number, and they have requests out the kazoo from individual members. They have programs that need to be funded, which is very different than the administration. I didn't compare it to the administration's request. I compared it to what we approved last year.

I think it behooves us to look at the overall growth in this bill, and if you applied it to the rest of Government, we grew the Government by about $700 billion this year. We cannot do that. We cannot do it. So I have asked for a recorded vote on the bill because I want to be recorded as voting against this appropriations bill—not because it is not important to fund these items but because we cannot continue to have these kinds of increases in funding when we have grown the Government by 62 percent over the last 7½ years. That does not count Medicare and Medicaid spending. So I wanted to make that point.

I have a couple of amendments, again, which are directed at directed spending—what we call earmarks. The programs are not bad programs—the very things I am going to outline that I think we ought to transfer money from to something else. But I think people will have a tough time justifying spending on these programs, these directed earmarks, when we should not be spending as much as we are and could be spending it on something that would give us better value for the dollars we spend.

I ask unanimous consent to bring up amendment No. 3243 and make it pending.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, as I said to the Senator, the Senator has every right to bring that amendment up. We are looking at it and trying to come up with a UC. Maybe we can get to your two amendments and we can vote back to back.

Mr. COBURN. I am absolutely fine with that. I will take no more than probably 25 minutes on both of these amendments. I ask unanimous consent that I be given 25 minutes to cover both of the amendments, reserving the remainder of the time if I don't use it, and allowing any opposition the same amount of time, and I will probably not consume that amount of time.

Ms. MIKULSKI. If the Senator will withhold, I am still reserving the right to object while I get clarification. Rather than doing it this way and knowing we are in alignment, can we have a quorum call?

Mr. COBURN. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3243

Mr. COBURN. Mr. President, I now ask unanimous consent to call up amendment number 3243.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3243.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide $1,680,000 to investigate and prosecute unsolved civil rights crimes in a fiscally responsible manner by prioritizing spending)

At the appropriate place, add the following:

SEC. ____. (a) FINDINGS.—The Senate finds the following:

(1) In February 2006, the United States Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center, and the National Urban League to investigate unsolved crimes from the civil rights era.

(2) Attorney General Alberto Gonzales has pledged that "The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice.".

(3) In February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.

(4) The Bureau's 56 field offices have been directed to reexamine their unsolved civil rights cases and determine which ones could still be viable for prosecution.

(5) The FBI has partnered with a number of State and local authorities, civic organizations, and community leaders to reexamine old files.

(6) Since the initiative began, the FBI has received nearly 100 such referrals.

(7) The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.

(8) The United States national debt is nearly $9,000,000,000,000.

(9) Rather than adding to this debt, Congress should offset any new spending from lower priority spending.

(10) Bringing justice to those who have committed ghastly civil rights crimes in a fiscally responsible manner that does not add to the United States national debt should be a higher priority for Congress than funding parochial pork barrel projects.

(b) INCREASED APPROPRIATIONS.—Amounts provided in this Act for the Civil Rights Division within the Department of Justice are increased by $1,680,000 for the prosecution of civil rights crimes.

(c) DECREASED APPROPRIATIONS.—Appropriations in this Act for the following accounts are decreased by the amount indicated:

(1) Ocean, Coastal, and Great Lakes research by $450,000.

(2) Ocean and Coastal Management, National Ocean Service, by $500,000.

(3) Local Warnings and Forecasts, National Weather Service, by $300,000.

(4) National Aeronautics and Space Administration by $800,000.

(5) Education Program, NOAA, by $500,000.

(d) PROHIBITION ON FUNDING.—Notwithstanding any other provision of this Act, there shall be no funding for fiscal year 2008 for the following:

(1) Advanced Undersea Vehicle, Mystic Aquarium-Institute for Exploration, Mystic, Connecticut.

(2) Maritime Museum, City of Mobile, Alabama.

(3) Eye-On-The-Sky, Fairbanks Museum and Planetarium, St. Johnsbury, Vermont.

(4) Adler Planetarium, Chicago, Illinois.

(5) U.S. Space and Rocket Center, Huntsville, Alabama, for an update for the museum and exhibits.

(6) John Smith Water Trail, installation of buoys marking the John Smith National Water Trail on the Chesapeake Bay, the Conservation Fund, Arlington, Virginia.

Mr. COBURN. Mr. President, this amendment is straightforward. There is a bill in the Senate that I am presently blocking from a unanimous consent request, which means I am not necessarily opposed to it; but I don't think the bill ought to come to the floor without being voted on or amended. It is the Emmett Till civil rights bill. This bill is designed to increase the emphasis on unsolved civil rights cases.

A year and a half ago, the Department of Justice initiated a new program for that exact purpose. They put staff on it, funded it, and have since gotten 100 referrals from 42 different offices on unsolved civil rights cases that are 50 years old and older. It is something we should be doing and the Justice Department is doing. I don't think we need another piece of legislation and another law to make us do that. The Justice Department has actually shown they didn't need a law. They were actually doing it.

What this amendment does is transfers from six directed spending items—earmarks—to the Department of Justice Civil Rights Division $1.680 million to augment that process. What it will do is allow them to hire additional people to further define and further investigate these older civil rights cases.

This bill has 600 earmarks in it. This relates to only six earmarks. The total for the earmarks is $458 million. Many of the earmarks in this bill don't do anything to advance the priorities or the mission statements of the three agencies we are funding. What are they? A maritime museum in Mobile, AL; Eye on the Sky Fairbanks Museum and Planetarium in St. Johnsbury, VT; Adler Planetarium in Chicago, IL; U.S. Space and Rocket Center in Huntsville, AL. I have been there; it is a tremendous place. Lastly, the installation of buoys marking the John Smith National Water Trail on the Chesapeake; undersea vehicle for the Mystic Aquarium & Institute for Exploration in Connecticut.

Let's start with the first one. There is $500,000 in this to construct a maritime museum in Mobile, AL. It is probably a great idea, although there are two other maritime museums right now in Mobile. Should we spend $500,000 now, when we are borrowing the kind of money that we are borrowing from our grandchildren, when we are fighting a war we are not paying for and charging to our grandchildren? Should we spend that money now or should we spend the money upholding the law and going after people who violated other people's civil rights? Which is a better value? Which is a better purpose? Which is a better core principle?

I will not go into the details, although I am prepared to do it in rebuttal. There are now 35 maritime museums in the gulf coast region, including two in Mobile. There are funds for this earmark through the competitive grant system. So it is not that this may not even get funded, because it might have to compete with the rest of the museums in the country. Instead, we have directed it.

Earmark offset 2 is for the Fairbanks Museum and Planetarium in Vermont for the Eye on the Sky Program. It is a $300,000 earmark. It is probably a great idea. But is it a priority when we are borrowing money from our grandchildren? Again, this is another program. There is grant money out there for museums. You would have to compete based on the priorities. There is oversight on the grants. On these earmarks, there is no oversight. It can still be funded, on a competitive basis, without an earmark.

The Adler Planetarium in Chicago has net assets right now in excess of $34 million, and we are going to send them $300,000. They have revenues every year in excess of $11 million. There is no reason for us to send that money there now if we are borrowing it from our grandkids. I will limit my debate on that.

One of the things I will tell you—and I will put up a chart. Here is what the Administrator of NASA said about directed spending for earmarks:

> The growth of these Congressional directives is eroding NASA's ability to carry out its mission of space exploration and peer-reviewed scientific discovery.

We are taking away the core mission of one of our premier scientific inquiries in this country when we send money. The redirections as a result of congressional earmarks included half of NASA's education budget, one-twentieth of the exploration budget, and one-twenty-fourth of their science budget. So it is not a small amount with which we are impacting NASA.

The fourth earmark: Spies and Rocket Center in Huntsville, AL. We should know that the State of Alabama is going to have in excess of a $2 billion surplus this year. Let me say that again. The State of Alabama is going to have in excess of a $2 billion surplus this year. They had a $1.7 billion surplus last year. I would think that maybe they ought to fund this instead of our grandchildren.

This is a $500,000 earmark for the Space and Rocket Museum. I have been there. It is a great thing. You ought to go see it. It is well worth your time. But it is something I believe should not be in the priority when we are borrowing the money.

There is $500,000 for an interpretive buoy system. It is a great idea with great historical significance but probably not right now. Should we be spending this money if we are borrowing it against our grandkids? Should we be spending this money when we are growing the budget, this appropriations bill by 11 percent? I don't think so.

Finally, $450,000 for an undersea vehicle in Mystic, CT. This is part of the Mystic Aquarium in Mystic, CT. They could apply for a competitive grant with all the rest of the States and probably get it. It is not a bad idea. It is probably a good idea. It probably promotes tourism, probably enhances the experience at that museum. But, again, is it a priority when we are not funding the war and we are not paying for our excesses and, in fact, probably the greatest moral issue of our day is stealing the future from our grandkids? It is not any of the other social issues. They wane in comparison to taking opportunities from our next generation.

I also advise that the State of Connecticut, according to Connecticut's Comptroller, Nancy Wyman, has a $350 million surplus. So they are not running a deficit; they have a surplus. They could easily grant $500,000 for this museum.

The point of this amendment is let's put dollars where they ought to go and let's stop spending money on lower priorities. It is about priorities. It is not about what is a good program and what is a bad program. It is about what is the greatest priority.

The greatest priority is to ensure people of their civil rights. It has to be greater than these. There cannot be a greater priority than securing the future for the next generations, except we are not going to do that with this bill.

I reserve the remainder of the time I have under the agreement.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to my colleague from Oklahoma, I admire his tenacity and consistency in being a steward of the taxpayers' purse, as well as being concerned about future generations. Also, he has often raised issues from which I have benefited. I assure him that both my colleague from Alabama and I have stood squarely on the side of reform as well.

When we did our opening statements today, we said that we were for security, which is helping our law enforcement, innovation, and competitiveness, as well as accountability. We had 2 reform amendments—one on the NOAA satellite programs that are already running $4 billion in overruns—that is "B" as in Barb, not "M" as in Mikulski. So we are instituting reforms and actually bringing to the civilian side a Nunn-McCurdy framework for early warnings. So that was one.

The other, as the junior Senator from Oklahoma is aware, the IG at the Department of Justice said we have had some conferences, what we call the "lavish conference situation." One conference had meatballs at $4 a meatball, lobster rolls, limousines. That is not about the kind of training that is supposed to go on at law enforcement conferences. We have had 2 of those amendments.

Then when we come to Congress—so we have come up with some reforms, and there are others in the bill, but those are 2 big ones. There are others in the bill related to congressionally designated projects.

I say to my colleague also that we, meaning Senator SHELBY and myself, said that any congressionally designated project must meet criteria to even be considered. We were not going to have a bridge to nowhere. We were going to, if you will, have bridges to somewhere. They had to be not only for the political benefit, but they had to be tied to mission. They had to have mission and merit and matching funds, the M&Ms: mission, merit, and matching funds.

Let's take the Department of Justice. We would not even think about a congressionally designated project unless it was for prevention, law enforcement or prosecution. There had to be local funds or nonprofits and no construction money.

In the area of Commerce, we said it had to be related to coastal and marine resources. It had to foster understanding of the Earth's environment. It had to create jobs or keep jobs in America. Or it had to enhance the America COMPETES Act, which means science, technology or education.

I could also go through the NASA criteria which, again, was science and research, education to promote the engagement of science and engineering, as well as aeronautics research, and, again, no private facility construction.

I will not go through justification of each and every one of those projects. I know the Senator from Connecticut will speak to his. I will speak to mine in a moment.

We have buoys—not like boys and girls, but buoys, such as b-u-o-y-s, buoys on the Chesapeake Bay. They are NOAA buoys. We have to have them anyway, and they give important navigation information, as well as readings on temperature, tides, and so on, that is so important to keep our commercial shipping lanes open and are great aids to the commercial and sports fishing industry.

We had the commemoration of Jamestown, and in the commemoration of Jamestown, they celebrated CAPT John Smith's voyage on the Chesapeake Bay by mapping it. What we did, working with the National Geographic

Society that actually raised the money for this project, was add items to these buoys that would also tell the history, when you got up close to it, of what occurred in that geographic area. These buoys provide important navigation, and now they add value to history.

Why is that important? It is important, first of all, for navigation reasons. It is important to also help us for weather reasons because if we know our tides and temperatures, it will help.

I will tell my colleagues what gets people interested in science and engineering in my State. It is kids working hands on in science, not reading books about science but hands on, doing the science. That is why they love to come to our aquarium or to our Maryland Science Center. Teachers all over the Delmarva, including the great State of JOHN WARNER, whom we salute today and wish him well, they get into science, and that is what promotes their interest in wanting to be scientists and engineers. If they don't want to be scientists or engineers, maybe they want to be doctors, nurses or lab techs. There are so many ways people now come into science in addition to engineering and Ph.D.s, and we need them.

Many of these projects that are listed here—and we know we will hear about planetariums, we will hear about the grand and spectacular work of Dr. Ballard that is exciting so many people, and we salute him because Captain Ballard found the *Titanic*. We have to make sure science and education is not a sinking ship hit by the iceberg of chilling cuts in our programs.

I know my metaphors are going too far, but what I want my colleagues to know that we were not cavalier and said: Just give us any request and we will fund it. We screened them. We scrutinized them. They had to be mission and merit and have matching funds. We believe we have met this criteria. That is on the earmark reform.

On the issue of civil rights, I salute, again, our colleague from Oklahoma on the issue of wanting to investigate these cold cases but assure him that throughout our bill, we have a vigorous civil rights enforcement. I thank my colleague from Alabama for being such a stalwart ally on this issue.

First of all, we actually have money in the bill, close to $378 million for the EEOC. While we are not only looking at cold cases, we are looking at hot cases right here and now and dealing with a terrible backlog.

We also funded $9 million for the Commission on Civil Rights. But along with that, $116 million went to the Civil Rights Division at Justice to pay for 760 attorneys and support staff. Also, money went to the U.S. attorney to investigate crimes, including hate crimes and civil rights violations.

We also put in $370 million for the FBI for over 270 agents to investigate civil rights violations, those that have occurred now and also those very sad cold cases. So $370 million, $116 million, and it goes on and on. The totals, actually when we count what we fund for U.S. attorneys, my staff tells me it is $3 billion. Those U.S. attorneys do other things as well.

We think we did a good job dealing with the backlog at EEOC, reforming them, getting them refocused, funding the FBI, funding the Civil Rights Division, funding the Commission on Civil Rights, funding the Legal Aid Corporation, and so on. We funded those enforcement and prosecution issues related to cold cases but also current cases where we want to see justice done.

I oppose the amendment of the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, first, I say to Senator MIKULSKI, she should be unrestrained in her metaphorical employments. I thought they were both creative and inspirational, as is the bill she brings before the Chamber, with Senator SHELBY as well.

I rise to speak against the Coburn amendment. I will file some statements in the RECORD, but I say to Senator MIKULSKI and Senator SHELBY, I thank them, before I get to the amendment, for the extraordinary work they have done and particularly on matters of local law enforcement which are so critical to the safety and well-being of our communities and our people. They stood up together in a bipartisan way. These programs have worked to reduce crime in our neighborhoods. I wanted to take this opportunity to thank them.

Why do I oppose the Coburn amendment? Because the amendment would prohibit any funding of a program that happens to be located in Connecticut, in Mystic, CT, but is a program of real national significance run by Dr. Bob Ballard, who is a national asset. He is an extraordinary visionary, explorer, scientist, public servant, really an American patriot in the best sense of the term.

Generally speaking, when I sought reelection last year and my opponent attacked me about earmarks, I said there are good earmarks and there are bad earmarks. A lot of what we do here has to do with earmarking, to either add or subtract to the budget or to authorization bills, and I think people understand that.

I rise to say that it would be a terrible result if, in pursuit of this amendment, which I know the Senator from Oklahoma offers for reasons that are fiscal, he eliminated the funding of the advanced undersea vehicle at the Institute for Exploration, which happens to be located at the Mystic Aquarium.

Now, the first thing I want to say is that the Institute for Exploration is run by Dr. Bob Ballard, who, as Senator MIKULSKI said, is not only nationally famous but probably world famous as the man who discovered the *Titanic* and who went on to discover the *Bismarck* in 1989 and the USS *Yorktown* in 1998. These are remarkable historic achievements. He is a kind of ocean archeological explorer. I am sure most people hearing my voice have seen Dr. Bob in one or another TV program describing his extraordinary work, but let me first say it happens to be located at the Mystic Aquarium. It was a major achievement when we convinced Dr. Ballard to locate there—the State did. How do I compare it? In this time of baseball playoffs, without demeaning either side here, it would be like the Yankees acquiring A-Rod or the Red Sox getting Josh Beckett. When Dr. Bob Ballard agreed to bring his Institute for Exploration to Mystic, CT, we were thrilled. And I do want to stress that it is a separate institute that happens to be located alongside and at the aquarium site. Tourists have some access to part of its educational aspects, but it is separate. It is not just part of the aquarium.

This $450,000 is not a lot of money in a budget the size of our budget, but it is going to be used to improve the sonar on the unmanned technology for undersea mapping. In other words, there is an advanced undersea vehicle that Dr. Ballard and his team use for undersea mapping, and this money will help him upgrade the sonar to chart currently unexplored regions of the world's oceans.

Dr. Ballard does this out of his general sense of inquiry, of scientific inquiry, to use the extraordinary tools of modern technology to teach us things about most of the globe that is underwater that we have never known much about. But he does it also in the aftermath of a career in the U.S. Navy, 30 years both Active and in the Reserve as an oceanographer and a naval intelligence officer. During his long career, he has been called upon to use his advanced underwater systems to carry out a number of highly classified missions for the U.S. military.

The sonar mapping technology that this $450,000 will help facilitate is very important to the Navy, and its development has been supported by the Office of Naval Research because of its military applications in support of submarine warfare and countermine measures. The money is in this bill because it is strongly supported also by the National Oceanographic and Atmospheric Administration, part of the Department of Commerce, part of the jurisdiction of this subcommittee of the Appropriations Committee, and NOAA supports it because of its enormous potential to explore the uncharted regions of the oceans for many reasons, including in search of precious natural resources.

So what I am saying is the project, to our great pride, has a Connecticut address, but it is a technology that is critical for national security and even international scientific research.

I wish to go one step further here about a bonus. I have been to visit this institute of Dr. Ballard's in Mystic several times. It is a remarkable place. I would urge anybody who is in Connecticut to go see it. But one of the things he has done, because he is a real educator, he has set up a system, an educational program where he can actually bring his scientific work to students around the country. It is called Immersion Presents—an afterschool program. He actually has the capability to project his expeditions, including the mapping expeditions that would be improved by this $450,000, via the Internet to over 140 Boys Clubs and Girls Clubs across the country. For 7 consecutive days, Dr. Ballard's research mission has broadcast live to thousands of students. So he will use the money for this, as he has in 10 previous expeditions, to continue this Immersion Presents Program. This is a tremendous educational device. If you want to excite American kids about going into science, what a thrilling way to do it.

So with all respect to my colleague, and I respect what he is trying to do, I think he has hit something here that ought not to be hit. If it loses its funding, it will not just be a loss for the institute or Dr. Ballard or the State of Connecticut, it will really be a loss for our Nation, both in terms of scientific inquiry for our Nation and also, I would suggest, national security. So I thank Chairman MIKULSKI and Senator SHELBY for including this in their recommendation to the Senate, and for that reason I would urge the rejection of the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I would concede the value of what Dr. Ballard has done. But the question isn't whether this should get funded; the question is, Who should fund it?

National Geographic made $15 million last year. They are a nonprofit organization. They had revenues of over $1 billion. The State of Connecticut is going to have over a $300 million surplus. I don't doubt that this is a very worthy cause. The question is and what the American people are asking this body to do is to start making priorities out of priorities.

I think this is a very valid project. He is one of 11 resident scholars for National Geographic. I have studied the issue. It is not about whether it is a priority for them. The question is, Who ought to be paying for it? In a time when we don't have any money, when the dollar is sinking, when we are spending more and we are already funding a war and charging the war to our kids, what we are setting up is we are going to continue to do things that don't have to be done by us when somebody else could do it. Consequently, we are going to borrow the money.

There is half a billion dollars worth of earmarks in here, I would say to my friend from Connecticut, and all of them have some merit. The question is, Who should be paying for some of these? There are competitive grants on museums that are run well by this Government. They are very competitive. They can get the $450,000 through a competitive grant. They can apply for that. There is oversight on that. There is a competition among priorities when we do that and run it. When we put it in directly, we, No. 1, consign our kids to paying for it, and No. 2, we don't put the responsibility on anybody else.

Now, if this is really necessary, National Geographic will stand up and put the $450,000 into it, or if it is important to the education and instruction in the State of Connecticut, with a $300 million surplus, they can put in the $450,000. But our choice here today is, we are just going to charge it to our grandkids.

We don't have this money. This bill has grown by almost 10 percent over what we funded last year. If you took all the directed earmarks out of it, we would be growing by about 4½ percent. So it is important for the American public to see the impact when we direct spending.

The purpose of this exercise—and I will continue to do this as long as I am in the Senate—is to try to force us into making the hard choices we really don't want to have to make. I believe this committee did a good job of setting the parameters and trying, but there is a new standard, and the standard has to be, would you put in your own money? That is the standard we ought to go by because what we are really doing is transferring the cost of all these things to two generations, and it goes completely opposite of the heritage of this country.

D-day starts January 1, 2008. You know what D-day is? It is the first year of the baby boomers. It is the first year we start going down the tubes on Medicare and Social Security. And we can't even bring a bill to the floor that constrains spending to 4 percent or 5 percent—1½ times inflation. The American public doesn't have that option with their budgets because they do not have an unlimited credit card. We just increased the debt limit on this country by $950 billion. Five times since 1997 have we done that. When a child is born today, not counting that debt, which is $30,000 per man, woman, and child, there is $400,000 worth of unfunded liabilities lying on each of those children.

My point is, and I will quit talking about it—and I am not going to offer the second amendment—we need to wake up and see that we can't do everything we would like to do. We ought to be doing what is absolutely necessary and we ought to be paying for this war. We ought to be making the hard choices and paying for the war.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to respond briefly to my friend from Oklahoma.

I respect what he is about. I think we all understand we have to bring spending under control. In fact, earmarks are down generally in the appropriations process this year. But, again, there are good earmarks and bad earmarks. It is part of what the people elect us to do, and I came to the floor to defend this earmark.

I do want to say to my friend from Oklahoma that I am pretty sure, though I haven't had a chance to check it exactly, that the State of Connecticut is supporting some of Dr. Ballard's programs. I hadn't thought about National Geographic. Maybe you and I should go to Dr. Ballard and try to get some money from him for what——

Mr. COBURN. I will be on the next airplane with you.

Mr. LIEBERMAN. —for what he is doing. But I do want to say this is not the Mystic Aquarium; this is the Institute of Exploration, which happens to be at the Mystic Aquarium. This really does serve a national purpose and really an international purpose but a great one for America—mapping the ocean floor for the use and the potential development of precious natural resources, and it is supported by the Navy because it is of direct use to the Navy.

Now, I know my friend from Oklahoma is very principled in his fight, so what I am about to say will not affect him. But my staff just told him there are a bunch of students in Oklahoma who get to watch Dr. Ballard—I know, you love him—and his undersea immersion work, and this $450,000 will make that even better than it already is.

There are times when I will support the Senator from Oklahoma in some of his efforts because overall they are right. I think all of us know there is a larger problem beyond earmarks in dealing with our fiscal imbalances. But today, because I think he has struck some targets here that don't deserve to be struck, I respectfully urge rejection of his amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak about the underlying bill, and I will just take a few minutes to do so.

Today, the Senate is debating a bill that ensures our homes and communities are safe, it keeps us a world leader in scientific research, it promotes economic development across the Nation, and it funds our national census. I am here today because I strongly support the bill and I wanted to commend Chairman MIKULSKI for her work, as well as the ranking member.

It reflects many of our Nation's top domestic priorities: putting more police on our streets through the COPS program, ensuring the FBI has the tools it needs to fight domestic terrorism, providing the DEA with resources to win the war on drugs, and protecting our children from sexual predators. I am proud to say there is much in this bill to celebrate. And it comes not a day too soon.

Last week the FBI released its latest report on crime in America. The news was not good: crime is up for the second year in a row.

It is no coincidence that this rise in crime follows years of repeated cuts to the COPS program by the Bush administration and the Republican Congress.

In 1994, COPS put more than 100,000 new officers on the streets. According to the Government Accountability Office, every dollar spent on COPS stopped 30 crimes from happening—every dollar stopped 30 of our neighbors, friends and family from being victimized. In my opinion, that is a dollar very well spent.

Take a look at this chart. The red line indicates the number of homicides per 100,000 citizens. The blue line indicates the number of police officers. Every time the number of police officers on patrol decreased, the number of homicides increased. This is simple commonsense: More police means less crime. Yet the Bush administration chose to kill funding for the very program that is responsible for hiring more police officers to protect our communities. And predictably, as this chart clearly illustrates, the results have been disastrous.

It is time to reverse that course. This bill provides $2.7 billion for State and local law enforcement—$1.6 billion more than the President's request. With this money, our police will be able to prevent gang violence, to combat drug crimes, and to catch child predators. This bill also adds 100 FBI agents whose specific purpose is fighting the rising threat of violent crime. It lifts a hiring freeze on DEA agents and puts 200 new agents on the beat.

But, while this bill does a lot to ensure the safety of our communities, there is still work to be done. That is why I am pleased that Chairman MIKULSKI and the ranking member supported our amendment, an amendment that doubles the funding for juvenile mentoring programs. They care about that effort.

It is no secret that juvenile crime—particularly juvenile gang activity—is a serious problem in this country. That is why Senator FEINSTEIN and I worked so hard to pass the Gang Abatement and Prevention Act of 2007. One of the biggest problems contributing to gang activity and gang crime is a lack of direction and lack of supervision in the lives of teens.

Nor is it a secret that providing good role models and more structure in the lives of teens has a significant impact in reducing gang activity and violence. That is why we need to beef up our juvenile mentoring programs.

The Juvenile Mentoring Program was established in 1992 with the specific goals of reducing juvenile delinquency and gang participation, improving academic performance and reducing school drop out rates. Programs funded under the Juvenile Mentoring Program initiative link at-risk children, particularly those living in high-crime areas and those struggling in school, with responsible, working adults. These children receive the structure and support that is otherwise missing in their lives. They learn about the dangers of drug use, the perils of gang involvement, and the importance of staying in school. In other words, programs like these provide children with the tools they need to avoid the pitfalls of gangs and violence, to rise above the situation they were born into, and to make a better life. I can think of no other program more deserving of increased funds and commend my colleagues for recognizing this need and passing my amendment.

I want to mention the one difference I have with this bill, one that has to do with a policy known around here as the Tiahrt Amendment.

No matter how many great programs we fund in this bill, no matter that we doubled funding for the Juvenile Mentoring Program, we will never successfully stop violence unless we work to combat the illegal use of guns. Gun violence is one of the most serious problems facing our Nation. Every day on average, 81 more Americans will be shot dead—many of them innocent victims, including children. This is unacceptable. But, it is even more unacceptable for us, as legislators, to allow it to continue.

But that is exactly what a provision in this bill does with its Tiahrt provision. This provision could prevent the sharing of gun trace data among law enforcement agencies. It will prevent the ATF from providing trustworthy national data about the flow of crime guns. It will make it harder to figure out where illegal gun activity is most prevalent and what we can do to stop it. Without this data, our state and local law enforcement will have a much harder time combating violence in our communities and making us safe.

It should be a priority for all of us to better understand gun crime, so we can better prevent it. But with the Tiahrt provision, data that is essential to understanding gun trafficking and violence will be concealed from law enforcement, concealed from lawmakers, and concealed from the public. There is simply no way to make good policy without having good information, good data to base it on.

When convicts get released from prison, we keep their fingerprints on file. But when a gun gets confiscated, information about it gets treated like a State secret. Police can share fingerprint data across state lines, because criminals move across State lines. But under this bill, gun data has to be kept within a small geographic area.

I am very disappointed that this language has been included in the bill. But, it is a battle I will seek to fight with others on another day. And, be assured, I will.

As I said before, there is much for us to celebrate in this bill. And there is more to celebrate having accepted my amendment to double the funding for Juvenile Mentoring programs.

I look forward to supporting the Appropriations bill and I urge my colleagues to do the same.

Mr. CARDIN. Mr. President, I rise in opposition to the amendment offered by the junior Senator from Oklahoma. One of the items he seeks to eliminate funding for is the Chesapeake Bay Interpretive Buoy System. This system has support from both the President and the Congress. To develop the system, the NOAA Chesapeake Bay Office partnered with the National Park Service, National Geographic Society, Conservation Fund, the Chesapeake Bay Foundation, Sultana, Verizon, and others to determine the requirements for the interpretive buoy system.

These requirements defined needs for a new type of buoy, capable of collecting environmental data—winds, waves, and currents—for users; water quality data for monitoring the health of the bay; and a system for communicating historical and cultural information through cell phone technology and shore-based computer networks to the public and into the classroom.

These buoys are an innovative component of the U.S. Integrated Ocean Observing System, IOOS, a NOAA priority, which supports safety and efficiency of marine operations, public safety, studies of climate change and variability, and protection and restoration of healthy marine ecosystems. In addition to providing interpretive information—environmental, geographical, historical—to citizens of the watershed, this system is part of the NOAA Education Program, developing and delivering new science curriculum based on real-time environmental observations to Chesapeake Bay classrooms, thus serving as a pilot for similar national programs.

The interpretive buoy system is a part of IOOS. IOOS is a priority both in the President's Ocean Action Plan and for NOAA. CBIBS is a component of the Chesapeake Bay Observing System, part of IOOS, providing water quality measurements such as dissolved oxygen, salinity, temperature, clarity, and chlorophyll content; wind speed and direction, wave height and direction, air temperature, barometric pressure, and relative humidity; and current velocity and direction from the surface to the bottom.

The Chesapeake Bay is the largest estuary in the United States, being 200 miles long. The width of the bay varies from 3.4 miles across to 35 miles across, near the mouth of the Potomac River. The shoreline of the Chesapeake Bay and its tidal tributaries, including all tidal wetlands and islands, is over 11,600 miles. Until these buoys were deployed, NOAA weather forecasters only had 1 platform, Thomas Point Light, providing measurements for daily forecasts for the bay. With these additional real-time data sets, forecasters can better predict weather and water conditions on the bay supporting safety and efficiency of marine operations, public safety, and marine navigation.

This congressionally designated project is not just a merit-based program. It is an especially economical one. We get multiple benefits from this single science platform in the bay. It is a worthwhile program and warrants our strong support.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I move to table amendment No. 3243 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—61

Akaka
Alexander
Allard
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Conrad
Crapo
Dole
Dorgan
Durbin
Feinstein
Gregg
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—31

Barrasso
Bayh
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
DeMint
Ensign
Enzi
Feingold
Graham
Grassley
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McCain
McConnell
Roberts
Smith
Sununu
Thune
Vitter

NOT VOTING—8

Biden
Clinton
Craig
Dodd
Domenici
Hagel
Obama
Warner

The motion was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3240

Mr. DORGAN. Mr. President, I intend to offer an amendment. I have spoken at some length with the managers, and I will withdraw the amendment, but I want to offer the amendment and talk about it because I have received from them assurances of cooperation on this issue. It is a very important issue. What I would like to do is ask unanimous consent that the pending amendment be set aside so that I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I call up amendment No. 3240 which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE, proposes an amendment numbered 3240.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for crime control and methamphetamine abuse projects for Indians, with an offset)

On page 27, line 8, strike "$104,777,000" and insert "$84,777,000".

On page 54, strike lines 15 through 17 and insert the following:

(A) $25,000,000 shall be available for grants under section 20109(b) of the 1994 Act (42 U.S.C. 13709(b));

On page 54, strike lines 20 through 22 and insert the following:

(C) $10,000,000 shall be available for demonstration projects relating to alcohol and crime in Indian Country, of which $5,000,000 shall be used to address the problem of methamphetamine abuse in Indian Country;

On page 59, line 11, strike "$35,000,000" and insert "$40,000,000".

Mr. DORGAN. I offer this amendment on behalf of myself and Senators BINGAMAN, TESTER, BAUCUS, CANTWELL, and THUNE. This amendment deals with the issue of the criminal justice systems on Indian reservations. Before I talk about the amendment itself, I thank Senator MIKULSKI and Senator SHELBY for the bill they have put together. The legislation they bring to the floor from the Appropriations Subcommittee is an important and marked improvement on what the President has requested.

Let me describe what the President requested with respect to law enforcement activities on Indian reservations. Why is this important? Because we have a trust responsibility on Indian reservations, and we are not meeting it. For the tribal jails discretionary grants program in the year 2000, there was $34 million; the President requested zero this year. My colleagues, Senators MIKULSKI and SHELBY appropriated $15 million. Tribal courts assistance, the same thing; tribal COPS, $40 million in the year 2000, zero in the Administration's 2008 request. Senator MIKULSKI and Senator SHELBY restored that to $35 million. The list goes on.

The question is this: Do we or do we not have a responsibility to fund these law enforcement responsibilities that we have on Indian reservations? Last week my committee, the Indian Affairs Committee, heard testimony. Let me describe a bit of that testimony. A recent report shows that 34 percent of Indian women will be raped or sexually assaulted during their lifetimes. One-third of Indian women will be raped or assaulted during their lifetimes. We heard from one retired Bureau of Indian Affairs police officer who worked on one of the Indian reservations: "We all knew they would only take cases with a confession. We were just too loaded down. We were forced to triage our cases."

When this type of violence becomes commonplace, so commonplace that the police have to triage rape cases, something is wrong. Somebody needs to take action.

We had other testimony that the call to the police in an emergency, in a circumstance where there is a violent crime being committed or just was committed, in some cases it takes an hour or an hour and a quarter to receive a response from a law enforcement official.

There are fewer than 2,000 Federal and tribal law enforcement officers who patrol more than 53 million acres of land. In North and South Dakota we have four police officers patrolling the 2.3 million acres of Standing Rock Sioux Indian Reservation. Survivors of violent crimes report waiting hours—in some cases days—for the police to respond to their urgent calls.

The other issue is the lack of jail space, the lack of places to incarcerate violent criminals. Tribal jails face a $400 million backlog in funding. I have been to tribal jails. I have seen young kids lying on the floors of these jails. The detention centers are unbelievably deplorable, in many cases. One Federal official said that the lack of detention facilities means that this whole system is a catch-and-release jail system. The law enforcement officials of the tribe catch the criminals, and they are forced to release many of them right back into the community to commit another crime.

We also heard testimony last week about the Indian reservations becoming soft targets for criminal organizations because of this neglect. That is not the choice of the Indian tribes. The fact is, they don't want this happening on the reservations. In May 2006, Federal officials seized a methamphetamine business plan. It outlined how the organization wanted to replace alcohol abuse with meth abuse on the Indian reservation because these are the most vulnerable citizens. It outlined how non-American Indians should handle the drugs, and it explained that tribal police couldn't arrest them while they are on the reservation. These stories are unbelievable. Again, a report that says one-third of Indian women during their lifetime will be raped or sexually assaulted, and we don't have adequate law enforcement protection.

We have a couple million American Indians living on reservations. The system that was established over a century ago was that the Federal Government was going to have the basic law enforcement responsibility, and we have not met it. We have not met our responsibilities in health care, in education, in housing, and we have not met them in law enforcement.

I have described on this floor ad nauseum the situation with health care. We have responsibilities for two groups of people for health care. We have responsibility for every one we throw into a Federal penitentiary. They are our prisoners. We provide for their health care. We have a trust responsibility for medical care for American Indians. That is because that is a decision our country made a long time ago. We spend twice as much per person providing health care for Federal prisoners than we do to meet our obligation to provide health care for Indians. Many of these kids, many of the elders go wanting for health care in a country like ours.

I am talking now not about health care or housing or education where we have a full-blown crisis. I am talking about law enforcement, the basics. If your life is not free from violence, you are always afraid. The fact is, we have circumstances where we have inadequate jail space. We have in many cases circumstances where violent crimes are committed, and yet they must be investigated by the FBI. They must be investigated by the U.S. Attorney's Office and prosecuted by the U.S. Attorney's Office. The fact is, resources do not exist. That is the problem.

My proposal is simple. My amendment was to increase the funding in this legislation in two areas: One dealing with detention centers, and that is an urgent situation that is in need of a response. In the second area we provide a grant program to be increased, as it properly should, to deal with the issue of alcohol and methamphetamine. Methamphetamine is a scourge on Indian reservations. They are being targeted by gangs and by organized crime. They are being targeted by non-Indians. They don't have the law enforcement capability to take care of it. The question is, are we going to do that?

AMENDMENT NO. 3240, WITHDRAWN

My colleagues from Maryland and Alabama have been very helpful in saying they are willing to work with me to increase these accounts and find ways to fund these things. As a result, I will ask that my amendment be withdrawn because we have made progress in commitments from those 2 legislators. I thank them. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I look forward to working with them. In the next 5 or 6 months we are going to make some real progress.

The PRESIDING OFFICER. The amendment is withdrawn.

Ms. MIKULSKI. Mr. President, I salute the Senator from North Dakota. I have found his comments about those women being raped to be devastating, and I know we are going to continue to work with him.

AMENDMENT NO. 3250

I now ask unanimous consent that amendment No. 3250 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 3250) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend Senator MIKULSKI and Senator SHELBY for the work they have done on the amendment that just passed. This is a major step in the right direction to assure that America stays in the forefront of space technology, of the research, of the quality of life that we have gained from being the first in space. I commend Senator MIKULSKI—I have so enjoyed working with her—and Senator SHELBY for working with us in support of the amendment that was just added to the bill.

AMENDMENT NO. 3233, AS MODIFIED

Ms. MIKULSKI. I ask unanimous consent that notwithstanding the adoption of amendment No. 3233, it be modified with changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN" is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN"—

(A) $5,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d-4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

Ms. MIKULSKI. Finally, I ask unanimous consent that all first-degree amendments to H.R. 3093 must be filed at the desk by 2:30 p.m. Monday, October 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to say thank you to my colleagues. I am so grateful. We have worked this thing pretty hard. It is right that NASA be given some of these funds they had to expend on an emergency basis for the recovery to flight of the Space Shuttle *Columbia*. I want the chairman and the ranking member to know how profoundly grateful I am for their leadership in making this happen.

Now we have the challenge of going to the conference committee to make it stick. I am so grateful for your leadership.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield to the distinguished Senator from Pennsylvania. We had this pressing amendment we needed to get done, but the Senator from Pennsylvania and the Senator from Ohio have been very patient. I will now yield such time as he may consume to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank you and commend the work of our senior Senator from Maryland on this bill and so many others. I appreciate her hard work on this bill and giving us this time.

AMENDMENT NO. 3256

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3256 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for Mr. BIDEN, for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. SCHUMER, Mr. DODD, Mr. CASEY, Ms. COLLINS, Mr. CARDIN, Mr. REED, and Mr. NELSON of Nebraska, proposes an amendment numbered 3256.

The amendment is as follows:

(Purpose: To appropriate an additional $110,000,000 for community oriented policing services and to provide a full offset for such amount)

On page 57, line 7, strike "$550,000,000" and insert "$660,000,000".

On page 60, line 2, strike "and" and all that follows through "Funds" on line 3, and insert the following:

(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded.

Mr. CASEY. Mr. President, I rise on behalf of Senator BIDEN, who cannot be here today, and I join him in offering an amendment to provide funding for hiring more officers for the Community Oriented Policing Services Program, or what is known popularly as the COPS Program.

Joining us on this amendment are Senators MIKULSKI, KOHL, BINGAMAN, CLINTON, KERRY, LEVIN, KENNEDY, BAYH, CANTWELL, BOXER, SCHUMER, DODD, COLLINS, CARDIN, REED of Rhode Island, and NELSON of Nebraska.

Mr. President, I also ask unanimous consent that Senators LAUTENBERG and KLOBUCHAR be added as cosponsors, as well as Senator WHITEHOUSE from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. CASEY. I will.

Mr. LEAHY. Mr. President, I would like the Senator from Vermont to also be added as a cosponsor of the amendment.

Mr. CASEY. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. LEAHY, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, the COPS Program was created in 1994, known then as the Biden crime bill, in response to historically high rates of crime. Over 100,000 community policing officers were hired to work the streets of communities across America.

This successful program not only increases the number of police officers on the street to fight crime but also emphasizes building collaboration and partnership between the community and law enforcement so we can prevent crime in addition to fighting crime. Crime was driven down from all-time highs to historic lows. It stayed low until about 2 years ago, when budgetary cuts by this administration began to show up in rising crime statistics.

Data released this week from the FBI shows that violent crime has increased again for the second year in a row. Philadelphia is one of several cities that is experiencing severe problems with violence. Although the crime increases of the past 2 years may be characterized by some as minor, they are alarming because they follow a steady 10-year decline in crime rates across the country.

Why is this alarming increase in effect? Well, some researchers and experts predict that the uptick in crime rates are in part due to the administration's budget cuts. In recent years, billions in Federal funding for State and local law enforcement have been cut—including the near complete elimination of the COPS hiring program.

As a result, once again crime is rising across the Nation. The latest FBI crime reports showed a 1.9-percent increase in violent crime. This is the first 2-year increase in crime rates since the COPS Program was first created and hiring was funded. It is no coincidence that when Congress funded COPS, crime went down, but when the administration eliminated the COPS hiring program, crime began to rise.

I would argue that if the President of the United States can find billions for tax breaks for wealthy Americans, he should be able to find funds for putting police on the streets of America.

Independent studies have verified the effectiveness of the COPS Program. The GAO found a statistical link between the COPS Program grants and reductions in violent crime. The Brookings Institute reported that COPS is one of the most cost-effective options for fighting crime. They found it saves lives and saves money.

So it is critical that Congress funds not only priorities overseas but here at home. Rising crime is an alarming and complex problem. There is no one solution, but having more cops on the street is part of the solution.

I urge my colleagues to join Senator BIDEN and our numerous cosponsors in increasing funding for this critical program that will provide us with more law enforcement on the streets and greater safety in our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3218

Ms. MIKULSKI. Mr. President, I call up amendment No. 3218 by Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], FOR MRS. MURRAY, for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, and Mr. CRAPO, proposes an amendment numbered 3218.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the Northern Border Prosecutor Initiative)

On page 53, line 11, after "officers" insert "and of which $20,000,000 shall be for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to section 505 of this Act".

AMENDMENT NO. 3218, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 53, line 3, strike "400,000,000" and insert "$420,000,000".

On page 53, line 11, strike the semicolon, add a comma and add "and of which $20,000,000 for a Northern Border Prosecutor

Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to Section 505 of this Act;".

At the appropriate place, add the following:

"the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $20,000,000;".

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides of the aisle and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3218), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3225

Ms. MIKULSKI. Mr. President, I now call up amendment No. 3225 by Senator REID of Nevada and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. REID, proposes an amendment numbered 3225.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require an analysis of the methods for collecting data regarding the status of the United States economy and a determination of whether the current data results in an overstatement of United States economic growth, domestic manufacturing output, and productivity)

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading "ECONOMIC AND STATISTIC ANALYSIS", $950,000 shall be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

Ms. MIKULSKI. Mr. President, this amendment is cleared on both sides of the aisle and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3225) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3268

Ms. MIKULSKI. Mr. President, my last request is, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3268.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for science, engineering, technology, and mathematics related activities)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. FUNDS FOR TEACH FOR AMERICA.—Of the funds provided in this Act for the National Aeronautics and Space Administration, under the heading "SCIENCE, AERONAUTICS, AND EXPLORATION", $3,000,000 may be for Teach for America for science, technology, engineering, and mathematics related activities.

Ms. MIKULSKI. Mr. President, this amendment provides funds for science, engineering, technology, and mathematics-related activities at NASA. It has been cleared on both sides and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3268) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know the Senator from Ohio has been waiting. He has been very cooperative and patient, and I appreciate it. I know he wants to speak on an important issue that has been on his mind and should be on the Senate floor as it relates to trade.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the senior Senator from Maryland.

AMENDMENT NO. 3260

Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3260.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER, proposes an amendment numbered 3260.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of any funds made available in this Act in a manner that is inconsistent with the trade remedy laws of the United States, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. LIMITATION ON NEGOTIATING TRADE AGREEMENTS.—None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

Mr. BROWN. Mr. President, first of all, I thank the senior Senator from Maryland for her work, especially today, on much of what she has done, but especially for what she did on NASA earlier today that will matter to northern Ohio, my whole State, and to much of the rest of this country.

I rise, quickly, to offer an amendment that will help America's manufacturers compete on even terms with foreign manufacturers.

American manufacturing, for generations, has been a tremendous source of pride for our country and a ladder to the middle class for our working families.

American manufacturing fuels our economy and supplies our national defense infrastructure. It would be dangerous, on many levels, for our country to ignore the anticompetitive forces that are buffeting our manufacturing sector. It would be, and it is.

Over the last several years, American manufacturing has faltered and millions of jobs have been lost. In my home State of Ohio, well over 200,000 manufacturing jobs have disappeared in the last half decade or so—from Steubenville to Lima and from Cleveland to Dayton.

Workers and manufacturers in all our States find it increasingly difficult to compete in today's global markets, where the odds are stacked against them because of unfair trade practices.

American industry can compete with anyone in the world when it is a fair fight.

Our international trade laws are intended to secure a level playing field, but, unfortunately, some of our trading partners have repeatedly found ways to circumvent these laws to gain an unfair advantage against workers in the United States. This has led to record-breaking trade deficits, which threaten the long-term health of our economy, and massive job losses, which have wreaked havoc on the middle class.

Some foreign governments, for example, have unfairly and illegally doled out massive subsidies to their own companies and others willing to reestablish offshore, contributing to the migration of manufacturing jobs overseas and artificial price advantages for imported products.

Despite evidence that something is very wrong, you can look at job loss figures, deficit figures, outsourcing figures or offshoring figures. Our Government has chosen not to aggressively enforce U.S. trade remedy laws. It has also failed to successfully advocate for U.S. interests in the multilateral dispute settlement setting.

The WTO has issued a series of decisions striking down the practice known as zeroing in U.S. antidumping proceedings. Zeroing is a methodology employed for measuring and remedying unfair foreign dumping—the practice of selling products in the United States at below "fair value," which corrupts free market competition and undermines U.S. industries.

Zeroing, a practice our Government has used for more than 80 years, has been upheld by U.S. courts and the GATT and is recognized as good policy because it combats unfair dumping.

The WTO's decisions threaten to create an enormous loophole in trade law enforcement. This affects industries and local economies throughout our country—not just steel, not just paper, so many things. The WTO decisions on issues such as zeroing is an overreach.

The USTR must work harder to overturn the recent European and Japanese zeroing decisions in negotiations and delay full implementation of the Japanese decision until, at a minimum, other methodologies are in place to capture 100 percent of dumping.

If the WTO continues to target U.S. trade remedy laws, we need to fight back. The administration's lack of backbone is unacceptable. This amendment is a modest reminder to the administration that we need to vigorously enforce our trade laws.

I urge my colleagues to give it their support.

AERONAUTICS RESEARCH

Mr. WEBB. Mr. President, I would like to engage the distinguished chairwoman of the Commerce, Justice, and Science Appropriations Subcommittee, Senator MIKULSKI, in a colloquy about the importance of aeronautics funding. The chairwoman is aware that both Senator WARNER and I have serious concerns about decreased funding for aeronautics. Together we look forward to working with the Appropriations Committee to ensure adequate funding for important aeronautics research programs in Virginia.

Aeronautics research programs have been essential to our economic and military security for decades. Think about the millions of people who fly every year and the countless jobs and communities that have been affected by this research. From the days of the first flight of the Wright Brothers at Kitty Hawk, NC, to the modern-day aviation industry today that represents millions of jobs and contributes billions of dollars to our economy, our country has been served well by the investments we have made in aeronautics research. That history, however, and our present are at a crossroads.

The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades. The vast majority of military aircraft design the U.S. military currently flies incorporate advanced technologies developed at NASA Research Centers. As a result, it is important for NASA's cooperative research efforts with the Department of Defense regarding military aviation technologies are maintained at a healthy funding level. A national effort is needed to ensure that NASA can meet the civil and military needs in the future.

This issue came up when the Senate debated the budget for the 2008 fiscal year. In 2007, Congress provided $717 million for aeronautics research, in cost-adjusted numbers. I know Senator WARNER and I are very thankful that the Appropriations Committee was able to provide this funding. Yet the administration proposed, in their fiscal year 2008 budget, only $554 million for aeronautics. In an age of increased global competition from Europe, China, and other nations, this decision is alarming.

We appreciate the demands faced by Chairman MIKULSKI and Ranking Member SHELBY on funding all the programs under their subcommittee's purview. However, as I noted in March during the budget debate, and I repeat that message today, aeronautics research is essential for the United States to maintain its advantage in aeronautics technologies and air superiority within the military. It is essential to inspiring a new generation of children who one day might make a career in aviation, engineering, computer modeling and simulation.

It is also important that Congress supports NASA Administrator's objective of 10 Healthy Centers, especially ensuring the well-being of its four research centers, which are scheduled to face significant budget decreases in the outyears. These research centers have cutting-edge facilities that are operated and maintained by highly respected scientists. Over the years, they have produced outstanding basic research, especially in aeronautics, which is then utilized by the private sector to make significant advancements in the space and aeronautics industries.

Ms. MIKULSKI. The committee recognizes the importance of aeronautics research and NASA's 10 Healthy Centers effort. We share your concern about the steady decline in budget requests for aeronautics research. We will work with you to ensure this critical and historical strength of NASA is funded at a level sufficient to maintain our country's competitive edge in aeronautics.

PLANT GENOME RESEARCH PROGRAM

Mr. BOND. Mr. President, the distinguished chair of the subcommittee and I have long been strong supporters of plant genomics in general and the Plant Genome Research Program undertaken at the NSF in particular. The Plant Genome Research Program produces basic scientific research by providing for peer-reviewed competitive research grants to qualified institutions. Maintaining significant support for fundamental research in crop systems is more important than ever as agriculture is trying to meet the demands of consumers worldwide by providing a safe and secure supply of resources for human and animal nutrition, fiber, green products, bioenergy, and plant-based nutraceuticals and other leading edge applications. This initiative has had strong backing over the years from the broad-based science community in conjunction with farmers and those up the food supply chain.

Together, as leaders of the VA/HUD and Independent Agencies Subcommittee, we began this initiative in 1997. It remains critical that we protect the integrity of the program and ensure its remains a priority at the NSF.

Is it the expectation of the subcommittee that the Plant Genome Research Program is funded at no less than $100 million?

Ms. MIKULSKI. Mr. President, that is correct.

Mr. BOND. Further, is it the expectation of the subcommittee that funding for the Arabadopsis 2010 program continue to be financed through the BIO directorate, yet separate from funds provided for the plant genome project as it has in the past?

Ms. MIKULSKI. Mr. President, that is my expectation. I appreciate your long standing support of plant genomics and will work to see that these important programs continue to receive support as they have in the past.

ELECTRONIC PRESCRIBING

Mr. WHITEHOUSE. Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Commerce, Justice, and Science Appropriations, Ms. MIKULSKI, in a colloquy concerning the e-prescribing of controlled substances. Would the chairman and manager of the bill entertain a question?

Ms. MIKULSKI. Mr. President, I would be happy to.

Mr. WHITEHOUSE. Mr. President, I thank the chairman. As she knows, I am a profound believer in the potential of health information technology to revolutionize the way we deliver health care in this country. The potential for better coordinated care, reduced medical errors, increased patient satisfaction, and enhanced patient peace of mind is enormous. It is also worth noting that several well-respected organizations estimate annual savings near $80 billion.

Unfortunately, we have been unable, as a nation, to develop an interoperable, integrated health information infrastructure the way we were able to do with our highway system or our railroad tracks. This is the result of a variety of barriers that we, as legislators, have a responsibility to tackle if we are going to take this necessary step to improve health care in this Nation. One of those barriers is the current prohibition by the Drug Enforcement Administration, DEA, on the electronic prescribing of controlled substances.

This ban requires physicians who e-prescribe to maintain two separate systems: an electronic system for noncontrolled substances and a paper system for controlled substances. This is an excessive encumbrance for doctors who are trying to do the right thing for their patients—an encumbrance that has unfortunately led many overburdened doctors to give up electronic prescribing altogether. This is a travesty.

As a former attorney general and a former U.S. attorney, I am sensitive to the prosecutorial concerns of the Drug Enforcement Administration. But CMS has been working without success for years with the DEA to resolve their differences on this issue. Apparently, the DEA refuses to budge. I would like to know why. Billion-dollar transactions are done electronically; highly classified national security information travels electronically; military attack aircraft are targeted electronically. I would say to the DEA: Please do not tell me we cannot figure out a way for a doctor to prescribe Vicodin electronically. I think we need to demand a joint report from CMS and the DEA laying out a way, or ways, to overcome this hurdle, to be completed at the earliest practicable date but no later than 1 month after the date of enactment. In the absence of the DEA changing the rules, we must seek a statutory solution to this problem. Considering the extraordinary potential of e-prescribing, we have to break this logjam.

Mr. President, I would ask the chairman if she would work with me to ensure that CMS and the DEA will work together to propose a reasonable approach soon to allow the electronic prescribing of controlled substances?

Ms. MIKULSKI. Mr. President, I would say to the Senator from Rhode Island that it is my intention to do just that. I agree that a joint report between the DEA and CMS will help us move forward in this crucial area of health information technology and bring down a serious barrier to improved patient care.

Ms. STABENOW. Mr. President, I commend the leadership of Senator MIKULSKI in ensuring appropriate funding for the many critical activities under the auspices of the Commerce, Justice, and Science spending bill.

I also commend my colleagues, Senators WHITEHOUSE and KENNEDY, for their leadership in the critically important arena of health information technology, IT. Without their diligent work, the promises of health IT to reduce costs and improve quality of care would be very distant indeed.

Even with their dedication and that of many other colleagues, we have our work set out for us as we seek to accelerate the adoption of health IT. The Democratic steering committee heard yesterday from leaders on all aspects of health information technology—representing consumers, health care providers, business, insurers, labor, and others. All share an appreciation for what health IT can do to manage costs and ensure that patients get the care they need, at the right time, and in the best setting.

Yet they also expressed a shared sense of the need for Federal leadership and legislation to remove barriers to the adoption of health IT. These barriers include a misalignment of incentives and inadequate funding, the lack of standards adoption, and privacy and security concerns. Some of these barriers are large and will take all of us working together to find solutions. I am committed to doing so and look forward to working with my colleagues this Congress toward that goal.

There are also some barriers that should be easy to remove, and we must do so this year. One of those is the current U.S. Drug Enforcement Administration, DEA, prohibition on the electronic transmission of prescriptions for controlled substances, schedules II-V.

We know that e-prescribing saves lives, prevents injury, improves patient care outcomes, is more efficient, and saves health care dollars. One amazing statistic: According to the Center for Information Technology Leadership, CITL, e-prescribing systems with a network connection to pharmacy and advanced decision support capabilities can help avoid more than 2 million adverse drug events, ADEs, annually—130,000 of which are life-threatening.

It is important to note that some of the most dangerous drug interactions can occur with and between controlled substances. Preventing them from being processed electronically also prevents a physician's ability to do a computer drug interaction check to avoid what could be a fatal interaction.

Additionally, although the schedule II-V drugs account for only 12 to 15 percent of all prescriptions, the prohibition affects a much larger percentage of prescriptions for a very simple reason: of the relatively small number of physicians who have tried to move to electronic prescribing, some are giving it up entirely because they are prohibited from using it for all drugs. Physicians need to be able to use one means to write all prescriptions. If they must shift from electronic to paper depending on the patient or depending on which drug a particular patient needs, the confusion and extra time become too large a barrier to electronic prescribing. The result is a return to paper prescribing, and increased costs, increased errors, and worse health outcomes.

The prohibition on e-prescribing of controlled substances not only has a ripple effect in that it deters e-prescribing of all medicines, but it may deter adoption of electronic medical records in general. Electronic prescribing is the first step to adoption of full electronic medical records; if doctors can't efficiently adopt the process of writing prescriptions electronically, they are less likely to adopt electronic medical records.

The widespread adoption of electronic medical records could save up to $100 billion annually. Given the fact that health care will soon consume 20 percent of our country's gross domestic product, and yet we have 47 million uninsured Americans and the highest infant mortality and lowest life expectancy of any other industrialized nation, we must do whatever we can to encourage adoption of electronic prescribing and electronic medical records, not keep in place policies that deter adoption.

I understand and appreciate that the DEA has a very important law enforcement function and needs to have the tools to enforce the laws and prosecute law breakers. However, electronic prescribing is not a barrier to that. The systems that have been used for years to transmit prescriptions electronically are secure and auditable. In fact, electronic prescribing will not only help enforcement but will create new opportunities to prevent abuse of controlled substances. Existing e-prescribing processes are actually more secure than written prescriptions. Banking transactions have been conducted for years electronically, and authorities have been able to prosecute people who misuse the technology. I am confident we can do the same with respect to any misuse regarding controlled substances.

I know that the DEA has acknowledged that e-prescribing offers many benefits and has considered ways to allow the electronic transmission of controlled substance prescriptions. And I know that DEA and Health and Human Services held a public meeting last year to begin to address this issue. That was a great first step, but progress has been very slow and now we need to solve this problem in a way that realizes the benefits of health IT, is secure, scalable within the industry, and that protects the DEA's interests.

One relatively easy fix may be to simply amend the Controlled Substances Act to permit electronic prescribing. There may be other ways to address the problem, and I am open to discussing those. What is critical is that we find a way to allow e-prescribing for all medications soon—every day we delay, the cost in dollars and lives grows. We need incentives to encourage adoption of e-prescribing, not roadblocks to adoption. Increased use of electronic prescribing will increase patient compliance, improve health outcomes, reduce medication errors, and reduce health care costs.

It is my sense that DEA should not invest additional resources in pursuing plans to allow e-prescribing of controlled substances through measures that are unnecessarily high in cost and complexity.

I join my colleagues in urging DEA to quickly adopt rules allowing electronic prescribing of controlled substances that rely on the high level of security built into the existing e-prescribing infrastructure and are deemed workable by all stakeholders.

Absent a timely adoption of such DEA rules, I look forward to working with my colleagues to find a solution to the prohibition on electronic prescribing of certain medicines this year.

Mr. President, I see the chairman of the Committee on Health, Education, Labor, and Pensions is here, and I would appreciate his comments on this issue.

Mr. KENNEDY. Mr. President, I thank the Senator from Rhode Island for drawing our attention to this barrier in the advancement of electronic prescribing. The use of electronic prescribing technologies offers an opportunity to improve health care outcomes by reducing medication errors and improving patient compliance with physician orders and screening for dangerous drug-drug interactions. Physicians and pharmacies in Massachusetts have begun to adopt e-prescribing and patients are benefiting. Massachusetts was recently recognized as the State with the highest volume of electronic prescriptions per capita. Electronic prescribing systems offer security advantages beyond those available through a paper-based system by requiring user authentication and generating an audit trail of prescriptions submitted to pharmacies. Creating a method by which controlled substances can be safely and securely prescribed electronically will encourage physicians' adoption of the technology. I support the Senator from Rhode Island's proposal for a joint report by the U.S. Drug Enforcement Administration and the Department of Health and Human Services to evaluate how electronic prescribing of controlled substances can be safely achieved. I also urge the Drug Enforcement Agency to adopt rules allowing controlled substances to be electronically prescribed and in the absence of such rules look forward to working with my colleagues to address the issue legislatively.

Ms. MIKULSKI. Mr. President, I agree with the Senator from Massachusetts. I am committed to working with the Senator from Rhode Island, the Senator from Michigan, and the chairman of the HELP Committee to solve this problem.

Mr. WHITEHOUSE. Mr. President, I thank the chairman and all my colleagues for their help on this issue.

Mr. BYRD. Mr. President, today I voted to table an amendment offered by Senator COBURN to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008, which would have shifted funding to the Civil Rights Division within the U.S. Department of Justice for the investigation and prosecution of unsolved civil rights cases.

I share Senator COBURN's fervent and sincere desire to solve these ghastly crimes. However, I do not believe that his amendment would achieve this important task. Instead, the Senate should consider and pass S. 535, the Emmett Till Unsolved Civil Rights Crime Act. I am a cosponsor of this bill, which would commit the resources of the U.S. Government to investigating and prosecuting racially motivated murders that occurred on or before December 31, 1969. The bill designates an official within the U.S. Department of Justice, and another within the Federal Bureau of Investigation, to investigate, prosecute, and coordinate the investigations of civil rights violations that occurred prior to 1970 and resulted in a death.

There is an urgent need for the Congress to enact this measure. Given the advanced age of defendants and potential witnesses, there remains only a small window of opportunity in which to solve these cases. Ultimately, the purpose of this bill is to provide justice to the families of those who were murdered for racially motivated reasons prior to 1970. The bill expresses the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the U.S. Department of Justice, should expeditiously investigate unsolved civil rights murders, and provide the resources necessary to ensure timely and thorough investigations in the cases involved.

The families of the victims of these heinous crimes deserve no less. It is my hope that this bill, which has been approved by the Senate Judiciary Committee, will soon be voted upon and passed by the Senate.

The PRESIDING OFFICER. The Senator from Washington.

EXECUTIVE SESSION

NOMINATION OF JENNIFER WALKER ELROD TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mrs. MURRAY. Mr. President, I ask that the Senate proceed to executive session to consider Executive Calendar No. 302, as under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 5 minutes under the time of Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD A. JONES

Mrs. MURRAY. Mr. President, I am honored to come to the floor today to speak on behalf of Richard Jones. He is a distinguished lawyer and a King County Superior Court judge from my home State. He is a man who enjoys broad bipartisan support, and he deserves a seat on the Federal bench.

President Bush nominated Judge Jones to be a district court judge for the Western District of Washington State. He is an excellent choice. I am very proud to be here this afternoon to support him, and I urge my colleagues to support him as well.

If you were to ask lawyers or judges in my home State about Judge Jones, some of the descriptions you would hear are, "He is admired by everyone in the justice system." "He gives respect, and he gets respect." "The test of one's performance is the way they handle the smaller cases. Richard displays precisely that same degree of sensitivity to all who appear before him."

The Seattle Times described this nomination by saying:

> This is a lifetime appointment with no room for mistakes, and we believe there is no mistake here.

I couldn't agree more. Judge Jones has handled some of the most difficult cases in western Washington in the past decade and he has won the respect of everyone who has come before him. He presided over the sentencing of Gary Ridgway, who was known as the "Green River Killer." Ridgway pleaded guilty to 48 counts of aggravated first-degree murder in 2003 and is one of the most prolific serial killers in American history. That would be a tough case for any judge, but Judge Jones earned praise for the sensitivity and dignity he showed for the victims of the Green River killer.

As a result of that case—and in recognition of his long service to Washington State—in 2004, Judge Jones received the "Judge of the Year Award" from the Asian Bar Association of Washington, from the King County Bar Association, from the Washington State Bar Association, and from the Washington State Trial Lawyers Association.

Judge Jones has also been praised by his peers for handling cases far out of the media spotlight with the same care and attention. Both Senator CANTWELL and I assisted the President in choosing Judge Jones from a list of very qualified candidates. When I met him, I was so impressed with his sensitivity, his professionalism, and his overall sense of fairness. Throughout his career, Judge Jones has won high praise for his judicial demeanor and for the respect he shows all parties.

In the courtroom, Judge Jones is known for making articulate and powerful statements that make clear where he stands. He clearly meets the standards of fairness, evenhandedness, and adherence to the law we all expect from our Federal judges.

In his personal background, he graduated from Seattle University and the University of Washington School of Law. In private practice, Richard Jones successfully represented both plaintiffs and defendants in a variety of civil cases. As a State and a Federal prosecutor, he had extensive experience prosecuting criminal cases. Most recently, as a full-time King County Superior Court judge, Richard Jones has distinguished himself and won broad support.

In addition to all of those professional responsibilities, Judge Jones also has been deeply involved in community activities. He served as a YMCA board member and mentored minority youths. He has worked in the community to expand opportunities for students to pursue legal careers by supporting youth-oriented legal programs. Judge Jones has shown a commitment to the people of his community, and that is one of the reasons why they have shown a commitment to him. Since he was first appointed in 1994, the voters of King County have reelected him three times. I know I speak on behalf of a large number of people in my State's legal and law enforcement community in saying that our Federal bench will be stronger with Richard Jones.

It is my pleasure to be here on the floor this afternoon to support his nomination. He has garnered bipartisan support in my State, and I am confident that his record of fair and unbiased service will earn him a bipartisan vote on the floor of the Senate today. I urge all of my colleagues to support this nomination.

I yield the floor.

Mr. LEAHY. Mr. President, we have nominations before us for lifetime appointments to the Federal bench of Jennifer Walker Elrod of the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi.

The yeas and nays have not been ordered on any of these, have they?

The PRESIDING OFFICER. Only the nomination of Ms. Elrod has been reported.

Mr. LEAHY. But no request has been made for the yeas and nays; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, for the interest of my colleagues, I do not anticipate—I do not intend to ask for the yeas and nays on any of these. I have discussed this with the distinguished senior Senator from Pennsylvania, Senator SPECTER, and I believe I am authorized to speak for him that he is not going to be requesting the yeas and nays.

Mr. CARDIN. Would my distinguished chairman yield for a moment?

Mr. LEAHY. Yes.

Mr. CARDIN. As you know, I am going to be opposing the nomination of Jennifer Walker Elrod, but I will not be seeking a record vote.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maryland. I know he is going to be speaking on that nomination and stating his reasons for opposition, but I wanted it known by both leaders that I will not be requesting a rollcall vote on any of these. I see the distinguished senior Senator from Mississippi is on the floor and I have advised him of that also.

The Senate continues, as we have all year, to make progress filling judicial vacancies when the White House will work with us. The nominations before us today for lifetime appointments to the Federal bench are Jennifer Walker Elrod for the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi. They each have the support of both home State Senators. I thank Senators MURRAY, CANTWELL, COCHRAN, LOTT, HUTCHINSON, CORNYN, SCHUMER and CLINTON for their work in connection with these nominations.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over the most controversial nominations.

If the nominations we consider today are confirmed, the Senate will have already confirmed 33 nominations for lifetime appointments to the Federal bench this session alone. That is more judicial nominations than were confirmed in all of 2005 or 2006 with a Republican majority. It is 16 more confirmations than were achieved during the entire 1996 session, nearly doubling that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

Judge Elrod would be the Fourth Circuit court nominee confirmed so far this year. That is more than the number of President Clinton's circuit court nominations confirmed by this time in 1999 with a Republican-led Senate and four more than the Republican-led Senate confirmed in the entire 1996 session. That was the session in which not a single circuit court nominee was confirmed. That is more than were confirmed in all of 1993 and equals the total in 1983.

If the nominations are confirmed today, the Senate will have confirmed 21 circuit court nominations and 133 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—have been confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

Today, we consider a nominee to the Fifth Circuit. During the Clinton administration several outstanding nominees to the Fifth Circuit were pocket filibustered. They included Judge Jorge Rangel of Texas, Enrique Moreno of Texas and Alston Johnson of Louisiana. They were pocket filibustered without a hearing or committee consideration. In contrast, the Judiciary Committee has proceeded with this nomination.

The Administrative Office of the U.S. Courts will list 44 judicial vacancies after today's confirmations. The President has sent us only 20 nominations for these remaining vacancies. Twenty-four of these vacancies—more than half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for half of them. Of the 15 circuit court vacancies, 6—more than a third—are without a nominee. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

We have helped cut the circuit vacancies from a high mark of 32 in the early days of this administration, to as few as 13. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 to 26. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President.

More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

Two of the vacancies being filled today are categorized by the Administrative Office of the United States Courts as judicial emergency vacancies. With these confirmations we will have proceeded to fill 18 such vacancies this year.

Jennifer Walker Elrod is a judge on the 190th District Court for Harris County, TX, a position she has held since 2002. A native of Port Arthur, TX, and a graduate of Baylor University and Harvard Law School, Judge Elrod clerked for Judge Sim Lake on the U.S. District Court for the Southern District of Texas and spent 8 years in private practice at Baker Botts before joining the bench.

Roslynn Renee Mauskopf has served as U.S. attorney for the Eastern District of New York since her 2002 appointment by President Bush. Ms. Mauskopf received her B.A. from Brandeis and her law degree from Georgetown before spending 13 years as assistant district attorney in the New York County District Attorney's Office and serving a stint as New York State's inspector general.

Richard Anthony Jones has been a judge on the King County Superior Court since 1994. Previously, Judge Jones, a graduate of Seattle University and the University of Washington School of Law, served as an assistant U.S. attorney in the Western District of Washington, staff attorney for the Port of Seattle, and deputy prosecuting attorney for King County, also spending 6 years in private practice at Bogle and Gates.

Sharion Aycock has been a state trial judge on the First Circuit Court District in Tupelo, MS, since 2003. A native of Tupelo, MS, Judge Aycock, who received her B.A. from Mississippi State University and her J.D. from Mississippi College School of Law, served for 8 years as Itawamba County prosecuting attorney, and spent time in private practice in Mississippi as a solo practitioner and at law firms.

I congratulate the nominees and their families on their confirmations today.

The Judiciary Committee has reported dozens of measures to the Senate that await action, from privacy legislation to war profiteering legislation to court legislation, all on a bipartisan basis. Yet we are stalled on several important matters.

I have spoken before of the Republican objection to our going to conference to finish work on the Court Security Improvement Act, S. 378, which the committee reported to the Senate back in March. We had to overcome a filibuster just to consider it. It ultimately passed the Senate 97 to zero. We are being prevented from going to conference to resolve differences with the House by Republican objection.

I have spoken before about the War Profiteering Prevention Act, S. 119, what has been stalled for months by unspecified Republican objections.

I have spoken before about the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. It was reported unanimously by the Judiciary Committee, yet a Republican Senator objected to Senate passage this week.

Similarly there is a modest bill to extend temporary judgeships in five districts, S. 1327. That simple bill is likewise being prevented from passage by a Republican objection.

Today, I want to focus on another important measure, the School Safety and Law Enforcement Improvement Act.

Two months ago, the Senate Judiciary Committee originated the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the tragic deaths that occurred this past April on the campus of Virginia Tech. We tried to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the Committee originated this bill and reported it before the commencement of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Over the past 2 weeks, Senator SCHUMER and I have tried separately to pass the component of the bill designed to fix flaws in the Nation's background check system. Regrettably, our efforts were blocked by a single Senator.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to insure safety in our schools and on our college campuses. Risks of school violence will not go away just because Congress may shift its focus. In just the last few weeks we have seen tragedy at Delaware State and Memphis, as well as incidents in California and New York. I urge the Senate to move aggressively with the comprehensive school safety legislation.

It includes background check improvements together with other sensible yet effective safety improvement measures supported by law enforcement across the country. Accordingly, I urge the Senate to take up and swiftly pass S. 2084. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help. Just this past week, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours.

The next day, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, which also resulted in a lock-down. The students in these situations escaped with their lives.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus this past Sunday morning in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton and Nathaniel Pew were not so lucky. They were both wounded during an incident at Delaware State and are still hospitalized from the gun shot wounds with Ms. Middleton still in serious condition. They are each only 17 years old.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens 2 existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

To address the new realities of campus safety, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice.

The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law.

Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program.

Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves and their families wherever they may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the Review Panel aimed at improving school safety planning and reporting information to NICS.

We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no panacea to end the sad phenomenon of school violence. The recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

Mr. President, I apologize to my colleagues for my voice. We seem to have enough matter in the air to affect it. I look forward to the fact that in a couple of days I will be in Vermont where the air is much nicer, although I do love this area. I once had a longtime resident of Washington, DC, sitting on the front lawn of my farm in Middlesex, VT, looking out over miles of valleys surrounded by mountains. You don't see another person, just this magnificent view. It was a clear day.

I said to him: There, what do you think of that view?

He said: I don't like it.

I said: What do you mean? You came here from Washington, and you are seeing one of the most beautiful views anywhere in the State of Vermont, and you don't like it? What don't you like about it?

He said: I don't trust air that I cannot see.

Well, we cannot see the air there, but, boy, we can breathe it. I enjoy that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Mississippi and then 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LEAHY. Mr. President, I will yield 15 minutes to the Senator from Maryland following that.

NOMINATION OF JUDGE SHARION AYCOCK

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Judge Sharion Aycock and recommend her confirmation as U.S. district court judge for the Northern District of Mississippi.

Judge Aycock is exceptionally well qualified by reason of her education, her experience, and her temperament to serve as a U.S. district court judge. As a lawyer, she was highly respected, and as a judge on our State court that has general, civil, and criminal jurisdiction, she has served with competence and distinction and with a keen sense of fairness. She will reflect great credit on the Federal judiciary, in my opinion. Judge Aycock has earned the respect and admiration of her fellow lawyers, as well as the judges who have worked with her. She has been selected to serve in many professional and community positions of trust and responsibility.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously concluded that she is "well qualified" to serve as a Federal district court judge. This is the highest rating a judicial nominee can receive from the American Bar Association.

She was born and raised in the northeast Mississippi town of Tremont in Itawamba County, where she graduated from high school with honors and was elected President of the student body.

She also graduated with honors from Mississippi State University in 1977, studying economics and political science. While a student there, she was selected for membership in Phi Kappa Phi, the Nation's oldest and largest honor society. She was inducted into the Mississippi State University Hall of Fame, the university's highest undergraduate honor. She also served as President of her social sorority.

She received her law degree from the Mississippi College School of Law, where she served as co-editor in chief of the Law Review and as treasurer of the Student Body Association. She graduated second out of a class of 146 and was admitted to practice law by the Mississippi State Bar.

After graduating from law school, Ms. Aycock returned to Itawamba County and started her own practice in 1984. During her 12 years of law practice, she represented the Itawamba County Board of Supervisors and the Board of Education, the town of Tremont, the city of Fulton, and the Northeast Mississippi Natural Gas District. She served as the Itawamba County prosecuting attorney from 1984 to 1992 and was honored as the State's most distinguished juvenile justice professional.

Judge Aycock was elected circuit court judge for the First Circuit Court District of Mississippi in November 2002. She was unopposed when she sought reelection 4 years later, in November 2006.

Except for statewide elected officials, trial judges have the largest geographic areas of responsibility in our State under their jurisdiction. The fact that she was unopposed when she was reelected in 2006 means that many people respected and appreciated the tremendous job she had done as a trial judge. Her court's docket is one of the busiest in the State of Mississippi, and it is also one of the largest districts, encompassing seven counties.

During her tenure on the circuit court, Judge Aycock has had the opportunity to hear numerous criminal and civil cases, covering a broad range of subjects. She has expedited the work of the court, both on the civil and criminal dockets. She led the court in disposing of civil cases and the collection of fines and criminal cases.

She has contributed substantially to the improvement of the administration of justice in our State and in the betterment of her community.

She has been an active member of local and State bar associations. She served as First Judicial District secretary and president and was the first woman to serve as president of the Mississippi Bar Foundation, an organization dedicated to the improvement of the administration of justice in our State. She is also a fellow of the Mississippi Bar Foundation.

She served as president of the Itawamba County Development Council, as a member of the Itawamba County Hospital Foundation, and as cochair of the Itawamba County March of Dimes.

Senator LOTT and I recommended the nomination of Judge Aycock in December of 2006. I am pleased that the President nominated Judge Aycock and that the Senate Judiciary Committee has recommended the approval of her nomination.

I urge Senators to vote to confirm this well-deserved nomination.

Mr. LOTT. Mr. President, it is my pleasure to have this opportunity to speak on behalf of Judge Sharion Aycock in advance of her confirmation vote. Judge Aycock is the first female jurist from Mississippi to be nominated to a position on the Federal bench, and I am delighted that the President has chosen her to serve on the United States District Court for North Mississippi.

Judge Aycock was born and raised in Tremont, MS. After graduating with honors from Tremont High School, she went on to attend Mississippi State University where she graduated with a degree in political science. Judge Aycock then earned her law degree from the Mississippi College School of Law, where she served as Co-Editor-in-Chief of the Mississippi College Law Review and finished 2nd in her class.

Following law school, Judge Aycock was employed by the A.T. Cleveland Law Office in Fulton, MS, and later opened her own practice. While in private practice, she represented the Itawamba County Board of Supervisors, Itawamba County Board of Education, Town of Tremont, City of Fulton, and the Northeast Mississippi Natural Gas District. She also served as the Itawamba County Prosecuting Attorney from 1984 to 1992.

Judge Aycock has been extremely active in her local community serving as Past President of the Itawamba County Development Council, a Member of the Itawamba County Hospital Foundation, a Member of the Three Rivers Area Health Services, Inc., Co-Chairman of the Itawamba County March of Dimes, and Chairman of the Prairie Girl Scouts Capital Fund Drive for Itawamba County. She was chosen as the "Itawamba County Good Citizen of 2000" and selected as one of the Mississippi Business Journal's "Top 40 Under 40."

In addition to being heavily involved in her local community, Judge Aycock has been an active member in the Mississippi Bar Association. She served as First Judicial District President and Secretary, and was honored as a Fellow of the Mississippi Bar Foundation.

During her professional career, she has also received several gubernatorial appointments, including appointments to the Board of the Mississippi Home Corporation; Board Member and Past Chairman of the Mississippi State Personnel Board; and a Member of the Governor's Commission on Youth and Children.

Judge Aycock is currently Circuit Court Judge of the First Circuit Court District of Mississippi, a position she was elected to in November of 2002. During her tenure, Judge Aycock has had the opportunity to hear numerous criminal and civil cases covering a broad range of subject matter and complexity. She has presided over countless criminal cases, including capital murder, murder, manslaughter, and numerous drug offenses. Civil cases have included medical malpractice, contracts, fraud and misrepresentation, personal injury, and other suits for monetary damages.

I believe that Judge Aycock will serve as a credit to both the Federal bench and to the State of Mississippi. I look forward to her confirmation.

The PRESIDING OFFICER. The Senator from Texas is recognized.

NOMINATION OF JUDGE JENNIFER WALKER ELROD

Mr. CORNYN. Mr. President, I am reminded of a quote from Daniel Webster when he said that "justice is the greatest aspiration of man on earth." I think the reason we take these judicial nominations so seriously is because the judiciary—the people who wear the black robe—is the personification of that aspiration for justice.

Today, it gives me great pleasure to speak in support of the nomination of Judge Jennifer Elrod of Houston to the U.S. Court of Appeals for the Fifth Circuit. In a few moments, the Senate will vote on her nomination.

As Judge Elrod's career makes clear, she is well qualified for a seat on the Federal appellate bench. She has demonstrated the legal acumen, the judicial temperament, and dedication to public service which the Senate wisely requires of all judicial nominees.

Since 2002, Judge Elrod has been a State district court judge, serving on the 190th District Court in Harris County, TX. As a trial judge, she has presided over more than 200 jury and nonjury trials. Before that, Judge Elrod practiced law in Houston, TX, in the trial department of Baker Botts, a top national law firm.

Judge Elrod is known for her outstanding intellect, her strong work ethic, her integrity, and her courteous demeanor. She has an outstanding record as a practicing attorney and as an active State court judge. She has demonstrated an impressive commitment to public service and pro bono work throughout her career.

Both while in private practice and while serving the people of Texas as a trial judge, Judge Elrod has dedicated much of her free time to improving the lives of those less fortunate in the community.

Even with the demands of a career in the law, she also found time to serve as a board member and chairwoman of the Gulf Coast Legal Foundation, now called Lone Star Legal Aid. This organization serves more than 1 million low-income Texans, making it the fourth largest legal aid program in the Nation. She also served as general counsel to Communities in Schools in Houston and as the cochair of the Houston Volunteer Association's Legal Hotline.

As a judge, she assisted the Houston Bar Association with numerous fundraising activities aimed at providing scholarships for diversity and equal access to justice. Judge Elrod dedicated her time to hosting and mentoring legal interns from less-privileged backgrounds, opening her courtroom to them and teaching these young men and women valuable oral advocacy skills. She has been an active participant in the Texas Access to Justice Commission, helping young lawyers to provide legal services to indigent clients.

Mr. President, I know of few lawyers, much less judicial nominees, with such an outstanding record of consistent commitment to pro bono services and public service.

While my colleagues undoubtedly will acknowledge the importance of Judge Elrod's career achievements and dedication to her community, we also recognize that the most important attributes of a judicial nominee are their temperament and commitment to the rule of law. Above all else, a judge must faithfully interpret and apply the law as written and not as they wish we in Congress should have written it. I am confident Judge Elrod has demonstrated her ability to fairly and impartially resolve cases before her.

Her demonstrated fairness and respect for all is a key reason why her nomination is supported across the Houston legal community. She has the personal endorsement of the past and current presidents of the Houston Bar Association, the Hispanic Bar Association of Houston, and the Mexican American Bar Association of Houston, which are just a sampling of the broad base of her support. By all accounts, Judge Elrod has exercised her judicial duties with nothing but neutrality and a commitment to fundamental fairness for every litigant before her.

In sum, Judge Elrod is an accomplished lawyer and judge of high character and uncommon integrity. I am honored to enthusiastically recommend to the Senate that it vote to confirm her to the U.S. Court of Appeals for the Fifth Circuit. I am confident she will serve this Nation with honor and distinction.

Let me say in closing how much I appreciate the chairman of the Judiciary Committee, Senator LEAHY, for giving Judge Elrod a timely hearing and for putting it on the markup on the Judiciary Committee schedule. I appreciate the majority leader, Senator REID, for allowing this nomination to come forward to the floor so we can give this good judge a vote very soon, I hope.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I serve on the Judiciary Committee, and Chairman LEAHY asked that I chair the nomination hearings, the confirmation hearings on the three judges whom we are considering today.

I agree completely with our colleagues from the State of Washington and the State of Mississippi. I think Richard Jones is well qualified and should be confirmed for the U.S. District Court in the Western District of Washington.

I think Sharion Aycock is well qualified, and I strongly support her confirmation to the District Court in Mississippi.

In regard to Jennifer Walker Elrod, for the U.S. Circuit Court for the Fifth Circuit, I opposed her nomination in the Judiciary Committee, and I take this time to explain to my colleagues why I believe she should not be confirmed.

Let me begin by saying that I agree with my friend from Texas about Judge Elrod's commitment to pro bono legal services. She served as chair of the board of the Gulf Coast Legal Foundation, now known as Loan Star Legal Aid, the largest provider of pro bono services in southeast Texas. That is important to me because I think all lawyers have a responsibility to help out to make sure our system is available to all.

After serving 8 years in private practice as an associate of Baker Botts in Houston, TX, she was appointed to the bench by the Governor in 2002 as a judge, the 190th District Court in Houston, TX. She was reelected to the bench in 2006.

However, no one is entitled to a circuit court judgeship. In the vast majority of cases, these courts are the final law of the land for the States in their circuit when it comes to interpreting complex Federal statutes and our Constitution. These judges have lifetime appointments and are second only to the Supreme Court Justices in terms of their power and authority.

I think we need to exercise a higher standard when we look at the confirmation of our appellate court judges. In many cases, they will be the final arbitrators of disputes among the people of our States.

In meeting with Judge Elrod, chairing her nomination hearings, and reviewing her written responses to additional questions I posed to her, I am not convinced Judge Elrod has the experience for this position.

I start with the undisputed fact about Judge Elrod's record. By her own admission, Judge Elrod has never written a single judicial opinion. In response to the Judiciary Committee's questionnaire asking for her opinions as a judge, she stated: "I do not write opinions, I sign orders." She provided over 6,000 orders to the committee, but most are one-page documents that do not contain any discussion of substantive law. Indeed, Judge Elrod said that most questions in our committee questionnaire about her judicial opinions were not applicable to her because certiorari was not granted in any of her cases; appellate opinions or orders rarely reviewed her orders and decisions; she had no list of unpublished opinions; and she never sat on a judicial panel with other colleagues deciding cases. In short, we have no record of her ability to write opinions or the rationale for her decisions.

A nominee for circuit court judge should have experience in writing substantive judicial opinions. Judge Elrod does not have this requisite experience.

Judge Elrod, by her own admission, has very little experience in criminal cases. When she litigated at Baker Botts for 5 years, she responded that her practice involved "100 percent civil proceedings" and "0 percent criminal proceedings." Her current job as a judge on the 190th District Court of Houston, TX, involves almost exclusively civil cases.

A nominee for circuit court judge should have broad experience in both criminal and civil cases. Her work in a handful of pro bono cases does not give me confidence that she has sufficient understanding of the criminal justice system and the rights of defendants. In fact, her major initiative in criminal issues involved the amicus brief in the case of Texas v. Cobb before the Supreme Court, in which she argued that the sixth amendment only applies to "charged offenses" and therefore a police interrogation without counsel about a subsequent offense was admissible. She did not further explain her views about this case in her written responses to our committee.

Judge Elrod, by her own admission, has very little experience in Federal court. In response to the committee questionnaire, she stated that her private practice involved "80 percent state court" cases and "20 percent federal" cases. Her current job as a State district court judge involves almost exclusively State issues.

A nominee for circuit court judge should have broad experience on Federal court issues and in the complex questions, often of first impression, of Federal law, statutory law, and constitutional interpretation that are routinely raised.

Judge Elrod, by her own admission, has very little experience in appellate litigation, with exception of the Cobb case noted above. Her current job as a State district court judge involves exclusively trial level proceedings.

A nominee for the circuit court—this is our appellate court, our second highest court—who handles these types of cases should have significant experience in appellate work.

Judge Elrod, by her own admission, does not "write opinions." She "signs orders." Given that circuit court judges are often the final say on law of the land in a given circuit—due to the low rate of granting certiorari by the Supreme Court—a circuit court judge has an unusual amount of authority and decisionmaking power.

We do not have any track record by which to weigh Judge Elrod's views on substantive legal issues, such as civil rights, civil liberties, workers' rights, reproductive freedom, environmental protection, consumers' rights, or employees' rights.

The speeches Judge Elrod provided for the record did not shed any more light on her opinions on substantive legal issues. She stated she did not have notes for many of her speeches. She also has not written any substantive legal or journal articles on complex legal or policy issues. Judge Elrod does not meet my test for Federal judicial nominees since she does not have the requisite experience for an appellate judge.

I want to talk about a separate issue. I talked about experience, which I think is important for a nominee who wants to serve on our appellate courts. I also think the issue of diversity is an important issue that needs to be talked about in this Chamber.

I wish to talk about the issue of diversity in the Fifth Circuit Court of Appeals. The U.S. Court of Appeals for the Fifth Circuit, which includes Mississippi, Louisiana, and Texas, presides over the largest percentage of minority residents, 44 percent, which includes African Americans and Latino citizens, of any regional circuit courts of appeal in this country outside of Washington, DC.

Mississippi has the highest African-American population, 36 percent, of any State in the country. Louisiana has the second largest African-American population, at 32 percent, of any State in this country. It is disappointing that none of President Bush's 10 nominations to the Federal bench in this circuit were African American. Of the 19 Federal judges who now sit on the Fifth Circuit Court of Appeals, only one is African American.

We all agree that diversity at all levels of our judicial system is important. Most recently, we have seen mass protests over double standards in our criminal justice system used to treat African American and White youths in Jena, LA. Surely, in 2007 we can do better.

I take this time to point out that when the President submits a nominee for the appellate court, our second highest court, I expect that nominee will have the type of experience that is appropriate for a judge to be on the appellate court. I certainly am disappointed by the President's nominations on this circuit as it relates to diversity. I wanted to make sure that was included in the RECORD.

Mr. President, I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Mr. President, I thank the distinguished ranking member.

I certainly respect the right of the Senator from Maryland to express his views. I do want to put this in some context.

I don't know if it is a unique experience currently in the Senate, but perhaps it is currently that I am the only Member of the Senate who actually served for 13 years as a State judge, both on our State trial bench and the supreme court. That does not give me any particular qualifications other than to say what it means to have served in those capacities, as Judge Elrod has for 5 years. She worked also as a clerk for a U.S. district judge, Judge Sim Lake, for 2 years.

I hope we are not saying that it is a prerequisite for confirmation to the job of an appellate judge that one actually has to have served as an appellate judge. Of course, rarely do any of us have experience in the jobs to which we are assigned or to which we are elected or to which we are hired until we have actually had a chance to perform that job. What we look at is not whether they have actually done that job before, but whether they have done a good job of everything they have taken on previously.

By that standard, Judge Elrod not only has an impressive resume for a lawyer of her age, but she has demonstrated her competence, indeed, her excellence as a State district court judge.

I have some sensitivity to the suggestion that she does not have lengthy enough experience, alluding to her relative youth. I remember when I became a State district judge, I was 32 years old. But, more importantly, of the 19 judges currently serving on the Fifth Circuit Court of Appeals, 10 were in their forties or younger when appointed; three were 41—Judge Elrod's age—or younger. Judge Edith Jones, the chief judge of the Fifth Circuit, was 36 when confirmed by the Senate.

Judge Higginbotham, to whose vacancy Judge Elrod is nominated, was 44, and Judge Sim Lake, with whom Judge Elrod clerked, was 44 when he was appointed.

I also think of the members of the Judiciary Committee in the Senate who have been elected to important positions of responsibility. My recollection is—and I have to rely on the distinguished Senator from Maryland to remind me—but I think he was one of the youngest, if I am not mistaken, speakers of the Maryland House ever elected. He was elected at a young age, and that is to his great credit.

The fact is, age alone should not determine competence for these jobs. I think the demonstrated public service and record of excellence is sufficient.

I appreciate the Senator from Maryland acknowledging her tremendous record of pro bono service. That is a record of service above and beyond the call of duty which I think demonstrates Judge Elrod's commitment.

Finally, on the issue of diversity, I note that Judge Higginbotham, who currently occupies the seat to which Judge Elrod has been nominated and will serve, is somebody who looks like me. He is a White male. I think we ought to celebrate the fact that a woman of Judge Elrod's capability and experience has been deemed qualified by the President of the United States and by the Senate Judiciary Committee to serve in this important position. I think that counts for some diversity.

I do share the concerns of the Senator from Maryland that too few African Americans are attending law school. It reduces the pool of potential applicants for people to serve in positions on the judiciary, and we need to do more to try to encourage and facilitate that situation. But I certainly would not hold it against Judge Elrod that she is not an African American. I think she is qualified on the merits.

I appreciate the Senator from Pennsylvania, the distinguished ranking member, giving me a few minutes to explain, perhaps, another side of the story.

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. WHITEHOUSE. Mr. President, I know the distinguished Senator from Texas was also an attorney general of his State. I wonder if in that capacity the staff who served the appellate function in the attorney general's office, a solicitor general, are separate and he recognizes appellate practice, in many ways, is a specialized skill in that context, and I wonder what appellate argument experience the candidate for the Fifth Circuit Court of Appeals has?

Mr. CORNYN. Mr. President, the distinguished questioner, the Senator from Rhode Island, is himself a distinguished lawyer and a former attorney general with whom I served as a State attorney general. He knows as well as I do that a trial judge and a trial lawyer have to craft written and legal arguments the same way as an appellate lawyer does. Those are the same basic skills that Judge Elrod brings to her job.

It is true, when I became attorney general of my State, I created an Office of Solicitor General, recognizing the increasingly specialized nature of appellate practice.

Again, I believe Judge Elrod, by virtue of her extensive trial experience, the fact she graduated at the top of her class from law school and undergraduate school, served with one of the premier law firms in the Nation and with distinction as a trial judge, more than adequately qualifies her for this new responsibility.

Mrs. HUTCHISON. Mr. President, I rise today in strong support of the nomination of Judge Jennifer Elrod to serve on the Fifth Circuit Court of Appeals.

Back in July, I was proud to introduce Judge Elrod, a fellow Texan, at her Senate Judiciary Committee hearing.

Judge Elrod is a highly accomplished judicial nominee, with a distinguished record as a state court judge and as a practicing attorney. I am confident she will capably serve as a federal appelate judge for the Fifth Circuit.

Judge Elrod has shown her judicial capability in the 190th District Court in Houston, TX, where she currently presides. At present, she manaages a docket of over 1,000 cases, and leads all Harris County civil district judges in the number of jury cases tried to verdict since 2005.

Prior to serving on the bench, Judge Elrod practiced at Baker Botts LLP, a top national firm, where she worked for 8 years on litigation matters including antitrust, employment law, commercial litigation, toxic tort, general civil litigation, and personal injury defense. She also served as a law clerk to the Honorable Sim Lake in the Southern District of Texas.

Judge Elrod's outstanding intellect is evidenced by her exceptional academic credentials, graduating cum laude from Harvard Law School, and magna cum laude with distinction from Baylor University in Texas.

Judge Elrod has long been dedicated to pro bono service and charitable causes, and she is the former chair of the Gulf Coast Legal Foundation, the largest provider of pro bono legal assistance to indigent people in the Texas gulf coast region. She was recently commended by the Texas Access to Justice Commission for her service in facilitating the advocacy skills of lawyers who represent poor and low income Texans.

Judge Elrod has also been an active member in both the Texas State Bar and the Houston Bar Association, with particular service in the areas of Continuing Legal Education and the Administration of Justice.

She is two-time recipient of the President's Award fo Outstanding Service to the Houston Bar Association, and she was awarded the outstanding Young Lawyer of Houston in 2004 by the Houston Young Lawyers Association.

I am honored to support the confirmation of Judge Jennifer Elrod because she meets the high standards to which we hold all judicial nominees.

She has an impressive record of public service, work ethic, integrity, and she will bring great honor to the Federal bench.

I encourage my colleagues to approve her nomination.

We must also fill the other two vacancies on the Fifth Circuit.

The President has nominated two highly accomplished individuals, Catharina Haynes, and Leslie Southwick, to fill those vacancies—and they deserve a fair and speedy confirmation process.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 22 minutes 40 seconds.

Mr. SPECTER. Mr. President, I support the nomination of Jennifer Walker Elrod for the Fifth Circuit Court of Appeals. She has an excellent academic record: magna cum laude from Baylor, where she was Phi Beta Kappa and cum laude from Harvard Law School. She has served as an adjunct faculty member at the University of Houston Law Center. She has been in the practice of law for some 15 years, spending 8 years at the law firm Baker Botts. She has done extensive pro bono work including as general counsel for the Communities in Schools in Houston. She has extensive participation in the bar association. She's a member of the Mexican-American Bar Association of Houston and the Houston Bar Association. I believe her record qualifies her for the circuit court, notwithstanding the considerations of age and experience.

Mr. CARDIN. Mr. President, will my colleague yield for one clarification on that point?

Mr. SPECTER. I do.

Mr. CARDIN. I want to make it clear for the record that I have never at all challenged this nominee for the appellate court on age. I have never raised the issue of age, and I would never raise the issue of age.

Mr. SPECTER. I thank the Senator from Maryland for that statement.

Judge Jennifer Walker Elrod was nominated to a seat on the Fifth Circuit Court of Appeals on March 29, 2007, and a hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably to the full Senate on September 20, 2007.

Judge Elrod received her B.A., magna cum laude, in economics from Baylor University in 1988, where she was Phi Beta Kappa and was named the "Outstanding Graduating Senior in the Honors Program."

In 1992, she received her J.D., cum laude, from Harvard Law School. At Harvard, she was a senior editor and the assistant business manager for the Harvard Journal of Law and Public Policy, and she was a finalist in the James Barr Ames Moot Court Competition.

After law school, Judge Elrod served as a law clerk to Judge Sim Lake of the United States District Court for the Southern District of Texas.

Following her clerkship, Judge Elrod practiced law in the litigation department of Baker Botts in Houston, TX.

In 2002, Governor Rick Perry appointed Judge Elrod to the 190th District Court in Harris County, TX, a State trial court. She was subsequently elected to the position in the 2002 general election and was reelected unopposed in 2006.

During her time on the bench, Judge Elrod presided over more than 200 jury and nonjury trials.

Judge Elrod has been dedicated to pro bono service and charitable causes her entire career. While working at Baker Botts, the firm gave her the Thomas Gibbs Gee Award for outstanding pro bono work. She also received the President's Award from the Houston Bar Association for Outstanding Service to the Bar.

While in private practice, Judge Elrod served as a board member and the chair of the board of the Gulf Coast Legal Foundation, now Lone Star Legal Aid, which is one of the largest providers of legal aid services to the poor in Texas.

The vacancy to which she is nominated is considered a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

The American Bar Association unanimously rated Judge Elrod "qualified."

NOMINATION OF RICHARD A. JONES

Richard Jones comes to the Senate with an extraordinary record. He has been in the active practice of law since graduating from the University of Washington Law School in 1975; has been a prosecuting attorney for King County, WA; staff attorney for the Port of Seattle legal department. He has extensive community service activities with the board of directors of the YMCA in greater Seattle, and was president of that organization; and has been recommended by the American Bar Association as unanimously "well qualified."

President Bush nominated Judge Richard A. Jones to be a U.S. District Court Judge for the Western District of Washington on March 19, 2007. A hearing was held on his nomination on July 19, and the Judiciary Committee reported his nomination favorably on September 6.

He is an experienced litigator and jurist with an extensive record of public service.

Judge Jones graduated from Seattle University in 1972. He graduated from the University of Washington School of Law in 1975.

After law school, he worked as a deputy prosecuting attorney for the King

County Prosecuting Attorney's office. There he prosecuted a wide variety of cases in matters ranging from DWI to murder prosecutions.

In 1978, he became a staff attorney with the Port of Seattle Legal Department. There he served as one of two in-house counsel providing legal advice and management services to all legal departments, with primary responsibility for the human resources, police, and fire departments.

In 1983, Judge Jones joined Bogle and Gates, one of the oldest and largest firms in Seattle, as an associate. There he managed cases in the firm's litigation and labor departments, primarily in the area of corporate commercial litigation.

From 1988 to 1994, Judge Jones served as an assistant U.S. attorney for the Western District of Washington. His work there entailed investigating and prosecuting major crimes such as bank robberies and fraud, as well as several years of work with the Drug Prosecution Division of the U.S. attorney's office.

In 1994, he was appointed King County Superior Court Judge to fill the term of a deceased judge. He was elected to that position in 1996 and re-elected in 2000 and 2004. His caseload has involved an extensive variety of civil, criminal, and juvenile matters. He also briefly served as Acting U.S. Magistrate for the court to which he is nominated in 1995 and 1997.

In 2004, Judge Jones was the recipient of both the King County Bar Association's Judge of the Year Award and the Washington State Bar Association's Outstanding Judge of the Year Award.

Throughout his legal career, Judge Jones has shown a strong commitment to the community. He served not only as president of the Loren Miller Bar Association, but also as president of the YMCA of Greater Seattle.

The American Bar Association has unanimously rated Judge Jones "Well Qualified."

NOMINATION OF SHARION AYCOCK

I further recommend Sharion Aycock for the United States District Court for the Northern District of Mississippi. Again, a fine academic record, with 27 years of law practice, with her bachelor's degree from Mississippi State University and a member of two honor societies, and Co-Editor in Chief of the Mississippi College Law Review. She has been a judge on the First Circuit Court for the District of Mississippi for the last 4 years, was the board attorney for the town of Tremont, and prosecuting attorney for Itawamba County. Judge Aycock brings substantial qualifications and the American Bar Association rated her unanimously "well qualified."

Judge Sharion Aycock was nominated to be a U.S. District Court Judge for the Northern District of Mississippi on March 19, 2007. A hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably by the Judiciary Committee on September 6, 2007. If confirmed, she will be the first woman to be appointed to the Federal district court in Mississippi.

Judge Aycock received her B.A. from Mississippi State University in 1977 where she was a member of the Omicron Delta Kappa and Phi Kappa Phi Honor Societies. She received her J.D. from Mississippi College School of Law in 1980 and served as Co-Editor in Chief of the Mississippi College Law Review.

Upon graduation from law school, Judge Aycock joined the A.T. Cleveland Law Office as an associate, where she worked from 1980 until 1983.

In 1984, Judge Aycock opened her own practice in Fulton County and represented a wide range of clients, including some of the largest and most successful businesses in the county.

Between 1987 and 1989, she formed a small partnership with three other attorneys and practiced under the firm name of Soper, Russell, Richardson and Dent, P.A.; however, they did not share office space, and she remained in her original office. In 1990, they dissolved the partnership, and Judge Aycock resumed her former sole practice.

While working as a sole practitioner, Judge Aycock represented a variety of government entities on a part-time basis.

She served as the board attorney for her hometown, Tremont, MS, from 1980 until 2002 and for the city of Fulton from 1998 to 2002. She was elected to serve as the prosecuting attorney for Itawamba County in 1984 and served until 1992.

Judge Aycock also served as the attorney for the Board of Supervisors for Itawamba County from 1993 to 2002, the board attorney for the Itawamba County School District from 1984 to 1999, and the attorney for the Board of Commissioners for the Mantachie Natural Gas District from 1986 to 2002.

In 2002, Judge Aycock was elected as Circuit Court Judge for the First Circuit Court District of Mississippi. She ran unopposed and was reelected in 2006. Her term is set to expire in 2010.

The American Bar Association Standing Committee has rated Judge Aycock unanimously "well qualified."

NOMINATION OF ROSLYNN RENEE MAUSKOPF

The fourth judge up for consideration also brings excellent credentials, Roslynn Renee Mauskopf: Magna cum laude from Brandeis in 1979, and cum laude from the Georgetown University Law Center. She has experience as an assistant district attorney in New York County. She was New York State Inspector General for 7 years and chair of the Governor's Moreland Act Commission on the New York City schools for 3 years.

Roslynn R. Mauskopf was nominated in the last Congress, but her nomination was not acted upon prior to its adjournment. She was renominated on January 9, 2007. A hearing was held on her nomination on April 11, 2007, and the Judiciary Committee reported her nomination favorably on July 19.

Ms. Mauskopf is a highly qualified nominee with excellent credentials and a distinguished record of public service.

In 1979, she received her B.A. degree from Brandeis University, graduating magna cum laude. In 1982, she graduated cum laude from Georgetown University Law Center.

After law school, Ms. Mauskopf served as an Assistant District Attorney for New York County until 1995.

Between 1995 and 2002, she served as New York State's Inspector General, leading the State office responsible for investigating corruption, fraud, criminal activity, conflicts of interest, and other misconduct in State executive branch agencies.

Between 1999 and 2002, she also chaired the Governor's Moreland Act Commission on New York City Schools, which examined the operations and fiscal affairs of the New York City Board of Education and the New York City School Construction Authority.

Since 2002, Ms. Mauskopf has served as United States Attorney for the Eastern District of New York.

The daughter of Holocaust survivors, she has dedicated herself to promoting Holocaust remembrance. Her mother, at age 90, attended her daughter's nomination hearing before the Judiciary Committee.

The American Bar Association has unanimously rated Ms. Mauskopf "Qualified."

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. SPECTER. I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wanted to come back to Judge Elrod and comment on some of the points Senator CORNYN raised in his statements on the floor.

As I explained to Senator SPECTER, at no time do I raise at all the issue of age. I don't even know Judge Elrod's age, nor should that ever be a factor in our consideration on a confirmation, and it was not in my judgment; nor do I think there is a mathematical formula as to what is an appropriate amount of experience to be qualified to be an appellate court judge; nor do I think there is a specific path that one must follow in order to become an appellate court judge.

But with Judge Elrod, just look at her background and record. You would think, for an appellate court judge, you would want a nominee to have appellate court experience. She does not have it. You would think, for a Federal appellate court judge, you would want someone who has experience in our Federal courts. She doesn't have that. You would think, for a Federal appellate court judge, you would want someone who has experience in criminal law. She doesn't have that. You would expect, for someone who is going to be a nominee confirmed for the appellate court, that we would be able to evaluate her ability to express herself through opinions. We don't have that. You would expect, for an appellate court judge, we would have her speeches or articles that would explain some of her philosophy on life. We don't have that. You would expect, for an appellate court judge, you would have some other way of being able to evaluate her approach to interpreting the Constitution of the United States. She will be confirmed to sit on the court that will do more interpretation of our Constitution than any other court; that is, the appellate court because so few cases get to the Supreme Court of the United States. And she doesn't have that either.

So it was that point that I thought the Members of this body should be aware of, not that she didn't follow a particular course to become an appellate court judge or her age. It has to do with having something to evaluate for a person who is going to be on the appellate court with a lifetime position. And that is how I drew my conclusion.

I appreciate the courtesy to be able to share that with our colleagues.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I don't know that anybody else is seeking recognition. Senator LEAHY has already said he was not going to ask for the yeas and nays, and I do not intend to. Senator CARDIN says he is not going to.

So I yield back my time.

Mr. CARDIN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Western District of Washington?

The nomination was confirmed.

NOMINATION OF ROSLYNN RENEE MAUSKOPF TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Is there further debate on the nomination?

If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.

NOMINATION OF RICHARD A. JONES TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington?

The nomination was confirmed.

NOMINATION OF SHARION AYCOCK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and are laid on the table. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF R. LYLE LAVERTY

Mr. REID. Mr. President, first, I want those in the White House and Secretary Kempthorne's office who are watching to know I have done my best to clear a man by the name of R. Lyle Laverty, whom Secretary Kempthorne badly needs, he says, and I believe that. But I have been unable to do that. We have a Member on our side with whom I have worked all afternoon. We thought we had it done once, and it did not work out. I am confident, though, it will work out as soon as we get back.

So I hope Secretary Kempthorne recognizes we will do what we can on the Monday or Tuesday we get back to see if we can clear this. It had not been cleared on the Republican side, but I am sure that is not standing in the way. I think standing in the way is one of my Senators. We are doing our best.

CLEAR PATH INTERNATIONAL

Mr. LEAHY. Mr. President, I want to take a moment to recognize the outstanding work of Clear Path International, a nongovernmental organization based in Dorset, VT. Since 2000, they have worked to locate and remove landmines and other unexploded ordnance in Vietnam, Cambodia, and elsewhere in Southeast Asia, and more recently have focused on helping the innocent victims of these indiscriminate weapons with medical, rehabilitation, and vocational assistance. As someone who has fought for years to rid the world of landmines, I am proud that Clear Path is based in my home State.

Clear Path recently expanded its work to Afghanistan. I ask unanimous consent that a September 15, 2007, article in the Rutland Herald about Clear Path's work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Sept. 11, 2007]

CPI CONTINUING TO GROW ITS REPUTATION AS A FORCE FOR HUMANITARIAN RELIEF

(By Patrick McArdle)

DORSET.—Clear Path International is continuing to grow its reputation as a force for humanitarian relief with new developments this year in Afghanistan and Slovenia.

For the first time, Clear Path is operating a program in Afghanistan in partnership with an American company and the Department of State.

Clear Path, which has offices in Dorset and Seattle, has also received a promise of almost a quarter million dollars from a nonprofit organization in Slovenia which will allow it to continue and expand their work in Vietnam.

Martha Hathaway, the executive director of Clear Path, said it was important for the organization to get the kind of wider recognition that leads to expansions like the one it has recently undertaken.

But Hathaway is much more interested in talking about the work Clear Path is doing and the need in the countries it operates than in congratulating Clear Path on its efforts.

In Afghanistan, Clear Path will be creating victims' assistance programs which has been part of its mission for some time.

Hathaway founded Clear Path in 2001 with her husband, James, Kristen Leadem of Dorset, and Imbert Matthee of Washington, as a land mine removal organization. Now, the group works primarily in assisting victims and raising awareness.

In Afghanistan, Clear Path will be working as a subcontractor to DynCorp International which has a contract with the Department of State's Office of Weapons Removal and Abatement. Hathaway said the Clear Path office in Kabul, which has been operatig since April, is staffed partially by Americans, working to engage Afghanis in the process.

The State Department is worried about projects that are not self-sustaining," Hathaway said.

Hathaway said because the government of Afghanistan already had a national strategy for helping victims of land mines, who not only have to deal with their injury but access issues and loss of income, Clear Path would look for ways the State Department can assist the local agencies. That is likely to include things like organizing a national workshop on victims' assistance or creating a system for building ramps and making schools accessible.

While Clear Path has already had some success with similar programs in Cambodia and along the Thailand-Burma border, Hathaway said that didn't necessarily make things easier when they expanded into a country like Afghanistan that has suffered greatly from the use of land mines.

"Every country impacted by land mines is different but we can take the bits and pieces of institutional knowledge we've gained over the years and apply it where it makes sense," she said.

According to Clear Path, an average of 90 people are injured by land mines or explosive remnants in Afghanistan every month and about half die before they can be treated.

The grant from the Slovenia-based International Trust for Demining and Mine Victims Assistance also presents new opportunities for Clear Path.

Under the agreement, the trust will raise $230,000 from among its 27 government and private-sector donors to match what Clear Path raises from the United States government and donors.

Hathaway said this is the first time Clear Path has received funds from the trust and marks the trust's first efforts in Southeast Asia.

The trust was founded about 10 years ago to assist people in the Balkans but Hathaway said as land mines became less of a threat in Europe, charitable organizations there have begun to look at ways they can help victims in other places.

According to Hathaway, Clear Path will use the money to assist ongoing efforts in Vietnam through capital purchases and the hiring of new staff rather than to create new programs.

Despite Clear Path's successes, which have led to more contracts and funding, the need is still great and money remains an issue.

The problem of land mines, especially those which remain after a war is over and injure civilians, gained international attention more than 10 years ago through the support of several well-known figures, primarily England's Princess Diana.

Land mine removal is expensive, however, and organizations like Clear Path, which assist with rehabilitation and the development of resources so victims can earn their own living, are in it for the long-term.

"Donor fatigue is a real problem," Hathaway said.

While Clear Path is raising more money than it has in the past, it comes from fewer donors, primarily the large donations like the ones from the trust, rather than the numerous pledges of $50 or $100 they received in the past.

Clear Path also has the disadvantage of being based in Seattle and out-of-the-mainstream Dorset, far from the significant donors based in New York City or Washington, DC.

Clear Path has raised money through benefit concerts and a music CD. Its next concert will be on Oct. 13 at the Long Trail School in Dorset with performers Sarah Lee Guthrie and Johnny Irion, introduced by Sen. Patrick Leahy, D-Vt.

BURMA

Mr. LEAHY. Mr. President, I spoke last week in this Chamber about the political crisis in Burma where thousands of Buddhist monks, joined by an estimated 100,000 other Burmese citizens, peacefully protested for an end to military dictatorship.

Despite appeals for restraint by governments around the world, as well as the U.N. Secretary General, they were met with brute force. Soldiers firing live bullets and wielding clubs killed and injured an undetermined number of unarmed civilians, including at least one foreign journalist, and there are reports that hundreds, and possibly thousands, of monks have been beaten, killed or jailed.

The atrocities perpetrated by the Burmese generals are crimes against humanity. They should be indicted and prosecuted by the International Criminal Court.

Sooner or later they will be made to pay for the appalling brutality that has been witnessed on television by hundreds of millions of people around the world.

The United States has imposed economic sanctions on the Burmese government for many years, thanks in large measure to the tireless efforts of Senator McCONNELL who, for the better part of two decades, has called for the release of Aung San Suu Kyi, Burma's rightful leader.

Additional sanctions were announced, belatedly, by President Bush last week. But far more pressure is needed, particularly to convince Burma's trading partners, like China, India and Thailand, to cut their economic ties to Burma. It is thanks in large part to them that the Burmese generals owe their power and wealth.

The crisis in Burma today tarnishes any government that values its financial interests over freedom for the Burmese people. For two decades, they have chafed under the iron grip of a clique of corrupt generals who have shown, year after year, that they belong in the category of ruthless despots who will stop at nothing, including mass murder, to perpetuate their control.

Lasting economic, social and political stability in Burma can only begin once the Burmese generals relinquish power. How that comes about is their choice. We have seen the results of peaceful protest. Not even civil disobedience, just peaceful protest. Time and again it has been met with deadly force.

Those Nations that continue to do business with Burma make a mockery of their own professed commitment to the Universal Declaration of Human Rights. There is no truer test of their commitment to those fundamental principles than how they respond to the slaughter of unarmed monks and civilians by a regime that is apparently unconcerned that their crimes are being televised to the world.

Whether this year, next year, or thereafter, the Burmese junta's days are numbered. Where do Burma's trading partners want to be then—on the right side of history, or having propped up an illegitimate regime until its last gasps?

No government can claim perfection in its respect for human rights, including my own government. We have made mistakes, and it has damaged our credibility as a nation that was instrumental in the creation of the Universal Declaration.

But our own shortcomings are no excuse for other governments' actions to block U.N. resolutions condemning the crackdown in Burma or their refusal to join us in imposing economic sanctions that could deal a death blow to a tyrannical regime.

And it is certainly no excuse for continuing to do lucrative business deals with a government whose officials pocket the profits for themselves while they starve, imprison and murder their people.

It is a testament to the spirit of the Burmese people, and to the courage of Aung San Suu Kyi, that despite so many years of repression, they remain as defiant and as dedicated to the ideals of democracy as ever. Our moral responsibility, the world's responsibility, is to support them.

THE HOMEOWNERS' MORTGAGE AND EQUITY SAVINGS ACT

Mr. SPECTER. Mr. President, while I have the floor, I want to say a few words about S. 2133, the Homeowners' Mortgage and Equity Savings Act, which I introduced yesterday. This legislation addresses the very severe problem of the many homeowners who are now in default on their mortgage payments. This problem has arisen largely because of the many homeowners with adjustable rate mortgages who face increased interest rates and unexpected increases in their mortgage payments.

This is a complex matter, but in many cases, I think there is a real question as to whether lenders made adequate representations to borrowers. Regardless of whether the representations were adequate or not, many borrowers are now confronted with interest rates they had not anticipated and mortgage payments that they can't afford. In the past year, the percentage of homeowners with adjustable rate mortgages who are seriously delinquent either 90 days past due or in foreclosure—has nearly doubled. In my home State of Pennsylvania, the number of those who are seriously delinquent has gone up by some 40 percent. The problem is particularly severe among borrowers who had weak credit or low incomes and obtained mortgages at subprime rates. The Center for Responsible Lending projects that some 2.2 million Americans with subprime loans originated between 1998 and 2006 have lost or will lose their homes to foreclosure.

Chapter 13 of the Bankruptcy Code currently give debtors breathing space by imposing a stay on collection of debts, including mortgages, and prevents lenders from foreclosing for a period of time. During that period debtors are given the opportunity to get caught up on their mortgage payments. However, the current Code does not permit any modification of mortgages.

Now with many homeowners facing possible bankruptcy due to their mortgages, some relief is necessary.

The legislation which I have introduced will provide a number of remedies. With respect to adjustable rate mortgages, it will allow bankruptcy judges to prevent or delay interest rate increases and to roll back interest rates that have already reset. This will enable the homeowner to continue to pay down the principal amount that they took on when they bought their house, but will give them relief from increases in their payments due to resetting interest rates.

The bill also will allow the bankruptcy judges to waive early prepayment or prepayment penalties. Many of the borrowers face the situation where they could refinance and get less risky mortgages with manageable payments, but the penalties in their current mortgage contracts are so stiff that they cannot refinance.

Now, the bill does not give bankruptcy judges the latitude to reduce the principal on a mortgage. Senator DURBIN introduced a bill yesterday that goes beyond the bill I have introduced; it allows bankruptcy judges to reduce or "cram down" the principal on a mortgage in accordance with what the bankruptcy judge determines is the value of the property. My bill would only allow the reduction of principal if the lender and the homeowner agree.

I think there is a very significant risk in allowing cram down. If we allow cram down, lenders will factor the risk of having the principal value of their loan reduced into the interest they charge to future home buyers. In other words, people who borrow in the future are going to pay more in interest if the lenders don't have the certainty that at least the principal value of their loan will be recognized and not reduced. Under current circumstances, I think it is fair, on these adjustable rate mortgages—which really are the problem if delinquency rates are any indication—to allow judges to modify interest rate increases which in many cases have been significant and in some cases the mortgage terms may have been fraudulent or just basically unfair. But when it comes to reducing the principal, then I think we go too far.

Many of the consumer groups would prefer to see the bankruptcy judge have the latitude to reduce the principal, and that might help those who are in default now, but that will make it more difficult for those who borrow in the future. That is because—to repeat—lenders will have to charge more interest to take into account this additional risk.

I have discussed the differences in our bills with Senator DURBIN. We tried to come to terms and find an accommodation so that we could support the same legislation. However, it appears we do support legislation directed at the same problem. The legislation I introduced is aimed at helping those caught up in the current crisis without making it harder on those Americans to own a home in the future.

The Judiciary Committee has jurisdiction on bankruptcy. The Committee has jurisdiction on the Durbin bill and on my bill, S. 2133. My position is not set in concrete. However, I am opposed to what Senator DURBIN seeks to accomplish and I am disinclined at this state based on the investigation which my staff and I have made to support his bill.

It is my hope that the Judiciary Committee will have hearings on this important issue and bring in mortgage bankers, consumer groups and investors to give us a better idea as to the intensity of the problem and what really ought to be done. Perhaps at that point we can meld our ideas into a common solution to the problem.

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of National Disability Employment Awareness Month, NDEAM. Designated by Congress, this month is observed every October to increase the public's understanding of issues involving individuals with disabilities and their role in America's workforce. It is a time for us to reflect on past gains and goals for the future as well.

Seventeen years ago, I commended the passage of the landmark Americans with Disabilities Act, ADA, to help ensure the rights of people with disabilities throughout various sectors of society. Together with other Federal laws like the Vocational Rehabilitation Act and the Individuals with Disabilities Education Act, the ADA has been key to the progress made toward the full inclusion of people with disabilities in daily life. We see reasons to cheer today, as more people with disabilities succeed in school, enter the workforce, and participate in their communities.

More remains to be done, however. When Nevadans with disabilities share their experiences with me, I hear many of the same struggles and challenges in their stories. Employment is an issue especially foremost on their minds, as it is for any person who wants to pursue the American dream. And like all Americans, individuals with disabilities deserve a fair shot to achieve as much success as their abilities and determination will allow.

I am heartened that this sense is spreading throughout the general public, beyond those of us who see the positive contributions that Americans with disabilities make as employees and coworkers every day. Much of the increase in awareness is due to local organizations, such as Nevada JobConnect, Opportunity Village, the Southern Nevada Center for Independent Living, SNCIL, and the Northern Nevada Center for Independent Living. This year for example, SNCIL is partnering with the City of Las Vegas to sponsor the 16th Annual Disability Awareness Day on October 20. Similar events are expected to be held across the country in observance of National Disability Employment Awareness Month.

While improving awareness is critical, especially for dispelling false stereotypes about people with disabilities, it isn't enough. Disparities on a wide range of economic and social dimensions point to significant barriers that remain for people with disabilities who want a good job to give them not just an income, but also dignity and independence. From listening to my constituents in Nevada, I also know that the incentives between employment, health care benefits, and eligibility for government-sponsored programs can interact in very problematic ways.

I supported the passage of new laws to address these issues, such as the Ticket to Work and Work Incentives Improvement Act to give people with disabilities greater access to Medicaid or Medicare coverage when they go to work. I was also pleased when Congress passed the Family Opportunity Act to allow more children with disabilities to enroll in Medicaid, thereby alleviating an unfair pressure on their parents to forgo better jobs just to keep their family health coverage. Looking ahead to the future, I will continue working to make sure that people with disabilities can access the health care they need, especially as they seek to move to economic self-sufficiency. We should not lose sight of other key priorities as well, including opening more doors to education and expanding employment opportunities for those able to work.

As we observe National Disability Employment Awareness Month this year, let us reaffirm the importance of its ideals and goals. From employers to policymakers, family members to people with disabilities themselves, all Americans can join in the effort to ensure that individuals with disabilities make the most of their potential—in the workplace and in all areas of society.

DARFUR

Mr. DURBIN. Mr. President, since returning to session, much of our discussion has once again been dominated by Iraq. Given the tragedy of the administration's Iraq policy and the need to change course, this is understandable. Yet Iraq's dominance has meant that many other critical foreign policy issues have been ignored or marginalized. From Latin America to Russia, this administration has failed to develop or implement any kind of coherent strategy.

Similarly, the crisis in Darfur demands more attention. For 4 years, the world has watched this tragedy. That is right—for 4 long years. Sadly, during this time the world has mostly stood by while yet another genocide unfolded before its eyes. Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action.

President Bush has rightly called the situation in Darfur genocide. New British Prime Minister Gordon Brown has also said that, "Darfur is the greatest humanitarian crisis the world faces today." Yet, despite these statements, ultimately we have not done enough.

Today, we are at a critical juncture in Sudan. The genocide in Darfur has increasingly become a complex conflict between many factions. Refugees have spilled into neighboring countries and humanitarian workers are increasingly at risk. And just the other day, a rebel group brutally killed 10 African Union peacekeepers in a surprise raid. Sadly, the cost in lives, destruction, and human misery has been immeasurable.

In late July the U.N. Security Council voted to implement a significantly increased United Nations-African Union peacekeeping force. This peacekeeping force is desperately needed, and the United States should work with the U.N. and the global community to make sure it is implemented as soon as possible. We in the Senate should also ensure that adequate funds are available to help pay for this critical mission. But the peacekeepers are only one important step. Sudan also needs a long-term political agreement among its many factions.

Upon taking office in January of this year, U.N. Secretary General Ban Ki-moon said that ending the violence in Darfur was going to be one of his top priorities. I spoke to him in July about our shared concern and commend him for advancing the peacekeeping and diplomatic efforts. I believe his tireless work has made an important difference. In early September, his efforts resulted in the announcement of formal peace talks to begin later this month between the various factions and the Sudanese Government.

These negotiations will be a critical step and deserve our strongest support. As Secretary Ban said during his recent trip, "there must be a peace to keep."

Finally, we must hold Sudanese President Bashir to his commitment to allow peacekeepers and participate in the peace talks.

Early statements by the Government of Sudan said that it would "contribute positively to secure the environment for the negotiations" and "facilitate the timely deployment" of the 26,000 member peacekeeping force. But we have heard these commitments before and then watched as President Bashir has continued fostering violence.

I, therefore, think it is critical that we maintain pressure on the Sudanese Government to honor its commitments. The administration should continue its diplomatic efforts, and at the same time the Congress should advance bipartisan legislation that I and others have introduced to increase economic pressure on the regime.

I commend Chairman DODD and the Banking Committee for holding a hearing yesterday that focused on how best to apply such pressure, and I look forward to working with my colleagues to prepare legislation that would impose sanctions on, bar Federal contracting with, and authorize divestment from organizations that support the regime.

It is critical that the Sudanese Government understand that a lack of cooperation with the peacekeepers or the upcoming peace negotiations will increase the possibility of such legislation being enacted.

Sadly, we have every reason to be skeptical of the regime's intentions.

For example, after agreeing to the peace talks, the Government of Sudan brazenly appointed former Interior Minister Ahmad Harun one of two Sudanese officials wanted by the International Criminal Court for war crimes—to lead a committee to investigate human rights abuses. As Interior Minister, Mr. Harun helped fund, recruit, and arm the jingaweit militia which was directly involved in perpetuating the genocide in Darfur. Mr. Harun's place is on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are continued attacks on international aid workers as well as recent indications that Sudan has started placing restrictions on early efforts to deploy U.N. forces.

Mr. President, the stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government. We must see the immediate deployment of the peacekeeping force and a concerted global effort at supporting a long-term political settlement.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I wish to submit to the Senate the budget scorekeeping report for fiscal year 2007 prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This is my final report for fiscal year 2007.

This report shows the effects of Congressional action through October 1, 2007. Since my last report, dated July 26, 2007, the Congress has cleared and the President has signed Public Law 110–84, the Higher Education Access Act of 2007. The estimates of budget authority, outlays, and revenues used in this report are consistent with the technical and economic assumptions of S. Con. Res. 21, the 2008 budget resolution.

The estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. I want to commend the Congress for not exceeding the limits set in the 2008 budget resolution for fiscal year 2007.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, October 3, 2007.
Hon. KENT CONRAD,
Chairman Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through October 1, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated July 26, 2007, the Congress has cleared and the President has signed the Higher Education Access Act of 2007 (Public Law 110-84), which affects budget authority and outlays.

The effects of that action are detailed on Table 2.

Sincerely,
PETER R. ORSZAG,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF OCTOBER 1, 2007

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,250.7	2,250.7	0.0
Outlays	2,263.7	2,263.7	0.0
Revenues	1,900.3	1,904.5	4.2

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF OCTOBER 1, 2007—Continued

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
OFF-BUDGET			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

Source: Congressional Budget Office

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF OCTOBER 1, 2007

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	1,904,706
Permanents and other spending legislation	1,347,423	1,297,059	n.a.
Appropriation legislation	1,480,453	1,543,072	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706
Enacted this session:			
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	−794	9	−166
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−24
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	12	3	0
Higher Education Access Act of 2007 (P.L. 110–84)	−4,890	−4,890	0
Total, enacted this session	−5,672	−4,878	−190
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level 1,[2]	2,250,667	2,263,746	1,904,516
Total Budget Resolution[3]	2,371,470	2,294,862	1,900,340
Adjustment to the budget resolution for emergency requirements[4]	−120,803	−31,116	0
Adjusted Budget Resolution	2,250,667	2,263,746	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,176
Current Level Under Adjusted Budget Resolution	0	0	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	120,803	31,116	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,380,535	2,300,572	1,900,340
Revisions:			
To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f))	−4,187	−823	0
For extension of the Transitional Medical Assistance (TMA) program (section 320c))	12	3	0
For the Higher Education Access Act (section 306)	−4,890	−4,890	0
Revised Budget Resolution	2,371,470	2,294,862	1,900,340

[4] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Note: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

SCHIP

Mr. ALLARD. Mr. President, I come to the floor today to talk about a program that is important to me and to the low-income children in this country: the State Children's Health Insurance Program.

I am a strong supporter of the State Children's Health Insurance Program, and want the program to cover all uninsured, lower income children. I fully support a reauthorization of this program, but I also support the President's decision to veto the flawed SCHIP bill sent to him by Congress.

The SCHIP legislation that was vetoed by the President yesterday includes frivolous spending, expands coverage to children already covered by private insurance and neglects the original intent of the program—to provide health coverage for low-income children. While I support the reauthorization of SCHIP, I do not support legislation that expands the program and serves as an initial step towards government-run health care.

The State Children's Health Insurance Program works! It has enrolled low-income eligible children in a health coverage program to ensure that they have adequate access to coverage and services. While the program is certainly a success, there are some oversights that need to be addressed. Congress has been given the opportunity to tackle these issues with the reauthorization of the program. In Colorado we have yet to enroll all of the currently eligible children of low-income families into the SCHIP program. We should focus our attention on enrolling these children instead of fighting over an expansion of the program. Expanding eligibility requirements would only make it harder for the neediest children in Colorado, and the Nation, to receive coverage.

I am a strong supporter of the State Children's Health Insurance Program, and want the program to cover all uninsured, lower income children. I support giving Americans the opportunity to access health care, and giving them the ability to purchase affordable suitable private coverage. I support the effort by many Members of this body to spend in a fiscally responsible way, without increasing taxes or using budget gimmicks. More importantly, I support putting children first.

The State Children's Health Insurance Program was put in place to cover low-income children who would otherwise not have access to health coverage. The SCHIP agreement that passed the House and Senate not only disregards the original intent of the program, but also reauthorizes the program in a fiscally irresponsible manner that will end up costing the taxpayers $12.5 billion in the final year of the authorization. For example, the revenue source for the reauthorization is being sold as a tax increase on cigarettes which is expected to reduce the number of people smoking, but this is an unstable revenue source. I don't agree with paying for a program as important as the State Children's Health Insurance Program with an unsustainable income.

The State Children's Health Insurance Program can be reauthorized in a way that increases the number of enrolled children who are currently eligible for the program. While I oppose the expansion of the program, I do not oppose reauthorization and therefore I am cosponsoring the SCHIP Extension Act of 2007, S. 2086, which will fully fund the current program for 18 months, and give Congress more time to discuss the best way to reauthorize the program. SCHIP was scheduled to expire on September 30 and it is imperative that Congress reauthorize the current program to ensure that children of lower income families still receive health coverage. I will also be cosponsoring the Kids First Act, as an alternative proposal for the reauthorization of the SCHIP program.

HONORING OUR ARMED FORCES

SERGEANT GERALD J. CASSIDY

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Carmel, IN. Gerald Cassidy, 31 years old, died September 21 in Fort Knox, KY. Gerald was on medical hold after sustaining injuries in Iraq from a roadside bomb. With an optimistic future before him, Gerald risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Gerald was a dedicated and longtime member of the Army. In 1992, Gerald enlisted in the Army Reserve after spending his summers at Culver Military Academy in northern Indiana, where he was named an adjutant commander in charge of 85 other academy goers and was a member of the Black Horse Troop, an elite equestrian group. In 2003, Gerald joined the Indiana National Guard where he was assigned to the 152nd Mechanized Infantry. He served in Bosnia-Herzegovina in 2004 and in Hurricane Katrina Operation Vigilant Relief in 2005. Sgt. Cassidy received the Humanitarian Service Medal for his stateside service.

Known at "G.J." to his family, Gerald was a natural leader. He volunteered to serve in Iraq with the Minnesota National Guard, who had an opening in their team. He was assigned to Battery C, 2nd Battalion, 150th Field Artillery in Lebanon. For his great service and sacrifice, Gerald's family was presented with the Purple Heart, the Combat Action Badge and the Indiana Distinguished Service Award. Gerald is survived by his wife Melissa Castillo Cassidy; his daughter Abbey, 5 years old; his son Isaac, 3 years old; his mother and stepfather John and Kay McMullen; his father Gerald J. Cassidy; his sister Lisa Hignite; and his brother Darrin Cassidy.

Today, I join Gerald's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Gerald, a memory that will burn brightly during these continuing days of conflict and grief. Today and always, Gerald will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Gerald's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Gerald's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Gerald J. Cassidy in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Gerald's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gerald.

Mr. LAUTENBERG. Mr. President, another 2 months have passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take a few moments in the U.S. Senate to honor them. Outside my office here in Washington, we have a tribute called "Faces of the Fallen." Visitors to the Senate from across the country have stopped by the memorial. I encourage my colleagues to come see this tribute on the third floor of the Hart Building.

I last came to the Senate floor to honor our fallen troops in early August. Since that time, the Pentagon has announced the deaths of 182 troops in Iraq and in Operation Enduring Freedom, including in Afghanistan. They will not be forgotten. So today I will read their names into the RECORD:

PO3 Mark R. Cannon, of Lubbock, TX
SPC Chirasak Vidhyarkorn, of Queens, NY
SGT Randell Olguin, of Ralls, TX
GYSGT Herman J. Murkerson Jr., of Adger, AL
SGT Robert T. Ayres III, of Los Angeles, CA
SGT Zachary D. Tellier, of Charlotte, NC
SSGT Donnie D. Dixon, of Miami, FL
James D. Doster, of Pine Bluff, AR
SPC Ciara M. Durkin, of Quincy, MA
Randy L. Johnson, of Washington, DC
SPC Mathew D. Taylor, of Cameron Park, CA
PFC Christopher F. Pfeifer, of Spalding, NE
PO2 Charles Luke Milam, of Littleton, CO
SSGT Zachary B. Tomczak, of Huron, SD
CPL Anthony K. Bento, of San Diego, CA
SSGT Kevin R. Brown, of Harrah, OK
Matthew D. Blaskowski, of Levering, MI
SPC David L. Watson, of Newport, AR
SPC Joshua H. Reeves, of Watkinsville, GA

CSM Jonathan M. Lankford, of Scottsboro, AL
CAPT (Dr.) Roselle M. Hoffmaster, of Cleveland, OH
SPC John J. Young, of Savannah, GA
PFC Luigi Marciante Jr., of Elizabeth, NJ
CPL Graham M. McMahon, of Corvallis, OR
SGT Edmund J. Jeffers, of Daleville, AL
PFC Christian M. Neff, of Lima, OH
SPC Aaron J. Walker, of Harker Heights, TX
SPC Joseph N. Landry III, of Pensacola, FL
SPC Nicholas P. Olson, of Novato, CA
SPC Donald E. Valentine III, of Orange Park, FL
SPC Matthew J. Emerson, of Grandview, WA
SPC Brandon T. Thorsen, of Trenton, FL
SSGT Michael L. Townes, of Las Vegas, NV
SSGT Terry D. Wagoner, of Piedmont, SC
CPL Todd A. Motley, of Clare, MI
CPL Jonathan Rivadeneira, of Jackson Heights, NY
PFC Christopher M. McCloud, of Malakoff, TX
CPL Terrence P. Allen, of Pennsauken, NJ
SGT John Mele, of Bunnell, FL
SSGT Yance T. Gray, of Ismay, MT
SSGT Gregory Rivera-Santiago, of St. Croix, VI
SGT Michael C. Hardegree, of Villa Rica, GA
SGT Omar L. Mora, of Texas City, TX
SGT Nicholas J. Patterson, of Rochester, IN
SPC Ari D. Brown-Weeks, of Abingdon, MD
SPC Steven R. Elrod, of Hope Mills, NC
SSGT Courtney Hollinsworth, of Yonkers, NY
CPL Carlos E. Gilorozco, of San Jose, CA
LCPL Jon T. Hicks Jr., of Atco, NJ
CPL Travis M. Woods, of Redding, CA
CPL Javier G. Paredes, of San Antonio, TX
PFC Sammie E. Phillips, of Cecilia, KY
LCPL Lance M. Clark, of Cookeville, TN
SGT Alexander U. Gagalac, of Wahiawa, HI
CAPT Drew N. Jensen, of Clackamas, OR
SPC Marisol Heredia, of El Monte, CA
CPL Ryan A. Woodward, of Fort Wayne, IN
CPL Christopher L. Poole Jr., of Mount Dora, FL
CPL Bryan J. Scripsick, of Wayne, OK
SSGT John C. Stock, of Longview, TX
SGT Michael J. Yarbrough, of Malvern, AR
SGT Lee C. Wilson, of Chapel Hill, NC
SPC Jason J. Hernandez, of Streetsboro, OH
SPC Thomas L. Hilbert, of Venus, TX
PFC Mykel F. Miller, of Phoenix, AZ
SGT Joel L. Murray, of Kansas City, MO
SPC David J. Lane, of Emporia, KS
PVT Randol S. Shelton, of Schiller Park, IL
CPL Keith A. Nurnberg, of McHenry, IL
1st SGT David A. Cooper Jr., of State College, PA
SSGT Delmar White, of Wallins, KY
CPL William T. Warford III, of Temple, TX
SPC Dane R. Balcn, of Colorado Springs, CO
SPC Rodney J. Johnson, of Houston, TX
MSGT Patrick D. Magnani, of Martinez, CA
SPC Christopher G. Patton, of Lawrenceville, GA
SGT Kevin A. Gilbertson, of Cedar Rapids, IA
PVT Justin T. Sanders, of Watson, LA
SPC Travis M. Virgadamo, of Las Vegas, NY
1stSGT Daniel E. Scheibner, of Muskegon, MI
SSGT Andrew P. Nelson, of Moorhead, MN
SSGT Jason M. Butkus, of West Milford, NJ
SPC Edward L. Brooks, of Dayton, OH
CPL John C. Tanner, of Columbus, GA
CAPT Erick M. Foster, of Wexford, PA
Maj. Henry S. Ofeciar, of Agana, Guam
MSGT Scott R. Ball, of Mount Holly Springs, PA
SGT Jan M. Argonish, of Peckville, PA
1stSGT Rocky H. Herrera, of Salt Lake City, UT
SGT Cory L. Clark, of Plant City, FL
SGT Bryce D. Howard, of Vancouver, WA
SGT James S. Collins Jr., of Rochester Hills, MI
PFC Thomas R. Wilson, of Maurertown, VA
LCPL Rogelio A. Ramirez, of Pasadena, CA
SSGT Nicholas R. Carnes, of Dayton, KY
SGT Joshua L. Morley, of Boise, ID
SPC Tracy C. Willis, of Marshall, TX
LCPL Matthew S. Medlicott, of Houston, TX
1stSGT Daniel E. Miller, of Rossford, OH
1stSGT Scott M. Carney, of Ankeny, IA
1stSGT David A. Heringes, of Tampa, FL
PFC Edgar E. Cardenas, of Lilburn, GA
1stSGT Adrian M. Elizalde, of North Bend, OR
1stSGT Michael J. Tully, of Falls Creek, PA
SSGT Sandy R. Britt, of Apopka, FL
CAPT Corry P. Tyler, of GA
CWO Paul J. Flynn, of Whitsett, NC
SGT Matthew L. Tallman, of Groveland, CA
SPC Rickey L. Bell, of Caruthersville, MO
CAPT Derek A. Dobogai, of Fond du Lac, WI
SSGT Jason L. Paton, of Poway, CA
SGT Garrett I. McLead, of Rockport, TX
CPL Jeremy P. Bouffard, of Middlefield, MA
CPL Phillip J. Brodnick, of New Lenox, IL
CPL Joshua S. Harmon, of Mentor, OH
CPL Nathan C. Hubbard, of Clovis, CA
SPC Michael A. Hook, of Altoona, PA
SPC Jessy G. Pollard, of Springfield, MO
SPC Tyler R. Seideman, of Lincoln, AR
PFC Omar E. Torres, of Chicago, IL
PFC Donovan D. Witham, of Malvern, AR
CPL Willard M. Powell, of Evansville, IN
SPC George V. Libby, of Aberdeen, NC
SSGT Paul B. Norris, of Cullman, AL
SPC Kamisha J. Block, of Vidor, TX
CAPT Michael S. Fielder, of Holly Springs, NC
1st Lt. Jonathan W. Edds, of White Pigeon, MI
SGT Princess C. Samuels, of Mitchellville, MD
SPC Zandra T. Walker, of Greenville, SC
SSGT Robert R. Pirelli, of Franklin, MA
SPC Alun R. Howells, of Parlin, CO
SSGT Eric D. Cottrell, of Pittsview, AL
CPL Juan M. Lopez Jr., of San Antonio, TX
PFC Paulomarko U. Pacificador, of Shirley, NY
CWO Christopher C. Johnson, of MI
CWO Jackie L. McFarlane Jr., Virginia Beach, VA
SSGT Sean P. Fisher, of Santee, CA
SSGT Stanley B. Reynolds, of Rock, WV
SPC Steven R. Jewell, of Bridgeton, NC
SSGT Alicia A. Birchett, of Mashpee, MA
CPL Shawn D. Hensel, of Logansport, IN
SSGT William D. Scates, of Oklahoma City, OK
SGT Scott L. Kirkpatrick, of Reston, VA
SGT Andrew W. Lancaster, of Stockton, IL
SPC Justin O. Penrod, of Mahomet, IL
SGT Michael E. Tayaotao, of Sunnyvale, CA
1st SGT Jeffrey D. Kettle, of Madill, OK
SSGT Jesse G. Clowers Jr., of Herndon, VA
SGT Charles B. Kitowski III, of Farmers Branch, TX
SPC William L. Edwards, of Houston, TX
PVT Alan J. Austin, of Houston, TX
SPC Jordan E. Goode, of Kalamazoo, MI
SSGT Joan J. Duran, of Roxbury, MA
CPL Reynold Armand, of Rochester, NY
SPC Donald M. Young, of Helena, MT
SSGT Jacob M. Thompson, of North Mankato, MN
SGT Nicholas A. Gummersall, of Chubbuck, ID
CPL Juan M. Alcantara, of NY
CPL Kareem R. Khan, of Manahawkin, NJ
SPC Justin R. Blackwell, of Paris, TN
PFC Jeremy S. Bohannon, of Bon Aqua, TN
SGT Jon E. Bonnell Jr., of Fort Dodge, IA
SPC Christopher T. Neiberger, of Gainesville, FL
1stSGT Travis S. Bachman, of Garden City, KS
SGT Bradley W. Marshall, of Little Rock, AR
SPC Daniel F. Reyes, of San Diego, CA
SPC Charles E. Leonard Jr., of Monroe, LA
PFC Matthew M. Murchison, of Independence, MO
SGT Dustin S. Wakeman, of Fort Worth, TX
CPL Jason K. Lafleur, of Ignacio, CO
SPC Jaron D. Holliday, of Tulsa, OK
LCPL Cristian Vasquez, of Coalinga, CA
Tech. SGT Joey D. Link, of Portland, TN
SPC Braden J. Long, of Sherman, TX
MSGT Julian Ingles Rios, of Anasco, Puerto Rico
SSGT Fernando Santos, of San Antonio, TX
SPC Cristian Rojas-Gallego, of Loganville, GA
SPC Eric D. Salinas, of Houston, TX
SGT Taurean T. Harris, of Liberty, MS
SPC Zachariah J. Gonzalez, of IN
PFC Charles T. Heinlein Jr., of Hemlock, MI
PFC Alfred H. Jairala, of Hialeah, FL

To date, more than 3,800 American men and women have lost their lives in Iraq. And more than 440 have lost their lives in Operation Enduring Freedom, including in Afghanistan.

This list includes five soldiers from NJ: PFC Luigi Marciante Jr. of Elizabeth, NJ, CPL Terrence P. Allen, of Pennsauken, NJ, LCPL Jon T. Hicks Jr., of Atco, NJ, SSGT Jason M. Butkus, of West Milford, NJ and CPL Kareem R. Khan, of Manahawkin, NJ.

We will not forget them and the Nation will not forget their sacrifice.

DEFENSE APPROPRIATIONS

Mr. COLEMAN. Mr. President, I rise today to discuss a challenge facing our military forces on the ground in Iraq and Afghanistan. These forces are facing an urgent need for a precision indirect fire munition organic to the Infantry Brigade Combat Teams and Stryker Brigade Combat Teams.

In the last 3 months there have been two Operational Needs Statements submitted by the units deployed in Afghanistan and Iraq. I have included these statements for the RECORD. Both of these documents highlight the urgent need to field a precision capability for the 120mm mortar: the main, and in some cases the only, indirect fire support available to our infantry in the close fight.

The commander of the XVIII Airborne Corps wrote in July:

> This capability is critically needed within the next 12 months. As troop levels in theater begin to drop, our units can not afford to miss any opportunities to kill the enemy due to lack of organic precision indirect fire. Without it, IBCT's must resort to: slower reinforcing fires; committing soldiers to an assault; or missing the opportunity altogether.

In August the Commander of Joint Fires in Afghanistan described the problem starkly:

> The Rules of Engagement for the Afghanistan Theater of Operations limits the use of conventional artillery and mortar projectiles

in support of combat operations. Recently, COMISAF restricted all preparatory fires and pre-assault fires to precision guided munitions and systems. Currently, Afghanistan requires two Light Brigade Combat teams with no organic surface precision strike capability. Our enemy takes advantage of that gap by hiding among the local populace. Additionally, the COIN environment in Afghanistan requires the minimization of collateral damage.

Both of these field commanders specifically call for the fielding of precision guided mortars for the existing 120mm mortar system as quickly as possible.

It is my understanding that since the precision guided mortar munition, PGMM, fell prey to the Army budget cutters, the program has demonstrated remarkable test results. In fact, I thank the Defense Appropriations Subcommittee for rejecting the Army's request to reprogram additional funding away from PGMM.

I ask that the subcommittee continue to carry this item forward to be considered as part of a final conference report or supplemental, pending the results of ongoing Army reviews of the program.

Mr. President, I ask unanimous consent the two documents which I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Fort Bragg, NC, July 19, 2007.

Memorandum thru Commander, United States Army Forces Command (AFCS), 1777 Hardee Ave, SW., Fort McPherson, GA 30330–1062.

For Headqurters, Department of the Army (DAMO-RQ), 400 Army Pentagon, Washington, DC 20310–0400.

Subject: Operational Needs Statement (ONS) for Organic Precision Indirect for Infantry Brigade Combat Teams (IBCT).

1. Reference: Memorandum, XVIII Airborne Corps and Fort Bragg, AFZA-CG, 21 November 2005, subject: ONS for Improved 105mm Projectiles.

2. Unit Identification Code (UIC): WAUKAA.

3. Ship to Address: Building 2–1138, Macomb and Hamilton Streets, Fort Bragg, North Carolina 28310.

4. Problem: Termination of the Precision Guided Mortar Munition (PGMM) has left IBCTs without the organic precision indirect capability. In our current environment, our enemy takes advantage of that gap by hiding among the local populace. The tasks of finding, fixing, and killing or capturing the enemy must be executed in rapid sucession or the opportunity is lost. Heavy Brigade Combat Teams (HBCT) and Stryker Brigade Combat Teams (SBCT) have organic option (Excalibur) available; the IBCTs do not.

5. Justification:

a. The IBCTs' requirement for organic precision indirect munitions is well documented. There is an approved requirement for PGMM. The Army Field Artillery School is now writing a requirement document for a precision guided 105mm munition. This headquarters submitted an ONS for a precision guided 105mm munition.

b. Lacking the required accuracy, IBCT's howitzers and mortars remain silent while the IBCTs' headquarters request GMLRS, close air support, or fires from an adjacent HBCT or SBCT. Coordinating and directing fires through multiple levels of commands consumes time and opportunity. Direct fire missile systems (ITAS and JAVELIN) do not meet this requirement due to their limited range and precision.

c. This capability is critically needed within the next 12 months. As troop levels in theater begin to drop, our units cannot afford to miss any opportunity to kill the enemy due to lack of organic precision indirect fire. Without it, IBCTs must resort to: slower reinforcing fires; committing Soldiers to an assault; or missing the opportunity altogether.

6. System Characteristics: Organic precision indirect capability must: be organic to the IBCT and use existing assets (i.e. mortars and howitzers); have accuracy consistent with the Excalibur or GMLRS; have at least the range of the current M120 120mm Mortar; and in the objective capability, should have both GPS and laser guidance.

7. Operational Concept: An organic precision indirect munition will allow comanders to engage targets in environments that ordinarily require putting Soldiers and non-combatants in harms way or cause unnecessary collateral damage.

8. Organization Concept: The organic mortar platoons or artillery battalion will fire this munition.

9. Support Requirements: If a munition uses laser guidance, then there must be a corresponding increase in laser designators. Full MTOE authorization, not Force Feasibility Review sourcing levels, of the Lightweight Laser Designator Rangefinder (LLDR) and M707 Knight is required to make a laser guided capability viable.

10. Availability: Before its termination, the PGMM met the requirement. There are also 105mm precision munitions available.

11. Recommendation: Field an organic precision indirect munition to deploying IBCTs within 12 months.

12. Point of contact is LTC Greg Rawlings, ACofS, G7 at DSN 236–9485, Commercial (910) 396–9485, or email: gregory.rawlins@us.army.mil.

LLOYD J. AUSTIN III,
LTG, USA, Commanding.

DEPARTMENT OF DEFENSE,
Bagram Airfield, Afghanistan, August 17, 2007.

Memorandum thru Commander, Coalition Forces Land Component Command (CFLCC), C3. Camp Arifjan, Kuwait, APO AE 09304

For HQDA (DAMO–CIC), 400 Army Pentagon, Washington, DC 20310–0400

Subject: Operational Needs Statement (ONS) for the Fielding of Precision Guided 105mm Howitzer and 120mm Mortar Projectiles in support of Operation Enduring Freedom 07–09.

1. Unit Identification Code (UIC) is W91M2D.

2. Ship to address: (W91M2D) Joy O'Brian, C4ISR CECOM RSC (MANTECH) Thomas Fuller Compound, Bagram Airfield, Afghanistan, APO AE 09354

3. Problem: The Rules of Engagement for the Afghanistan Theater of Operations limits the use of conventional artillery and mortar projectiles in support of combat operations. Recently, COMISAF restricted all preparatory fires and pre-assault fires to precision guided munitions and systems. Currently Afghanistan requires two Light Brigade Combat Teams with no organic surface to surface precision strike capability. Our enemy takes advantage of that gap by hiding among the local populace. Additionally, the COIN environment in Afghanistan requires a minimization of collateral damage whenever joint fires are employed.

4. Justification:

a. In order to meet theater ROE requirements for precision guidance and provide our maneuver commanders with a dedicated 105mm and 120mm capability that minimizes collateral damage, precision munitions for both the M119A2 and 120mm Mortar are required.

b. The addition of the 105mm and 120mm PGM will give commanders a more prolific economy of force. Currently the limited Close Air Support (CAS) platforms are the only asset with the ability to fire precision guided munitions. This ability will give the BCT commanders the capability to strike a target where time is sensitive or awaiting CAS to arrive on station will encumber a mission's accomplishment. This capacity will minimize the number of CAS sorties from being pulled from its original mission, thus economizing force.

c. CJTF–82's acquisition of 105mm/120mm PGMs will minimize the volume of fire that is required to destroy a target with surface to surface unguided munitions. Within a three day period the average amount of munitions fired within the two BCTs battlespace are: 97 high explosive 105mm rounds and 72 high explosive 120mm rounds. These PGM munitions will ultimately reduce the amount of munitions required to destroy targets. Providing commanders with precision strikes that need no adjustment while lessening the amount of ammunition resupply missions.

d. These precision guided munitions would provide CJTF–82 with a dedicated capability to attack various target sets with precision by all of its major organic artillery and mortar systems. The increased accuracy and effectiveness of these munitions would provide the ground commander the ability to employ fires in support of MOUT and troops in close proximity of enemy forces while decreasing the possibility of collateral damage.

5. System Characteristics: While several variants of precision guided munitions are in the testing and development phase for the 105mm howitzer and the 120mm mortar, a low circular error probable (CEP) would be required for any fielded munitions. Additionally, the nature of operations in theater would require any precision guided munitions to use both GPS based guidance system and laser guidance.

6. Operational Concept: The employment of these munitions would be at numerous forward operating bases and combat outposts cross the CJOA. This operational concept would enhance the ground commanders' ability to conduct all weather precision strikes against the enemy positions in keeping with ISAF's restrictions on the use of indirect fires.

7. Organizational Concept: The 105mm howitzer precision guided munitions will be issued to the field artillery and battalions of each brigade combat team to support maneuver elements with precision guided fires while minimizing of collateral damage. The 120mm mortar precision guided munitions will be issued to the battalions who own battle space within each brigade combat team to support their maneuver elements with precision guided fires while minimizing of collateral damage

8. Procurement Objective: CJTF–82 urgently requests the immediate procurement and fielding of these munitions in order to

meet COMISAF's restrictions for the application of Joint Fires within the CJOA and provide organic indirect fire support with precision strike capability for all maneuver elements conducting combat operations in Afghanistan.

9. Support Requirements:

a. If a munition uses laser guidance, then there must be a corresponding increase in laser designators. Full MTOE authorization, not Force Feasibility Review sourcing levels, of the Lightweight Laser Designator (LLDR) and M707 Knight is required to make a laser guided capability viable.

b. CJTF–82 would require initial contractor and mobile training team (MTT) support for this rapid fielding.

10. Availability: Production and fielding of the projectiles is currently in the RDTE phase. These munitions are not Army programs of record.

11. Recommendation: The Department of the Army approves and endorses the procurement and rapid fielding of a Precision Guided Munitions for the 105 mm howitzer and 120mm mortar in support of Operation Enduring Freedom 07–09.

12. The point of contact for this memorandum is MAJ Kelly Webster, CJ3 Chief of Fires, Bagram Airfield, Afghanistan, *Kelly.I.webster@citf76.centcom.mil*, DSN 318–231–4024.

MARK A. MURRAY, COL. FA,
Joint Fires and Effects Coordinator.

Mr. KERRY. Mr. President, today I filed an amendment which would appropriate the necessary funds to require the Department of Homeland Security to develop a pilot program to test entry document verification technology. This technology allows border agents to quickly check travel document such as drivers' licenses, passports, and visas against a stored database of legitimate domestic and international travel documents. L1 Communications, a company with a plant in Wilmington, MA, is helping produce this technology and would be an eligible company for this funding.

The 9/11 Commission Report stated that "for terrorists, travel documents are as important as weapons." The report concluded that "better technology and training to detect terrorist travel documents are the most important immediate steps to reduce America's vulnerability to clandestine entry." It recommended that the Government develop a strategy to thwart terrorist travel that would incorporate better document authentication technology. Unfortunately, the technology that Customs and Border Protection, CBP, uses to authenticate travel documents is no better now than on 9/11.

The absence of advanced document authentication technology often forces border agents to eyeball travel documents—a makeshift approach that has proven to be inadequate. In 2006, investigators with the Governmental Accountability Office, GAO, were able to enter the United States from Canada and Mexico by showing CBP agents counterfeit drivers' licenses and an expired, altered U.S. diplomatic passport. The GAO used commercially available computer software to produce its travel documents. Amazingly, the GAO found that it was easier for its investigators to cross into the United States using fake travel documents than during an identical 2003 investigation. The GAO is currently drafting a followup report that will cite automated document authentication technology as a method to improve border security.

My amendment requires DHS to develop a pilot program to test automated document authentication technology at various ports of entry within 6 months. This technology is already widely used by domestic agencies, including the Coast Guard, NASA, and the Capitol Police, as well as by foreign governments, such as Australia, Japan, and Sweden. Referring to the 9/11 hijackers, the Commission reported that "analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept 4 to 15 hijackers."

We must not allow another 9/11. At a time when protecting our homeland against terrorists and other illicit actors remains the paramount national security priority, I believe it is critical that we implement this pilot program to test widely available document authentication technology.

EARMARKS DISCLOSURE

Mr. INOUYE. Mr. President, yesterday, the Senate adopted several amendments to the Defense appropriations bill. It is my understanding that S. 1 requires that a Senator who offers any amendment is required to list the name of any Senator who submitted a request for each respective item in the CONGRESSIONAL RECORD.

In compliance with this, I note that on amendment 3117, Senators GREGG, MCCONNELL, VITTER, CORKER, KYL, DOMENICI, CHAMBLISS, CORNYN, SUNUNU, MCCAIN, SPECTER, and ISAKSON cosponsored the amendment regarding funding for border security. On amendment 3129, Senator MIKULSKI cosponsored the amendment regarding the Troops for Nurses program. On amendment 3131, Senator LEVIN submitted a request for the Virtual Systems Integrated Laboratory. On amendment 3135, as modified, Senator KERRY submitted a request for High Temperature Superconductor Motors. On amendment 3141, Senators NELSON of Florida, KYL, LIEBERMAN, VITTER, INHOFE, NELSON of Nebraska, PRYOR, LAUTENBERG, BAYH, LINCOLN, and WEBB cosponsored the amendment regarding the Aegis Ballistic Missile System. On amendment 3152, Senators BROWN, SPECTER, WARNER, and WEBB submitted requests for the Minuteman Digitization Demonstration Program. On amendment 3153, as modified, Senator MIKULSKI cosponsored the amendment, and Senators DODD, KERRY, LIEBERMAN, LAUTENBERG, and MENENDEZ submitted requests for the Advanced Precision Kill Weapon System. On amendment 3163, Senators GRASSLEY and DURBIN submitted requests for the Molecular Sieve Oxygen Generation Systems for F-15 aircraft. On amendment 3167, Senator NELSON of Florida cosponsored the amendment regarding MARK V replacement research. On amendment 3192, Senators DOMENICI, DOLE, ENSIGN, and KYL cosponsored the amendment regarding Operation Jump Start. On amendment 3204, Senator GREGG submitted a request for Side Scan Sonar for USV and Harbor Surveillance Applications.

Mr. LEVIN. Mr. President, in accordance with the requirements of paragraph 4.a of rule XLIV of the Standing Rules of the Senate, the following is a list of items included in amendments to the Fiscal Year 2008 National Defense Authorization Act at my request:

Amendment number	Item	Requesting Senator
2278	Land Exchange in Detroit, MI	Senator Levin
3006	Former Nike Missile Site, Gross Ile, MI	Senator Levin

Mr. President, in accordance with the requirements of paragraph 4.a of rule XLIV of the Standing Rules of the Senate, the following is a list of items included in amendments to the fiscal year 2008 Defense appropriations bill at my request:

Amendment number	Item	Requesting Senator
3162	$6 million for Advanced Automotive Technology	Senator Levin

LOUISIANA WWII VETERANS

Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 96 World War II veterans from the Acadiana region of Louisiana that is making their way to Washington this weekend. Here they will visit the World War II, Korea, Vietnam and Marine Corps memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being paid for by group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been two trips to these Washington memorials and three more are planned, including this one.

World War II was the deadliest conflict in our history. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war.

In Louisiana, there remain today about 44,000 living WWII veterans, and every one of them has their own heroic tale of their experience in achieving a noble victory of freedom over tyranny.

Mervin Harmon from Lafayette was one of the Tuskegee Airmen, our country's first African American pilots. While serving his country, he had to endure the racism that was prevalent in our society during that era. Mervin, who is 80 now, joined the service at 18, becoming a mechanic and crew chief at the Tuskegee Institute in Alabama. He oversaw the P-51 Mustang fighters the Airmen flew during the war, ensuring that planes were safe for battle. When Mervin trained at Ft. Smith in Arkansas, he remembers German prisoners of war eating in restaurants while black MPs guarding them were not allowed to be served.

Mervin and the other Tuskegee airmen helped our country bridge the racial divide. He went on to serve in Lafayette Parish government for 14 years and had an upholstery business in the city.

I ask the Senate to join me in honoring Mervin Harmon, the other 95 Louisiana heroes we welcome to Washington this weekend, and Louisiana HonorAir for making these trips a reality.

ADDITIONAL STATEMENTS

IDAHO'S ANGELS IN ADOPTION

• Mr. CRAPO. Mr. President, I am privileged today to honor an Idaho couple, Rick and Tina Betzer, who have been blessed with a heart and gift to minister to children. Rick and Tina are being honored today as Angels in Adoption by the Congressional Adoption Coalition. God grants each of us gifts; some of us use them, others don't, and the world is worse off for that neglect. Today I will share a different story—it is about 2 people who have chosen to use their gift to make an extraordinary difference in the lives of others. Rick and Tina tell their story better than anyone. With the permission of the Chair, I will include their personal family statement as part of the RECORD. This is text from Rick and Tina Betzer's personal testimony:.

We met in Jr. High and have been best friends since. We just celebrated our 30th wedding anniversary. We are privileged to be called mom and dad by 16 wonderful children. Our oldest 5 are biological and the youngest 11 have been adopted over the last 10 years. Our first born is Eric. He is now 31 years old, married and has 2 step sons and 2 beautiful little girls. He owns his own tree-trimming business, and they raise quarter horses on their small farm in Chester, Idaho. Next is our daughter Gina, who is now 30 years old. She is married to Zac Clawson and they have 3 sons. Zac works for the Federal Government in Washington DC. They live in Dumfries, Virginia. Next is our daughter Amber. She is 28 years old. At this time she is living with us in Shelley and she works for Eastern Idaho Special services and is a transportation specialist for the homeless shelter in Idaho Falls. Our daughter Jessica is 22 years old and is married to Jacob Hackman. They live in Boise and are expecting their first child in June. Our daughter Brittney is 20 years old, graduated High School with honors, and is attending BYU Hawaii. We moved to Shelley in August 2004, from Ashton where we had been living for the past 15 years. While in Ashton, both Rick and I worked for the State of Idaho Department of Juvenile Corrections as a Nurse and as a Therapy Technician. It was at the Juvenile correction center that we became aware of the need for committed foster parents. In the fall of 1990, we became licensed foster parents. Over the next 10 years, we fostered 38 children. On December 12, 1993, a case worker knocked on our door with a beautiful 2 year old boy in his arms. At first sight, we knew this little guy belonged to us. This was the first day of the rest of our lives. We adopted Shallon 3 years later. We thought we were a complete family, then, several years later, we were prompted to call LDS services to apply to adopt a special needs baby. A few months later we did not have a baby, but 3 active little kids. Breann, Daniel, and Courtney joined our family at the ages of 5, 6, and 7. At that point we were sure our family was complete. Again, several years went by and we could not get the thought out of our minds that someone was missing from our family. I talked Rick into another home study, and 1½ months later we were headed to Florida to pick up our 9-week-old daughter, Zoe. At this point, we started to joke that we would stop at 12 kids, not ever intending to go that far, then someone introduced us to the Internet. Thousands of foster children in the United States that are awaiting adoption are listed there. Three little children pulled me in and I contacted their case workers. One was in Texas, 1 was in Ohio and 1 in Missouri. We were hoping to be able to adopt 1 of the 3. During this time, Tazier came home for good—he had been our foster son 4 years earlier. A month after his arrival, we brought D'Asia home from Ohio then, 3 months after that, we brought Isabelle home from Missouri, but no word from Texas. Again, we thought we are done. Then, a year later, a phone call from Georgia: Were we interested in 1 more child? We hesitated and the case worker read us his profile off the Internet. Half way through we stopped her and said "that's Dakota; he lives in Texas." She almost dropped the phone, and asked how we knew that—there were thousands of kids on the Net. We explained that his picture had been on our refrigerator for 2 years! It took almost 3 years from the time we saw him and a case worker in Georgia that didn't know either us or this little guy, but in September of 2002, Dakota came home. While in Texas picking Dakota up from his foster home, Rick heard a noise from a back bedroom of the home and went to investigate, he came back into the room with our next son in his arms, Delarion. He came home in September 2003.

Our children have changed our lives in many ways. Our world consists of therapists, special education and doctors. Our van could find its own way to Salt Lake and Primary Children's Hospital. We are on a first-name basis with doctors and nurses there and in Idaho Falls at Eastern Idaho Regional Medical Center. From February to November of last year, our children had 9 surgeries and countless procedures that enable them to function as best they can. We had 3 surgeries scheduled in September. Our days are filled with medications, tube feedings, diapers, bottles, wheel chairs, leg braces, glasses, hearing aids and, above all, miracles. It is so humbling to watch these children overcome the obstacles in their lives. Nothing seems to stop them; they have more determination than all of us put together. We remember a Monday night a few years back when, as Tina sat in a chair in our living room holding our 5 year old daughter Zoe, Zoe reached over to the end table and picked up her bottle put the nipple in her mouth and took a drink. We cried. This was a little girl who doctors told us to walk away from, a little girl born with only half a brain, that specialists said would only eat and sleep the rest of her life. At the age of 3, she started playing songs on the piano, by ear because she is blind, with her left hand because her right one doesn't work; a little girl who can scoot on her behind across the floor with amazing speed; a little girl who sings country music, says her ABC's, and counts to 22. These are the miracles in our lives—a little boy born weighing just 1 pound whose mother was found lying unconscious on the ground in a hospital parking lot, a little boy so tiny that he was thought to be a girl for the first month of his life, a little boy who at the age of 4 would never walk or talk, who now, at the age of 8, runs up to us, puts his little face to ours and says, I want to take a bath. These are some of the reasons why we do what we do . . .

Rick and Tina are more than deserving of the distinguished honor of 2007 Angels in Adoption. Their daily challenges are much more than most of us could imagine, let alone choose to experience at any time in our lives: they have chosen to become parents to children with disabilities including quadriplegic spastic cerebral palsy, blindness, vision impairedness, hearing loss, auditory neuropathy, traumatic brain injury, fetal alcohol syndrome, reactive attachment disorder, attention deficit disorder, and genetic optic nerve atrophy. They are selfless examples of a loving commitment of time, energy and resources. Perhaps most difficult, but most rewarding as well, they have committed their hearts and emotions to children in need. The Betzers humble us with their actions they are the angels in their children's lives and examples to us all.●

CONGRATULATING THE UNITED STATES WOMEN'S GYMNASTICS TEAM

● Mr. HARKIN. Mr. President, one of the great joys of my job as a Senator is the opportunity to recognize exceptional people. I would like to take this opportunity to recognize seven exceptional people: Ivana Hong, Nastia Liukin, Samanthat Peszek, Alicia Sacramone, Bridget Sloan, Shayla Worley, and Shawn Johnson. These young ladies make up the U.S. women's gymnastics team.

In September of this year at the World Artistic Gymnastics Championship in Stuttgart, Germany, the U.S. women's team won a total of four gold, two silver, and one bronze medal, placing them first overall in the women's team competition. I congratulate the members of this team, their coaches, and families on their success and for their exemplary representation of our country.

As an Iowan, I would like to recognize a particular member of the U.S. women's team, Ms. Shawn Johnson of West Des Moines, IA. Ms. Johnson won the all-around women's gymnastics title at the 2007 World Artistic Gymnastics Championship. With this great achievement, she became just the fourth U.S. woman ever to win a world all-around title.

Receiving such a title takes incredible talent and athletic ability. But, without a doubt, it also takes a lot of hard work. At the age of 3, Ms. Johnson began her gymnastic training at Chow's Gymnastics in West Des Moines, IA, where she continues to train today. As a result of years of hard work and training, she has competed and won at progressively higher levels of competition. In 2006, she won the U.S. Junior National Championship; in 2007, the Visa National Championships and the Pan American Games, where she won four gold and one silver medal. Next, Ms. Johnson will be competing for a spot on the U.S. women's gymnastic team at the 2008 Beijing Olympics.

I extend my sincere congratulations to the U.S. women's gymnastics team on their success and I wish them luck on their future endeavors.●

HONORING MIKE KURLE

● Mr. JOHNSON. Mr. President, today I want to pay tribute to Mike Kurle, who retired earlier this year as the longtime manager of the West River/Lyman-Jones Rural Water System. I have worked with Mike for nearly my entire congressional career and value his friendship, professionalism, and typical South Dakota steadfastness. I know that Mike and his wife Marlene are looking forward to being able to travel a little more and spend some time with their children who are scattered across the country. However, I want to take a few minutes and explain to the Senate the role Mike played in bringing reliable supplies of drinking water to the towns and ranches of western South Dakota.

As manager of West River/Lyman-Jones, Mike guided one of the four local project sponsors that constitute the Mni Wiconi Rural Water System—one of the largest Federal drinking water projects constructed in the last 30 years. Mike managed the project practically from the beginning and over the past 16 years has always put first the interests of the communities, ranches, and farms served by the system. On Mike's watch, 2,200 rural customers now receive reliable drinking water piped hundreds of miles from the Missouri River. The towns of Philip, Presho, Kennebec, Murdo, White River and, very soon, Kadoka benefit from the Mni Wiconi project. Mike has overseen Federal transfers in excess of $55 million and constantly delivered good value and on-time performance from contractors. Most importantly, Mike is someone that could be trusted and he worked well with the system's three other sponsors—the Oglala Sioux Tribe, Lower Brule Sioux Tribe, and Rosebud Sioux Tribe. The project is a collaboration between the area's American Indian tribes, the Federal Government, and the western South Dakota communities in Lyman, Stanley, Jones, Mellette, Jackson, Haakon, and Pennington counties. Mike spent countless hours on the road traveling from one project sponsor meeting to another and on the phone and in Washington, DC, meeting with Bureau of Reclamation officials and the South Dakota congressional delegation to keep the project on track. Because of Mike's good work, the project is close to the finish line with about 70 percent of the system in the ground and delivering water to thousands of residents. These are all great goals and accomplishments.

So, in closing, I want to thank Mike Kurle for his service and professionalism and most of all friendship and guidance over these many years. I know that Mike can't stay away from the West River/Lyman-Jones office forever but hope that he can enjoy moving at a slower pace knowing that future generations will be well served by his efforts.●

HONORING PENOBSCOT BAY MEDIA, LLC

● Ms. SNOWE. Mr. President, today I pay tribute to a small company in my home State of Maine, run by a female service-disabled veteran, that has made remarkable strides in the information technology industry, and particularly in robotics. Penobscot Bay Media, LLC—known to most as Pen Bay Media—is headquartered in Camden, on Maine's beautiful coast, where it specializes in the development of information visualization solutions by using geographic information systems, GIS, interactive distance learning, and other similar technologies. For example, Pen Bay has developed a type of robot that has the capability to detect environmental hazards, thereby protecting first responders and potentially saving lives.

A retired Navy officer who served in Vietnam, CAPT Ann S. Yahner helped found Pen Bay Media in 1999, along with current partners Stuart Rich, David Berez, and her husband Frank, a retired U.S. Marine. Today, Mrs. Yahner serves as president and general manager. I will never forget when, in response to her concerns over a "brain drain" in Maine, Mrs. Yahner sent a letter to MG John Libby, the adjutant general of the Maine National Guard, offering to employ qualified returning veterans from combat in Iraq and Afghanistan at Pen Bay. Overall, Pen Bay employs 28 people, and has nearly doubled its workforce since the beginning of 2006. Mrs. Yahner's determination to hire and partner with veterans is a solid example of the kind of consistent opportunity we need to extend to those who protect us so admirably.

Pen Bay Media has a long history of successful project experience with government clients. It is one of 45 prime companies in the United States, and the only New England company to be awarded the Veterans Technology Services Government-wide Acquisition Contract. As a result of this esteemed designation, Pen Bay Media will be eligible to compete for a share of contracts worth $5 billion over the next 10 years. In addition, Pen Bay has received countless awards and accolades since its inception. Most recently, the Environmental Systems Research Institute, ESRI, honored Pen Bay with its prestigious Special Achievement in Geographic Information System's award. For embracing GIS technology through its work with the New York City Bureau of Environmental Sciences and Engineering, ESRI recognized Pen Bay for its "extraordinary contributions to our global society." According to ESRI, Pen Bay stood out from more than 300,000 organizations worldwide that use GIS software to enhance its clients' safety.

In its 8 years of operation, Pen Bay Media has excelled, finding a creative niche within one of the Nation's fastest-growing industries. What makes

Mrs. Yahner's accomplishments all the more impressive is that, according to the Small Business Administration, only 32 percent of disabled veteran business owners are women. Ann Yahner's courageous military service and tremendous contributions to small business are commendable and a great lesson that we can all succeed. I thank Ann Yahner and everyone at Pen Bay Media for the crucial work that they do, and I wish them continued success and prestige in the years to come.●

MESSAGES FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The message also announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 4, 2007, the Speaker reappoints the following Member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Joseph Cooper of Baltimore, Maryland.

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following resolution, in which it requests the concurrence of the Senate:

S. Con. Res. 49. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

H.R. 3246. An act to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 694. An act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; to the Committee on Environment and Public Works.

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade; to the Committee on the Judiciary.

H.R. 3527. An act to extend for two months the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

H.R. 3540. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Finance.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1154. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 4, 2007, she had presented to the President of the United States the following enrolled bills:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3546. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Ronald A. Route, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-3547. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, an inventory of the Commission's activities for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3548. A communication from the Director, Executive Resources Management Division, Department of Energy, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary (Congressional and Intergovernmental Affairs), received on October 2, 2007; to the Committee on Energy and Natural Resources.

EC-3549. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a navigation improvement project for Haines, Alaska; to the Committee on Environment and Public Works.

EC-3550. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mercury Switches in Motor Vehicles; Significant New Use Rule" ((RIN2070-AJ19) (FRL No. 8110-5)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3551. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Carbon Monoxide Maintenance Plan Update; Limited Maintenance Plan in Philadelphia County" (FRL No. 8476-9) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3552. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Clean Air Interstate Rule" (FRL No. 8478-1) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3553. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Clean Air Interstate Rule" (FRL No. 8478-6) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3554. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Erie 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8478-9) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3555. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of South Carolina: Clean Air Interstate Rule" (FRL No. 8478-3) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3556. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Consumer and Commercial Products: Control Techniques Guidelines in Lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings" ((RIN2060-AO14) (FRL No. 8478-7)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3557. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications" ((RIN2040-AE83) (FRL No. 8476-5)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC-3558. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a study of the Lower Colorado River Basin in Texas; to the Committee on Environment and Public Works.

EC-3559. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the Secretary of the Army's support of the authorization and construction of navigation and ecosystem restoration improvements at the Corpus Christi Ship Channel and La Quinta Channel in Texas; to the Committee on Environment and Public Works.

EC-3560. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Manufacturing Practice for Blood and Blood Components; Notification of Consignees and Transfusion Recipients Receiving Blood and Blood Components at Increased Risk of Transmitting Hepatitis C Virus Infection" ((RIN0910-AB76) (Docket No. 1999N-2337)) received on October 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3561. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (RIN1557-AD02) received on October 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 221. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts (Rept. No. 110-190).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 453. A bill to prohibit deceptive practices in Federal elections (Rept. No. 110-191).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 193. A concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

S. Res. 326. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1640. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Thomas P. O'Brien, of California, to be United States Attorney for the Central District of California for the term of four years.

Edward Meacham Yarbrough, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years vice James K. Vines, resigned.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2137. A bill to eliminate methamphetamine kingpins; to the Committee on the Judiciary.

By Mr. AKAKA (by request):

S. 2138. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 2139. A bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended periods of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself and Mr. ENZI):

S. 2140. A bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Ms. MURKOWSKI, Mr. BROWN, Mr. DURBIN, Ms. LANDRIEU, and Mrs. MURRAY):

S. 2141. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2142. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. TESTER, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, Mr. OBAMA, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2143. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COLEMAN (for himself, Mr. SALAZAR, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. THUNE, Mr. JOHNSON, Mr. WARNER, Mr. LIEBERMAN, Mr. MARTINEZ, and Mr. BUNNING):

S. 2144. A bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mr. DORGAN):

S. 2145. A bill to amend the Indian Health Care Improvement Act to ensure that Indian veterans are not liable for certain health care payments; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VOINOVICH, and Mrs. CLINTON):

S. 2146. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. OBAMA (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BYRD, and Mr. KERRY)):

S. 2147. A bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 2148. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 2149. A bill to amend the Energy Policy Act of 1992 to establish a program to provide incentives for projects to produce synthetic gas, liquid fuels, and other products from coal and other feedstocks while simultaneously reducing greenhouse gas emissions and reliance of the United States on petroleum and natural gas, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. 2150. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. BOND, Mr. COCHRAN, and Mrs. MCCASKILL):

S. 2151. A bill to amend the National Flood Insurance Act of 1968 to authorize notations on flood insurance rate maps for areas protected against 100-year and 500-year floods by certified flood control structure; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself, Mr. LOTT, Mr. KYL, Mr. GREGG, Mr. ENZI, Mr. BUNNING, Mr. COBURN, Mr. ALLARD, Mr. DEMINT, Mr. CORNYN, Mr. INHOFE, Mrs. DOLE, Mr. VITTER, Mr. BURR, Mr. BENNETT, Mr. BARRASSO, Mr. ISAKSON, Mr. COCHRAN, and Mr. ENSIGN):

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes; read the first time.

By Mr. REED:

S. 2153. A bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. THUNE, and Mr. CONRAD):

S. 2154. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage; to the Committee on Finance.

By Mr. BYRD:

S. 2155. A bill to amend the Energy Policy Act of 1992 to encourage the development of clean energy technologies for deployment in markets abroad, to assist the Department of Energy's promotion of research and development of clean and efficient energy systems, to encourage the Department of Energy and other Federal agencies to work together to improve the advancement of sustainable energy use and reduce greenhouse gas emissions, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Ms. CANTWELL, and Mr. JOHNSON):

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 2157. A bill to amend the Elementary and Secondary Education Act of 1965 to establish pilot programs in expanded school attendance; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT:

S. Res. 344. A resolution commending the Government of Germany for preventing a large-scale terrorist attack in September 2007, and supporting future cooperation to prevent terrorism; considered and agreed to.

By Mr. REID:

S. Con. Res. 49. A concurrent resolution providing for a conditional adjournment or recess of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 535

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 911

At the request of Mr. REED, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. BIDEN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1008

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1008, a bill to amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities.

S. 1120

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1451

At the request of Mr. WHITEHOUSE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1455

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1455, a bill to provide for the establishment of a health information technology and privacy system.

S. 1471

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1471, a bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes.

S. 1482

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1482, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1495, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes.

S. 1604

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1604, a bill to increase the number of well-educated nurses, and for other purposes.

S. 1708

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1760

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1782

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 1865

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1865, a bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2063

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2077

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2077, a bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes.

S. 2128

At the request of Mr. SUNUNU, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2134

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WEBB) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2134, a bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on matters contained in the reports.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 321

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 321, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Ms. MURKOWSKI, Mr. BROWN, Mr. DURBIN, Ms. LANDRIEU, and Mrs. MURRAY):

S. 2141. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON. Mr. President, today I join Senators BROWN, DURBIN, LANDRIEU, MURKOWSKI and MURRAY in introducing the Advancing FASD Research, Prevention, and Services Act. I thank them for joining me in this important effort to improve the surveillance, identification, and prevention of Fetal Alcohol Syndrome Disorders, or FASD.

During the course of my career, I have admired people who struggle with the affects of a Fetal Alcohol Spectrum Disorder and watched with deep respect as their families struggle to help them succeed. Through no fault of their own, these FASD-affected individuals face a lifetime of cognitive, physical, and emotional challenges, including severe learning disabilities, physical abnormalities, costly medical bills, and behavioral impairments. However, we have an opportunity to help people with an FASD overcome many of these challenges with appropriate health, education, judicial, and housing services. As with other disabilities, by investing a small amount of money, we can ensure that FASD-affected individuals have the resources they need to succeed in school, work and life.

Fetal Alcohol Spectrum Disorders are estimated to affect 1 in 100 live births, or more than 40,000 infants, each year. Researchers estimate that one percent of our population lives with an FASD, which is more than 3 million Americans. In my home State of South Dakota, approximately 7,819 individuals are suspected of having an FASD.

The costs of this completely preventable condition to our country are staggering. According to the University of South Dakota Sanford School of Medicine's Center for Disabilities, the lifetime cost for an individual with Fetal Alcohol Syndrome, the most severe of disorders in this spectrum, is over $2 million. The annual cost of FASD to South Dakota, including medical treatment, special education services, and home and residential care, is estimated to be $18 million. Nationally, the cost for these services will approach $6 billion this year alone, but neither of these estimates include the economic costs of lost productivity.

While there is no known cure, FASD is entirely preventable, and this bill seeks a balance between directing federal resources to prevention activities and to services for individuals living with FASD and their families. This bill focuses provision of services in areas where FASD affected individuals are already receiving help. In South Dakota, more than 60 percent of people diagnosed with an FASD lived within a foster care home for some part of their lives. With that in mind, our bill works to train foster care workers and foster parents on how to best communicate with and serve children living with FASD.

Furthermore, it is estimated that 60 percent of individuals with FASD will spend some time in a correctional institution or mental health facility during their lives. Most individuals with FASD will commit their first crime between the ages of 9 and 14. To that end, our bill will provide health care and judicial system workers with the resources they need to work with and understand FASD-affected individuals when they encounter them in health care settings or the court system.

All of these unfortunate statistics compel me to join with my colleagues to offer a comprehensive approaching to preventing FASD, advancing research to learn more about FASD, and increasing provision of services to those living with FASD and their families. While we have increased awareness about the dangers of consuming alcohol during pregnancy, we clearly have much more work to do as we strive to reach the goal of eliminating the negative effects of prenatal alcohol exposure.

In my home State of South Dakota, we have had great successes in working on this issue. With the leadership of the health professionals at our esteemed universities, parents, and teachers, among countless others, we have made some important progress in addressing FASD. This legislation will bolster the efforts of these dedicated South Dakotans and many others across the country who are working hard to prevent FASD and support the children and families living with its consequences.

This bill will provide much needed support in the areas of research and prevention. This legislation requires the National Institutes of Health to develop a research agenda focusing on the most promising avenues research in diagnosis, intervention, and prevention, as well as factors that may mitigate the effects of fetal alcohol exposure.

This bill will also make available grants to federally qualified health centers to implement and evaluate programs to increase awareness and identification of FASD in those settings.

Participating health centers will be able to provide training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and on screening children for FASD.

Another provision in this bill will create public awareness and education campaigns in at-risk areas in order to further the prevention of this disease. This bill will authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

Recognizing that the consequences of FASD are not just health-related, the bill promotes prevention, intervention and services within the education and judicial systems. This legislation provides teachers with resources to educate and support children with FASD. The bill seeks to involve everyone who might encounter an FASD-affected person in the judicial system, including judges, attorneys, probation officers, law enforcement officers, and many others, and works to train them in communicating with and supporting individuals with FASD.

Again, I am so pleased to be introducing this bill with my colleagues and encourage all of our colleagues to consider supporting this bill. I would also like to take a moment to thank Senator Daschle for his leadership on FASD. His commitment to combating this illness is still present in South Dakota and in the lives of those who battle FASD every day.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. TESTER, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, Mr. OBAMA, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2143. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I join Senator KOHL in introducing the Student Breakfast and Education Improvement Act as part of my continued efforts to improve our nation's schools. I am pleased to be working with the senior Senator from Wisconsin, who has been a longtime leader in this area. As far back as 1999, he has sponsored legislation to support breakfast programs, and he has continued his support through his work on the Agriculture Appropriations Committee since then.

One often overlooked part of student classroom performance is nutrition and hunger, which can have a tremendous impact on students. I know many of my colleagues share my support for school programs that help alleviate hunger for the most in-need students, such as the Free and Reduced Price Lunch Program, as well as those programs that provide healthier food, such as the Fresh Fruit and Vegetable Snack and Farm-to-Cafeteria programs.

I am sure that I am not the only member of this body who grew up hearing that breakfast is the most important meal of the day. When I talk to my colleagues and constituents about our proposal and the importance of breakfast and learning, it is not a hard sell. People understand immediately why this issue matters.

Unfortunately, too many children go hungry and too many parents have to choose between giving their children lunch or breakfast, even if they get the help of reduced price meals.

The Student Breakfast and Education Improvement Act would provide grants for schools wishing to begin or expand universal school breakfast programs. Studies show that kids who eat breakfast perform better in school and on tests, and they tend to be less disruptive to the class, and I have heard many stories from teachers, school nurses, and other school officials over the years to confirm this. In fact, last year in my home State of Wisconsin, with the support of Senator KOHL, the Milwaukee Public Schools worked with the Hunger Task Force to implement universal school breakfast programs in more than 60 schools. This program, which has expanded in its second year, has proven popular with students, teachers, and parents.

We are set to debate the reauthorization of the No Child Left Behind Act, NCLB, later this year. NCLB was the

2002 reauthorization of the Elementary and Secondary Education Act, ESEA, of 1965. NCLB set the important goal of closing the achievement gap that exists in our nation's schools. I disagree with some of the methods that NCLB employs, including relying primarily on high-stakes standardized tests to measure students and schools, but I strongly agree that the achievement gap needs to be closed. The latest scores from the National Assessment on Educational Progress NAEP were released last week and the scores show we have a very long way to go before we close that achievement gap in many States, including in my State of Wisconsin.

There are a variety of education reforms that need to be pursued at the federal, state, and local level in order to close the achievement gap. One step Congress can take is to support programs to comprehensively address the needs of children, including their nutrition, health, and social needs. Our Student Breakfast and Education Improvement Act is legislation that is designed to help address some of those needs. Too many students in some of our nation's most disadvantaged schools walk into school in the morning hungry, or eat junk food for their breakfast. By working to provide these students with access to a nutritious breakfast, we are telling these students that we value them and that we want to help them achieve all that they can in school. Much more needs to be done to address other needs of our students, but this bill is a step in the right direction.

Our legislation would target the schools most in need, those with 65 percent more of students eligible for the free and reduced price lunch program, with the funds necessary to implement a universal free breakfast program. The grants, which could be used in a number of ways, aim to help schools overcome the numerous barriers to creating a universal school breakfast program. In fiscal year 2006, 10 million more students participated in free and reduced price lunch than breakfast. This disparity is troubling to me and many others.

Our bill would work with existing meal programs, not replace them. Provision 2 of Section 11(a)(1) of the National School Lunch Act allows schools to establish their free and reduced meal rates for a 4 year period if they serve all meals at no charge. The combination of not having to collect free and reduced price information from students annually, and not having to collect daily meal money from students, results in significant administrative savings. While schools participating under Provision 2 must cover the lost revenue from the reduced and full price meal costs, for the high-needs schools such as those targeted by this program, the typically higher participation rate also means the school can benefit from some economies of scale and receive a better price for the food. The grants this bill would provide would help schools make the initial investments needed to establish a universal breakfast program and make up for the lost revenue.

Some universal breakfast programs, like the one I mentioned in Milwaukee, have demonstrated that universal free breakfast programs create an economy of scale that actually makes the cost per student lower. The Milwaukee program served breakfast in the classroom, which, according to teachers and others involved, further improved the economy of the program, as well as the positive impact of breakfast on students' attention.

While our bill has some preferences, including a target for the poorest schools, it is important to note that it has tremendous flexibility for the states and school districts. Schools will be able to tailor their universal breakfast programs to the needs of their own students. It also gives schools the option of purchasing locally grown foods and linking with local farmers, which provide excellent opportunities for nutrition lessons and can even be incorporated into other subjects such as science and math.

This bill is just a start; much more should be done to increase participation in breakfast programs and provide schools with the ability and resources to design programs that address the needs of their students and communities. Our bill does not intend to replace broader efforts, but rather to provide some immediate assistance for the schools most in need. Furthermore, by including a reporting requirement and encouraging researchers to study the effectiveness of the funded programs in improving student learning, this legislation would provide useful evidence about the need for broader investment and how to ensure those resources are best spent.

I would like to thank Senators TESTER, SANDERS, KERRY, DURBIN, OBAMA, BINGAMAN, and DOMENICI for their support for this legislation. The Student Breakfast and Education Improvement Act is also supported by the Hunger Task Force, Community Food Security Coalition, the School Social Work Association of America and the Wisconsin School Social Workers Association. I look forward to working with my colleagues to provide breakfast to more in-need students.

By Mr. COLEMAN (for himself, Mr. SALAZAR, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. THUNE, Mr. JOHNSON, Mr. WARNER, Mr. LIEBERMAN, Mr. MARTINEZ, and Mr. BUNNING):

S. 2144. A bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carbon Dioxide Pipeline Study Act of 2007".

SEC. 2. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION AND OPERATION OF PIPELINES AND CARBON DIOXIDE SEQUESTRATION FACILITIES.

(a) IN GENERAL.—The Secretary of Energy (referred to in this section as the "Secretary"), in coordination with the Federal Energy Regulatory Commission, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, shall conduct a study to assess the feasibility of the construction and operation of—

(1) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(2) carbon dioxide sequestration facilities.

(b) SCOPE.—In conducting the study under subsection (a), the Secretary shall consider—

(1) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to the construction and operation of—

(A) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) carbon dioxide sequestration facilities;

(2) any market risk (including throughput risk) relating to the construction and operation of—

(A) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) carbon dioxide sequestration facilities;

(3) any regulatory, financing, or siting option that, as determined by the Secretary, would—

(A) mitigate any market risk described in paragraph (2); or

(B) help ensure the construction of pipelines dedicated to the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(4) the means by which to ensure the safe handling, transportation, and sequestration of carbon dioxide;

(5) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(6) any other appropriate issue, as determined by the Secretary.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mr. DORGAN):

S. 2145. A bill to amend the Indian Health Care Improvement Act to ensure that Indian veterans are not liable for certain health care payments; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today to introduce the American Indian Veteran Health Care Improvement Act, along with Senators JOHNSON and DORGAN. This legislation would encourage collaborations between the Department of Health and Human Services, HHS, and the Department of Veterans Affairs, VA, which would result in greater access to health care services for American Indian and Alaska Native, AI/AN, veterans of federally-recognized tribes. This legislation also would ensure that these AI/AN veterans eligible for VA health care benefits delivered by the Indian Health Service, IHS, an Indian tribe, or tribal organizations will not be liable for any out of pocket expenses.

American Indians and Alaska Natives have a long history of exemplary military service to the United States. They have volunteered to serve their country at a higher percentage in all of Americas' wars and conflicts than any other ethnic group on a per capita basis. As a result, they have a wide range of combat related health care needs. AI/AN veterans may be eligible for health care from Veterans Health Administration, VHA, or from IHS or both. Despite this dual eligibility, AI/AN veterans report the highest rate of unmet health care needs among veterans and exhibit high rates of disease risk factors.

On February 25, 2003, the HHS and the VA entered into a Memorandum of Understanding, MOU, to encourage cooperation and resource sharing between the IHS and the VHA. The goal of the MOU is to use the strengths and expertise of both organizations to increase access, deliver quality health care services and enhance the health status of AI/AN veterans. These collaborations are designed to improve communication between the agencies and tribal governments, and to create opportunities to develop strategies for sharing information services and technology. The technology sharing includes the VA's electronic medical record system, bar code medication administration and telemedicine. Also, the VA and the IHS cosponsor continuing medical training for their health care staffs. The MOU encourages VA, tribal, and IHS programs to collaborate in numerous ways at the local level. These services may include referrals for specialty care at a VA facility, prescriptions offered by the VA, and testing not offered by IHS.

At the local level, many partnerships are being formed among the IHS, VA, and tribal governments to identify local needs and develop local solutions. These local needs may include VA enrollment, initial screenings, and other health care services. The anticipated product of these collaborations is to ensure that quality health care is provided to all eligible AI/AN veterans. In my State, the Portland VA Medical Center and the Portland Area Office-IHS are working on a local MOU for the purpose of improving access to VA health care services for eligible AI/AN veterans. The Warms Springs Confederated Tribes have been instrumental in developing this agreement based on the needs of and by AI veterans on the Warm Springs Reservation. These veterans often are eligible for health benefits from both VA and IHS and it is their intended purpose to make care more seamless, thereby improving access and quality.

Based on the Federal Government's trust responsibility for Indian tribes, eligible Indians receive free IHS health services regardless of their ability to pay. Unlike the IHS, the VA imposes cost-sharing on certain beneficiaries. This bill would alleviate eligible AI/AN veterans' responsibility for any VA-related expenses when care is delivered through the IHS.

In November 2001, President George W. Bush proclaimed National American Indian Heritage Month by celebrating the role of the indigenous peoples of North America in shaping our Nation's history and culture. He said, "American Indian and Alaska Native cultures have made remarkable contributions to our national identity. Their unique spiritual, artistic, and literary contributions, together with their vibrant customs and celebrations, enliven and enrich our land."

An important part of the overall contribution of AI/AN peoples to our Nation is the part they play in protecting and preserving our freedoms. Their contributions to our armed forces have been made throughout our history. I am hopeful that the VA and the IHS will continue to work together to deliver health care services to our Nation's AI/AN veterans that they so deserve. I look forward to hearing about more of these partnership projects, and to learn of their successes.

I look forward to working with my colleagues, Senator JOHNSON and Senator DORGAN, and I urge my colleagues to join us in support of this legislation.

By Mr. AKAKA:

S. 2148. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I wish to join my colleague in the House, Congressman DANNY DAVIS, to introduce the Senior Executive Service Diversity Assurance Act to improve the management of the Senior Executive Service, SES, and enhance its diversity.

For years we have known that the Federal SES does not reflect the diversity of our Nation. The Government Accountability Office released reports in 2003 and 2007 showing that the percentages of minorities in the SES are inconsistent from agency to agency and not reflective of the diversity of the potential pool of applicants.

While we have seen some gains in the area of women in senior positions, the 28 percent of women in the SES is far less than the national average. And for minorities in senior level career positions, the gap is worse. Twenty-one percent of the potential applicants are racial and ethnic minorities while only 16 percent of the entire SES are minorities.

As agencies think about the next generation of SES, it is important to be reminded of the need to recruit a talented and diverse pool of candidates in order to bring fresh perspectives into our Government's leadership roles. In serving the diverse population of America, we need diverse leaders to improve the way the Federal workforce serves our country.

It is well known that the Federal Government is facing an impending retirement wave. Ninety percent of senior level employees will be eligible for retirement in the next 10 years. Federal agencies need to prepare for the next generation of leaders and in the process actively recruit diverse talent. I believe that mentoring is an excellent way to do that. This bill requires the establishment of an SES mentorship program. Qualified senior executives would be paired up with other talented women, racial and ethnic minorities, and disabled persons to mentor them in the hopes of cultivating a diverse pool of applicants for SES positions.

The Senior Executive Service Diversity Assurance Act also establishes an office of senior executive resources to improve overall efficiency and diversity by bringing together all the SES policy development and implementation functions at the Office of Personnel Management.

The bill also establishes evaluation panels made up of women and minorities to review incoming applications for SES positions and pass along recommendations of the qualified candidates to the Executive Review Board.

The standards are high for entry into the SES, and I believe that this bill continues that tradition and will improve the overall diversity in our highly talented executive workforce.

America is a nation of many different races and backgrounds. Every year, the diverse heritage of America continues to grow, and our communities benefit from the addition of those cultures. New cultures bring new ideas, and in our civil service—America's workforce—we need leadership that reflects those varied cultures and backgrounds.

I believe this bill lays the framework for bringing these new ideas and different populations into Federal leadership. I hope to see improvements in the representation of women, racial and ethnic minorities, and the disabled in the SES.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Executive Service Diversity Assurance Act".

SEC. 2. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "Director" means the Director of the Office of Personnel Management;

(2) the term "Senior Executive Service" has the meaning given such term by section 2101a of title 5, United States Code;

(3) the terms "agency", "career appointee", and "career reserved position" have the meanings given them by section 3132 of title 5, United States Code; and

(4) the term "SES Resource Office" means the Senior Executive Service Resource Office, established under subsection (b).

(b) ESTABLISHMENT.—Not later than January 1, 2009, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office. The mission of the SES Resource Office shall be—

(1) to improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) to advance the professionalism of the Senior Executive Service; and

(3) to ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(c) FUNCTIONS.—It shall be the function of the SES Resource Office to make recommendations to the Director with respect to regulations, and to provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service. In order to carry out the purposes of this section, the SES Resource Office shall—

(1) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by—

(A) creating policies for the management and improvement of the Senior Executive Service;

(B) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(C) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(2) be responsible for the policy development, management, and oversight of the Senior Executive Service pay system;

(3) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;

(4) be responsible for developing and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(5) provide oversight of and guidance to agency executive resources boards;

(6) be responsible for the administration of the qualifications review board;

(7) establish and maintain lists (in a form that renders them useful to appointing authorities and candidates) of—

(A) the total number of career reserved positions at each agency;

(B) the total number of vacant career reserved positions at each agency;

(C) whether candidates are being sought for each such vacant position; and

(D) the names and (to the extent available) the race, ethnicity, gender, and any disabilities of individuals who have been certified, in accordance with section 3393(d) of title 5, United States Code (as so redesignated by section 3(a)), as having the executive qualifications necessary for initial appointment as a career appointee;

(8) establish mentoring programs for individuals described in paragraph (7)(D);

(9) collect and maintain statistics relating to the composition of the Senior Executive Service based on race, ethnicity, gender, age, and persons with disabilities;

(10) publish annually in the Federal Register statistics relating to—

(A) the data collected by the SES Resource Office under paragraph (7); and

(B) the composition of the Senior Executive Service based on the factors listed in paragraph (7)(D); and

(11) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and the disabled for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources.

(d) PUBLIC ACCESS TO STATISTICS.—The SES Resource Office shall make the statistics under subsection (c)(10) accessible to the public through an Internet website.

SEC. 3. CAREER APPOINTMENTS.

(a) ESTABLISHMENT AND ROLE OF SES EVALUATION PANELS.—Section 3393 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1)(A) Each agency shall establish one or more Senior Executive Service evaluation panels, as appropriate, the members of which shall be appointed by the head of the agency (or his or her designee)—

"(i) from among senior executives of the agency or commissioned officers of the uniformed services serving on active duty in such agency; or

"(ii) from among senior executives of or commissioned officers of the uniformed services serving on active duty in another agency, if—

"(I) subparagraph (B) could not (but for this clause) otherwise be satisfied; and

"(II) the consent of the head of the other agency is obtained.

"(B) Each panel shall consist of 3 members, of whom at least 1 shall be a woman and 1 other shall be a member of a racial or ethnic minority group.

"(2) It shall be the function of a Senior Executive Service evaluation panel, with respect to any Senior Executive Service position for which a vacancy announcement is posted—

"(A) to review the executive qualifications of each candidate for a position which is to be filled by a career appointee; and

"(B) to certify to the appropriate executive resources board the names of candidates who, in the judgment of the panel, are best qualified for such position.

Nothing in subparagraph (A) shall be considered to apply in the case of any candidate who is already a career appointee.".

(b) ROLE OF EXECUTIVE RESOURCES BOARDS.—Paragraph (1) of section 3393(c) of title 5, United States Code (as so redesignated by subsection (a)), is amended to read as follows:

"(1) for each career reserved position for which a vacancy is posted, review the executive qualifications of candidates certified under subsection (b) with respect to such position; and".

(c) DEFINITION OF APPOINTING AUTHORITY.—Section 3393 of title 5, United States Code, is amended by adding after subsection (h) (as so redesignated by subsection (a)) the following:

"(i) For purposes of this section, the term 'appointing authority' means, with respect to a position within an agency, the head of such agency (or his or her designee).".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3592(a)(1) of title 5, United States Code, is amended by striking "3393(d)" and inserting "3393(e)".

(2) Section 3593 of such title is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "3393(b) and (c)" and inserting "3393(c) and (d)"; and

(ii) in paragraph (1), by striking "3393(d)" and inserting "3393(e)"; and

(B) in subsection (c)(1)—

(i) in the matter before subparagraph (A), by striking "3393(b) and (c)" and inserting "3393(c) and (d)"; and

(ii) in subparagraph (C), by striking "3393(d)" and inserting "3393(e)".

(3) Section 3594 of such title is amended in subsections (a) and (b) by striking "3393(d)" and inserting "3393(e)".

(4) Section 3595(b)(1) of such title is amended by striking "3393(d)" and inserting "3393(e)".

(5) Section 7541(1)(A) of such title is amended by striking "3393(d)" and inserting "3393(e)".

By Mr. McCONNELL (for himself, Mr. LOTT, Mr. KYL, Mr. GREGG, Mr. ENZI, Mr. BUNNING, Mr. COBURN, Mr. ALLARD, Mr. DEMINT, Mr. CORNYN, Mr. INHOFE, Mrs. DOLE, Mr. VITTER, Mr. BURR, Mr. BENNETT, Mr. BARRASSO, Mr. ISAKSON, Mr. COCHRAN, and Mr. ENSIGN):

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Kids First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec 1. Short title; table of contents.
Sec. 2. 5-Year reauthorization.
Sec. 3. Allotments for the 50 States and the District of Columbia based on expenditures and numbers of low-income children.

Sec. 4. Limitations on matching rates for populations other than low-income children or pregnant women covered through a section 1115 waiver.
Sec. 5. Prohibition on new section 1115 waivers for coverage of adults other than pregnant women.
Sec. 6. Standardization of determination of family income.
Sec. 7. Grants for outreach and enrollment.
Sec. 8. Improved State option for offering premium assistance for coverage through private plans.
Sec. 9. Treatment of unborn children.
Sec. 10. 50 percent matching rate for all Medicaid administrative costs.
Sec. 11. Reduction in payments for Medicaid administrative costs to prevent duplication of such payments under TANF.
Sec. 12. Effective date.

SEC. 2. 5-YEAR REAUTHORIZATION.

(a) INCREASE IN NATIONAL ALLOTMENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end'

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(11) for fiscal year 2008, $7,000,000,000;

"(12) for fiscal year 2009, $7,200,000,000;

"(13) for fiscal year 2010, $7,600,000,000;

"(14) for fiscal year 2011, $8,300,000,000; and

"(15) for fiscal year 2012, $8,800,000,000.".

(b) CONTINUATION OF ADDITIONAL ALLOTMENTS TO TERRITORIES.—Section 2104(c)(4)(B) of the Social Security Act (42 U.S.C. 1397dd(c)(4)(B)) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting before the period the following: ", $56,000,000 for fiscal year 2008, $58,000,000 for fiscal year 2009, $61,000,000 for fiscal year 2010, $66,000,000. for fiscal year 2011, and $70,000,000 for fiscal year 2012".

SEC. 3. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA BASED ON EXPENDITURES AND NUMBERS OF LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) IN GENERAL.—Notwithstanding the preceding provisions of this subsection and subject to paragraph (3), the Secretary shall allot to each subsection (b) State for each of fiscal years 2008 through 2012, the amount determined for the fiscal year that is equal to the product of—

"(A) the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year; and

"(B) the sum of the State allotment factors determined under paragraph (2) with respect to the State and weighted in accordance with subparagraph (B) of that paragraph for the fiscal year.

"(2) STATE ALLOTMENT FACTORS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the State allotment factors are the following:

"(i) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the fiscal year to the sum of such projected expenditures for all States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(ii) The ratio of the number of low-income children who have not attained age 19 with no health insurance coverage in the State, as determined by the Secretary on the basis of the arithmetic average of the number of such children for the 3 most recent Annual Social and Economic Supplements to the Current Population Survey of the Bureau of the Census available before the beginning of the calendar year before such fiscal year begins, to the sum of the number of such children determined for all States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iii) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the preceding fiscal year to the sum of such projected expenditures for all States for such preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iv) The ratio of the actual expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the second preceding fiscal year to the sum of such actual expenditures for all States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2008 through 2012, the following percentage weights shall be applied to the ratios determined under subparagraph (A) for each such fiscal year:

"(i) 40 percent for the ratio determined under subparagraph (A)(i).

"(ii) 5 percent for the ratio determined under subparagraph (A)(ii).

"(iii) 50 percent for the ratio determined under subparagraph (A)(iii).

"(iv) 5 percent for the ratio determined under subparagraph (A)(iv).

"(C) DETERMINATION OF PROJECTED AND ACTUAL EXPENDITURES.—For purposes of subparagraph (A):

"(i) PROJECTED EXPENDITURES.—The projected expenditures described in clauses (i) and (iii) of such subparagraph with respect to a fiscal year shall be determined on the basis of amounts reported by States to the Secretary on the May 15th submission of Form CMS–37 and Form CMS–21B submitted not later than June 30th of the fiscal year preceding such year.

"(ii) ACTUAL EXPENDITURES.—The actual expenditures described in clause (iv) of such subparagraph with respect to a second preceding fiscal year shall be determined on the basis of amounts reported by States to the Secretary on Form CMS–64 and Form CMS–21 submitted not later than November 30 of the preceding fiscal year.".

(b) 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.—Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTED.—

"(1) IN GENERAL.—Except as provided in the succeeding paragraphs of this subsection, amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2008 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) ELIMINATION OF REDISTRIBUTION OF ALLOTMENTS NOT EXPENDED WITHIN 3 YEARS.—Notwithstanding subsection (f), amounts allotted to a State under this section for fiscal years beginning with fiscal year 2008 that remain unexpended as of the end of the second succeeding fiscal year shall not be redistributed to other States and shall revert to the Treasury on October 1 of the third succeeding fiscal year.

"(3) RULE FOR COUNTING EXPENDITURES AGAINST FISCAL YEAR ALLOTMENTS.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against allotments for the earliest fiscal year for which funds are available for expenditure under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) Section 2104(b)(1) of the Social Security Act (42 U.S.C. 1397dd(b)(1)) is amended by striking "subsection (d)" and inserting "the succeeding subsections of this section".

(2) Section 2104(f) of such Act (42 U.S.C. 1397 dd(f)) is amended by striking "The" and inserting "Subject to subsection (e)(2), the".

SEC. 4. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

"(A) FMAP APPLIED TO PAYMENTS FOR COVERAGE OF CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER ENROLLED IN THE STATE CHILD HEALTH PLAN ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT AND WHOSE GROSS FAMILY INCOME IS DETERMINED TO EXCEED THE INCOME ELIGIBILITY LEVEL SPECIFIED FOR A TARGETED LOW-INCOME CHILD.—Notwithstanding subsections (b)(1)(B) and (d) of section 2110, in the case of any individual described in subsection (c) of section 105 of the Kids First Act who the State elects to continue to provide child health assistance for under the State child health plan in accordance with the requirements of such subsection, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to such assistance.

"(B) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Kids First Act.

"(C) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Kids First Act.

"(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

"(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Kids First Act, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

"(D) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term 'caretaker relative' has the meaning given that term for purposes of carrying out section 1931.

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 5. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f) of the Social Security Act (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary"; and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

"(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2105(c)(8).".

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 of the Social Security Act (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

"(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

"(1) by virtue of a waiver under section 1115; or

"(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Kids First Act).".

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

SEC. 6. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 5(a), is amended by adding at the end the following new paragraph:

"(4) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(c)(8)(A) of the Social Security Act (as added by section 4(a)), to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SEC. 7. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

“(b) AWARD OF GRANTS.—

“(1) PRIORITY FOR AWARDING.—

“(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

“(i) propose to target geographic areas with high rates of—

“(I) eligible but unenrolled children, including such children who reside in rural areas; or

“(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

“(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

“(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

“(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

“(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

“(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

“(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

“(4) an assurance that the eligible entity shall—

“(A) conduct an assessment of the effectiveness of such activities against the performance measures;

“(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments.

“(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

“(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A State with an approved child health plan under this title.

“(B) A local government.

“(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

“(D) A Federal health safety net organization.

“(E) A State, national, local, or community-based public or nonprofit private organization.

“(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

“(G) An elementary or secondary school.

“(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

“(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term ‘Federal health safety net organization’ means—

“(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

“(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

“(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

“(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

“(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, ‘tribal organization’, and ‘urban Indian organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(4) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(f) APPROPRIATION.—

“(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section—

“(A) $100,000,000 for each of fiscal years 2008 and 2009;

“(B) $75,000,000 for each of fiscal years 2010 and 2011; and

“(C) $50,000,000 for fiscal year 2012.

“(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

“(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

“(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

“(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

“(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

“(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

“(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

“(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.”.

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

“(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.”.

SEC. 8. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE THROUGH PRIVATE PLANS.

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 4(a) is amended by adding at the end the following:

“(9) ADDITIONAL STATE OPTION FOR OFFERING PREMIUM ASSISTANCE.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

“(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

“(i) IN GENERAL.—In this paragraph, the term ‘qualified employer sponsored coverage’ means a group health plan or health insurance coverage offered through an employer that is—

“(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A state shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer-sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer-sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer-sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer-sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON-APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SEC. 9. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

"(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

"(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

"(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.".

SEC. 10. 50 PERCENT MATCHING RATE FOR ALL MEDICAID ADMINISTRATIVE COSTS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3)(E) as paragraph (2) and re-locating and indenting it appropriately;

(3) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and indenting them appropriately;

(4) by striking paragraphs (3) and (4);

(5) in paragraph (5), by striking "which are attributable to the offering, arranging, and furnishing" and inserting "which are for the medical assistance costs of furnishing";

(6) by striking paragraph (6);

(7) in paragraph (7), by striking "subject to section 1919(g)(3)(B)"; and

(8) by redesignating paragraphs (5) and (7) as paragraphs (3) and (4), respectively.

SEC. 11. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (h)";

(2) in subsection (a)(2)(D) by inserting ", subject to subsection (g)(3)(C) of such section" after "as are attributable to State activities under section 1919(g)"; and

(3) by adding after subsection (g) the following new subsection:

"(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing October 1, 2007, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to 1/4 of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).".

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect as if enacted on October 1, 2007.

(b) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State child health plan under title XXI of the Social Security Act or a waiver of such plan under section 1115 of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan or waiver to meet the additional requirements imposed by the amendments made by this Act, the State child health plan or waiver shall not be regarded as failing to comply with the requirements of such title XXI solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR SCHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under title XXI of the Social Security Act for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for such title XXI allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

By Mr. REED:

S. 2153. A bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Mortgage Disclosure Improvement Act of 2007. This bill will improve the loan disclosures given to homebuyers not only when they apply for a mortgage, but also when they refinance their home.

As we are all too aware, the percentage of loans entering foreclosure is at its highest level in 55 years. According to RealtyTrac, there were 1.2 million foreclosures reported nationwide last year, up 42 percent from 2005. Many of these Americans going into foreclosure took out exotic adjustable rate and payment option loans which are now resetting to new, much higher monthly payments. Many of these consumers never understood how these loan products worked or how high their payments would be once these loans reset.

The Mortgage Disclosure Improvement Act of 2007 would for the first time require that the maximum payment that a consumer has to make on a mortgage be disclosed, not only at application, but also 7 days before closing. If these disclosures are not made or are made inaccurately, then lenders will be subject to statutory damages. In addition to requiring lenders to disclose the maximum payment under the loan, they will now have to provide consumers who apply for adjustable rate or variable payment loans with a warning that the payments will change, depending on the interest rate.

In addition, this bill would require lenders to give firm disclosure regarding the terms of the mortgage not only within three days of application for the loan, but also at least seven days before closing. Lenders also will now need to include a statement that the consumer is not obligated on the mortgage loan just because they have received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product, and decide not to sign on the dotted line if they do not like the basic terms of the loan.

Finally, the bill clarifies that lenders are subject to statutory damages for violations of Truth in Lending disclosure provisions, increases the damages for mortgage violations from $2,000 to $5,000 per violation, and requires that mortgage disclosures be made within the stated time frames.

The increasing rate of foreclosures across the country is troubling. Not only are individual families losing their homes and their financial nest eggs, but there is a negative ripple effect across communities and the economy. Although improved TILA disclosures are only a small part of what Congress needs to do in the upcoming year, I believe that giving consumers the information they need regarding the maximum payments they might have to pay under the terms of a loan is an important and vital part of improving the process. Borrowers need to better understand the full financial impact of entering into a particular loan early in the loan decision process, and also before they actually consummate the loan. I hope my colleagues will join me in supporting this bill and other efforts to help improve the mortgage financing process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Disclosure Improvement Act of 2007".

SEC. 2. ENHANCED MORTGAGE LOAN DISCLOSURES.

Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "shall be made in accordance" and all that follows through "extended, or";

(4) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'; and

"(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as [______]', the blank to be filled in with the maximum possible payment amount.

"(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.".

SEC. 3. CIVIL LIABILITY.

Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking "only for" and inserting "for";

(B) by striking "section 125 or" and inserting "section 122, section 125,";

(C) by inserting "or section 128(b),"after "128(a),"; and

(D) by inserting "or section 128(b)" before the period.

Mr. BINGAMAN (for himself, Mr. DOMENICI, Ms. CANTWELL, and Mr. JOHNSON):

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill entitled the SECURE Water Act, Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act to address some of the serious water-related challenges facing this country. My colleagues Senator DOMENICI, Senator CANTWELL, and Senator JOHNSON are cosponsoring this measure and I am pleased to have their support.

Water resource issues are putting State and local water managers to the test in all areas of the country. In the western U.S., these challenges are exacerbated due to drought, population increases, environmental needs, and climate change, all of which are affecting the sustainability of water supplies. Much needs to be done to ensure that sufficient quantities of water of adequate quality are available to meet the basic needs of our citizens, as well as sustaining important economic and environmental uses.

As the intense competition for limited water supplies increases, more refined water management strategies are necessary. One way to improve in this area is to improve the nationwide data collection and monitoring activities associated with water. The SECURE Water Act will do this by requiring an expansion of the National Streamflow Information Program and the development of a systematic groundwater monitoring program. The bill also directs the U.S. Geological Survey to formally establish a water use and availability assessment program consistent with recommendations made by the National Research Council. Better data will lead to better modeling and improved decisionmaking by State, local, and Federal water managers.

Another area needing more attention concerns the impacts of global climate change on water resources. Already well-documented is the fact that increasing temperatures are resulting in less snowpack and more rain in many regions, and changing the timing of snow-melt runoff. Moreover, at a recent hearing on climate change and water held by the Energy and Natural Resources Committee, the USGS indicated that current climate models are also projecting a long-term drying trend in the Southwest—the fastest growing region in the country. Fully understanding and adapting to these long-term impacts is imperative to the health and well-being of many communities. The SECURE Water Act directs the Secretary of the Interior to establish an Intra-Governmental Panel to help make the link between the scientific community and water managers to improve water availability forecasts and to implement adaptation strategies. The bill also requires the Bureau of Reclamation to initiate a climate change adaptation program to develop strategies and conduct feasibility studies to address water shortages, conflicts, and other impacts to water users and the environment. In addition, both Reclamation and the Department of Energy are directed to assess the effects of climate change on the water supplies needed for hydropower production, which represents the source of at least 7 percent of the Nation's electricity supply.

Finally, the SECURE Water Act recognizes that promoting the efficient use of water is critical to respond to any of the threats that may impact available supplies. Accordingly, the Bureau of Reclamation is authorized to provide financial assistance to States, tribes, and local entities to construct improvements or take actions to increase water-use efficiencies that respond to drought, climate change, or other water-related crises.

Of course, States bear the primary responsibility and authority for managing water resources in this country. Nonetheless, given the reality that adequate and safe water supplies are fundamental to the health, economy, and ecology of the United States, it is imperative that the Federal government be a strong partner in assisting State and local communities to address present and future water supply challenges. The SECURE Water Act was developed with this strong partnership in mind. I look forward to starting the dialogue on this important legislation and hope that my colleagues will ultimately support its enactment.

Thank you for the opportunity to make these remarks. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act" or the "SECURE Water Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Climate change adaptation program.
Sec. 5. Water management improvement.
Sec. 6. Hydroelectric power assessment.
Sec. 7. Climate change and water intragovernmental panel.
Sec. 8. Water data enhancement by United States Geological Survey.
Sec. 9. Water use and availability assessment program.
Sec. 10. Effect.

SEC. 2. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term "assessment program" means the water availability and use assessment program established by the Secretary under section 9(a).

(4) CLIMATE DIVISION.—The term "climate division" means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(6) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term "eligible applicant" means any State, Indian tribe, irrigation district, water district, or other organization with water delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term "Federal Power Marketing Administration" means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term "hydrologic accounting unit" means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term "major aquifer system" means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term "major reclamation river basin" means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term "major reclamation river basin" includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term "non-Federal participant" means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term "panel" means the climate change and water intragovernmental panel established by the Secretary under section 7(a).

(15) PROGRAM.—The term "program" means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "Secretary" means the Secretary of the Interior.

(B) EXCEPTIONS.—The term "Secretary" means—

(i) in the case of section 4, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 8 and 9, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term "service area" means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 4. CLIMATE CHANGE ADAPTATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) the timing of runoff; and

(C) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(F) water quality issues (including salinity levels of each major reclamation river basin);

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water

management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2022, to remain available until expended.

SEC. 5. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into any cooperative agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management; or

(E) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into a cooperative agreement with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application that includes a proposal of the improvement to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and cooperative agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) CERTAIN IMPROVEMENTS OR ACTIVITIES RELATING TO AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant to, or enter into a cooperative agreement with, an eligible applicant to provide financial assistance for an improvement to conserve water with respect to an agricultural operation unless the Secretary first determines that the improvement will result in a net savings in groundwater or surface water resources in the agricultural operation of the eligible applicant.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or cooperative agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a facility under the jurisdiction of a Federal agency is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall hold title to the improvement of the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or cooperative agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided in clause (ii), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) EXCEPTION.—Clause (i) shall not apply to liability for monetary damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(iii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more cooperative agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources.

(2) TERMS AND CONDITIONS OF SECRETARY.—A cooperative agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(c) MUTUAL BENEFIT.—Grants or cooperative agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

SEC. 6. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) COSTS NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2022, to remain available until expended.

SEC. 7. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the water resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities and expand data acquisition to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service);

(5) the Commissioner; and

(6) the Chief of Engineers.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to water resources that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant watershed and aquifer located in the United States;

(5) to expand, and integrate each initiative of the panel with, to the maximum extent possible, any interagency initiative in existence as of the date of enactment of this Act, including—

(A) the national integrated drought information system of the National Oceanic and Atmospheric Administration; and

(B) the advanced hydrologic prediction service of the National Weather Service;

(6) to facilitate the development of hydrologic models to integrate data that reflects groundwater and surface water interactions;

(7) to apply the hydrologic models developed under paragraph (6) to water resource management problems identified by the panel; and

(8) to consider the need for, and the development of, mechanisms to effectively combine global climate models, regional climate models, and hydrologic models to produce water resource information to assist water managers at the Federal, State, and local levels in the development of adaptation strategies that can be incorporated into long-term water management decisions.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 8. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a review of the national streamflow information program, including a review of—

(A) each Federal objective with respect to the establishment of a national streamgaging network; and

(B) each geographic information-based method that the Secretary used to select sites to achieve each objective reviewed under subparagraph (A).

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the national drought information system)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to identify any data gap with respect to water resources; and

(iii) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) MEASUREMENT GOAL.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall increase the number of sites measured under the national streamflow information program to a quantity of not less than 4,700 sites.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall be—

(i) located in a nationally significant watershed, as determined by the Secretary; and

(ii) measured by a streamgage or any other effective means implemented by the Secretary.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2008 through 2022, to remain available until expended.

(B) ACHIEVEMENT OF MEASUREMENT GOAL.—There is authorized to be appropriated to carry out paragraph (4) $7,500,000 for each of fiscal years 2008 through 2018, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2008 through 2022, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2008 through 2009, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to appropriate entities with expertise in water resource data acquisition and reporting—

(A) to investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) to improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration;

(E) developing descriptive and predictive models that take into account groundwater and surface water; and

(F) water withdrawals, return flows, and consumptive use.

(3) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of the development of any new method or technology that is the subject of a grant under this subsection shall not exceed the lesser of—

(i) 50 percent of the cost of the development of the new method or technology; or

(ii) $500,000.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of the development of any new method or technology that is the subject of a grant under this subsection may be provided in the form of any in-kind services that substantially contribute toward the development of any new method or technology, as determined by the Secretary.

(C) OTHER FEDERAL ASSISTANCE.—Assistance under this subsection may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2018.

SEC. 9. WATER USE AND AVAILABILITY ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish an assessment program to be known as the "water availability and use assessment program"—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to identify long-term trends in water availability;

(4) to use each long-term trend described in paragraph (3) to provide a more accurate assessment of the change in the availability of water in the United States; and

(5) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands; and

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State of the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable the law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than January 1, 2010, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred, or are likely to occur; and

(6) each factor that has caused, or will likely cause, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2008 through 2022, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10. EFFECT.

(a) IN GENERAL.—Nothing in this Act supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this Act preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 344—COMMENDING THE GOVERNMENT OF GERMANY FOR PREVENTING A LARGE-SCALE TERRORIST ATTACK IN SEPTEMBER 2007, AND SUPPORTING FUTURE COOPERATION TO PREVENT TERRORISM

Mr. BENNETT submitted the following resolution; which was considered and agreed to:

S. RES. 344

Whereas, on September 4, 2007, police in Germany arrested 3 individuals for planning large-scale terrorist attacks against locations in Germany, including sites frequented by United States citizens;

Whereas possible targets included Ramstein Air Base, which serves as headquarters for United States Air Forces in Europe and is also a North Atlantic Treaty Organization installation, and Frankfurt Airport, one of the largest airports in Europe;

Whereas, according to German authorities, the 3 suspects belonged to a German cell of Islamic Jihad Union, a radical Sunni group based in Central Asia with links to Al Qaeda;

Whereas 300 police and other law enforcement officials were involved in the investigation and 41 homes across Germany were raided in a highly successful operation;

Whereas United States intelligence agencies reportedly provided critical information that alerted their counterparts in Germany as to the travels of the suspects between Germany and Pakistan and the suspects' affiliation with the Islamic Jihad Union;

Whereas German authorities acted swiftly and decisively to prevent an attack that could have come within days of the arrests;

Whereas the successful collaborative action by United States and German authorities prevented the possible deaths of many innocent people;

Whereas Germany and the United States have been close allies in the fight against terrorism;

Whereas the law enforcement, intelligence, diplomatic, and military organizations in Germany and the United States continue to work together to combat the terrorist threat and prevent future attacks; and

Whereas victory in the fight against terrorism is critical to preserve the liberty and ensure the safety of all people: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of law enforcement authorities in Germany in preventing a large-scale terrorist attack on numerous targets in Germany, including sites frequented by United States citizens;

(2) recognizes the role of United States intelligence agencies in providing critical information to German authorities in their investigation and apprehension of the suspected terrorists and notes the continuing importance of such United States intelligence cooperation with Germany;

(3) commends the intelligence community of Germany for its outstanding work in identifying the individuals suspected of seeking to carry out this terrorist plot;

(4) condemns those individuals who would use acts of violence against innocent civilians to spread a message of hate and intolerance;

(5) urges the allies of the United States to remain steadfast in their efforts to defeat international terrorism; and

(6) expresses its readiness to provide necessary assistance to the Government of Germany in its counterterrorism effort to bring to justice those individuals involved in this terrorist plot.

SENATE CONCURRENT RESOLUTION 49—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3208. Mr. BINGAMAN (for himself, Mr. SMITH, Ms. CANTWELL, Mr. FEINGOLD, Mr. SALAZAR, Mr. BAUCUS, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3209. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3211. Ms. MIKULSKI (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 3093, supra.

SA 3212. Mr. MCCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by Mr. McConnell to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3213. Mr. MCCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3214. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3215. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3216. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3217. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3218. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, Mr. CRAPO, Mr. TESTER, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3219. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3220. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3221. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3222. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3223. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3224. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3225. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3226. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3227. Ms. MIKULSKI (for Mr. DORGAN (for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN)) proposed an amendment to the bill H.R. 3093, supra.

SA 3228. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3229. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3230. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3215 proposed by Ms. MIKULSKI to the bill H.R. 3093, supra.

SA 3231. Mr. SHELBY (for himself and Ms. MIKULSKI) proposed an amendment to the bill H.R. 3093, supra.

SA 3232. Mr. REID (for Mr. DODD (for himself, Ms. LANDRIEU, Mr. BIDEN, Mrs. MCCASKILL, and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3233. Ms. MIKULSKI (for herself, Mr. SHELBY, and Mrs. MURRAY) proposed an amendment to the bill H.R. 3093, supra.

SA 3234. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3235. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3238. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3239. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3240. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3242. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3243. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3244. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3245. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3246. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3247. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3248. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3250. Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. NELSON, of Florida, Mr. MARTINEZ, Mr. SALAZAR, Mr. LIEBERMAN, Mr. BENNETT, Mr. VITTER, Mrs. CLINTON, Mr. BROWN, and Mrs. BOXER) proposed an amendment to the bill H.R. 3093, supra.

SA 3251. Mr. LAUTENBERG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3252. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3253. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3254. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3255. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3256. Mr. REID (for Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. SCHUMER, Mr. DODD, Mr. CASEY, Ms. COLLINS, Mr. CARDIN, Mr. REED, Mr. NELSON, of Nebraska, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra.

SA 3257. Mrs. MURRAY (for herself, Mr. ISAKSON, and Mrs. BOXER) proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes.

SA 3258. Mrs. MURRAY proposed an amendment to the bill S. 742, supra.

SA 3259. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3260. Mr. BROWN (for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3261. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3262. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3263. Mr. PRYOR (for himself, Mr. SMITH, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3264. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3265. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3266. Mr. REID (for Mrs. CLINTON (for herself, Mr. BROWN, and Mr. SCHUMER)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3267. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3268. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3269. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3208. Mr. BINGAMAN (for himself, Mr. SMITH, Ms. CANTWELL, Mr. FEINGOLD, Mr. SALAZAR, Mr. BAUCUS, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Native American Methamphetamine Enforcement and Treatment Act of 2007".

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(ii) in subparagraph (B), by striking "and local" and inserting ", territorial, Tribal, and local";

(B) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States"; and

(C) in paragraph (3)(C), by inserting ", Tribal," after "support State".

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(A) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting ", territorial, or Tribal" after "State"; and

(II) by striking "and/or" and inserting "or";

(ii) in paragraph (2)—

(I) by inserting ", territory, Indian tribe," after "agency of the State"; and

(II) by inserting ", territory, Indian tribe," after "criminal laws of that State"; and

(iii) by adding at the end the following:

"(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(C) in subsection (c)—

(i) in paragraph (3), by striking "Indian Tribes" and inserting "Indian tribes"; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "State's"; and

(bb) by striking "and/or" and inserting "or";

(II) in subparagraph (A), by striking "State";

(III) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(IV) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

SA 3209. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before "an alien" the following: "a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or".

SA 3210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce shall set aside sufficient amounts to complete the study described in subsection (a).

SA 3211. Ms. MIKULSKI (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $425,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $49,564,000 shall be for Manufacturing and Services; $44,960,000 shall be for Market Access and Compliance; $66,601,000 shall be for the Import Administration; $229,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $250,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,200,000.

Economic and Information Infrastructure

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $85,000,000, to remain available until September 30, 2009.

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $226,238,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,020,406,000, to remain available until September 30, 2009.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

TECHNOLOGY OPPORTUNITIES PROGRAM

For grants authorized by sections 391 and 392 of the Communications Act of 1934, as amended, $10,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be for competitive grants for the construction of broadband services.

United States Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $1,915,500,000 in fiscal year 2008, in an amount up to $100,000,000, shall remain available until expended: *Provided further*, That not less than 1,020 full-time equivalents, 1,082 positions and $214,150,000 shall be for the examination of trademark applications; and not less than 8,522 full-time equivalents, 9,000 positions and $1,701,402,000 shall be for the examination and searching of patent applications: *Provided further*, That not less than $18,000,000 shall be for training of personnel: *Provided further*, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding provisos shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further*, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2008, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of Division B, Public Law 108–447 shall remain in effect during fiscal year 2008: *Provided further*, That the Director may reduce patent filing fees payable in 2008 for documents filed electronically consistent with Federal regulation.

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $502,117,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $7,500 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $110,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $100,000,000, to remain available until expended, of which not to exceed $1,500,000 shall be for Institutional Support: *Provided*, That no single applicant awards shall be made to companies with revenues greater than $1,000,000,000: *Provided further*, That funds shall not support Standards Development pursuant to 15 U.S.C. 278n(h).

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, including agency recreational and welfare facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $150,900,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: *Provided further*, That notwithstanding any other provision of law, of the amount made available for construction of research facilities, $8,000,000 shall be for the University of Mississippi Medical Center Biotechnology Research Park; $8,000,000 shall be for the Mississippi State University Research, Technology and Economic Development Park; $2,000,000 shall be for the University of Southern Mississippi Innovation and Commercialization Park Infrastructure and Building Construction and Equipage;

$5,000,000 shall be for the Alabama State University Life Sciences Building; and $30,000,000 shall be for laboratory and research space at the University of South Alabama Engineering and Science Center.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,036,888,000, to remain available until September 30, 2008, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2009: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $3,121,888,000 provided for in direct obligations under this heading $3,036,888,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $5,000,000 is derived from recoveries of prior year obligations: *Provided further*, That of the funds provided under this heading, $250,000 is made available until expended subject to procedures set forth in section 209 of Public Law 108–447: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $209,179,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,425,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: *Provided further*, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: *Provided further*, That for fiscal year 2008 and hereafter the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further*, That in accordance with section 215 of Public Law 107–372 the number of officers in the NOAA Commissioned Officer Corps shall increase to 321: *Provided further*, That for fiscal year 2009 and hereafter the National Oceanic and Atmospheric Administration shall submit its budget request to Congress concurrently with its submission to the Office of Management and Budget: *Provided further*, That of the funds provided, $15,000,000 is provided for the alleviation of economic impacts associated Framework 42 on the Massachusetts groundfish fishery.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,089,000,000, to remain available until September 30, 2009, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act of 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $53,193,000.

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $5,100,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Senate Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. EXTENSION OF GUARANTEE AUTHORITY. (a) IN GENERAL.—Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2007" and inserting "2009".

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 101(b) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) are each amended by striking "in 1998" and inserting "since 1998".

(c) DEFINITION OF QUALIFIED STEEL COMPANY.—Subparagraph (C) of section 101(c)(3) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ", in 1998" and inserting "in 1998, and thereafter,".

(d) SALARIES AND ADMINISTRATIVE EXPENSES.—The Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by adding at the end the following:

"SEC. 103. SALARIES AND ADMINISTRATIVE EXPENSES.

"(a) In addition to funds made available under section 101(j) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note), up to $1,000,000 in funds made available under section 101(f) of such Act may be used for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program.

"(b) Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program shall remain available until expended.".

SEC. 106. Notwithstanding any other provision of law, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".

SEC. 107. Section 3315(b) of title 19, United States Code, is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".

SEC. 108. Notwithstanding the requirements of subsection 4703(d), the personnel management demonstration project established by the Department of Commerce pursuant to 5 U.S.C. 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96–480), as amended, is amended by:

(1) deleting section 5;

(2) deleting paragraphs (1) and (3) of section 4; and

(3) redesignating paragraphs (2) and (4) through (13) as paragraphs (1) through (11).

(b) Section 212(b) of the National Technical Information Act of 1988 (Public Law 100–519), as amended, is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".

SEC. 110. The Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

SEC. 111. NOAA PACIFIC REGIONAL CENTER. (a) IN GENERAL.—The National Oceanic and Atmospheric Administration (NOAA) is authorized to engage in planning, design, acquisition, renovation, construction and related activities to complete NOAA's Pacific Regional Center on Ford Island, Hawaii, consisting of the following: adaptive re-use and renovation of hangars 175 and 176, and construction of a new interconnecting building and other related structures. Funds are hereby authorized to be appropriated for fiscal years beginning after September 2007 for purposes of completing the Center.

(b) INCREMENTAL FUNDING.—Of the funds appropriated elsewhere in this Act, $20,250,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for the NOAA Pacific Regional Center. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Center; and remain available until expended.

SEC. 112. PAPAHĀNAUMOKUĀKEA FISHERY REDUCTION. (a) IN GENERAL.—The Papahānaumokuākea Marine National Monument was created by Presidential proclamation on June 15, 2006 to protect more than 7,000 marine and terrestrial species including protection for the habitat for the endangered Hawaiian monk seal, threatened Hawaiian green sea turtle and other marine species. The Presidential proclamation will phase out all commercial fishing by June 15, 2011. The Secretary of Commerce is authorized to conduct a voluntary capacity reduction program to remove all commercial fishing capacity in the area prior to that date.

(b) REGULATIONS.—The Secretary shall promulgate regulations for the voluntary capacity reduction program that:

(1) identifies eligible participants as those individuals engaged in commercial fishing in the designated waters within the Papahānaumokuākea Marine National Monument pursuant to a valid commercial Federal fishing permit in the 2006 fishing season;

(2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits, their vessels or vessel endorsements, and fishing gear;

(3) ensures that commercial fishing vessels of eligible participants cannot be used in fishing anywhere in the world;

(4) for the commercial fishing vessels of eligible participants, ensures

(A) that documentation be provided showing that such vessel has been scrapped or scuttled or,

(B) that the Secretary of the department in which the Coast Guard is operating places a title restriction on the fishing vessel permanently prohibiting and effectively preventing its use in fishing, and

(C) that the vessel must remain in Federal documentation and that the Maritime Administration will prohibit the reflagging of the vessel.

(c) AUTHORIZATION.—There is authorized no more than $7,500,000 and there is appropriated $7,500,000 of the amount provided in this Act for National Oceanic and Atmospheric Administration's "Operations, research, and facilities" to implement this program.

(d) CLARIFICATION.—Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the Northwestern Hawaiian Islands or the tidal or submerged lands under any provision of State or Federal law.

SEC. 113. NIST BUILDING 1 EXTENSION. Of the funds appropriated elsewhere in this Act, $28,000,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for this project. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Building 1 Extension; and remain available until expended.

This title may be cited as the "Department of Commerce Appropriations Act, 2008".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security and construction of Department of Justice facilities, to remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That no appropriations for any office within General Administration shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That $12,684,000 is for Department Leadership; $7,664,000 is for Intergovernmental Relations/External Affairs; $11,832,000 is for Executive Support/Professional Responsibility; and $72,597,000 is for the Justice Management Division: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the Senate Committee on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act: *Provided further*, That not to exceed $30,000 shall be available for official reception and representation expenses.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $95,795,000, to remain available until expended: *Provided*, That, of the funds available, up to $21,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $76,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act: *Provided further*, That the Attorney General shall transfer to the "Narrowband Communications/Integrated Wireless Network" account all funds made available in this Act to the Department of Justice for the purchase of portable and mobile radios and related infrastructure and any transfer made under this section shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: *Provided*, That $4,000,000 shall be expended on the Executive Office for Immigration Review's Legal Orientation Programs.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,265,872,000: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended: *Provided further*, That funds not to exceed $5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $73,700,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $753,000,000, of which not to exceed $10,000,000 is for litigation support contracts and shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That in addition there is hereby appropriated $6,833,000 for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, to be appropriated from the Vaccine Injury Compensation Trust Fund.

ANTITRUST DIVISION

SALARIES AND EXPENSES

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $16,097,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided*, That of the total amount appropriated, not to exceed $8,000,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $231,899,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $184,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the Fund estimated at $0.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $896,860,000; of which not to exceed $20,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended: *Provided*, That not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service, $8,015,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: *Provided*, That, not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

COMMUNITY RELATIONS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Community Relations Service, $10,230,000: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 204 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $6,372,250,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to national security: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $170,000 shall be available for expenses associated with the celebration of the 100th anniversary of the FBI.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $206,400,000, to remain available until expended: *Provided*, That $63,700,000 shall be available for Sensitive Compartmented Information Facilities (SCIFs).

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,854,157,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

Bureau of Alcohol, Tobacco, Firearms, and Explosives

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, including not to exceed $50,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2008: *Provided further*, That no funds appropriated under this or any other Act with respect to any previous fiscal year, fiscal year 2008, and any fiscal year thereafter may be used to disclose all or part of any information received or generated by the Bureau of Alcohol, Tobacco, Firearms and Explosives in connection with any request to trace a firearm, or information required to be kept by licensees pursuant to 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of title 18, United States Code, except—

(1) to an official of a Federal, State, tribal, local, or foreign law enforcement agency or a Federal, State, or local prosecutor, who certifies that the information is sought solely in connection with and for use in a bona fide criminal investigation or bona fide criminal prosecution, or for national security or intelligence purposes, and will not be used or disclosed for any other purpose;

(2) for use in an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; or a review of such an action or proceeding; or

(3) for use in an action or proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986, or a review of such an action or proceeding:

Provided further, That nothing in the previous proviso shall be construed to prevent the sharing or exchange of such information among and between Federal, State, tribal, local or foreign law enforcement agencies or Federal, State, or local prosecutors, or national security, intelligence, or counterterrorism officials, provided that such information, regardless of its source, is shared, exchanged, or used solely in connection with bona fide criminal investigations or bona fide criminal prosecutions or for national security or intelligence purposes: *Provided further*, That information in the Firearms Trace System database maintained by the National Trace Center, including all information received or generated by of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall be immune from legal process, shall not be subject to subpoena or other discovery, shall not be used, relied on, or disclosed in any manner, and, regardless of when disclosed including previously disclosed information, shall not be admissible as evidence, nor shall testimony or other evidence based on such data be admissible as evidence, in any civil action pending on or filed after the effective date of this subparagraph in any State or Federal court (including any court in the District of Columbia), or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; a proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986; or judicial review of such actions or proceedings. This provision shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(19) of title 18) and licensed manufacturer (as defined in section 921(a)(10) of title 18): *Provided*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That notwithstanding any other provision of law, home to work transportation currently allotted to Bureau of Alcohol, Tobacco, Firearms and Explosives field operations is extended to headquarters executive Special Agents and designees.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design or projects; $35,000,000, to remain available until expended.

Federal Prison System

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 640, of which 605 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,151,440,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $495,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 4711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796) ("the 1994 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21; 117 Stat. 650); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) ("the 2005 Act"); $390,000,000, including amounts for administrative costs, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $1,500,000 is for grants for televised testimony, as authorized by part N of the 1968 Act;

(2) $186,500,000 is for grants to combat violence and violent crimes against women, as authorized by part T of the 1968 Act, of which—

(A) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women; and

(B) $17,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault as authorized by section 40299(a) of the 1994 Act;

(3) $55,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(4) $39,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) $5,500,000 is for training programs to assist probation and parole officers as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(6) $3,900,000 is for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(7) $10,000,000 to reduce violent crimes against women on campus, as authorized by section 304(a) of the 2005 Act;

(8) $46,000,000 is for legal assistance for victims, as authorized by section 1201(c) of the 2000 Act;

(9) $4,500,000 is for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802(a) of the 1994 Act;

(10) $14,500,000 is for the safe havens for children pilot program, as authorized by section 1301(a) of the 2000 Act;

(11) $7,100,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of the 2000 Act;

(12) $10,000,000 is for sexual assault services, as authorized by section 202 of the 2005 Act;

(13) $2,000,000 is for services to advocate and respond to youth, as authorized by section 401 of the 2005 Act;

(14) $2,000,000 is for grants to assist children and youth exposed to violence, as authorized by section 303 of the 2005 Act;

(15) $1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) $1,000,000 is for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405; 108 Stat. 2260); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 4792) ("the 1990 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Crime Act of 1984 (Public Law 98–473; 98 Stat. 2170), $240,000,000, to remain available until expended: *Provided*, That grants under subparagraphs (1)(A) and (B) of Public Law 98–473 are issued pursuant to rules or guidelines that generally establish a publicly-announced, competitive process: *Provided further*, That not more than $35,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior year deobligations in excess of $35,000,000 shall only be obligated in accordance with section 505 of this Act: *Provided further*, That amounts under this heading, or amounts transferred to and merged with this account, for salaries and expenses are for not less than 590 permanent positions and not less than 600 full-time equivalent workyears.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 9792) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 119 Stat. 3558); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,400,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

(1) $660,000,000 for the Edward Byrne Memorial Justice Assistance Grant Program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162, of which—

(A) $60,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note); and

(B) $5,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), of which $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(3) $190,000,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;

(4) $15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(5) $25,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(6) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(7) $25,000,000 for the Capital Litigation Improvement Grant Program as authorized by sections 421, 422, and 426 of Public Law 108–405, to be equally divided between the Capital Prosecution Improvement Grants and Capital Representation Improvement Grants;

(8) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act;

(9) $2,000,000 for the National Sex Offender Public Registry;

(10) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of Public Law 106–386;

(11) $28,000,000 for assistance to Indian tribes, of which—

(A) $15,000,000 shall be available for grants under section 201109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian County;

(12) $5,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(13) $15,000,000 is for the court appointed advocate program, as authorized by section 217 of the 1990 Act;

(14) $4,000,000 is for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(15) $5,000,000 for prescription drug monitoring program:

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government shall achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,000,000, to remain available until September 30, 2008, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, nonprofit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Senate Committee on Appropriations in accordance with section 505 of this Act: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the USA PATRIOT Improvement and Reauthorization Act (Public Law 109–177; 120 Stat. 192) (including administrative costs), the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21), $550,000,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for any and all reimbursable services, functions and activities associated with programs administered by the Office of Community Oriented Policing Services including activities authorized by sections 1158 and 1159 of Public Law 109–162: *Provided further*, That section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I (42 U.S.C. 3796dd et seq.): *Provided further*, That the $15,000,000 provided to the National Institute of Standards and Technology's Office of Law Enforcement Standards under this section shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office: *Provided further*, That of the amounts provided—

(1) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act;

(2) $80,000,000 is for policing initiatives to combat illegal methamphetamine production, sale and use in "drug hot spots" as authorized by section 754 of Public Law 109–177;

(3) $110,000,000 is for law enforcement technologies;

(4) $5,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) $10,000,000 is for an offender re-entry program;

(6) $169,000,000 is for DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities, of which—

(A) $151,000,000 for the Debbie Smith DNA Backlog Grants as authorized by Public Law 108–405 section 202;

(B) $5,000,000 for the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by Public Law 108–405 section 412 and section 413;

(C) $6,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108–405 section 303;

(D) $5,000,000 for DNA Research and Development as authorized by Public Law 108–405 section 305;

(E) $2,000,000 for the DNA Identification of Missing Persons as authorized by Public Law 108–405 section 308;

(7) $35,000,000 is for improving tribal law enforcement, including equipment and training assistance to Indian tribes;

(8) $6,000,000 is for training and technical assistance;

(9) $40,000,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(10) $5,000,000 is for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center;

(11) $55,000,000 is for a national grant program to arrest and prosecute child predators as authorized by section 1701(d) of part Q of title I of the 1968 Act as amended by section 341 of Public Law 108–21; and

(12) Funds not to exceed $11,000,000 is for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $340,000,000, to remain available until expended, as follows—

(1) $500,000 is for coordination of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $73,000,000 is for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $76,500,000 is for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $5,000,000 is for juvenile mentoring programs;

(5) $65,000,000 is for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program; and

(B) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $10,000,000 is for the Secure Our Schools Act as authorized by part AA of the 1968 Act;

(7) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(8) $80,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act and Guam shall be considered a State for the purpose of that program; and

(9) $10,000,000 shall be for gang resistance education and training and programs:

Provided, That not more than 2 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.

3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the "Justice Assistance" account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act: *Provided*, That, hereafter, funds available to conduct appeals under section 1205(c) of the 1968 Act, which includes all claims processing, shall be available also for the same under subpart 2 of such part L and under any statute authorizing payment of benefits described under subpart 1 thereof, and for appeals from final decisions of the Bureau (under such part or any such statute) to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof (including those pending), and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 202. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 203. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 202 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 205. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 206. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 207. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) Subsection (a) shall not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 209. Any deviation from the amounts designated for specific activities in this Act and accompanying report, or any use of deobligated balances of funds provided under this title in previous years, shall be subject to the procedures set forth in section 505 of this Act.

SEC. 210. Section 112 of title I as contained in division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199) is amended as follows:

(1) by inserting in paragraph (a)(2)(A) "the Commissioner of Health & Social Services for Alaska, a representative of an Alaska Native healthcare provider" after "Village Public Safety Officer programs,";

(2) by inserting in paragraph (a)(2)(A) "and a non-voting judge" after "non-voting representative"; and

(3) by inserting in paragraph (a)(2)(A) "The Chief Justice of the Alaska Supreme Court may appoint a non-voting representative of the Alaska Supreme Court to provide technical support." at the end of the paragraph.

SEC. 211. Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking "and" in paragraph (8);

(2) striking the period in paragraph (9) and inserting "; and"; and

(3) adding the following new paragraph:

"(10) fines imposed under section 110(l)(4)(A) of title 11, United States Code.".

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking everything after "whichever occurs first." and inserting in lieu thereof: "The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.".

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 213. Notwithstanding any other provision of law, during fiscal year 2008, Federal reimbursement to the District of Columbia for felons newly sentenced by the District of Columbia Superior Court shall commence no later than the date of sentencing for such felons; and Federal reimbursement to the District of Columbia for recommitted District of Columbia parolees shall commence no later than the date of the commitment of such parolees to prison: *Provided*, That no more than $8,000,000 shall be made available for such reimbursements from funds made available in this Act.

SEC. 214. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 215. None of the funds made available to the Department of Justice in this Act may be obligated for the Federal Bureau of Investigation's Sentinel procurement until the Government Accountability Office has certified to the Senate Committee on Appropriations and the Senate Committee on the Judiciary that a performance measurement baseline has been established and the Federal Bureau of Investigation is using a performance-based management system that complies with the American National Standards Institute/Electronics Industries Alliance Standard 748–A, as required by Office of Management and Budget Circular A–11, Part 7 to measure achievement of the cost, schedule and performance goals.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for any work, development or procurement of the Sentinel information technology program phases III or IV until the Government Accountability Office certifies to the Senate Committee on Appropriations and the Senate Committee on the Judiciary that the phase under construction has reached 70 percent completion of the planned work and the estimated cost to complete the phase does not exceed 35 percent of the budgeted cost for such phase.

This title may be cited as the "Department of Justice Appropriations Act, 2008".

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,715,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For necessary expenses in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $10,633,000,000, of which $119,100,000 shall remain available until expended and $10,513,900,000 shall remain available until September 30, 2009: *Provided*, That, of the amounts provided under this heading, $5,655,110,000 shall be for science, $554,030,000 shall be for aeronautics research, $3,972,490,000 shall be for exploration systems, and $521,380,000 shall be for cross-agency support programs: *Provided further*, That the amounts in the previous proviso shall be reduced by $70,000,000 in corporate and general administrative expenses and the reduction shall be applied proportionally to each amount therein: *Provided further*, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $1,150,800,000; corporate general and administrative costs shall not exceed $345,000,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $195,500,000: *Provided further*, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act.

EXPLORATION CAPABILITIES

For necessary expenses in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,792,000,000, of which $5,200,000 shall remain available until expended and $6,786,800,000 shall remain available until September 30, 2009: *Provided*, That of the amounts provided under this heading, $4,007,760,000 shall be for Space Shuttle operations, production, research, development, and support and $2,238,610,000 shall be for International Space Station operations, production, research, development, and support: *Provided further*, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $862,200,000; corporate general and administrative costs shall not exceed $263,700,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $124,200,000: *Provided further*, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $34,600,000.

ADMINISTRATIVE PROVISION

For fiscal year 2009 and hereafter, the National Aeronautics and Space Administration shall provide, at a minimum, the following information in its annual budget justification:

(1) The actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project and activity within each appropriations account.

(2) The budget for headquarters including—

(A) the budget by office for the actual, current, proposed funding level, and estimated budgets for the next five fiscal years;

(B) the travel budget for each office for the actual, current, and proposed funding level; and

(C) the civil service full time equivalent assignments per headquarters office including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(3) Concurrent with the submission of the budget to the Congress an accompanying volume shall be provided to the Committee on Appropriations containing the following information for each center and federally funded research and development center operated by the National Aeronautics and Space Administration:

(A) the actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project, and activity;

(B) The proposed programmatic and nonprogrammatic construction of facilities;

(C) The number of civil service full time equivalent positions per center for each identified fiscal year;

(D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(4) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committee.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,156,090,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2008 budget request for icebreaking services, up to $57,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $244,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $850,600,000, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $285,590,000: *Provided*, That contracts may be entered into under "Agency Operations and Award Management" in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,030,000: *Provided*, That not to exceed $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $12,350,000, to remain available until September 30, 2009.

This title may be cited as the "Science Appropriations Act, 2008".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $37,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $378,000,000: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act: *Provided further*, That no funds made available under this heading may be used to operate the National Contact Center: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Senate Committee on Appropriations has been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $390,000,000, of which $373,000,000 is for basic field programs and required independent audits; $3,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,800,000 is for management and administration; $3,000,000 is for client self-help and information technology: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 United States Code 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 United States Code 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2006 and 2007, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,800,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,500,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Senate Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were made available to any such agency in any previous appropriations Act.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 511. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 512. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 514. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. ACCOUNTABILITY AND TRANSPARENCY OF ACTIVITIES CARRIED OUT WITH FUNDS PROVIDED BY THIS ACT. (a) AUDIT PROGRESS REPORTS.—The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) AVAILABILITY TO THE PUBLIC.—Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, or Director, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, or Foundation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) APPLICATION TO OTHER FEDERAL GRANTS AND CONTRACTS.—The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office and Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the Senate Committee on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. Notwithstanding section 505 of this Act, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for Fiscal Year 2008.

SEC. 522. The Offices of Inspectors General funded under this Act shall forward copies of all audit reports to the Senate Committee on Appropriations immediately after they are issued and immediately make the Committee aware of any review that recommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings: *Provided*, That the Offices of Inspectors General funded under this Act shall withhold from public distribution for a period of 15 days any final audit or investigation report that was requested by the Senate Committee on Appropriations.

SEC. 523. Hereafter, none of the funds made available by the Congress may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 524. None of the funds in this Act or prior Acts making appropriations for the Department of Justice may be used to make a grant allocation, a discretionary grant award, or a discretionary contract award that is specified in the report accompanying this Act, or to publicly announce the intention to make such an award, unless the Attorney General, Secretary, Administrator or Director of the appropriate agency or bureau notifies the Senate Committee on Appropriations, at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 525. None of the funds provided in this Act may be used to implement an involuntary reduction in force at any NASA center during fiscal year 2008.

SEC. 526. (a) MODIFICATION OF ENHANCED-USE LEASE AUTHORITY FOR NASA.—Subsection (a) of section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended—

(1) by striking "Notwithstanding any other provision of law, the Administrator" and inserting "The Administrator"; and

(2) by striking "any real property" and inserting "any non-excess real property and related personal property"; and

(3) by striking "at no more than two (2) National Aeronautics and Space Administration (NASA) centers".

(b) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "consideration" and all that follows through the end of the paragraph and inserting "cash consideration for the lease at fair market value as determined by the Administrator.";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) in subparagraph (B), by striking "maintenance" and all that follows through "centers selected for this demonstration program" and inserting "capital revitalization and construction projects and improvements of real property assets and related personal property under the jurisdiction of the Administrator"; and

(B) by adding at the end the following new subparagraph:

"(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.".

(c) LEASE RESTRICTIONS.—Subsection (e) of such section is amended—

(1) by striking "LEASE RESTRICTIONS.—NASA" and inserting the following: "LEASE RESTRICTIONS.—

"(1) NASA"; and

(2) by adding at the end the following new paragraph:

"(2) NASA is not authorized to enter into an out-lease under this section unless the Administrator certifies that such out-lease will not have a negative impact on NASA's mission.".

(d) REPEAL OF PLAN AND REPORTING REQUIREMENTS.—Such section is further amended by striking subsection (f).

(e) SUNSET.—Such section is further amended by adding at the end the following new subsection (f):

"(f) SUNSET.—The authority to enter into leases under this section shall expire on the date that is ten years after the date of the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or NASA's retention of proceeds from leases entered into under this section before the date of the expiration of such authority.".

(f) CONFORMING AMENDMENT.—The heading of such section is amended by striking "Enhanced-use lease of real property demonstration" and inserting "Lease of non-excess property".

SEC. 527. LIMITATION. (a) IN GENERAL.—None of the funds made available in this Act shall be used to initiate or participate in a civil action by or on the behalf of the Equal Employment Opportunity Commission against an entity on the grounds that the entity requires an employee to speak English while engaged in work.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to all civil actions that commence on or after the date of enactment of this Act.

TITLE VI

RESCISSIONS

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $10,000,000 are rescinded.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available under this heading, $135,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $87,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $37,500,000 are rescinded.

This Act may be cited as the "Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008".

SA 3212. Mr. McCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by Mr. McCONNELL to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue regulations that authorize a national of Mexico, who enters the United States at a port of entry in New Mexico with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations), to travel in New Mexico within 75 miles of the international border between the United States and Mexico.

SA 3213. Mr. McCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SA 3214. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

(b) The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c)(1) There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the "Commission").

(2) The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4)(A) The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d)(1) The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e)(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2)(A) Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

SA 3215. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SA 3216. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

After section 113, insert the following:

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE.

(a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term "key decision point" means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term "major milestone approval" means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term "program" means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term "satellite" means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

SA 3217. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ___. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SA 3218. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, Mr. CRAPO, Mr. TESTER, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 53, line 11, after "officers" insert "and of which $20,000,000 shall be for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to section 505 of this Act".

SA 3219. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 37, line 14, strike the period and insert ": *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.".

SA 3220. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading "JUSTICE INFORMATION SHARING TECHNOLOGY" under the heading "GENERAL ADMINISTRATION" under this title is reduced by $5,000,000;

(2) the amount appropriated under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title is increased by $5,000,000; and

(3) of the amount appropriated under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title, $10,000,000 is for juvenile mentoring programs.

SA 3221. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. LIMITATION ON USE OF FUNDS FOR NEGOTIATING FREE TRADE AGREEMENTS.—None of the funds obligated or otherwise made available in this Act shall be used by the United States Trade Representative to negotiate or enter into a free trade agreement with another country, unless the United States Trade Representative estimates that, over the 5-year period beginning on the date the agreement enters into force, the number of new jobs created in the United States will exceed the number of jobs lost in the United States as a result of the agreement.

SA 3222. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 12, insert ": *Provided further*, That of the amount appropriated under this heading, $2,000,000 shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: *Provided further*, That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6" before the period.

SA 3223. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 57, line 23, after "Office:" insert the following: "*Provided further*, That the Attorney General shall waive in whole the matching requirement under section 1701(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant recipient located in a county or parish in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005:".

SA 3224. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 14, before the period insert the following: ": *Provided further*, That for purposes of making grants under the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) during fiscal year 2008, the Attorney General shall deem the population of any State in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 to be the population of that State during fiscal year 2004 or fiscal year 2008, whichever is greater".

SA 3225. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading "ECONOMIC AND STATISTIC ANALYSIS", $950,000 shall be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

SA 3226. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, insert between lines 10 and 11 the following:

SEC. 217. JUVENILE ACCOUNTABILITY BLOCK GRANTS PROGRAM.

(a) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated $30,000,000, for the Juvenile Accountability Block Grants Program as authorized by part R of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 4711 et seq.), in addition to any amounts appropriated for that program under this title.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading "JUSTICE INFORMATION SHARING TECHNOLOGY " under the heading "GENERAL ADMINISTRATION" under this title and the amount appropriated under the heading "TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS " under the heading "GENERAL ADMINISTRATION" under this title are each reduced by $15,000,000.

SA 3227. Ms. MIKULSKI (for Mr. DORGAN (for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN)) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 52, line 5, strike "$1,400,000,000" and insert "$1,415,000,000".

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded;

SA 3228. Mr. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided under this heading, up to $275,000 is made available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.".

SA 3229. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. The amount made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES" is hereby increased by $275,000 for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.

SA 3230. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3215 proposed by Ms. MIKULSKI to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

SA 3231. Mr. SHELBY (for himself and Ms. MIKULSKI) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 28 line 3 strike "." And insert ": *Provided further*, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report 1–2007–008,"

SA 3232. Mr. REID (for Mr. DODD (for himself, Ms. LANDRIEU, Mr. BIDEN, Mrs. MCCASKILL, and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. _____. (a) This section may be cited as the "Emmett Till Unsolved Civil Rights Crime Act of 2007".

(b) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(c)(1) The Attorney General shall designate a Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice.

(2)(A) The Deputy Chief shall be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(B) In investigating a complaint under subparagraph (A), the Deputy Chief may coordinate investigative activities with State and local law enforcement officials.

(3)(A) The Attorney General shall annually conduct a study of the cases under the jurisdiction of the Deputy Chief or under the jurisdiction of the Supervisory Special Agent and, in conducting the study, shall determine—

(i) the number of open investigations within the Department for violations of criminal civil rights statutes that occurred not later than December 31, 1969;

(ii) the number of new cases opened pursuant to this section since the previous year's study;

(iii) the number of unsealed Federal cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(iv) the number of cases referred by the Department to a State or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in State charges being filed, the jurisdiction in which such charges were filed, the date the charges were filed, and if a jurisdiction declines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(v) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant federal statutes;

(vi) the number of attorneys who worked, in whole or in part, on any case described in paragraph (2)(A); and

(vii) the applications submitted for grants under subsection (e), the award of such grants, and the purposes for which the grant amount were expended.

(B) Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A).

(d)(1) The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice.

(2)(A) The Supervisory Special Agent shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(B) In investigating a complaint under subparagraph (A), the Supervisory Special Agent may coordinate the investigative activities with State and local law enforcement officials.

(e)(1) The Attorney General may award grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution by them of criminal offenses, involving civil rights, that occurred not later than December 31, 1969, and resulted in a death.

(2) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2008 through 2017 to carry out this subsection.

(f)(1) There are authorized to be appropriated, in addition to any other amounts otherwise authorized to be appropriated for this purpose, to the Attorney General $10,000,000 for each of the fiscal years 2008 through 2017 for the purpose of investigating and prosecuting violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. These funds shall be allocated by the Attorney General to the Deputy Chief of the Criminal Section of the Civil Rights Division and the Supervisory Special Agent of the Civil Rights Unit of the Federal Bureau of Investigation in order to advance the purposes set forth in this section.

(2) In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in subsection (d)(2)(A).

(g) In this section, the term "criminal civil rights statutes" means—

(1) section 241 of title 18, United States Code (relating to conspiracy against rights);

(2) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(3) section 245 of title 18, United States Code (relating to federally protected activities);

(4) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(5) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(6) any other Federal law that—

(A) was in effect on or before December 31, 1969; and

(B) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, before the date of enactment of this Act.

(h) Subsections (b) through (f) shall cease to have effect at the end of fiscal year 2017.

(i) Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

"SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

"(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

"(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

"(2) by engaging in similar activities.

"(b) LIMITATIONS.—

"(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

"(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.".

SA 3233. Ms. MIKULSKI (for herself, Mr. SHELBY, and Mrs. MURRAY) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN" is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN"—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

SA 3234. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SA 3235. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General, in conjunction with other Federal agencies, shall conduct a study on—

(1) the connection between methamphetamine crimes and identity theft crimes, and

assess the degree of correlation between such crimes;

(2) how individuals who use methamphetamine and commit identity theft crimes typically obtain the information of the victim of such crimes;

(3) how individuals who use methamphetamine and commit identity theft crimes misuse the information of the victims of such crimes;

(4) the possible linkages between the sale and distribution of methamphetamine, gang activity, and gang-related crimes, including whether there is an increase in gang-related crime with respect to identity theft;

(5) the needs of Federal, State, local, and tribal law enforcement to pursue and prosecute methamphetamine crimes related to identity theft and whether any changes are needed to Federal law;

(6) the advisability of imposing a sentencing enhancement—

(A) if a person commits both a methamphetamine crime and an identity theft crime; and

(B) if a person is part of a conspiracy to commit methamphetamine and identity theft crimes; and

(7) the advisability of establishing a password-protected electronic clearinghouse within the Department of Justice for Federal, State, and local law enforcement agencies to—

(A) share information on crimes involving both methamphetamine and the commission of identity theft;

(B) create a better understanding of the correlation between such crimes; and

(C) share best practices.

(b) Not later than 12 months after the date of the enactment of this Act, the Attorney General shall submit a report to Congress describing the findings of the study conducted under (a).

SA 3236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. The amount made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES" is hereby increased by $5,000,000 for competitive grants to qualified universities for the purposes of improving large-scale floodplain research directly applicable to floodplain management and wetland remediation, coastal restoration, and water quality problems related to the channelization and control of the Mississippi River.

SA 3237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided under this heading, up to $5,000,000 is made available for competitive grants to qualified universities for the purposes of improving large-scale floodplain research directly applicable to floodplain management and wetland remediation, coastal restoration, and water quality problems related to the channelization and control of the Mississippi River.".

SA 3238. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ___. Section 209 of title 18, United States Code, is amended by adding at the end the following:

"(i) This section does not prohibit—

"(1) a public or private institution of higher education from providing an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment; and

"(2) an officer or employee of any branch of the United States Government or of the District of Columbia from receiving such assistance or forbearance.".

SA 3239. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ___. Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.

SA 3240. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 27, line 8, strike "$104,777,000" and insert "$84,777,000".

On page 54, strike lines 15 through 17 and insert the following:

(A) $25,000,000 shall be available for grants under section 20109(b) of the 1994 Act (42 U.S.C. 13709(b));

On page 54, strike lines 20 through 22 and insert the following:

(C) $10,000,000 shall be available for demonstration projects relating to alcohol and crime in Indian Country, of which $5,000,000 shall be used to address the problem of methamphetamine abuse in Indian Country;

On page 59, line 11, strike "$35,000,000" and insert "$40,000,000".

SA 3241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

SA 3242. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. (a) None of the funds appropriated pursuant to this Act may be made available for displays at the Thunder Bay National Marine Sanctuary visitor center in Alpena, Michigan.

(b) The amount made available in this Act for National Ocean Services grants shall be reduced $2,000,000 and the amount made available in this Act for the National Hurricane Center of the National Oceanic and Atmospheric Administration shall be increased by $2,000,000.

SA 3243. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. ___. (a) FINDINGS.—The Senate finds the following:

(1) In February 2006, the United States Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center, and the National Urban League to investigate unsolved crimes from the civil rights era.

(2) Attorney General Alberto Gonzales has pledged that "The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice.".

(3) In February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.

(4) The Bureau's 56 field offices have been directed to reexamine their unsolved civil rights cases and determine which ones could still be viable for prosecution.

(5) The FBI has partnered with a number of State and local authorities, civic organizations, and community leaders to reexamine old files.

(6) Since the initiative began, the FBI has received nearly 100 such referrals.

(7) The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.

(8) The United States national debt is nearly $9,000,000,000,000.

(9) Rather than adding to this debt, Congress should offset any new spending from lower priority spending.

(10) Bringing justice to those who have committed ghastly civil rights crimes in a fiscally responsible manner that does not add to the United States national debt should be a higher priority for Congress than funding parochial pork barrel projects.

(b) INCREASED APPROPRIATIONS.—Amounts provided in this Act for the Civil Rights Division within the Department of Justice are increased by $1,680,000 for the prosecution of civil rights crimes.

(c) DECREASED APPROPRIATIONS.—Appropriations in this Act for the following accounts are decreased by the amount indicated:

(1) Ocean, Coastal, and Great Lakes research by $450,000.

(2) Ocean and Coastal Management, National Ocean Service, by $500,000.

(3) Local Warnings and Forecasts, National Weather Service, by $300,000.

(4) National Aeronautics and Space Administration by $800,000.

(5) Education Program, NOAA, by $500,000.

(d) PROHIBITION ON FUNDING.—Notwithstanding any other provision of this Act, there shall be no funding for fiscal year 2008 for the following:

(1) Advanced Undersea Vehicle, Mystic Aquarium-Institute for Exploration, Mystic, Connecticut.

(2) Maritime Museum, City of Mobile, Alabama.

(3) Eye-On-The-Sky, Fairbanks Museum and Planetarium, St. Johnsbury, Vermont.

(4) Adler Planetarium, Chicago, Illinois.

(5) U.S. Space and Rocket Center, Huntsville, Alabama, for an update for the museum and exhibits.

(6) John Smith Water Trail, installation of bouys marking the John Smith National Water Trail on the Chesapeake Bay, the Conservation Fund, Arlington, Virginia.

SA 3244. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, insert ", and of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))" before the semicolon at the end.

SA 3245. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike the colon and insert ", of which $250,000 shall be available to the University of Alaska at Fairbanks to organize and operate the 2008 meeting of the Conference of Parliamentarians of the Arctic Region in Fairbanks, Alaska:".

SA 3246. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds the following:

(1) The Census, taken every ten years since 1790, is necessary for determining Congressional representation, Electoral College votes, and government program funding;

(2) The United States Census Bureau is required to count citizens and non-citizens alike;

(3) It is a challenge for the United States Census Bureau to convince non-citizens living in the United States that their participation in the census is important and the information they provide will not be disclosed to law enforcement authorities;

(4) During the 1980, 1990, and 2000 censuses, federal immigration officials agreed to limit immigration enforcement efforts to allow the Census Bureau to encourage the participation of all persons in the United States in the census;

(5) The officials of the Immigration and Customs Enforcement Bureau of the Department of Homeland Security's Immigration and Customs Enforcement have publicly stated the agency will "not even consider scaling back [its] efforts" to aggressively enforce federal immigration laws during the 2010 census;

(6) The data provided by the United States Census Bureau is essential to understanding population trends and providing the federal government and the Congress with important information related to public policy debates, including information on the number of undocumented persons living in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as part of the effort to count all persons physically in the United States during the 2010 Census, the Immigration and Customs Enforcement Bureau of the Department of Homeland Security should limit aggressive enforcement of federal immigration laws to promote full participation by noncitizens in the census.

SA 3247. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SA 3248. Mrs. BOXER submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report that provides a detailed plan for—

(1) the implementation of the recommendations made in the regional ecosystem research study carried out under paragraph (1) of section 406(f) of the of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1882); and

(2) the provision of the technical advice described in paragraph (2) of such section.

(b) Of the amount made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES"—

(1) $250,000 is made available to prepare the report required by subsection (a); and

(2) $2,000,000 is made available to carry out the plan described in such report.

SEC. 114. (a) Not later than 1 year after the date of the enactment of this Act, the National Research Council shall complete the study on acidification of the oceans and how this process affects the United States authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3649).

(b) Of the amount made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES" $750,000 is made available for the study required by subsection (a).

SA 3249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 5, strike "$1,400,000,000" and insert "$1,430,000,000".

On page 52, line 15, strike "$60,000,000" and insert "$90,000,000".

On page 70, after line 10, insert the following:

SEC. ___. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $30,000,000 are rescinded. *Provided*, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

SA 3250. Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. VITTER, Mrs. CLINTON, Mr. BROWN, and Mrs. BOXER) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 74, between lines 4 and 5, insert the following:

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $1,000,000,000 to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to "Exploration Capabilities" and "Science, Aeronautics, And Exploration" for restoration of funds previously reallocated to meet return to flight activities: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

SA 3251. Mr. LAUTENBERG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary shall be set aside to initiate the study to be completed within 2 years, on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3649).".

SA 3252. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, after line 21, insert the following:

TITLE VII—WARTIME TREATMENT STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term "Latin American nation" refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 710. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this title as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this title.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 711. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 712. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 713. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 714. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 715. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 720. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this title as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this title.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 721. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 722. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 723. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 724. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 725. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 3253. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 15, strike the period and insert ": *Provided further*, That an additional $2,416,000 shall be available to provide additional funding for the Bureau of Justice of Assistance to convert the National Motor Vehicle Title Information System's (NMVTIS) systems data storage to server-based architecture which amount shall be offset by a $2,416,000 reduction in the Legal Activities account.".

SA 3254. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On 88, line 1, strike "$625,000,000" and all that follows through line 2 and insert the following: "$635,000,000 shall not be available for obligation until the following fiscal year and, notwithstanding any other provision of this Act, the amount appropriated under the heading 'SALARIES AND EXPENSES' under the heading 'OTHER DEPARTMENTAL MANAGEMENT' under title I is reduced by $10,000,000.".

SA 3255. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, using funds appropriated by this Act, shall implement a pilot program to test automated document authentication technology at United States ports of entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under subsection (a), the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

SA 3256. Mr. REID (for Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. Schumer, Mr. DODD, Mr. CASEY, Ms. COLLINS, MR. CARDIN, Mr. REED, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 57, line 7, strike "$550,000,000" and insert "$660,000,000".

On page 60, line 2, strike "and" and all that follows through "Funds" on line 3, and insert the following:

(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded.

SA 3257. Mrs. MURRAY (for herself, Mr. ISAKSON, and Mrs. BOXER) proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes; as follows:

On page 24, strike lines 10 through 22.

On page 24, line 23, strike "(10)" and insert "(6)".

On page 25, strike lines 1 through 3.

On page 25, line 4, strike "(12)" and insert "(7)".

On page 25, line 7, strike "(13)" and insert "(8)".

On page 25, line 11, strike "(14)(A)" and insert "(9)(A)".

On page 25, line 20, strike "(15)" and insert "(10)".

On page 25, line 23, strike "(16)" and insert "(11)".

On page 26, line 1, strike "(17)" and insert "(12)".

On page 26, line 6, strike "(18)" and insert "(13)".

On page 26, line 10, strike "(19)" and insert "(14)".

On page 26, line 15, strike "(20)" and insert "(15)".

On page 26, line 19, strike "(21)" and insert "(16)".

On page 27, line 1, strike "(22)" and insert "(17)".

On page 27, line 6, strike "(23)" and insert "(18)".

On page 27, line 15, strike "(24)" and insert "(19)".

On page 27, line 17, strike "(25)" and insert "(20)".

SA 3258. Mrs. MURRAY proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes; as follows:

Amend the title so as to read: "To amend the Toxic Substances Control Act to materials and products having asbestos-containing material, and for other purposes.".

SA3259. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 15, strike "$340,000,000" and insert "$350,000,000".

On page 61, line 6, strike "$65,000,000" and insert "$75,000,000".

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Of the unobligated balances made available for the Department of Justice in any fiscal year before fiscal year 2008, $10,000,000 are rescinded.

SA 3260. Mr. BROWN (for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 97, between lines 9 and 10, and insert the following:

SEC. 528. LIMITATION ON NEGOTIATING TRADE AGREEMENTS. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SA 3261. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. ACCOUNTABILITY AND TRANSPARENCY.

(a) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded. A directly and programmatically related banquet or conference includes a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract. Records of the total costs related to, and justifications for, all banquets and conferences shall be reported to the appropriate Department, Administration, or Foundation. Not later than 60 days after receipt of such records, the appropriate Department, Administration, or Foundation shall make the records available to the public.

(b) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest in the person awarded the grant or contract, unless such conflict is previously disclosed and approved in the process of entering into a contract or awarding a grant. Not later than 60 days after receipt of the certification, the appropriate Secretary, Administrator, or Director shall make all documents received that relate to the certification available to the public.

SA 3262. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The National Oceanic and Atmospheric Administration Ship Henry B. Bigelow is the replacement for the National Oceanic and Atmospheric Administration Ship Albatross IV and, as such replacement, has the same homeport of Woods Hole, Massachusetts.

SA 3263. Mr. PRYOR (for himself, Mr. SMITH, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DIGITAL AND WIRELESS NETWORKS FOR HIGHER EDUCATION PILOT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "ED 1.0 Act".

(b) APPROPRIATIONS.—Notwithstanding any other provision of this Act, from the amount appropriated under title I under the heading "Technology Opportunities Program", $4,500,000 may be available for the pilot program under this section, to remain available until expended.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Telecommunications and Information Administration.

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term "eligible educational institution" means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(d) MINORITY ONLINE DEGREE PILOT PROGRAM.—

(1) PILOT PROGRAM ESTABLISHED.—

(A) IN GENERAL.—There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (c)(2).

(B) GRANT NUMBER AND AMOUNT.—

(i) NUMBER.—The Administrator shall award a total of 9 grants under this subsection.

(ii) GRANT PAYMENT AMOUNTS.—The Administrator shall make grant payments under this subsection in the amount of $500,000.

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

(iii) that has an unemployment rate of 7 percent or greater;

(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

(v) that has a negative population growth rate; or

(vi) that has a family income of not more than $32,000.

(B) HIGHEST PRIORITY.—In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

(3) USE OF FUNDS.—An eligible educational institution receiving a grant under this subsection may use the grant funds—

(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;

(B) to develop and provide educational services, including faculty development; or

(C) to develop strategic plans for information technology investments.

(4) MATCHING NOT REQUIRED.—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

(5) CONSULTATIONS; REPORT.—

(A) CONSULTATIONS.—The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

(6) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this subsection only with amounts appropriated in advance specifically to carry out this subsection.

SA 3264. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike "fishery." and insert "fishery: *Provided further*, That of the funds provided, $100,000 is provided for a study to determine the feasibility, effectiveness, and costs of using advanced radar technologies to enhance radar coverage along the outer coast of the State of Washington to minimize or eliminate the region's current radar gaps.".

SA 3265. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The National Oceanic and Atmospheric Administration Ship Henry B. Bigelow is the replacement for the National Oceanic and Atmospheric Administration Ship Albatross IV and, as such replacement, has the same homeport of Woods Hole, Massachusetts.

SA 3266. Mr. REID (for Mrs. CLINTON (for herself, Mr. BROWN, and Mr. SCHUMER)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "GENERAL ADMINISTRATION" under this title is reduced by $6,250,000;

(2) the amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" under this title is increased by $6,250,000; and

(3) of the amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" under this title, $6,250,000 is for investigations relating to mortgage fraud.

SA 3267. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 22 through and 24, and insert "$1,090,500,000, to remain available until September 30, 2009, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of such amount, $1,500,000 shall be for National Oceanic and Atmospheric Administration weather system transmitter upgrades to provide for the transmission of emergency alert system emergency notifications: *Provided further*,".

SA 3268. Ms. MIKULSKI proposed an amendment to bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. FUNDS FOR TEACH FOR AMERICA.—Of the funds provided in this Act for the National Aeronautics and Space Administration, under the heading "SCIENCE, AERONAUTICS, AND EXPLORATION", $3,000,000 may be for Teach for America for science, technology, engineering, and mathematics related activities.

SA 3269. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a pilot program to test automated document authentication technology compatible with existing databases at United States ports of entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under subsection (a), the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, November 7, 2007, at 10 a.m., to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 4, 2007, at 9:30 a.m., in open session to consider the following nominations: Honorable John J. Young, Jr. to be Under Secretary of Defense for Acquisition, Technology, and Logistics; Douglas A. Brook to be Assistant Secretary of the Navy for Financial Management and Comptroller; and Robert L. Smolen to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 4, 2007, at 10 a.m., in order to conduct a hearing entitled "Examining the Regulation and Supervision of Industrial Loan Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 4, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will review the Department of Homeland Security's implementation and administration of several port and cargo security programs authorized in the SAFE Port Act, the Maritime and Transportation Security Act of 2002, and the Coast Guard and Maritime Transportation Act of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 4, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will explore the state of the Consumer Product Safety Commission, examine reforms that are necessary to make the agency more effective to protect children and other consumers from dangerous and defective products, and seek comments on S. 2045, the Consumer Product Safety Commission Reform Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to consider favorably reporting an original bill entitled, "The Heartland, Habitat, Harvest, and Horticulture Act of 2007" and legislation implementing the U.S.-Peru Trade Promotion Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 9:30 a.m. to hold a hearing on the Law of the Sea Convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 4, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Backlogs at the Department of the Interior: Land into Trust Applications; Environmental Impact Statements; Probate; and Appraisals and Lease Approvals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, October 4, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Agenda

I. Bills: S. 2035, Free Flow of Information Act of 2007 (SPECTER, SCHUMER, LUGAR, DODD, LEAHY, GRAHAM) and S. 1640, Vessel Hull Design Protection Amendments of 2007 (LEAHY, CORNYN, KOHL, WHITEHOUSE).

II. Resolutions: S. Res. 326, Supporting the goals and ideals of a National Day of Remembrance for Murder Victims (CORNYN, FEINSTEIN, KYL) and H. Con. Res. 193, Recognizing all hunters across the United States for their continued commitment to safety.

III. Nominations: Thomas P. O'Brien to be United States Attorney for the Central District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled "Justice Denied? Implementation of the Hometown Heroes Survivors Benefits Act" on Thursday, October 4, 2007 at 2:30 p.m. in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Joint Economic Committee he authorized to conduct a hearing entitled, "Mass Incarceration in the United States: At What Cost?", in room 216 of the Hart Senate Office Building, Thursday, October 4, 2007, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Managment, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "Forestalling the Coming Pandemic: Infectious Disease Surveillance Overseas."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent that Earl Rilington and Eric Perritt, fellows serving in Senator COCHRAN's office, be granted the privilege of the floor during consideration of the Departments of Commerce and Justice, Science, and related agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

On Wednesday, October 3, 2007, the Senate passed H.R. 3222, as amended, as follows:

H.R. 3222

Resolved, That the bill from the House of Representatives (H.R. 3222) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for military functions administered by the Department of Defense and for other purposes, namely:*

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $31,734,076,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,338,772,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $10,291,831,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,155,054,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,672,440,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,801,985,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $595,372,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,368,897,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,947,354,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,616,560,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $28,598,563,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $33,150,380,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,061,649,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $32,599,333,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $23,239,227,000: Provided, That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: Provided further, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided *under this heading is in addition to any other transfer authority provided elsewhere in this Act.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,510,286,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,187,151,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,688,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,816,103,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,800,933,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,471,745,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,971,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $444,879,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $300,591,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $458,428,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $12,751,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $295,249,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $63,300,000, to remain available until September 30, 2009.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $448,048,000, to remain available until September 30, 2010: Provided, That of the amounts provided under this heading, $12,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,273,998,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,756,979,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,122,889,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,208,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $11,697,265,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,599,744,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,094,687,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,058,832,000, to remain available for obligation until September 30, 2010.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,703,953,000;

Carrier Replacement Program (AP), $124,401,000;

NSSN, $1,796,191,000;

NSSN (AP), $1,172,710,000;

CVN Refuelings (AP), $297,344,000;

SSBN Submarine Refuelings, $187,652,000;

SSBN Submarine Refuelings (AP), $42,744,000;

DDG–1000 Program, $2,807,437,000;

DDG–1000 Program (AP), $150,886,000;

DDG–51 Destroyer, $48,078,000;

Littoral Combat Ship (AP), $75,000,000;

LPD–17, $1,398,922,000;

LHA–R, $1,377,414,000;

LCAC Service Life Extension Program, $98,518,000;

Prior year shipbuilding costs, $511,474,000;

Service Craft, $32,903,000; and

For outfitting, post delivery, conversions, and first destination transportation, $379,811,000.

In all: $13,205,438,000, to remain available for obligation until September 30, 2012: Provided, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,376,530,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,091,897,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,133,900,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,920,219,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $854,167,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,517,127,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,246,843,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $65,092,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,355,005,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,472,210,000, to remain available for obligation until September 30, 2009: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,070,841,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,303,726,000, to remain available for obligation until September 30, 2009.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $180,264,000, to remain available for obligation until September 30, 2009.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,352,746,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,044,194,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $23,490,051,000, of which $22,650,758,000 shall be for Operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009, and of which up to $12,341,286,000 may be available for contracts entered into under the TRICARE program; of which $362,261,000, to remain available for obligation until September 30, 2010, shall be for Procurement; and of which $477,032,000, to remain available for obligation until September 30, 2009, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,517,724,000, of which $1,186,500,000 shall be for Operation and maintenance; $18,424,000 shall be for Procurement, to remain available until September 30, 2010; $312,800,000 shall be for Research, development, test and evaluation, of which $302,900,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,373,000 shall be for activities on military installations and of which $88,245,000, to remain available until September 30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $962,603,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund, $120,000,000: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for Operation and maintenance; Procurement; Research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $225,995,000, of which $224,995,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2010, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $262,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $709,376,000: Provided, That of the funds appropriated under this heading, $16,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,700,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2008: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. The Secretaries of the Air Force and the Army are authorized, using funds available under the heading "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete phased repair projects, of which repairs may include upgrades and additions to Alaskan range infrastructure and training areas, to include improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and,

in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

M1A2 Abrams System Enhancement Package Upgrades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia Class Submarine.

SEC. 8010. *Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.*

SEC. 8011. *(a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.*

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. *None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.*

SEC. 8013. *None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.*

SEC. 8014. *(a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—*

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. *Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.*

SEC. 8016. *None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.*

SEC. 8017. *None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.*

SEC. 8018. *No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.*

SEC. 8019. *In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or* *services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.*

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $31,905,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,553,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $4,477,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $875,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,060 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,428,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such *an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.*

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement, Marine Corps, 2006/2008", $15,000,000;

"Missile Procurement, Army, 2007/2009", $18,100,000;

"Procurement, Defense-Wide, 2007/2009", $15,913,000;

"Research, Development, Test and Evaluation, Army, 2007/2008", $13,300,000;

"Research, Development, Test and Evaluation, Air Force, 2007/2008", $75,000,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2007/2008", $144,000,000;

"Shipbuilding and Conversion, Navy, 2007/2011", $300,000,000; and

"Aircraft Procurement, Air Force, 2007/2009", $72,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b)(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c)(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $34,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete phased electrical infrastructure upgrades at Hickam Air Force Base.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $155,572,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $37,383,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, $15,000,000 shall be available for an Arrow System Improvement Program-Upper Tier program for risk mitigation and preliminary design activities to enhance the Arrow Weapon system, and $42,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8078. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: Provided, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as inplemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $39,693,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget *activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.*

SEC. 8092. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8093. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8094. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8095. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading "Research, Development, Test and Evaluation, Defense Agencies" (106 Stat. 1121) shall be extended through September 30, 2009, in cooperation with NELHA.

SEC. 8096. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any weeklong national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8097. Up to $15,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8098. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $470,000,000, the total amount appropriated in title III of this Act is hereby reduced by $506,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $367,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $10,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8099. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8100. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8101. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8104. From amounts appropriated in this or previous Acts making appropriations for the Department of Defense which remain available for obligation, up to $20,000,000 may be transferred by the Secretary of the Navy to the Secretary of the Department of the Interior for any expenses associated with the construction of the USS ARIZONA Memorial Museum and Visitors Center.

SEC. 8105. (a) Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(b) REPORT.—

(1) Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this section.

(2) The parties referred to in paragraph (1) are the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(3) Each report submitted under paragraph (1) shall include the updated and projected annual funding levels necessary to achieve full compliance with this section. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(c) In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

SEC. 8106. Not later than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit a classified report to the congressional defense committees and to the Subcommittees on Energy and Water Development of the Senate and House Appropriations Committees on the policies and procedures governing the storage and logistic movement of U.S. nuclear weapons and nuclear components through all phases of the nuclear weapons cycle from cradle to grave: Provided, That the report shall include a review and evaluation of the suitability and effectiveness of—

(1) The standards and procedures for ensuring accountability of nuclear weapons and components.

(2) The standards and procedures for the transfer of custody of nuclear weapons.

(3) The documentation used for the purpose of property accountability, custody receipting, and shipping transactions.

(4) The standards and procedures for nuclear surety inspections.

(5) The training of all personnel involved in the handling, management, and accountability of nuclear weapons and components.

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

SEC. 8108. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class Modernization–Hybrid Propulsion Permanent Magnet Drive System.

SEC. 8110. AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, AIR FORCE", up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

SEC. 8111. BORDER SECURITY REQUIREMENTS.—(a) SHORT TITLE.—This section may be cited as the "Border Security First Act of 2007".

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States, including the

ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109-367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 8112. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, ARMY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, NAVY", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, AIR FORCE", up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

SEC. 8113. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $6,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

SEC. 8114. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

SEC. 8115. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

SEC. 8116. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

SEC. 8117. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,750,000 may be available for a Mid-Infrared Advanced Chemical Laser at the High Energy Laser Systems Test Facility.

SEC. 8118. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,750,000 may be available for a sea light Beam Director and the High Energy Laser Systems Test Facility.

SEC. 8119. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.".

SEC. 8120. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

SEC. 8121. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8122. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

SEC. 8123. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

SEC. 8124. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

SEC. 8125. Of the amount appropriated or otherwise made available by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

SEC. 8126. IMPROVEMENT OF BARRIERS AT BORDER. Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

"(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

"(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

"(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

"(C) CONSULTATION.—

"(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

"(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

"(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

"(II) affect the eminent domain laws of the United States or of any State.

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location."; and

(D) in paragraph (5), as redesignated, by striking "to carry out this subsection not to exceed $12,000,000" and inserting "such sums as may be necessary to carry out this subsection".

SEC. 8127. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

SEC. 8128. Of the amount appropriated or otherwise made available by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

SEC. 8129. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 8130. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" and "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD", is hereby reduced by $10,000,000.

SEC. 8131. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

SEC. 8132. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

SEC. 8133. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM–3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM–3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

SEC. 8134. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as "Operation Purple".

Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed service members.

(1) Such report shall identify—

(A) the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians;

(B) alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed service members;

(C) support networks beyond educational settings that have been effective in addressing the needs of children of deployed service members, to include summer and after-school recreational, sports and cultural activities;

(D) programs which can be accessed without charge to military families;

(E) gaps in services for minor dependent children of deployed personnel; and

(F) opportunities for expanding public and private partnerships in support of such programs.

Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to Congressional Defense Committees.

(2) Plan required—Not later than 60 days after submission of the report required by this section, the Secretary shall submit a plan to the Congressional Defense Committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations, as required by this section.

SEC. 8135. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory-Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

This Act may be cited as the "Department of Defense Appropriations Act, 2008".

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 third quarter Mass Mailings is Thursday, October 25, 2007. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 303, 304, 310 through 331, and the nominations reported earlier today by the Judiciary Committee: Thomas P. O'Brien, of California, to be U.S. attorney, and Edward Meacham Yarbrough, of Tennessee, to be U.S. attorney; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

GOVERNMENT PRINTING OFFICE

Robert Charles Tapella, of Virginia, to be Public Printer.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

Brenda L. Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Sonya Kelliher-Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

DEPARTMENT OF JUSTICE

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

DEPARTMENT OF VETERANS AFFAIRS

Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

DEPARTMENT OF JUSTICE

Thomas P. O'Brien, of California, to be United States Attorney for the Central District of California for the term of four years.

Edward Meacham Yarbrough, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER FOR PRINTING—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that H.R. 1585, the Department of Defense authorization legislation, be printed as passed by the Senate on October 1, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—REPORT 110–188

Mr. REID. Mr. President, I ask unanimous consent that the Senate report No. 110–188 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate committees may file reports on legislative and executive calendar business on Tuesday, October 9, from 12 noon to 3 p.m., notwithstanding a recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

VESSEL HULL DESIGN PROTECTION AMENDMENTS OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 404, S. 1640.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1640) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definition of a hull and a deck.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today the Senate will pass S. 1640, the Vessel Hull Design Protection Act Amendments of 2007, after the Judiciary Committee voted unanimously to send it to the floor. This is a small but important piece of legislation, and I thank my cosponsors, Senator CORNYN, Senator KOHL, and Senator WHITEHOUSE, for all their hard work. Last year, this bill was passed by the Judiciary Committee and by the full Senate, but unfortunately the House held it hostage to an unrelated bill at the end of the session. I don't want that to happen again this year.

In 1998, Congress passed the Vessel Hull Design Protection Act to recognize the significant time, effort, and innovation that figure into ship design. Recent courtroom experience has made it clear that in order to be effective, this law needs to be clarified and refined. Our bill does exactly this, and no more, by clarifying the definition of "hull" and "deck." This ensures that the intellectual property rights of vessel hull designers will be protected.

I look forward to this bill becoming law.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1640) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Vessel Hull Design Protection Amendments of 2007".

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

(c) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

COMMENDING THE GOVERNMENT OF GERMANY FOR PREVENTING A LARGE-SCALE TERRORIST ATTACK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 344, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 344) commending the government of Germany for preventing a large-scale terrorist attack in September 2007, and supporting future cooperation to prevent terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas, on September 4, 2007, police in Germany arrested 3 individuals for planning large-scale terrorist attacks against locations in Germany, including sites frequented by United States citizens;

Whereas possible targets included Ramstein Air Base, which serves as headquarters for United States Air Forces in Europe and is also a North Atlantic Treaty Organization installation, and Frankfurt Airport, one of the largest airports in Europe;

Whereas, according to German authorities, the 3 suspects belonged to a German cell of Islamic Jihad Union, a radical Sunni group based in Central Asia with links to Al Qaeda;

Whereas 300 police and other law enforcement officials were involved in the investigation and 41 homes across Germany were raided in a highly successful operation;

Whereas United States intelligence agencies reportedly provided critical information that alerted their counterparts in Germany as to the travels of the suspects between Germany and Pakistan and the suspects' affiliation with the Islamic Jihad Union;

Whereas German authorities acted swiftly and decisively to prevent an attack that could have come within days of the arrests;

Whereas the successful collaborative action by United States and German authorities prevented the possible deaths of many innocent people;

Whereas Germany and the United States have been close allies in the fight against terrorism;

Whereas the law enforcement, intelligence, diplomatic, and military organizations in Germany and the United States continue to work together to combat the terrorist threat and prevent future attacks; and

Whereas victory in the fight against terrorism is critical to preserve the liberty and ensure the safety of all people: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of law enforcement authorities in Germany in preventing a large-scale terrorist attack on numerous targets in Germany, including sites frequented by United States citizens;

(2) recognizes the role of United States intelligence agencies in providing critical information to German authorities in their investigation and apprehension of the suspected terrorists and notes the continuing importance of such United States intelligence cooperation with Germany;

(3) commends the intelligence community of Germany for its outstanding work in identifying the individuals suspected of seeking to carry out this terrorist plot;

(4) condemns those individuals who would use acts of violence against innocent civilians to spread a message of hate and intolerance;

(5) urges the allies of the United States to remain steadfast in their efforts to defeat international terrorism; and

(6) expresses its readiness to provide necessary assistance to the Government of Germany in its counterterrorism effort to bring to justice those individuals involved in this terrorist plot.

AGREEMENT FOR MANAGING MIGRATORY AND TRANSBOUNDARY FISH STOCKS

SUPPORTING THE GOALS AND IDEALS OF A DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed.

en bloc, to the consideration of Calendar No. 407, S.J. Res. 17; and Calendar No. 408, S. Con. Res. 39.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 17) directing the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

A concurrent resolution (S. Con. Res. 39) supporting the goals and ideals of a world day of remembrance for road crash victims.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the joint resolution be read the third time, and passed; that the preambles be agreed to, en bloc, and the motions to reconsider laid upon the table; that consideration of these items appear separately in the Record; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 39

Whereas 40,000 people in the United States, and 1,200,000 people globally, die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles, the increasing use of motor vehicles, and rapid urbanization;

Whereas the World Health Organization has predicted that by the year 2020 the annual number of deaths from motor vehicle crashes is likely to surpass the annual number of deaths from AIDS;

Whereas the current estimated cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas over 90 percent of motor vehicle-related deaths occur in low- and middle-income countries;

Whereas, according to the World Health Organization, motor vehicle-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors; and

Whereas the United Nations General Assembly adopted a resolution designating the third Sunday of November as a day of remembrance for road crash victims and their families, and called on nations globally to improve road safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of a world day of remembrance for road crash victims; and

(2) encourages the people of the United States to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

The joint resolution (S.J. Res. 17) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

MEASURES READ THE FIRST TIME—S. 2152 and H.R. 2740

Mr. REID. Mr. President, there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2152) to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

A bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the pro forma session of the Senate on Friday, October 5, the bills be considered to have received a second reading and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, OCTOBER 5, 2007, AND MONDAY, OCTOBER 15, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Friday, October 5; that on Friday, the Senate conduct a pro forma session only, with no business conducted; that at the close of the pro forma session, the Senate stand adjourned under the provisions of S. Con. Res. 49 until 2 p.m., Monday, October 15; that on Monday, October 15, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the majority and minority; that at the close of morning business, the Senate then resume consideration of H.R. 3093, the Departments of Commerce and Justice and Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I finally will say that there will be a vote Monday afternoon on the day we get back between 5 p.m. and 6 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Friday, October 5, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4, 2007:

GOVERNMENT PRINTING OFFICE

ROBERT CHARLES TAPELLA, OF VIRGINIA, TO BE PUBLIC PRINTER.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

KRISTINE MARY MILLER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010.

BRENDA L KINGERY, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

JULIE E. KITKA, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

SONYA KELLIHER-COMBS, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2008.

PERRY R. EATON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

DEPARTMENT OF VETERANS AFFAIRS

PAUL J. HUTTER, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

RICHARD A. JONES, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

SHARION AYCOCK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

JENNIFER WALKER ELROD, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

DEPARTMENT OF JUSTICE

PATRICK P. SHEN, OF MARYLAND, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD M. KERR, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF JUSTICE

JAMES RUSSELL DEDRICK, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

THOMAS P. O'BRIEN, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

EDWARD MEACHAM YARBROUGH, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS VICE JAMES K. VINES, RESIGNED.

EXTENSIONS OF REMARKS

RECOGNIZING KATHARINE PHILLIPS SINGER, OF MOBILE, ALABAMA, FOR HER CONTRIBUTIONS DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, it is my distinct pleasure to rise today to recognize a true Southern lady who, over the course of the past few weeks, has become a familiar face and distinctive voice throughout America, Mrs. Katharine Phillips Singer of Mobile, AL.

Her story, which is told in the Ken Burns' highly-acclaimed documentary, "The War," represents the significant sacrifices—and obvious concerns—of millions of American families whose loved ones were fighting the forces of evil during the Second World War.

Whether it was rationing food by cooking without essential ingredients, saving tin cans or purchasing war bonds, World War II was a time when all Americans were called upon to do their part to contribute to America's success.

Young Katharine was just a sophomore at Auburn University when the Japanese attacked Pearl Harbor and her 17-year-old brother, Sidney Phillips, signed up for the Marines. Upon graduating in 1944, she returned to Mobile and began working in a day care center for shipyard workers' children. She volunteered at the Red Cross canteen at the railroad station and served coffee and donuts to the troops aboard trains as they passed through town. She also volunteered with the Red Cross motor pool and regularly drove officers around town.

At the end of the war, Katharine began working as a stewardess for Waterman Airlines. In 1947, she married Harvey Singer, a Waterman pilot and former WWII naval pilot. They lived in Ohio for many years and returned to Mobile in 1970. The mother of 2 daughters and the grandmother of 4, Mrs. Singer runs her own antique linen business in Mobile.

Madam Speaker, the recognition of Mrs. Katharine Phillips Singer in "The War" provides us all with an appropriate time to pause and thank her and all of the concerned families who shared their loved ones with the world during this trying time.

Not only did she provide an intimate story of what it was like here at home during the war, but along the way she became a prominent storyteller for a documentary that I believe should be required watching in every school in America. I urge my colleagues to take a moment to pay tribute to Mrs. Katharine Phillips Singer for her love of family and love of country.

CONGRATULATING MRS. JANE EVENS

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor 1 of my constituents, Mrs. Jane Bridges Ferrenbach Evens. Jane has been selected as the 2007–2008 Freedoms Foundation—Missouri (St. Louis) Chapter "Spirit of '76—Patriot." The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close link between the rights and the responsibilities of citizens in society.

Jane has been an active member of the Freedoms Foundation at Valley Forge since 1972, organizing and promoting the chapter with enthusiasm. She served as the National Chair of Development for the National Society Daughters of the American Revolution for the last 6 years and is currently acting Senior Advisor to the Development Department. Jane has also volunteered her time and energy to numerous other organizations, including the St. Louis Repertory Theatre, Youth Emergency Service, Hosea House, Girls Club of St. Louis, Kirkwood Rotary Club, to name just a few.

A native of Webster Groves, Missouri, Jane is married to Robert D. Evens. She has 2 successful daughters, both working in the medical field, and 2 grandchildren.

As 1 who has a deep and abiding love for American history and the Patriots, who have gone before us, I want to thank Jane for her commitment to preserving our history and congratulate her for being selected 2007–2008 "Spirit of '76—Patriot."

TRIBUTE TO KEVIN HENKES

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RYAN of Wisconsin. Madam Speaker, Racine, Wisconsin, native and author Kevin Henkes is to be commended for his numerous literary achievements. Recognized as an outstanding children's author, Henkes has contributed to the national landscape of children's literature and delighted children with his thoughtful mixture of words and art. Born in Racine, Henkes attended the University of Wisconsin-Madison. He currently lives in Madison with his wife, Laura, and their children. Several of Henkes' books have garnered awards, including the prestigious Caldecott for Kitten's First Full Moon in 2005. He also received the Elizabeth Burr/Worzalla Award for a Wisconsin author/illustrator for Kitten's First Full Moon (2005), Sun and Spoon (1997), Protecting Marie (1995), and Words of Stone (1993). On October 14, 2007, the Racine Public Library will honor Henkes when one of his works, Julius, the Baby of the World, is performed as a musical for over 4,600 first- and second-grade students and the general public. The Downtown Rotary Club, Friends of the Library, Hughes House, Johnson Foundation, Junior League of Racine, Kiwanis Club of West Racine, Over Our Head Players, the Racine Community Foundation, and the Racine Public Library Endowment Fund have all contributed to this celebration.

IN MEMORY OF SERGEANT FIRST CLASS JAMES DOSTER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. ROSS. Madam Speaker, I rise today to honor SFC James Doster of White Hall, AR, who died on September 29, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. He was 38 years old when he selflessly gave his life for his country during combat operations in Iraq.

Sergeant First Class Doster graduated from White Hall High School before attending Hendrix College. While in college, his deep sense of unity and teamwork led him to join the United States Army and honorably serve his country. Although he was a quiet man, everyone who had the privilege to meet and know him was immediately made aware that he had a big heart and could see how much he cared for all those around him. He was a dedicated family man who was always there for his family—especially his 2 daughters, whom he adored.

Sergeant First Class Doster joined the Army in 1990, and his proud service will continue to live on and serve as an inspiration to the many soldiers who knew him and fought alongside him in combat. He served in the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, based at Fort Riley, Kansas. His bravery, courage and dedication to the Army are exemplified by his 17 years of service. He believed so deeply in the Army that he also served as a recruiter helping others gain the passion and sense of camaraderie, service and love of his country that he possessed.

SFC James Doster will forever be remembered as a hero, a son, a father and a husband. My deepest condolences go out to his wife, Amanda Doster; his 2 daughters, Kathryn and Grace; his mother, Billie Doster; and his brother, Rob Doster. He will be missed by his family, his community, his country and all

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

those who knew him. I honor Sergeant First Class Doster for his bravery, his patriotism and his service and I will continue to keep his family in my deepest thoughts and prayers.

HONORING THE MEMORY OF JAMES JERRY BOYINGTON, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, Baldwin County and indeed the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to the memory of James Jerry Boyington, Sr.

Jerry Boyington, former State senator and Baldwin County commissioner, was a devoted family man and dedicated community leader throughout his life.

A native of Bay Minette and a longtime resident of Fairhope, Jerry was a decorated major in the U.S. Army and veteran of the Vietnam War, and he served his country with honor and distinction.

Jerry's legacy in Baldwin County and the State of Alabama will certainly be his hard work and dedication to the people of southwest Alabama. In addition to serving in the Alabama Senate and as chairman of the Baldwin County Commission, he also served as Baldwin County administrator and chief corrections officer for the Baldwin County sheriff's office.

Jerry's political savvy, combined with his many friendships in the legislature, helped county officials pass zoning legislation, which has proven critical to the county's growth.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout southwest Alabama. James Jerry Boyington Sr., will be deeply missed by his family—his wife, Linda Boyington; their daughter, Shanna Boyington; their sons, Chris Boyington and Clay Boyington; his brother, Curtis Boyington, his sisters, Lucille Adams, Foy Kusion, and Jewell Boyington, and 2 grandchildren, James J. Boyington, III, and Anna Boyington—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

THE COAST GUARD ACADEMY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to discuss a very serious issue facing the Coast Guard Academy in New London, Connecticut.

On July 15, 2007 aboard the United States Coast Guard barque *Eagle* training vessel, a Third Class male minority cadet returned from watch to his stateroom to find a small noose in his bag. The next morning at an all-hands muster, the cadet stepped forward to show the entire crew the noose and make clear that he was offended by it. Although the person responsible could not be identified, the commander of the *Eagle* held an "all hands" meeting to outline the clear standards of conduct and expectations for Coast Guard cadets. The Academy followed up by conducting race-relations training for all cadets. Alarmingly, the officer conducting the training later found a noose in her office as well.

I recently had the opportunity to speak to the Commandant of the United States Coast Guard, Admiral Thad Allen, to express my concern over these incidents. Racism and hate have no place at our military academies, on our academic campuses or in our society. Our discussion made it clear to me that the Coast Guard takes this matter seriously, and is working to get to the root of the problem and identify the perpetrators. The Coast Guard Investigative Service is currently reviewing this matter and I am confident that they will do all they can to ensure that those responsible for these hateful acts are held accountable for their actions.

We must make clear that actions like this have no place at the Coast Guard Academy—a facility that is shaping future officers responsible for the protection of our nation. The image of the noose is an enduring symbol of the brutal lynching that occurred in the south during the civil rights era and its powerful effect should not be taken lightly nor its evocation tolerated. It is important that the Coast Guard, and our society, sends a strong message to these misinformed individuals that there is zero tolerance for racism and hate.

The Coast Guard Academy has always held the highest standard of academic excellence and world-class training for those who protect our shores. The Coast Guard's core values of honor, respect and devotion to duty are more than simple words—they are a way of life that the Academy strives to en grain in every cadet.

A vast majority of the cadets represent the best the Coast Guard and our nation have to offer: bright, dedicated young men and women who demonstrate tolerance and respect for each other, regardless of race or background. Those who do not meet the Coast Guard's core values simply have no place at its Academy.

CONGRATULATING MR. DENNIS HAHN

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor one of my constituents, Mr. Dennis Hahn. Dennis has been selected to receive the 2007 Freedoms Foundation at Valley Forge's George Washington Honor Medal. The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close link between the rights and the responsibilities of citizens in society.

Dennis is a charter member of the St. Charles, Missouri chapter of the Fernando de Leyba, the Sons of the American Revolution, founded in 1997. He is a charter member and Vice President of the Missouri Postal History Society since 2001. Dennis is an active member and Treasurer at the First Baptist Church of St. Charles, Missouri, as well as Sunday school teacher, Chairman and member of numerous committees, current President of the school board, and member of the St. Charles City Economic Development Commission.

Dennis is married to Shirley Hahn, a public school teacher for the St. Charles school district. He is also the father of the three children and grandfather of five.

As one who has a deep and abiding love for American history and the patriots who have gone before us, I want to thank Dennis Hahn for his commitment to preserving our history and congratulate him for being selected for the 2007 George Washington Honor Medal.

RACINE PUBLIC LIBRARY

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RYAN of Wisconsin. Madam Speaker, The Racine Public Library is to be commended for its years of service to the people of Racine, WI. On October 14, 2007, the library will celebrate 75 years of preschool storytime. The Junior League of Racine, which has sponsored the storytime since it began in 1932, and the Choral Arts Society of Southeastern Wisconsin have partnered to bring to the stage a musical version of the beloved children's classic, "Julius, the Baby of the World." It will be performed for over 4,600 first- and second-grade students, and the event will celebrate both the Racine Public Library's commitment to children and Racine native and children's author Kevin Henkes. Participants in this great celebration include the Downtown Rotary Club, Friends of the Library, Hughes House, the Johnson Foundation, the Junior League of Racine, the Kiwanis Club of West Racine, Over Our Head Players, the Racine Community Foundation, and the Racine Public Library Endowment Fund. The Racine Public Library has the distinction of being the first in the Nation to present preschool storytime in 1932. Since then, the library has continued to pursue innovation and remains dedicated to children's programming.

INTRODUCTION OF FIRE PREVENTION WEEK RESOLUTION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. PASCRELL. Madam Speaker, I rise today to introduce a resolution to recognize October 7–13, 2007, as Fire Prevention Week and to highlight the commitment of the Congress and the American public to honoring the courageous service of firefighters, and to underscore the importance of public awareness of fire prevention and planning.

I am glad to be joined today in introducing this bipartisan resolution by Homeland Security Committee Chairman BENNIE THOMPSON, as well as Congressmen HENRY CUELLAR, PETER KING, CHARLIE DENT, and DAVE REICHERT.

America's firefighters have never wavered in their selfless commitment to preventing the loss of lives and property, and we must maintain our commitment to recognizing the service that they perform on our behalf.

I recognize that America's firefighters demonstrate heroism and fortitude not only through their responses to fire emergencies, of which there are over 1,600,000 per year, but also through their selfless support to communities affected by emergencies of all kinds.

Firefighters come to the aid of the communities they serve during fire emergencies, at the onset of natural disasters, in response to acts of terrorism, and in the wake of any events that threatens the lives and safety of the American public.

As we reflect each year on the bravery of firefighters who risk their lives in the line of duty, we also recognize the significant role of these individuals in providing medical care, responding to emergency rescue situations, and encouraging our communities to take measures to protect themselves from harm.

We traditionally have paired our appreciation for the honorable service of firefighters with our focus on educating the American public on fire safety methods, since the first Fire Prevention Week in 1922.

In closing, I urge the Congress to honor the sacrifices made by these courageous men and women by supporting this resolution.

HONORING LEE SENTELL AND THE ALABAMA BUREAU OF TOURISM AND TRAVEL FOR BEING NAMED THE BEST IN THE SOUTH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to Mr. Lee Sentell and the Alabama Bureau of Tourism and Travel for being named the best in the South by the Southeast Tourism Society.

This is the third time in 4 years that Lee and his outstanding team of professionals have received this prestigious award. The department was nominated for its "Year of Alabama" Arts campaign.

The award winning food campaign of 2005 featured a brochure of "100 Dishes to Eat in Alabama before You Die," which was selected as the best promotion in the country by the National Council of State Tourism Directors. In 2004, the agency was recognized for its garden campaign.

Alabama's tourism industry has continued to thrive under Lee Sentell's strong leadership. The industry's economic impact on the State's economy is expected to reach an all-time high of $9 billion in 2007. Last year, over 22.3 million people visited the State of Alabama, with my home area of Mobile and Baldwin counties among the 5 most visited counties.

Madam Speaker, I ask my colleagues to join with me in congratulating Mr. Sentell and all of those at the Alabama Bureau of Tourism and Travel for being named the best in the South by the Southeast Tourism Society. For these and all their accomplishments, I extend my heartfelt thanks for their continued service to the First Congressional District and the entire State of Alabama.

RECOGNIZING RALPH W. STURGES, MOHEGAN INDIAN CHIEF

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life of Mohegan Indian Chief, Ralph W. Sturges. Chief Sturges died on September 30, 2007.

Chief Sturges was a renaissance man whose commitment to community and Nation knew no bounds. In 1938, following the devastation of the New England Hurricane, Chief Sturges contributed to cleanup and relief efforts in eastern Connecticut under the Civilian Conservation Corps (CCC). After his work in the CCC, Chief Sturges joined the Army's intelligence division, serving in World War II in New Guinea and the Philippines, ultimately earning a bronze star for his service. In subsequent years, he became the Director of Public Relations for New England divisions of the Salvation Army and a board member for the Directors for Connecticut Hospice.

In 1992, prior to federal recognition of the Mohegan Nation, he was elected "Chief for Life", which he dutifully filled until his passing on September 30, 2007. In 1994, his legacy was solidified with the federal recognition of the Mohegan Nation, a cause that he inherited from his mother and tirelessly saw through to fruition. In 1996, Chief Sturges secured development plans for the Mohegan Sun, which is now one of the world's largest and most successful casinos. At every step of the way, Chief Sturges was careful to reach out to his community and neighbors making the success of Mohegan Sun a harmonious addition to southeastern Connecticut.

In addition to his military accolades, philanthropy work, business endeavors, and leadership roles, Chief Sturges was a notable artist. His sculptures have graced the halls of the Connecticut State Capitol, Montville High School, and the Mohegan Sun.

While his passing brings sadness to the Connecticut community, his legacy and contributions will be remembered for generations to come. I ask my colleagues to join with me and my constituents to honor his life and offer condolences to his family.

CONGRATULATING MRS. JUNE LANZ

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor one of my constituents, Mrs. June C. Jablonsky Lanz. June has been selected as the 2006–2007 Freedoms Foundation "Spirit of '76—American Patriot" regional award. The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close links between the rights and the responsibilities of citizens in society.

June is a 39-year member of the National Society of Daughters of the Revolution, DAR. As State Regent of the Missouri State Society of DAR, June successfully placed the 1809 Cold Water Cemetery on the U.S. Department of the Interior's Register of Historical Places and restored and rededicated the Madonna of the Trail Statue in Lexington, Missouri.

June is a member of the Missouri Historical Society, the Freedoms Foundation of Valley Forge and a Friend of the St. Louis Art Museum. She has published a history of Missouri State Society Daughters of the Revolution, which includes American Revolutionary Patriots reported buried in Missouri. She has provided this to the National Society DAR and other research facilities.

Married for 55 years, June and her husband, George Lanz, have 4 daughters and 7 grandchildren.

As one who has a deep and abiding love for American history and the patriots who have gone on before us, I want to thank June Lanz for her commitment to preserving our history and congratulate her for being selected 2006–2007 Regional "Spirit of '76—Patriot".

TRIBUTE TO THE KNIGHTS OF COLUMBUS FATHER CAREY COUNCIL 1280

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SIRES. Madam Spaker, I rise today in honor of the Knights of Columbus Father Carey Council 1280 of Carteret, New Jersey, which is celebrating its 100th anniversary on October 24, 2007. This fraternal organization has assisted thousands of Carteret residents with its volunteer work and served as vital support for members in need.

The Knights of Columbus, initially formed to help sick, disabled and needy members and their families, extended their work to assist others in their communities. In this spirit, in 1907, a group of 57 Catholic gentlemen established a council in the Borough of Carteret, New Jersey. The Father Carey Council 1280 was founded on November 24, and today, its 500 members continue to serve true to its principles of charity, unity, fraternity and patriotism.

The Father Carey Fourth Degree Assembly #0677 was later formed in 1947 to foster the spirit of patriotism in members and the community at large, as well as encourage active Catholic citizenship. To promote these ideals, the Father Carey Fourth Degree Color Corps was created, and actively participates in Carteret's parades and ceremonies, in addition to the borough's church communions, confirmations, and anniversary celebrations.

Today, the Father Carey Council continues to be active in the Carteret community by volunteering and assisting its sick, disabled, and needy, emulating its founding members. The Council hosts semi-annual blood drives, a youth free throw contest, and assists at veteran's hospitals. The Council also sponsors the Youth Squires Program, which gives Catholic young men the opportunity to learn the skills and attitudes of Catholic leadership. The Council's Buddy Group, created to engage the borough's mentally disabled community, hosts several yearly gatherings that include movie nights, dinner dances and holiday parties.

Please join me in congratulating the Knights of Columbus Father Carey Council 1280 of Carteret, New Jersey on their 100th anniversary. I also want to express my gratitude for their service to the residents of the Borough of Carteret.

TRIBUTE TO EDWARD KELLY ANSCHUTZ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today with my colleagues Mrs. ELLEN O. TAUSCHER and Mr. JERRY MCNERNEY to pay tribute to the life of Mr. Edward Kelly Anschutz.

A third generation plumber, Kelly joined the United Association of Plumbers and Steamfitters Union Local 159 in 1967. After serving his apprenticeship and becoming a journeyman plumber, he was elected to serve as the Assistant Business Manager and eventually the Business Manager for the local for 13 years. He was so well respected; in his last term as Business Manager, he was elected without any opposition.

Kelly was courageous in his efforts to support his union brothers and sisters and their interests at every level. Whether working with a member or an employer, he was well respected and liked by all. Kelly was also a great personality; he had a wonderful sense of humor and truly enjoyed people.

While we realize words may do little to lessen the impact of this loss, we trust that the memories shared will help Kelly's family, friends, and union brothers and sisters realize the scope his influence had on working people and their families.

Madam Speaker, because of Mr. Anschutz's contributions to his community, it is proper for us, and it is my honor, to pay tribute to his life today.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. KLEIN of Florida. Madam Speaker, I would have voted on Wednesday, October 3, however I was unavoidably detained, and I would have voted "yes" on rollcall No. 934 and "yes" on rollcall No. 935.

TRIBUTE TO MRS. DORIS LOCKEY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BRADY of Texas. I rise today to recognize an important milestone in the life of one of my constituents. Mrs. Doris Lockey has served as the manager of the Social Security Administration District Office in Conroe, Texas since 1986. This alone is noteworthy.

But October 22, 2007 will mark her 40th anniversary as an employee of the Social Security Administration. Starting out as an account number clerk in 1967, I doubt Mrs. Lockey thought she would still be serving her Nation today. Whenever the residents of Texas' 8th Congressional District need help with their social security benefits, Mrs. Lockey is the person they turn to. No matter how big or small the problem, Mrs. Lockey always makes herself personally available to help. This was most evident in the wake of Hurricanes Katrina and Rita when, along with her team, she helped numerous individuals and families with their benefits and so much more.

While after 40 years most people would be celebrating retirement and the chance to collect the benefits she has spent a lifetime overseeing, Mrs. Lockey shows no signs of slowing down. I know that the people she works with on a daily basis have learned from the dedication she has demonstrated over the years. And today I hope that all of our public servants and Americans appreciate the dedication she demonstrates on a daily basis.

Mrs. Lockey is not just defined by the work she does for the Federal Government but the impact she has on our community. She volunteers with numerous local organizations that make life in Montgomery County, Texas better. She just finished a term as the President of the Rotary Club of Conroe and has served on the boards of the local United Way and The Friendship Center's Committee on Aging. Still today, she serves on the United Way's Success by Six Leadership Committee and is a very active member of Longmire Road Church of Christ.

In knowing Mrs. Lockey, what I find impressive is the fact that she takes the time to mentor a local child at Runyan Elementary School every week. The stories she is able to tell, the life lessons she is able to impart to young children provide our youth with a tremendous opportunity.

Today, I join with her family and friends, Southeast Texas, her colleagues at Social Security Administration offices in Conroe, Houston, Pasadena and Galveston, the American people and my colleagues in Congress to mark Mrs. Doris Lockey's 40th anniversary as an employee of the Social Security Administration. I am honored to recognize her amazing contributions and offer my best wishes and encouragement as she continues a life of public service with the Federal Government and her numerous volunteer activities.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on September 25. If I were present for rollcall votes, I would have voted "yea" on each of the following bills:

Roll 895, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H.R. 1400, To enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes.

Roll 896, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 584: Supporting the goals and ideals of "National Life Insurance Awareness Month."

Roll 897, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Con. Res. 210: Supporting the goals and ideals of Sickle Cell Disease Awareness Month.

Roll 898, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 663: Supporting the goals and ideals of Veterans of Foreign Wars Day.

Roll 899, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 548: Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon.

Roll 900, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 642: Expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

Roll 901, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 557: Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda.

Roll 902, September 25, 2007: On Motion to Table the Motion to Appeal the Ruling of the Chair.

Roll 903, September 25, 2007: On Ordering the Previous Question. H. Res. 675—Rule providing for consideration of the SCHIP bill.

Roll 904, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 675—Rule providing for consideration of the SCHIP bill.

Roll 905, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 95—Expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes.

TRIBUTE TO STAFF SERGEANT ROBERT J. FLOOD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Staff Sergeant Robert J. Flood, a fallen WWII veteran whose remains have finally been returned home to Chambersburg, PA. Robert Flood was killed in Germany in July 1944, when his plane was lost during a bombing raid on an aircraft factory in Bernburg. For 63 years, Robert Flood and his crew were unaccounted for.

Flood was only 22 years old at the time of his death. Prior to his service in WWII as a member of the U.S. Army Air Corps, Sgt. Flood was employed at the Letterkenny Army Depot in Chambersburg, Franklin County PA; a facility that remains active today in support of our current war against Al-Qaeda.

Sgt. Flood was injured in England in 1944 when his plane crash landed after running out of fuel. After recovering from his injuries he was assigned to another bomber, which was lost during the air raid in Germany. The fate and final resting place of Sgt. Flood and his crew remained unknown until 4 years ago when pieces of his plane and the remains of its crew were discovered in a field in Germany. Thankfully, through DNA testing, the identities of the crew were finally revealed, allowing Sgt. Flood to return home.

Robert Flood's name is engraved on the Wall of the Missing at the American Cemetery in Belgium. He was posthumously awarded the Purple Heart with a Presidential Accolade in 1945. Sgt. Robert Flood is survived by 1 brother and several nieces and nephews. His return home brings comfort and relief to his family, who went years without information about his death. Madam Speaker, Robert Flood dedicated his life to serving his country. His homecoming is a solemn reminder of the sacrifices our soldiers make in service to our Nation. Our thoughts are with his family, his fellow WWII veterans, and members of his community. Another soldier has been brought home.

HONORING BRANDON THORSEN OF TRENTON, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who gave his life in service to our Nation.

Army PFC Brandon T. Thorsen of Trenton, Florida, was killed by a gunshot while serving on guard duty in Baghdad, Iraq. Private First Class Thorsen is survived by his mother Susan Hostutler of New York, father Donald Thorsen of Trenton, Florida, sisters Sharony Sheldon of Spring Hill, Florida, and Amber Gay of Trenton, Florida, brother Dereck Hardyman of Gainesville, Florida, and his fiancée, Chana Gilbert of Newberry, Florida.

Growing up in Levy County, Brandon attended Chiefland High School, where he was remembered as an outgoing and charming young man with a great sense of humor. A defensive lineman and left tackle on the football team, Brandon played an important role in the team's success during the 2003 season. A lover of the outdoors, hunting and fishing, Brandon had plans to join the Florida Fish and Wildlife Conservation Commission as a game warden following his 4-year commitment to the Army.

Graduating Chiefland High School in 2005, Brandon fulfilled his ambition to serve the United States military when he was assigned to the 1st Cavalry 2nd Battalion following his enlistment. Inspired by the events of September 11, Brandon completed basic training at Ft. Benning in Georgia, and then went to Ft. Bliss in Texas for his combat infantry training prior to his service in Baghdad that began in November 2006.

Madam Speaker, it is soldiers like PFC Brandon Thorsen who have volunteered to protect the freedoms that all Americans hold dear. While brave men and women like Brandon have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

TRIBUTE TO THE 50TH ANNIVERSARY OF AQUINAS HIGH SCHOOL

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. GINGREY. Madam Speaker, I rise today in recognition of the 50th Anniversary of Aquinas High School in Augusta, Georgia. For the last 50 years Aquinas High School has taught moral and ethical standards, skills for living and self esteem, and a Christian integration of spirit, mind, and body in each of its students. As a proud graduate of Aquinas I would like to I take this opportunity to congratulate the school on its 50th Anniversary and mention how this great institution has affected my life.

After graduating, I thought it would be Aquinas' strong academic curriculum that would be most beneficial towards my future aspirations. However, I must admit that I was wrong, While the strenuous academics at Aquinas laid the foundation that prepared me for success at Georgia Tech and The Medical College of Georgia, it was the faith and ethical standards taught at Aquinas that truly prepared me for life's struggles.

While opening and running my medical practice the respect for life taught at Aquinas led me to value and care for life at all stages, from conception on. Now that I have left my medcal career to serve as a Member of Congress I find my lessons from Aquinas more valuble than ever. On a daily basis I am confronted by difficult questions that affect millions of lives. If it were not for the moral standards and faith in God taught at Aquinas, I do not believe that I could fully represent the people of Georgia's 11th District.

Knowing the positive impact that Aquinas High School has had on my life as well as thousands of others, I stand today to thank Aquinas for its work over the last 50 years and wish it continued success in the next 50 years.

TRIBUTE TO THE NATIONAL HISPANIC UNIVERSITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to honor the National Hispanic University on the occasion of its 25th anniversary.

I have the pleasure of representing one of the most diverse cities in America and in California—San Jose. Along with the rich diversity of the people, culture and traditions in San Jose is a firm commitment to higher education. This commitment stems not only from our mantle of being the "Capital of Silicon Valley," but also from a strong tradition of excellence in collegiate education, as demonstrated through our world renowned University of California and California State University systems.

The National Hispanic University was established in 1981 to serve the needs of Hispanics, women, other minorities and other learners. Although programs through the UC and CSU systems attempted to address the burgeoning numbers of minorities who needed higher education, and many Latinos benefited from these initiatives in the 1970s and 1980s, the gap between Hispanics and others continued to widen.

The National Hispanic University, NHU, was founded after extensive research about the success rate and high quality of education provided by historically black colleges and universities that graduated (and still do today) almost half of the African American professionals in American society. NHU believed that a small private independent college could make a difference in the graduation of Hispanic professionals in education, technology, and business.

Dr. B. Roberto Cruz, the founding President of NHU and its academic visionary for 22 years, paved the pathway of success for NHU. Although he is no longer with us, his spirit and firm commitment is the driving force behind the establishment of the University and his spirit remains today in the halls and classrooms of NHU.

NHU's current president, Dr. David P. Lopez, along with the Board of Trustees and Advisors, are continuing in Dr. Cruz's spirit to ensure that the University remains committed to its standards of excellence and the core values of its foundation that made it the fine institution of higher education it is today.

It is my distinct pleasure to congratulate the National Hispanic University on its 25th anniversary and wish it many more years of continued success.

CELEBRATING THE MCA'S 40TH ANNIVERSARY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. EMANUEL. Madam Speaker, I rise today to commemorate the 40th anniversary of the Museum of Contemporary Art, MCA, in Chicago. Since opening its doors in October 1967, the MCA has served as a home and artistic outlet for modern day artists.

Through photography, performance, painting, sculptures, and video and film, the Museum houses modern visionaries' ideas and passions. Visitors to the museum are able to witness artistic interpretations of the cultural, social, and historical highlights of our time. As one of the largest modern art museums in the country, the MCA is a place where the public can be informed, educated, and stimulated by the creative process.

Its opening in 1967 gave Chicago and its visitors access to artwork from modern day artists. Dan Flavin, an American minimalist, and Mexican artist Frida Kahlo displayed their first solo exhibitions at the MCA. The MCA was also the first American museum to exhibit the work of Spanish artist Antoni Tapies. The museum also houses the works of American artist Jeff Koons and American photographer Robert Mapplethorp and many others. Recently, the MCA has exhibited the works of photographer Wolfgang Thilmans, American minimalist Richard Tuttle, and Chicago-based cartoonist Chris Ware.

In 2006 the MCA received the Arts Presenters/MetLife Foundation Award for Excellence in Arts Access. The MCA's commitment to providing access to art for people with disabilities has established the MCA as an institution which embraces artistic talent from all people.

Madam Speaker, I am thrilled to celebrate the 40th anniversary of this institution. I would like to thank the Museum of Contemporary Art for their contributions to Chicago's outstanding cultural tradition, and I congratulate every one of the artists and employees that has made their 40 years possible. I look forward to more decades of outstanding exhibits at the Museum of Contemporary Art in Chicago.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BECERRA. Madam Speaker, on Thursday, September 18, 2007 and Wednesday, October 3, 2007, I was unable to cast my floor vote on rollcall votes 873 and 935.

Had I been present for the votes, I would have voted "aye" for rollcall vote 935, and "nay" on rollcall vote 873.

RECOGNIZING THE IMPORTANCE OF BREAST CANCER AWARENESS MONTH

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. HINOJOSA. Madam Speaker, I rise today to comment on Breast Cancer Awareness Month. Thousands of women everyday face a daunting fight against this disease. This is a time to recognize this modern-day medical challenge affecting so many women and their families.

The medical professionals who assist women through early detection or treatment should be highly commended this month. This is why it is important to congratulate medical partners such as Knapp Medical Center in Weslaco, TX in my Congressional District.

This Thursday, October 4, Knapp will conduct a Women's Health Fair as part of Breast Cancer Awareness Month. It is through community awareness of prevention, screening, treatment, and support that women are beating breast cancer every year. Every woman is at risk and this Health Fair is particularly valuable in the existing health care climate when projections estimate that over 40,000 women will die from breast cancer this year. Events such as this during Breast Cancer Awareness Month are essential.

The increasing success stories of 2 million women survivors every year show that these events empower women to find out how to care for themselves and, by extension, their families and communities through utilizing cancer screening methods effectively. Knapp Medical Center is helping the predominantly Hispanic community in my South Texas region with this Health Fair since late detection among Hispanic women is a serious concern. Breast cancer is the leading cause of cancer death among Hispanic women and the second most commonly diagnosed among this group of women.

I commend Knapp Medical Center and the American Cancer Society and their exceptional doctors, nurses, and staff for hosting this free public educational event. I urge every American to learn about breast cancer and encourage their mothers, daughters, and wives to get checked and become informed about the best preventive practices. Finally, during this important month I applaud all the efforts of America's doctors and researchers who greatly contribute to the success stories of our courageous women who live with and beat breast cancer.

SENATE—*Friday, October 5, 2007*

The Senate met at 9:30 and 12 seconds a.m. on the expiration of the adjournment, and was called to order by the Presiding Officer (Mr. WEBB).

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 5, 2007.*
>
> To the Senate: Under the provisions of rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 2 P.M., MONDAY, OCTOBER 15, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to the provisions of S. Con. Res. 49, the Senate stands adjourned until Monday, October 15, 2007, at 2 p.m.

Thereupon, the Senate, at 9:30 and 43 seconds a.m., adjourned until Monday, October 15, 2007, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Friday, October 5, 2007*

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. POMEROY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, October 5, 2007.

I hereby appoint the Honorable EARL POMEROY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the midst of a violent and unsettled world, Lord, it is more difficult to receive Your word or find interior silence. Yet the beauty of Your creation is just beyond the door, Your faithfulness and mercy always within reach. You truly bend to us.

May the vivifying beams of morning's sun, now that they have reached their apex of another day, penetrate the steel, glass and plastic of American life. Let the seeds of new life fall abundantly on our land and the approaching colors of autumn brighten our hopes for the future.

Help us to rejoice in the blessings You shower upon this Nation, family life and our work. May the movement of this spirit within us lead us to a community that will worship You this weekend.

To You be praise and glory both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 2007.

The Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 5, 2007, at 9:35 a.m.:

That the Senate passed S. 742.

That the Senate passed S. 1640.

That the Senate agreed to S. Con. Res. 39.

That the Senate agreed to S.J. Res. 17.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1640. An Act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

S.J. Res. 17. Joint Resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; to the Committee on Natural Resources.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2467. An Act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. An Act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. An Act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. An Act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. An Act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. An Act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052 An Act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. An Act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 3 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 9, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3632. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florasulam; Pesticide Tolerance [EPA-HQ-OPP-2006-0993; FRL-8148-4] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3633. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tembotrione; Pesticide Tolerance [EPA-HQ-OPP-2006-0072; FRL-8148-2] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3634. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — DEFINITIONS OF TERMS AND EXEMPTIONS RELATING TO THE "BROKER" EXCEPTIONS FOR BANKS [Release No. 34-56501; File No. S7-22-06] (RIN: 3235-AJ74) received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3635. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; General and Plastic Surgery Devices;

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Classification of Absorbable Poly(hydroxybutyrate) Surgical Suture Produced by Recombinant DNA Technology [Docket No. 2007N-0267] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2006-0540; FRL-8472-4] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3637. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Clean Air Interstate Rule [EPA-R04-OAR-2007-0359-200736; FRL-8475-9] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Kentucky: Clean Air Interstate Rule [EPA-R04-OAR-2007-0835-200740(a); FRL-8475-4] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi: Clean Air Interstate Rule [EPA-R04-OAR-2007-0167-200734; FRL-8475-8] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3640. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey: Clean Air Interstate Rule [Docket No. EPA-R02-OAR-2007-0233; FRL-8472-5] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans; North Carolina: Clean Air Interstate Rule [EPA-R04-OAR-2007-0423-200743(a); [FRL-8475-6] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3642. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Dinosaur, Colorado) [MB Docket No. 07-79; RM-11362] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3643. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rockmart, Aragon, and Ringgold, Georgia; Anderson, South Caroline; and Chattanooga, Decatur, Harrison, Lynchburg, Spring City, and Wartrace, Tennessee) [MB Docket No. 05-282; RM-11229; RM-11333; RM-11337] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3644. A letter from the Deputy Bureau Chief, Federal Communications Commission, transmitting the Commission's final rule — Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks [EB Docket No. 06-119; WC Docket No. 06-63] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3645. A letter from the Deputy Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2007 [MD Docket No. 07-87] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3646. A letter from the Senior Counsel, Federal Communications Commission, transmitting the Commission's final rule — Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers [WT Docket No. 05-265] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3647. A letter from the Assistant Bureau Chief for Management, IB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 1 and 63 of the Commission's Rules [IB Docket No. 04-47] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3648. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Licenses, Certification, and Approvals for Nuclear Power Plants (RIN: 3150-AG24) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3649. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-19; Introduction [Docket FAR-2007-0002, Sequence 4] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3650. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-034, Reporting of Purchases from Overseas Sources [FAC 2005-19; FAR Case 2005-034; Item I; Docket 2006-0020; Sequence 9] (RIN: 9000-AK52) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3651. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-035, Changes to Lobbying Restrictions [FAC 2005-19; FAR Case 2005-035; Item II; Docket 2006-0020; Sequence 8] (RIN: 9000-AD76) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3652. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-025; Online Representations and Certifications Application Archiving Capability [FAC 2005-19; FAR Case 2005-025; Item III; Docket 2006-0020; Sequence 4] (RIN: 9000-AK56) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3653. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AV12) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral Lottery in Areas 542 and 543 [Docket No. 070213033-7033-01] (RIN: 0648-XC08) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3655. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-AC23) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1011 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than October 19, 2007.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 891: Mr. DICKS, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. SCHIFF, and Mr. RANGEL.

H.R. 2591: Mr. TIERNEY.

H.R. 3175: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HASTINGS of Florida.

H.R. 3176: Mrs. MUSGRAVE.

H.R. 3229: Mr. LEWIS of Kentucky, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. WAMP, Mr. EVERETT, Mr. GOHMERT, Mr. MANZULLO, Mr. BURGESS, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. GARRETT of New Jersey, Mr. HELLER, Mr. TOM DAVIS of Virginia, Mrs. BONO, Mr. MACK, Mr. BUCHANAN, Mrs. MCMORRIS RODGERS, Mr. CAMPBELL of California, Mr. SMITH of Nebraska, Mr. WALBERG, Mr. MCHENRY, Mr. REICHERT, Mrs. MUSGRAVE and Mr. FORBES.

H.R. 3232: Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. KENNEDY, Mr. SHUSTER, Mr. PUTNAM, Mr. DAVIS of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SPACE, Mr. INSLEE, Ms. PRYCE of Ohio, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN of Florida, Mr.

McNerney, Mr. Pence, Mr. Nadler, Mr. Gordon, Mr. Berman, Mr. Upton, and Mr. Jefferson.

H.R. 3331: Mr. Inslee.

H.R. 3339: Mr. Conyers and Mrs. Capps.

H.R. 3368: Ms. Baldwin, Mr. Boucher, Mr. Shays, Mr. Ryan of Ohio, and Mr. Conaway.

H.R. 3396: Mr. Cummings and Mr. Conyers.

H.R. 3487: Mr. Wexler.

H.R. 3498: Ms. Moore of Wisconsin, Ms. Kaptur, and Ms. Kilpatrick.

H.R. 3547: Mr. Sherman.

H.R. 3584: Mrs. Musgrave and Mr. Daniel E. Lungren of California.

H.R. 3622: Mr. Sessions and Mr. Moore of Kansas.

H.R. 3685: Mr. Cohen, Ms. Woolsey, Ms. Wasserman Schultz, Mr. Filner, and Ms. Harman.

H.R. 3686: Ms. Woolsey, Ms. Wasserman Schultz, Mr. Filner, and Ms. Harman.

H.R. 3757: Mr. Miller of North Carolina.

H. Res. 310: Ms. Jackson-Lee of Texas.

H. Res. 560: Mr. Poe.

H. Res. 661: Mr. Bishop of Georgia.

EXTENSIONS OF REMARKS

RECOGNIZING AND HONORING SOLDIERS FIGHTING THE WAR WHO ARE NOT AMERICAN CITIZENS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize soldiers who are fighting and dying in the war, but are not American Citizens and to enter into the record an article from the September 18, 2007, edition of the New York Times entitled, "Becoming an American Citizen, the Hardest Way" by Clyde Haberman.

Everyday there are men and women who are not yet American citizens fighting on the battle fields in Iraq and Afghanistan. Words alone are not enough to express my gratitude and sincere thanks to American and soon-to-be American soldiers, who made the ultimate sacrifice by putting their lives on the line everyday. Volunteering to serve in the armed forces is a brave and noble act and there are so many soldiers who do so in part due to the opportunity presented by the accelerated naturalization process available to those who enter military service. To date, there have been 103 posthumous grants of American citizenship to non-citizen war soldiers.

The sacrifice made by non-citizens who have and are currently enlisting in the armed services demonstrates the value of American citizenship. Their sacrifice and commitment is honorable and should never be forgotten. Our great country, despite some of the challenges we face, continues to be the place in the entire world where people from all over the world are inspired by democracy, justice, freedom of religion, peace, and an opportunity to pursue happiness. This explains the motivation for non-citizens to enlist in the military and put their lives on the line in hopes of achieving their American dream.

I'm grateful that I had an opportunity to assist with the granting of American citizenship to Corporal Alcántara of the United States Army, one of my constituents, who lost his life in Iraq. I grieve at the loss of the life of a young man with such a great promise and I again extend my heartfelt sympathy to his family and many friends in our community.

[From the New York Times, Sept. 18, 2007]

BECOMING AN AMERICAN CITIZEN, THE HARDEST WAY

(By Clyde Haberman)

On an August day when some Iraqi's homemade bomb tore through him, Cpl. Juan Mariel Alcántara became an American. He never got to appreciate the honor.

A little-discussed detail of this war is that some of those fighting in it as soldiers of the United States are not American citizens. Over all, about 21,000 noncitizens are serving in this country's armed forces, the Defense Department says.

Until death claimed him on Aug. 6, one of them was Corporal Alcántara of the United States Army.

He did not live long enough to acquire a richly textured biography. He was born in the Dominican Republic, reared in Washington Heights. He was 22 when the bomb—an improvised explosive device, in military-speak—ended his life and the lives of three fellow soldiers from the Second Infantry Division while they searched a house in Baquba, north of Baghdad.

At 22, Corporal Alcántara was old enough to have talked about going to college and maybe becoming a New York police officer, old enough to have a fiancée, old enough to have fathered a baby girl he never saw, Jaylani, 6 weeks old when he was killed. He was old enough, too, to have sought American citizenship.

Every year, thousands of noncitizen soldiers do that, through an accelerated naturalization process offered to those who put themselves in harm's way so that the rest of us can go about our lives untouched by war. And every year, some of those soldiers become citizens only after they have literally been wrapped in the flag.

No other war has produced anywhere near as many posthumous citizens as this one, according to the United States Citizenship and Immigration Services. Corporal Alcántara is the latest, No. 103. He is the 12th from New York, an honor roll that reflects today's city: 10 men and 2 women born in the Dominican Republic, Jamaica, Guyana, Belize, Trinidad and Tobago, Myanmar and Nigeria

The Americanization of Juan Alcántara came at his family's request. Representative Charles B. Rangel of Manhattan helped shepherd the application through the bureaucracy in a matter of days. Officially, the corporal was declared an American from the day he died.

There was a formal ceremony yesterday in the colonnaded Great Hall of City College of New York. Corporal Alcántara's relatives accepted his certificate of posthumous citizenship. They sat somberly in a front row: his mother, his two sisters and his fiancée, Sayonara Lopez, who fed Jaylani from a bottle.

Like scores of others filling the rows behind them, they carried small American flags. Yesterday was Citizenship Day across the country, a celebratory day for newly minted Americans. In the vaulted majesty of the Great Hall, used on occasion for such ceremonies, 242 people from 51 countries took the oath of citizenship. They were men and women like Lance Whitely, 32, formerly of Jamaica, now of the Bronx. "It's everybody's dream to become an American citizen," he said before the ceremony began.

The new citizens listened to speeches on America's grandeur and watched a large-screen video of President Bush offering congratulations.

Mr. Rangel, a critic of the Iraq war, left politics at the door. He spoke of a country that is hardly perfect but is ever working to make itself better. Once a combat soldier himself, part of the same Second Infantry Division during the Korean War, he talked about Corporal Alcántara's sacrifice and America's debt to him.

Throughout, the Alcántara family sat disconsolately. They applauded with the others and recited the Pledge of Allegiance and waved their little flags. But their hearts were elsewhere.

Maria Alcántara, the soldier's mother, is clearly a woman of stricken soul. She holds Mr. Bush responsible for her son's death. Corporal Alcántara's Iraq duty was supposed to have ended on June 28, a day before his daughter was born. But his tour was extended as part of the president's troop "surge."

"If my son had been allowed to return, he would be alive," Ms. Alcántara said in Spanish, "and he"—meaning the president—"is guilty."

"My happiness, my everything, is gone," she said.

The mother, who is not an American citizen, also spoke of being grateful for her son's naturalization. Still, gratitude does not bring peace of mind, said one of her daughters, Fredelinda Peña. "It's not a happy moment," Ms. Peña said.

Unlike others on this day of celebration, the family wiped away tears. When the president's image appeared on the screen, Ms. Alcántara kept her head down. She could not bring herself to look at the man who she felt was the reason her son did not come home.

TRIBUTE TO BRANDIS GRIFFITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to express my appreciation to a very dedicated and hard working employee of the House Committee on Science and Technology. Her tenure on the Committee may have been brief, but Brandis Griffith deserves a big "thank you" for all of her hard work.

Brandis served as Deputy Communications Director for the Committee since Democrats assumed the Majority in Congress this January. She ably handled the Committee's web site—both content and continued development—and assisted our press office with Member outreach and a wide range of other needs.

Working with our Committee was Brandis' first job on Capitol Hill, but her poise and flexibility in the position proved she was a fast learner and an eager participant in any task set before her.

She came to the Committee directly from a job with the University of Kansas. There, she spent 6 months developing her science writing skills as a research writer and media relations specialist in KU's Office of University Relations.

Prior to that, Brandis worked in broadcast journalism as a local television reporter. In her nearly 5 years as a reporter, Brandis worked for both KARK–TV in Little Rock, Arkansas and KFDX–TV in Wichita Falls, Texas.

Given our enthusiasm for Brandis' work while with the Committee, it may seem a bit strange that her stay was so brief. However, Brandis was offered an opportunity she simply could not refuse—a return to her roots in television.

This week, Brandis began her new job as a special projects producer for WJLA–TV, ABC–7 right here in the metro DC area. There, she is responsible for developing and assisting in special reports on a variety of topics.

We wish Brandis all the best in this new and exciting venture. And we thank her for her dedicated service to our Committee.

NATIONWIDE GUN BUYBACK ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. NORTON. Madam Speaker, I was first encouraged to introduce the Nationwide Gun Buyback Act, NGBA, in 2003 after actions taken by the District of Columbia residents on Father's Day. On that day, citizens who had lost relatives and representatives of 20 advocacy and victim-support groups gathering at Freedom Plaza, a stone's throw from the White House, to declare a moratorium on murder for the Father's Day weekend. Not only did their moratorium have important symbolic value; in fact there was only 1 murder that weekend. Of primary importance was the fact that the moratorium was entirely citizen initiated. Residents themselves, around the country, must take responsibility for crime and not regard criminal activity as a matter for the police alone. In 2006 we had the fewest murders on record for the District of Columbia in 20 years, however, 2007 is on pace for an increase in the murder rate for the first time in 5 years, a trend reflected in many metropolitan cities, and nearly all of these killings were committed by handguns.

This bill would provide Federal funds to local jurisdictions to engage in gun buyback programs like the successful programs that have been conducted by the District of Columbia. Under the bill, funds would be distributed through the Department of Housing and Urban Development, HUD. After evaluation of proposals, added weight would be given to jurisdictions with the greatest incidence of gun violence. The NGBA would require that a jurisdiction certify that it is capable of destroying the guns within 30 days, that it can conduct the program safely, and that an amnesty appropriate for the jurisdiction will be offered. Not only individuals, but groups such as gangs and crews could take advantage of the buyback provisions to encourage them to disarm themselves.

This bill is necessary because, despite the extraordinary demonstrated success of the gun buyback program in the District, local jurisdictions have no readily available funds for similar programs. The District was forced to find money on an ad hoc basis and ran out of funds despite many residents who still desired to turn in guns. Initially, the District conducted a pilot program using funds from HUD. Confronted with long lines of residents, the Police Department then took the program citywide, using drug asset forfeiture funds. Even so, after using $290,000, the city ran out of funds, but not out of guns that could have been collected. The guns were a "good buy," but hard-pressed jurisdictions, especially big cities, should not have to rob Peter to pay Paul when it comes to public safety. The federal government can play a unique and non-controversial role in reducing gun violence by providing the small amount authorized by my bill, $50 million, to encourage buybacks efforts where a local jurisdiction believes they can be helpful.

This bill is also a timely reminder as the District's handgun ban goes before the Supreme Court of the United States, the first time since 1939 that a Second Amendment case has been brought before the Supreme Court. Handguns and their impact on inner cities are indisputable. This legislation offers a common sense attempt to help local jurisdictions reduce killings. All jurisdictions, regardless of local views or laws, want to eliminate the special menace of illegal guns.

Importantly, the bill does not conflict with most stances on the controversial issue of gun control. The bill would simply allow people who desire to remove guns from their homes to do so without incurring criminal penalties for possession. Families, and especially mothers, have feared guns in their homes, but often do not know how to get rid of them. In most jurisdictions, a grandmother, petrified that there is a gun in the house for example, or her grandson, who may possess the illegal weapon, cannot turn it in without subjecting themselves to prosecution. This is reason enough for gun buyback efforts.

Like tax amnesty, gun amnesty, puts a premium on the ultimate goal. When the goal is taxes, the government puts a premium on getting payment for the amount owed. When the goal is guns, the premium is on getting deadly weapons off the streets and out of peoples' homes. This bill is entirely voluntary and does not compel anyone to give up her handgun, even one that is illegally held, it simply offers those who do not want guns in their homes an opportunity to safely dispose of them.

I encourage colleagues to support this very important legislation.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from south Louisiana.

On October 6, 2007, a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC, on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

URGING SAMHSA TO QUICKLY MOVE FORWARD WITH REVISIONS TO THE FEDERAL DRUG-TESTING GUIDELINES

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. DENT. Madam Speaker, I am fortunate to have located within my District a company by the name of OraSure Technologies. OraSure, of Bethlehem, Pennsylvania, has been at the forefront in the development of diagnostic testing technologies. Specifically, it is the leader in the development of a protocol for the utilization of oral fluid samples in diagnostic testing.

Conducting drug testing on oral fluid samples, as opposed to blood, urine or hair submissions, represents a huge advancement in drug-testing technology. Drawing blood or collecting urine from a subject is invasive and time-consuming, as compared to utilizing an oral fluid sample, which can be obtained from a simple swab of the cheek. Moreover, oral fluid testing is both cost-effective and accurate. For these reasons, the use of this technology has increased. Nearly seven million oral fluid drug specimens have been successfully processed in the non-federally regulated workplace since the technology was first approved by the FDA in 2000.

Technological advancements in the testing of oral fluids for the presence of drugs have come none too soon. In a July 16, 2007 report released by the Substance Abuse and Mental Health Services Administration, SAMHSA, a tenant agency within the Department of Health and Human Services, SAMHSA indicated that illegal drug use is on the rise in the workplace. The survey found that nearly one in every 12 Americans had used illicit drugs in the 30 days prior to the survey. Overall this survey found that 8.2 percent of Americans are drug users, up from 7.7 percent in 1997. Much of the increase in drug use is occurring in our young people, a very real concern for America. In the 18–25 age group, SAMHSA found 19 percent had used drugs in the last month. Still concerning, the 26–34 age group had used drugs at a rate of 10.3 percent. This trend needs to be reversed. The development and availability of testing methods—such as OraSure's—that are accurate, cost-effective, and non-invasive gives employers a tool to set expectations and promote accountability.

SAMHSA recognizes the gravity of drug use in the workplace. Accordingly, it is now revising federal drug-testing guidelines to ensure that more companies and federal agencies have access to the latest advancements in drug testing technology including oral fluid-based testing. I encourage SAMHSA to move quickly with the revisions. Illegal drug use is not just a criminal justice issue; drug use has a negative effect on productivity in the work place and drug users who labor in positions vital to the public safety constitute a potential threat to homeland security. I commend SAMHSA for taking steps to decrease drug use in our society and I urge quick adoption of revisions to the outdated federal drug-testing guidelines.

CONGRATULATING GEORGE A. CASTRO II

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SIRES. Madam Speaker, I rise today in honor of George A. Castro II, a community leader and businessman, who is being recognized at the Hispanic Law Enforcement Association of Union County 2007 Annual Gala. His rags to riches story is an inspiration to anyone who believes in the American dream; his dedication to the betterment of his community is an example of how 1 citizen can empower hundreds of others in the State of New Jersey, while enriching Union County's artistic and cultural heritage.

Mr. Castro came to the United States from Colombia in 1985—as he says—with a quarter in his back pocket. After acquiring his real estate license, Mr. Castro worked at an ERA office, producing $27 million in sales in 2 years. His successes led him to create his own real estate venture: Countywide Realty. Later, he decided to join a national agency, opening Century 21 Atlantic Realtors, Inc., which has become one of the top sellers in the country.

Aware that with success comes responsibility, George A. Castro II became very active in his community, volunteering in social activities. Mr. Castro became president of the Hispanic American Association for Political Awareness, which promotes Latino political empowerment, leading numerous voter registration efforts. Later, he created its Hispanic American Political Action Committee, becoming one of the most influential Hispanics in New Jersey politics.

George A. Castro II has been appointed to numerous commissions such as the board of governors and board of trustees of Union County College, the Sports and Expositions Authority, and the Consolidated Police and Firemen's Pension Fund, becoming vice chair of its State Investment Council. Currently, Mr. Castro serves as commissioner of the Elizabeth Zoning Board of Adjustment and as a member of the board of trustees of PROCEED.

In 1994, George purchased the historic Ritz Theater and Performing Arts Center, a veritable landmark of Elizabeth, New Jersey. The old Drake Opera House, as it was originally named when it was built in 1865, hosted luminaries such as Frank Sinatra, Sammy Davis, Jr., Dean Martin, Desi Arnaz, Bruce Springsteen, and Julio Iglesias. Mr. Castro has taken it upon himself to refurbish the 2,772-seat venue, making it possible for New Jersey residents to preserve an integral part of their cultural heritage for many years to come.

Please join me in congratulating George A. Castro II, as well as his lovely wife Leonor and his children George and Gabrielle for their contributions to Union County and for setting an example of the success that can be achieved in our great country.

CONGRATULATING CAMBRIDGE CITY, INDIANA AND REALLY COOL FOODS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. PENCE. Madam Speaker, new jobs are always really cool, but especially yesterday for Cambridge City, Indiana. Really Cool Foods, based in New York, announced that Cambridge City will be the home of their national production and distribution center.

I am especially pleased that Really Cool Foods will invest $100 million in the complex with the possibility of creating more than 1,000 new jobs.

Madam Speaker, the integrity and work ethic of the people in the greater Richmond area are a perfect fit for Really Cool Foods and I heartily welcome the company to eastern Indiana. This new company will bring new opportunities to Hoosier families in Wayne County.

I would also like to congratulate Cambridge City, Wayne County officials, and Governor Mitch Daniels who worked so hard to bring Really Cool Foods to eastern Indiana. It is because of their efforts to create a positive environment for business and the quality of the Hoosiers in Wayne County that we are able to welcome such a well respected business to Cambridge City, Indiana.

RECOGNIZING THE WINGS OVER HOUSTON AIRSHOW

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. POE. Madam Speaker, this week the House passed a resolution commending the Wings Over Houston Airshow for its contribution to the appreciation and understanding of the United States Armed Forces. I am pleased to show my support as a cosponsor of this resolution.

The Wings Over Houston Airshow has been educating and entertaining men, women, and children for the last 23 years. With 50,000–100,000 visitors each day, the air show is rated as one of the top five events of its kind in the county.

This weekend Wings Over Houston will hold its 23rd annual air show at Ellington Field. Spectators will have the opportunity to tour dozens of military and civilian aircraft on display at the field, including trainer planes, fighter planes, and bombers used in World War II, Korea, and Vietnam. In addition, during the two-day event decorated war-heroes, flying aces, and veterans will be on site inspiring the youth of our country with their war stories of bravery and heroism.

In my former life, as a Houston, Texas felony court judge, I ordered probationers to do litter patrol after the air show. Cleaning up the airfields and infield was part of their community service.

I believe in the sense of patriotism that Wings Over Houston creates for our communities. I believe in the way it honors our veterans who have served this country faithfully and wish them the best this weekend as they celebrate 23 years of educating Americans on the history of the United States Armed Forces.

And that's just the way it is.

TRIBUTE TO BISHOP SAMUEL L. CARRUTH OF PORTSMOUTH, VIRGINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize the contributions of a citizen of Portsmouth, Virginia, who has devoted his life to the work of God and helping his fellow man. Today I would like to pay tribute to Bishop Samuel L. Carruth of Holy Light Church of Deliverance in Portsmouth.

Bishop Carruth, the eleventh of thirteen children, aspired to be an FBI agent as a child before heeding the call to devote his life to preaching the Gospel. Bishop Carruth was educated in Philadelphia, Pennsylvania, where he attended Benjamin Franklin High School and Temple University. He then served for 2 years as a staff sergeant in the United States Army.

Following his discharge from the Army, Bishop Carruth was stricken with tuberculosis in both lungs and hospitalized in East Orange, New Jersey. The doctor's prognosis was grim and the young Carruth suffered much weight loss and pain. Bishop Carruth credits his devotion to God to his full recovery from this horrible disease.

Shortly after his bout with tuberculosis, Bishop Carruth heeded the call of ministry and co-founded the Deliverance Evangelistic Church in Philadelphia with the late Reverend Benjamin Smith. He served as assistant pastor in that ministry and in the field of evangelism faithfully for 6 years. During this time, he also received a doctorate of divinity at Jamison Bible University.

In 1967, Bishop Carruth and his family left Philadelphia and moved to Portsmouth where he became pastor of the Holy Light Church of Deliverance, which at the time had a humble membership of 13 people. Within 6 months under Bishop Carruth's leadership, Holy Light Church's membership ballooned and became an overflowing powerhouse of activity. With this growth, the original church quickly outgrew its capacity. In 1968, Holy Light moved to a larger building in Portsmouth and expanded again in 1995. Their current facility can seat 1,000 and includes plenty of space for offices and classrooms.

For 40 years, Bishop Carruth has been leading God's charge and serving his community at Holy Light Church of Deliverance. Bishop Carruth has been a member of the

Portsmouth Community Development Corporation and has launched numerous community outreach programs including the Adopt-a-School program with Emily Spong Elementary School, the Holy Light College of Bible, the Summer Camp for Youth, the Men's Community Breakfast, the HLC Telephone Ministry, and reading and tutorial programs to help at risk students succeed in school.

Even as one of the most active pastors in the Hampton Roads area, Bishop Carruth has still managed to have time for his lovely family. He and his wife of 53 years, Mary C. Carruth, have 4 daughters—Linda, Fayette, Dorene, and Sharron—2 sons-in-law, 7 grandchildren, and a niece and nephew-in-law.

HONORING THE 100TH ANNIVERSARY OF THE COMMUNITY OF STRATFORD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate the Community of Stratford on the celebration of their 100th anniversary.

In the late 1800's, the community of Stratford began taking the role of a trading post as an integral part of the booming mining industry that transformed communities across the country. Rich in vast fertile farmland, the production of cotton, hay, and grains soon became bountiful thus overtaking trade as the predominant industry in the region. A few years later, Stratford became home to a large dairy concentration as well as a diverse group of citizens. The ethnic groups of Stratford included Portuguese, English, Italian, and others from all over the world that settled in this charming community.

A glorious day occurred on October 7th, 1907, when Stratford was founded by the Empire Land Company as a development property. The history of this place further demonstrates that it is only by embracing the importance of cooperation and vision that thriving communities are born. I am honored to stand and shine a spotlight on the community of Stratford as they celebrate a century of pride and progress.

IN HONOR OF THE CENTER FOR AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. FARR. Madam Speaker, I rise today to honor one of the most prominent centers of agricultural research and education in the world on the occasion of its 40th anniversary. The Center for Agroecology & Sustainable Food Systems, CASFS, located on the campus of the University of California at Santa Cruz, enjoys a reputation as the Harvard of organic farming.

While this reputation is well deserved, it did not come easily to the UCSC Farm, as CASFS is more commonly known. The program began life in 1967 as an obscure 4-acre organic garden tucked away in a disused and unnoticed corner of the UCSC campus. It was birthed by master gardener Alan Chadwick who inspired a group of students to convert a dry hillside into a magnificent terraced garden that incorporated the latest techniques in chemical free horticulture and reflected the back to the land Zeitgeist of the day. In 1972, the project expanded onto another unused campus site where garden participants began a 17 acre, later 25 acre, experimental organic farm. There they set out explore ways of improving and applying organic farming techniques. Throughout the 1970s, the little UCSC Farm community quietly grew with a mixture of a little campus support, some creative grant writing, and the sales of its farm produce. A steady stream of student apprentices advanced through constantly evolving program. By the 1980s, the UCSC Farm had come to a crossroads. Could it reach beyond the little world of the UCSC campus and help shape the broader world of agriculture?

While the UCSC campus family welcomed the project, the broader UC system didn't know what to do with it. It didn't have any formal accreditation and it was not located on one of the UC land grant institutions where agriculture was supposed to happen. It simply lacked the necessary pedigree to secure an official and funded place within the University of California system. As the State assembly member representing the Monterey Bay Area during the 1980s, I had the honor of securing a line for the UCSC farm in the State's higher education budget. In 1990, I authored the California Organic Standards Act, which was largely shaped by work at the UCSC Farm and the Santa Cruz community of organic growers that had grown up in its neighborhood.

Since entering Congress, I have worked hard to share the story of the UCSC Farm's important work with my colleagues. Congress has responded with a total of over $3 million in direct appropriations to the UCSC Farm since 2000 to assist with its important research and extension work with the rapidly expanding organic farming sector. Indeed, the UCSC Farm's influence has been far reaching, inspiring may sustainable agriculture programs at other universities, including UC Davis, Cal Poly, and USDA's Agricultural Research Service.

Madam Speaker, it is with great pleasure that I pass on the congratulations of the House to all the people who have worked so hard over the course of the past 40 years to make the UCSC Farm such a great success.

HONORING DONNA AND STEVE HILL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Donna and Steve Hill. The Hills originally came to the Baltimore County Department of Social Services interested in adopting 1 child, a boy. They had 3 daughters and were very much interested in adding a son to their family. The agency placed a young boy in their home who lacked impulse control and required a great deal of time, attention, and therapy. They were presented with many more challenges than they had expected. Several months later, the agency learned that a sibling of this child was also in foster care in Baltimore City, in a therapeutic foster home. When approached about taking this second child, a girl, the Hills again stepped up to the plate. In an effort to keep the siblings together, they agreed to be parents for this special-needs little girl as well.

When the sister was placed with the Hills, she had to share a room with the Hills' youngest daughter. After a short period of time, it was evident that the 2 girls, being so close in age, were in constant rivalry due to a lack of their own space. As a result, the Hills decided to put an addition on their home to ensure that the siblings could continue to live together. Though the 2 children were biological siblings, they had never lived together since entering foster care and had not formed any significant attachment to each other.

The foster son was struggling with multiple emotional challenges, and the Hills pursued intensive individual and family therapy to stabilize both children. The Hills officially adopted their 10-year-old daughter on March 23, 2007. They are still working toward adopting their foster son, who has expressed some reluctance because of ties to his biological father. This family has consistently put the needs of the children first. They have dealt with many difficult situations, while at the same time providing a stable, loving home environment for the children in their care. In addition, if this family had not gone above and beyond their original request to adopt 1 boy, these 2 siblings would not have had the opportunity to live together.

Madam Speaker, today I ask that you join with me in honoring Donna and Steve Hill for being unsung adoption heroes and I am honored to recognize them in the Angel in Adoption program.

WHERE IS SPUTNIK WHEN WE NEED IT?

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. EHLERS. Madam Speaker, 50 years ago today, the Soviet Union changed the world by launching Sputnik I into orbit. People who were alive in 1957 vividly remember Sputnik. It shocked the American public and dwarfed the achievements of our rocket program. It was so serious that President Dwight Eisenhower had to go on national television to apologize for our failure, and promised a boost to our science efforts. This led to an awakening of innovation, which resulted in the United States launching a comparable satellite of its own, the Explorer I, into orbit fewer than 4 months later. More importantly, Sputnik spurred U.S. investment in aerospace, culminating in the Apollo Moon landing. There was also a great emphasis on improving our math and science education programs. This sparked an intense focus on equipping our workforce with the skills needed to compete with the Russians.

Unfortunately, once again the United States is falling behind other nations. This time, it is our children who are falling behind their peers in European and Asian countries that have more rigorous math and science education programs. We must do a better job of preparing our kids for the jobs of the future.

Already, economic pressures have pushed some States and the Federal Government to improve math and science education. For example, in Michigan the business community supported the effort to require that high school graduates take at least 4 years of math and 3 years of science courses. Michigan desperately needs a workforce equipped with math and science skills to attract employers to our State and to retain our current jobs. Also, I should mention that President Bush recently signed into law the America COMPETES Act of 2007, which includes provisions to encourage innovation in manufacturing and to strengthen many of our Federal research and education programs. While these efforts are crucial to our Nation's future, we must do more to improve.

We should not wait for another Sputnik-like spark to bolster our Nation's math and science education programs. Fortunately, this year we have the perfect opportunity to invigorate our education system by improving upon the successful No Child Left Behind Act (NCLB). This law has helped countless students in the United States improve over the past 5 years, and it is a great launching pad for developing an educational system that will prepare our Nation for the future.

NCLB has helped shine a bright light on schools that need improvement, and has focused our Nation's attention on accountability. The result is a tangible impact on the level of proficiency in schools. NCLB has helped our children learn to read and understand math, and has closed the achievement gap between disadvantaged students and their more privileged peers.

Yet NCLB still needs additional improvements. I introduced a bill to put science on a par with reading and math. The Science Accountability Act requires that science testing, which begins this school year, be included in States' student evaluation systems starting next school year. Another bill I introduced, the Improving Mathematics and Science Teacher Quality Act, provides dedicated funding for teacher in-service or professional development training.

Furthermore, we need to ensure that States are treated equitably. Our Nation's mix of 50 different State educational standards and State tests distracts from our national focus on preparing our kids for their future. In that spirit, I worked with Senator CHRIS DODD (D–CT) to introduce the Standards to Provide Educational Achievement for Kids (SPEAK) Act, which creates rigorous, voluntary education content standards for math and science. In exchange for voluntarily adopting these math and science standards, it provides States regulatory flexibility. It is worth noting that since education is primarily a State and local responsibility the bill specifically avoids creating national curricula or tests.

We must seize this Sputnik-like opportunity and strengthen NCLB. After the Russians beat us to space, our Nation redoubled its efforts and improved its focus on space programs and developed an innovative workforce. This led to many scientific discoveries and helped us put humans on the Moon. In the same way, we must redouble our efforts as we build on the successes of the first version of NCLB to help launch our students and our great Nation into the 22nd century and beyond.

HONORING ENGINE CO. 112 OF THE CHICAGO FIRE DEPARTMENT AND 100 YEARS OF DEDICATED COMMUNITY SERVICE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the distinguished service and history of Engine Company No. 112 of the Chicago Fire Department. October marks Engine Co. 112's 100th anniversary. Over the past century, the men and women of Engine Company No. 112 have selflessly served their community.

The local firehouse is an important, traditional and valuable resource in the neighborhood. The members of Engine Company No. 112 strive for perfection in service of their community.

Engine Company No. 112 serves my neighborhood and I have had the opportunity to spend time there on a number of occasions; these men and women personify honor, courage, and the virtues of the Maltese Cross.

On October 31, 1907, Engine Company No. 112 was organized under the direction of its first captain, Henry C. Schroeder. Over the years, the firehouse evolved and expanded. Today, under the direction of Captain John M. Byrne, Engine Company No. 112 includes: Tower Ladder 21, Ambulance 80, the Field Officers of 452, and Communications Van 272.

Engine Company No. 112 has endured the tragic loss of three of its own in service to the community. William Butler, William Huerta and Lawrence Kelly all made the ultimate sacrifice in the line of duty and in service to Engine Company No. 112.

Engine Company No. 112's 100th anniversary celebration will occur October 6, 2007 at Company Quarters, 3801 North Damen. This will be a wonderful event memorializing this important anniversary.

Madam Speaker, on behalf of the North Side of Chicago and Fifth Congressional District community, I wish to recognize the past and current firefighters of Engine Company No. 112 for their dedication and commitment to service. Moreover I wish all the best for the future firefighters of Engine Company 112 and their families.

INTRODUCTION OF FEE DISCLOSURE BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce The Defined Contribution Plan Fee Transparency Act of 2007. That may be a long title, but the details are actually very simple.

Earlier this summer, AARP conducted a survey of 401(k) participants to find out what they knew about the fees paid by their plans. Plan fees can make a huge difference in your account balance. As the Department of Labor has pointed out in a helpful guide on the issue, "Fees and expenses paid by your plan may substantially reduce the growth in your account." Literally, it pays to know what these expenses are. What the AARP found in their survey is instructive: 83 percent of participants acknowledged they do not know how much they pay in fees or expenses. Already, the House Education and Labor Committee has held several hearings to higlight this issue, and I commend the Committee Chairman, Mr. Miller, for his leadership.

The growth in defined contribution plans offers great opportunities for workers, with alternatives and options they did not have before. Many workers, however, are simply overwhelmed with the information distributed and, because of that, may not be able to utilize these opportunities. Certainly, more disclosure is preferred. But, as AARP found out, the need to better understand this information means it must be in an easily digestible format and in plain English.

My legislation provides for disclosure both to the worker and to the employer. Participants, or workers, would get both an enrollment notice up-front and an annual notice updating them on their account. At enrollment, the bill requires that for each of the plan's investment alternatives, the employer would have to disclose the alternative's objective and investment manager, its risk and return characteristics and its historic rates of return. In addition, the employer must indicate whether the alternative is passively managed, as with an index fund, or actively managed and whether or not the alternative is a single-alternative investment solution, such as a lifecycle or target retirement date fund.

Regarding fees, the bill requires employers to disclose the asset-based fees for each investment alternative, whether such fees pay for services beyond investment management, such as plan administration, and whether there are additional charges for buying or selling the particular alternative, such as redemption fees. In addition, participants must be provided with information about any separate fees they will be charged for plan administration as well as a notice that certain plan services they may decide to use could have separate charges associated with them, such as investment advice programs, brokerage windows, or plan loans. Accompanying these disclosures would be a statement that participants should not select investments based solely on fees but based on careful consideration of a range of factors including the alternatives' risk level, returns and investment objectives.

In addition to this enrollment notice, each year, participants would receive information about the investments they had selected and the fees applicable to their accounts. This annual notice would describe which investment alternatives the individual participant was invested in, what percentage of the participant's total account each alternative represented, the risk and return characteristics of each such alternative, whether such alternatives were passively or actively managed and the historical returns for each such alternative. The statement would also summarize for participants what asset classes their account is invested in, with percentage breakdowns. On fees, the annual notice must describe asset-based and any sales charges for the alternatives the participant has selected, any separate charges for plan administration and any deductions for participant-initiated services. In addition, to assist employees who may want to make investment changes, the notice must tell participants how to access investment characteristic and fee information for alternatives in which they are not invested.

My bill also requires service providers to disclose to employers various fee and expense information in advance of a contract. This will ensure that employers have the information they need to bargain effectively with plan service providers and to keep costs at reasonable levels for participants.

Providers must give the employer an estimate of total fees and a detailed and itemized list of all the services to be provided under the contract. Providers that offer multiple bundled services must separate the fees charged under the contract into fees for investment management, fees for administration and recordkeeping and fees paid to intermediaries or other third-parties. Providers must also disclose whether they expect to receive payments from third-parties in connection with providing services to the plan, also referred to as revenue-sharing, and if so, must name those parties and the amount expected to be received from each. This revenue-sharing information is critical so that employers understand how their providers are being paid and whether any such financial relationships give rise to potential conflicts of interest. Plan service providers must also provide this detailed disclosure statement to employers every year the contract is in place and following any material modification of the contract. In addition, employers must make such statements available to plan participants via web posting and upon written request so that those employees who want to delve into the details of the plan's financing can do so.

The Department of Labor's guide on 401(k) fees states that fees and expenses generally fall into three categories: plan administration, investment, and individual services fees. By requiring all service providers, whether they just provide recordkeeping or if they perform it all, to disclose fees in broad categories, such as these, companies and employees can better evaluate what they are getting for what price they pay. It is my understanding that some service providers are already disclosing more than what is required. I hope that we can capture those "best practices" and implement them across the board so that all workers and employers have the best data available.

Additionally, my bill would apply not only to 401(k) plans, but to all tax-preferred, participant-directed defined contribution plans, including 403(b) plans and governmental 457(b) plans. These amendments are all within the Internal Revenue Code, and therefore, penalties for not complying will be taxes assessed per violation per day, subject to a cap. I hope to work with the Chairman of the Ways and Means Committee, Mr. RANGEL, to address this issue within the Committee very soon as I know he shares my concern that the taxpayers' interests be protected.

Despite the news that 8 in 10 participants do not know what fees are charged, there is some good news out there too. One recent study from the Investment Company Institute, or ICI, found that the asset-weighted expense ratios for stock mutual funds in 401(k) plans fell last year over the prior year. This may be in response to another finding from ICI—that more workers are considering fees over the investment's track record.

It is my hope that this bill will provide much more information about plan fees and expenses in a useful way without overwhelming recipients. I urge my colleagues to join me in this effort.

INTRODUCTION OF SERVICE-MEMBER STUDENT LOW INTEREST RELIEF ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Servicemember Student Loan Interest Relief Act—a bill to ease the financial burden on our men and women in uniform.

When servicemembers of the Armed Forces are deployed overseas, the last thing they want to worry about is how they will be able to afford their student loan payments when they get back. But that is the reality for thousands of our Nation's servicemembers today.

Although current law grants servicemembers a deferment on paying back their student loans while they are on active duty, the interest on these loans still keeps accruing during their service. When our men and women in uniform return from months and sometimes years of service, many of them come home to student loan debt that has ballooned during their absence and that they will have to struggle to pay back.

The Servicemember Student Loan Interest Relief Act stops student loan interest from accruing as long as a servicemember is on active duty, up to maximum of 5 years. This bill will apply to active duty servicemembers of any branch of the military, including reserve units and the National Guard.

According to the Congressional Research Service, the legislation I am introducing today will save the average servicemember between $1,183 and $1,479 over the course of a 12–15 month activation period, with even more savings realizable for those activated for longer periods.

Military service requires those who serve our country to make tremendous sacrifices—personally, professionally, and financially. Let us give our brave men and women the peace of mind of knowing that after defending us on the front lines, they will not return home to bill collectors and creditors breaking down their doors.

Help me serve our Nation's bravest while they are off serving us. Support the Servicemember Student Loan Interest Rate Relief Act.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mrs. WILSON of New Mexico. Madam Speaker, last week on Thursday, September 27, 2007, I was absent for rollcall votes 922 and 923. Had I been present to vote, I would have voted "yea" on both rollcall vote 922 and rollcall vote 923.

IN MEMORY OF CPL GRAHAM McMAHON

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. HOOLEY. Madam Speaker, these moments are important.

Let us remember and honor the life and sacrifice of Graham McMahon.

At times like these, I think long and hard about what matters most. Today, I took a moment to consider the meaning of his generosity—of his service.

Corporal McMahon spent a lot of time living in the valley between the forests. And yet today, it is we—I all of us—that stand in the shadow of his life.

Men like Graham are uncommon. Heroes—that's the term we use to describe men like him—but it is an incomplete term.

Graham understood the stakes; he was all too human and it is precisely because of his humanity—of his heart, his soul—that we are here tonight, grieving his loss.

Scripture tells us that, "Greater love has no one than this, that one lay down his life for his friends."

The lessons of the Gospel of John are just as true now, as they were then.

Corporal Graham McMahon woke up every day; put on his uniform and did what was needed. He did this out of love; he did this in an act of faith.

Graham had faith in us; he had faith that his country knew what it was doing when it sent him to serve across the seas. And he had faith in us to ensure that his sacrifice—and the sacrifice of his brothers and sisters in arms were remembered.

My friends, we live in challenging times; but we live free because of men, because of citizens—like Graham.

It is important for us all to remember that when Graham left for Iraq, he knew that he might not come home alive. But that did not stop him from performing his duty.

We must honor that memory by ensuring that we do ours. It is our duty to care for the military and the ones loved by them. It is our duty to ensure that we take good care of not merely the fallen, but the wounded struggling to return to the life they knew. And it is our duty to commit ourselves here, tonight, to making America the kind of place worthy of men such as CPL Graham McMahon.

His life casts a long shadow—a shadow that will endure through the years. Let us renew ourselves to celebrating that life and sustaining the community he loved.

CELEBRATING 50TH ANNIVERSARY OF MONTICELLO DAM

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. DANIEL E. LUNGREN of California. Madam Speaker, today I rise to bring your attention to Monticello Dam which is located at the very western border of California's Third Congressional District. This month marks the 50th anniversary of Monticello Dam, a part of the Federal Solano Project. The Solano Project is owned by the United States Bureau of Reclamation and is operated and maintained locally by the Solano County Water Agency. It serves a growing population of about 350,000 people and irrigated farm land of about 80,000 acres.

The beautiful Lake Berryessa was formed by Monticello Dam. Lake Berryessa is enjoyed year round for its recreational opportunities. Lower Putah Creek downstream of the dam provides a valuable fish and wildlife area and the Lower Putah Creek Coordinating Committee, made up of Yolo and Solano representatives, is involved in creek restoration projects to enhance the natural setting.

Monticello Dam is an integral part of the Federal Solano Project and is an example of how the Bureau of Reclamation was able to achieve environmental protection, restore and protect wildlife habitat, and at the same time provide much needed water for the people of this part of the state of California. It exemplifies how we can work responsibly to utilize the benefits of nature on behalf of all the people.

RECOGNIZING VETERANS OF FOREIGN WARS POST 696 IN OWENSBORO, KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize the outstanding work the Members of the Veterans of Foreign Wars Post 696 in Owensboro, Kentucky continue to do to improve their community. Post 696 has exemplified the mission of the VFW: "Honor the dead by helping the living."

The Post has donated over $22,000 to local and State organizations in the past year. Beneficiaries of their generosity have included local schools, the Boy Scouts, shelters, and churches. Their generosity has also been extended to organizations such as the Wendell Foster Center, Shriners Hospitals, the Children's Wish Foundation, the Disabled American Veterans, and JEVCO.

Post 696 recently sponsored a going away picnic for the members of Ft. Campbell's Alpha Troop and their families being deployed to Iraq. The city of Owensboro adopted Alpha Troop through the Americans Supporting Americans' Adopt-a-Unit-Program. I thank the members of the troop for their service and the city of Owensboro for this commitment to these brave soldiers.

The VFW Post 696 Honor/Color Guard has been busy serving the community as well. Since 2001, they have participated in over 400 Veteran funerals and 50 community events in Daviess County.

I want to recognize the leaders of Post 696, Commander Richard "Ike" Eisenmenger Jr., Ladies Auxiliary President Marilu Goodsell, and Color/Honor Guard Commander Joseph Hayden. They have worked tirelessly to serve veterans and improve their community.

It is my privilege to honor the members of VFW Post 696 today, before the entire United States House of Representatives, for their past service to our country and continued dedication to serving their community.

RECOGNIZING THE COMPLETION OF THE CHARLOTTE HIGH SCHOOL FOOTBALL STADIUM

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to congratulate Charlotte High School on the completion of their new football stadium and to honor the Charlotte County community for their dedication to the rebuilding of Charlotte High School.

Charlotte County High School has been educating the students of Charlotte County since 1926. In the summer of 2004, Charlotte High School and its stadium were devastated by Hurricane Charley. Since 2004 the Charlotte County community, including the Charlotte County School Board, Superintendent Dave Gayler, Principal Barney Duffy and many students and families have worked diligently to rebuild both their city and their high school.

On October 5, 2007 work on the new Charlotte High School football stadium will be officially complete, marking an important milestone in the rebuilding of both the school and the spirit of the community. On this day, the Charlotte High School football team will play their first game in the new stadium against Manatee High School.

The students, parents and teachers of Charlotte High School have already achieved a huge victory by rebuilding their stadium. As the Charlotte High School Tarpons take the field tomorrow, they will have with them the great fighting spirit of the entire Charlotte High School community.

On behalf of Florida's 16th Congressional District, I wish luck to Coach Binky Waldrop, the Charlotte High School football players and the entire Charlotte High School community as they fight for yet another victory in Charlotte High School Stadium.

A TRIBUTE TO THE CITY OF BELLFLOWER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the city of Bellflower and ask my colleagues to join me in congratulating its residents on the city's 50th anniversary. I am proud to represent this unique city as part of my 34th Congressional District of California.

And while we honor 50 years of official incorporation, Bellflower's roots date back to 1784, when a Spanish leatherjacket soldier named Manuel Nieto received a 300,000-acre land grant on which to graze livestock. After Nieto passed away in 1804, his land was divided into five smaller ranchos that were distributed to his heirs in 1832. His daughter, Manuela Cota, received a 27,000-acre plot known as Rancho Los Cerritos. After several changes in ownership, the rancho was eventually purchased by Lewellyn Bixby during the 1860s. Bixby's brother, Jotham, who was selected to manage the ranch, divided the land into several sections, including a 4,000-acre area called Somerset Ranch. This is the land on which much of Bellflower as we now know it would eventually sit.

During the late 1800s, a settlement began to sprout up along the banks of the San Gabriel River, but the community remained small and the population numbered less than 100 through the early part of the 20th century. The completion of a Pacific Electric Railway line through Somerset Ranch in 1905, and the vision of founders Emil Firth and Frank E. Woodruff to subdivide large ranches into town-sized lots provided a catalyst for growth. By 1912, Bellflower's population numbered more than 1,200.

Bellflower remained a rural community for many years and became known for its dairy and poultry farming. Many Dutch, Portuguese, Hispanic and Japanese immigrants settled in the area to take advantage of the community's thriving agriculture industry, and by the late 1940s, Bellflower's population boomed to more than 44,000. As the town's population continued to grow, the community began to consider incorporation. And on September 3, 1957, the proud community was granted a certificate of city incorporation and became California's 348th city.

Fifty years later, Bellflower has blossomed into a dynamic and diverse community of more than 77,000 people. The city has left its rural roots behind, and is now focused on attracting new, quality businesses to a community that houses more than 3,000 merchants. Bellflower also remains committed to community development and has several projects in the works that will help beautify an already attractive city, including the opening of Pirate

Park—a pirate-themed play area—the restoration of the historic Pacific Electric Railway Depot and the development of the 3-acre Palm Street Linear Park, which will feature bike and walking trails.

Bellflower will mark its 50th anniversary in mid-October with a week of exciting events, including its annual Liberty Day Parade, a fireworks show, a cow-milking contest and several concerts. I'm honored to recognize this historic milestone in this city's rich history.

Madam Speaker, I ask my colleagues to join me in celebrating Bellflower's first 50 years as this thriving community continues to live by its motto of "Growing Together" and works toward a prosperous future.

HONORING RICHARD J. McCANN

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate Richard "Dick" McCann for receiving the Distinguished Citizens Award from the Three Fires Council of the Boy Scouts of America.

Dick first began his journey as a Cub Scout, where he quickly learned to love the adventure of the outdoors. A few years later, as a Boy Scout, Dick had the opportunity to attend the three-week-long National Jamboree in Anaheim, California. Through his experiences as a Boy Scout, Dick developed the perseverance that has helped him achieve so much as a business and community leader in later life.

Dick's strong moral grounding and commitment to hard work were instrumental as he set out to begin his career. With $1,500 borrowed from family, friends and neighbors, Dick started a construction company in a 1-car garage in Villa Park.

Under his visionary leadership, McCann Construction Specialties Company soon grew into McCann Industries, directly employing more than 150 individuals in my congressional district. Their economic activity indirectly supports the jobs of countless others. Dick McCann and McCann Industries are a prime example of the hard work and productivity that sets American businesses apart in the global marketplace.

As Dick's experience and industry expertise became apparent, he was tapped by his peers to serve as a board member of the Underground Contractors Association and the Concrete Contractors Association of Greater Chicago, as well as President of the Associated Construction Distributors International and President of the Illinois Equipment Distributors.

Although Dick retired from McCann Industries several years ago, he has left an indelible mark on both the company and the construction industry at large, working to build a corporate culture of integrity that reflects his many years of involvement with the Boy Scouts. McCann Industries continues to set the standard for construction businesses.

In addition to his professional accolades, Dick serves an executive board member and sits on the facilities committee of the Three Fires Council of the Boy Scouts of America. He has devoted countless hours to planning the Council's new Cub Scout Adventure Camp and I am confident that this endeavor, like everything Dick has set his mind to, will be a tremendous success.

Madam Speaker and Distinguished Colleagues, Dick McCann, a remarkable individual, is being deservedly honored with the Distinguished Citizens Award. Please join me in honoring this outstanding achievement.

RECOGNIZING CHRISTOPHER CHASE PARRISH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Chase Parrish, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Chase Parrish for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF RESOLUTION CONGRATULATING THE UKRAINIAN PEOPLE ON THE SEPTEMBER 30, 2007, PARLIAMENTARY ELECTIONS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Helsinki Commission I rise to introduce a resolution congratulating the Ukrainian people for the holding of free, fair and transparent parliamentary elections on September 30, 2007. These elections were held in a peaceful manner consistent with Ukraine's democratic values, and in keeping with that nation's commitments as a participating State of the Organization for Security and Cooperation in Europe.

While there were some shortcomings, these elections stand in contrast to the vast majority of elections that have taken place in the countries of the former Soviet Union over the course of the last 15 years. Tone Tingsgaard, the Special Coordinator of the short-term election observers for the International Election Observation Mission (IEOM) and Vice President of the OSCE Parliamentary Assembly, stated that these elections were conducted "in a positive and professional manner." The OSCE-led IEOM's preliminary statement concluded that the elections confirmed an open and competitive environment for the conduct of the election process and that freedom of assembly and expression were respected. IEOM observers assessed the voting process as good or very good in 98 percent of the nearly 3,000 polling stations visited, notwithstanding some shortcomings, notably with respect to the quality of voter lists, and the vote count was assessed as good or very good in 94 percent of the IEOM reports.

These pre-term elections did not come about easily, coming on the heels of a political crisis that engulfed Ukraine's president, prime minister, and parliament for several months earlier this year. These political disputes were rooted in weak constitutional delineations of the powers of the president and prime minister. After weeks of tense standoff, however, agreement was reached on May 27 stipulating new parliamentary elections for September 30. Now that the elections have concluded, it is my hope that Ukraine's political leaders will form a government reflecting the will of the Ukrainian people as expressed by the results of the elections; a government that advances political stability and democratic development. It is my hope, too, that the new parliament and government will focus on the constitutional framework, especially the question of separation of powers, in order to avoid the political uncertainty that we witnessed earlier this year. Ukraine also needs to further undertake the hard work of strengthening the rule of law, including an independent judiciary, and fighting corruption.

Madam Speaker, the conduct of these elections is a testament to the Ukrainian people's determined path towards the consolidation of democracy as Ukraine advances its integration with the Euro-Atlantic community. As such, Ukraine serves as a model for the post-Soviet countries, all too many of which have unfortunately retreated to heavy-handed authoritarianism.

This House can pride itself on having been a staunch supporter of freedom, human rights and democracy in Ukraine for many years—even before the restoration of Ukraine's independence in 1991. As this resolution underscores, it is important to continue our efforts to the further development of a democratic system in Ukraine based on the rule of law, a free market economy, and consolidation of Ukraine's security and sovereignty. I urge my colleagues to support this timely resolution.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Ms. LEE. Madam Speaker, due to the passing of my father, on Wednesday, October 3, 2007, and Thursday, October 4, 2007, I missed rollcall vote Nos. 932 through 948. Had I been present, I would have voted "aye" on the motion on ordering the previous question on the rule H. Res. 701; "aye" on the motion on ordering the previous question on the rule H. Res. 702; "aye" on H. Res. 702; "aye" on the Conyers amendment to H.R. 928; "nay" on the motion to recommit H.R. 928; "aye" on H.R. 928; "aye" on the motion to postpone the vote to override the president's veto of the children's health care bill; "nay" on the motion to recommit H.R. 2740; "aye" on H.R. 2740; "aye" on motion on ordering the previous question on the rule H. Res. 704; "aye" on the rule H. Res. 704; "aye" on the motion on ordering the previous question on the rule H. Res. 703; "aye" on the rule H. Res. 703; "nay" on the motion to recommit H.R. 3246; "aye" on H.R. 3246; "nay" on motion to recommit H.R. 3648; and "aye" on H.R. 3648.

RECOGNIZING MELISSA HENSLEY FOR ACHIEVING THE MISSOURI AMERICAN STAR OF TEACHING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Melissa Hensley, of Milan, MO. Melissa Hensley is the recipient of the Missouri American Star of Teaching Award.

Melissa serves as a Literary Coach for Milan C–2 Elementary in Milan, MO. She works closely with other educational professionals and parents to increase students' reading abilities. Melissa also acts as a mentor to beginner teachers and represented Missouri schools by presenting at the National Reading First Conference in Reno, NV. Currently, she is working on completing her master's degree in Reading.

Each year, American Stars of Teaching receives over 4,000 nominations for this award. From this, the organization picks 1 educator from each state. This year, Melissa represented Missouri by earning the American Star of Teaching Award.

Madam Speaker, I proudly ask you to join me in honoring Melissa Hensley whose dedication and service to the people of Milan has been truly exceptional.

HONORING BURCHELL NURSERY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Burchell Nursery upon celebrating their 65th anniversary in the nursery business.

Irvin Burchell began his small business with an acre and a half in central California, just outside of Modesto, in 1942. Mr. Burchell's idea was "Plant good trees on good land, take care of them, and they will take care of you." Three generations later the company has grown to more than 1,000 acres, from 10,000 trees to 2.5 million. Burchell Nursery began with just peach trees. Today they grow peach, nectarine, cherry, apricot, plum, prune, apple, pomegranate, pistachio, citrus, almond, and walnut trees in more than 200 varieties.

Irvin Burchell's focus on quality led to the development of the state of California's own tree certification program. The Nursery began in the 1960s and has worked toward eliminating viruses from commercial tree varieties and establishing clean sources of bud wood. They have created an ongoing sampling process to ensure virus-free trees. This has become the model that is used by the state today.

Burchell Nursery changed hands in 1970 to Bill Burchell, who oversaw dramatic growth in the company. Through out the decade 700 acres were added in Oakdale, CA, and during the 1980s another branch was opened in Fresno, CA.

Now in the third generation, Burchell Nursery is headed by Tom Burchell. Tom has renewed the company's focus on research. Tom has pioneered the development of the nursery's container tree lines. With special growing techniques, and a uniquely designed container, the program has expanded from about 8,000 container trees per year to more than 170,000 in 2006. The breeding program has also flourished under Tom, with more than 40 patented varieties to the nursery's credit.

Burchell Nursery has been a constant leader in the community and in the state of California. To the state, Burchell Nursery has provided innovative ways of growing, nurturing and protecting trees from a number of viruses. In the local community, they have not only provided employment, but they have also given back in the form of donations and support to various groups. Burchell Nursery has always been a strong supporter of 4–H and Future Farmers of America. They have provided scholarships to outstanding agriculture students at Modesto Junior College and contributed trees to the orchards of elementary and secondary schools. They have also been active supporters of the agriculture research programs at Modesto Junior College, California State University at Fresno, University of California at Davis and have provided financial support to the Stanislaus County Agriculture Center.

Madam Speaker, I rise today to commend and congratulate Burchell Nursery on 65 years of business. I invite my colleagues to join me in wishing Burchell Nursery many years of continued success.

THE ONE-YEAR ANNIVERSARY OF THE ASSASSINATION OF ANNA POLITKOVSKAYA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. HASTINGS of Florida. Madam Speaker, as chairman of the U.S. Helsinki Commission, I have followed closely the difficulties faced by journalists throughout the nations of the Organization for Security and Cooperation in Europe. Many of these dedicated men and women risk financial ruin, physical intimidation and even death at the hands of those who fear honesty and truth in print or in the electronic media.

In this connection, I would call the attention of my distinguished colleagues to a tragic anniversary: Sunday, October 7th, 2007, marks the one-year anniversary of the death of Russian journalist Anna Politkovskaya, who was shot and killed by an unknown assailant or assailants at the entrance to her apartment building in Moscow.

Ms. Politkovskaya was a brave and prolific journalist whose name has become synonymous with journalistic courage under fire. Her vivid, on-the-spot reporting brought to the world's attention the bloody war in Russia's breakaway region of Chechnya and the suffering of its victims, both Chechen and Russian. In her book "The Dirty War," a compilation of articles she had written previously on the conflict, she demonstrated a unique gift for telling the stories of people caught in the crossfire between the Russian military forces, brutal Chechen paramilitaries operating on Moscow's behalf, the indigenous Chechen resistance, and Islamic extremists who rushed in from all over the world to exploit the conflict. One reviewer wrote that "her writing focuses on the ethics of everyday life and individual misery in the midst of Chechnya's catastrophe. It is Chechen civilians and Russian conscript soldiers who are the centers of concern here. Politkovskaya's most withering scorn is reserved for the political and military classes that initiated this war, together with its profiteers, opportunists, and contract soldiers straight from Russia's prisons."

For her hard-hitting and courageous reporting Ms. Politkovskaya earned numerous journalism awards, including the OSCE Parliamentary Assembly's annual Prize for Journalism and Democracy in 2003. In 2004, she shared the Olof Palme Prize for human rights work with fellow Russian human rights activists Ludmila Alexeyeva and Sergei Kovalev.

On the day Anna Politkovskaya was killed, she was due to file a story on the looted reconstruction money intended for Chechnya, and use of torture and kidnapping by pro-Moscow Chechen paramilitaries. Clearly, her reporting had made a lot of enemies and threatened a lot of comfortable positions.

Anna Politkovskaya was an American citizen, born during the Cold War in New York City, where she was exposed to democracy, a free press, and a world of ideas denied to most Soviet citizens. Graduating in 1980 from Moscow State University, she worked for the Soviet newspaper Izvestiya during the halcyon days of perestroika. In 1999, she joined the staff of Novaya Gazeta, one of the few national Russian newspapers at that time that took a critical line toward the Russian government. Her dedication to exposing the tragic events in Chechnya resulted in around 50 trips to that cauldron of conflict.

In 2004, she made an attempt to travel to Beslan during the murderous school siege, in that village but fell ill with food poisoning on the way, an event which some took as a deliberate poison attempt by her enemies to kill her. She was very aware that her actions angered many in the governments of both Chechnya and Russia, but never let threats to her life dissuade her from her passion. She was once quoted as saying, "journalists have a duty to report on the subject that matters, just as singers have to sing and doctors have to heal."

Despite her critical attitude toward her country's political leadership, Anna Politkovskaya possessed a deep warmth and love for its people. She cared for Russia, and wanted nothing else for the country and its people than to see it become a true democracy free from corruption and fear. Her death, said former Russian leader Mikhail Gorbachev, ". . . is a savage crime against a professional and serious journalist and a courageous woman. It is a blow to the entire democratic, independent press. It is a grave crime against the country, against all of us."

Madam Speaker, the Russian government has announced the arrest of several persons implicated in Anna Politkovskaya's murder, and the actual shooter has reportedly been determined. However, the investigation itself appears to have raised more questions than answers, which is, unfortunately, a characteristic of many high-profile investigations in Russia nowadays. Let us hope that the investigation will be brought to a successful conclusion, and that Anna Politikovskaya's killers, who or wherever they are, will be brought to justice.

HONORING COACH BOB ROMBACH RETIREMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. MARCHANT. Madam Speaker, I rise today to honor Duncanville High School Panther Baseball Coach Bob Rombach for 39 years of dedicated coaching and teaching.

After graduating from Denton High School in 1961, Coach Rombach signed a professional baseball contract with the Houston Colt 45's organization. He spent the off-seasons studying for his Bachelor's Degree and graduated in 1968 from North Texas State University.

His first coaching position was in Amarillo. Since then he has led 5 different baseball programs and is recognized as 1 of the most successful and respected coaches in Texas High School Baseball. Coach Rombach's accolades are not only numerous but prestigious as well. He has been named Texas Coach of the Year twice, received a number of district honors and was coach of the North-South All-Star Game. In November of 1990, Coach Rombach was elected into the Texas Baseball Hall of Fame after guiding the Panthers to the Class 5A State Championship. In 2000, he was selected by the Texas High School Baseball Coaches Association for the Hall of Fame.

As coach of the Duncanville Panthers, Coach Rombach's teams have reached the playoffs 22 times in 23 seasons. They have earned a trip to the Texas State Tournament in Austin six times and won the state title in 1990. His career record is 859 wins and 362 losses and his record at Duncanville High School is 565 wins with 180 losses. During his distinguished tenure at Duncanville, Coach Rombach has seen thirty of his players drafted with nine playing in the big leagues.

Coach Rombach and his wife, Deanna, have 3 children: daughters, Amy and Tracy and son, Deron, who is a national cross checker for the Baltimore Orioles. They have seven grandchildren.

Madam Speaker, in closing I would like to commend and congratulate Coach Bob Rombach on all of his accomplishments. His dedication and commitment to coaching and teaching is worthy of recognition. I wish Coach Rombach a happy and healthy retirement and it is an honor to represent him in the 24th District of Texas.

TRIBUTE TO COMMAND SERGEANT MAJOR FRANK D. GROSS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the extensive career of Command Sergeant Major Frank D. Gross. CSM Gross has spent over 41 years serving in the Missouri Army National Guard and Engineer Regiment.

Frank Gross earned a master's degree in education from Central Missouri State University. In 2001, he successfully completed the U.S. Army Sergeants Major Academy. During his career, CSM Gross has been awarded over 18 medals and ribbons for his selfless leadership and dedication. He is highly respected by his peers, as well as by the soldiers who he has led.

CSM Gross's service to our country in wartime has been invaluable. Beginning in 2002, Gross served as CSM for the 35th Engineer Brigade for over 2 years, where he supervised the deployment of 3 battalions and 2 companies. Due to CSM Gross's exceptional guidance, these units effectively completed the missions to which they were assigned.

Currently, CSM Gross is the Missouri State Command Sergeant Major for the Joint Force Headquarters. In this capacity, he is responsible for the enlisted soldiers' promotion system, as well as training other CSMs. I'm certain that Members of the House will join me in honoring Command Sergeant Major Gross for his outstanding service to our country.

ETHIOPIA HUMAN RIGHTS ACT OF 2007

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2007

Mr. SMITH of New Jersey. Madam Speaker, in the Ogaden region, the Ethiopian Government is fighting an insurgency but has carried the war to the innocent population. The Ethiopian Government has put the region under effective commercial blockade, prevented humanitarian assistance from reaching the suffering population, and expelled humanitarian NGOs. We have reports that troops have also raped women, burned villages, and confiscated livestock on a large scale.

In Somalia we have reports that the Ethiopian army has raped and pillaged. Of course brutality is not limited to the Ethiopian army. It is rampant in the Ogaden and Somalia, where insurgents, warring clans, and terrorists all intentionally inflict misery on the land. The U.N. High Commissioner for Refugees has reported that nearly 500,000 people, almost one third of Mogadishu's population, have fled in recent months as conditions in the city have deteriorated.

But the United States Government is the staunchest international supporter of the Ethiopian Government of Prime Minister Meles. Our government supplies Meles with over $100 million in aid every year, much of it military. We cannot do this and pretend that we don't share responsibility for the human rights abuses perpetrated by the Meles regime. We cannot do this and criticize China for supporting the barbarous Sudanese regime of Omar al-Bashir.

We all know that the Ogaden region of Ethiopia and in Somalia is extremely complicated. Yet the moral imperative is not complicated. A good end cannot be justified by a bad means.

While we want to deny jihadist terrorists any "platform" in the Horn of Africa, we must not protect ourselves—and our Allies—from terrorists by enabling the Ethiopian government to visit terror on the Ogaden region or Somalia. We can only work with the Meles government if we do everything possible to change its behavior.

This means we have to be willing to do more than "dialogue" with President Meles. We have to be willing to withdraw aid if his government does not dramatically improve its human rights record.

That is why I supported the Ethiopia Human Rights Act, H.R. 2003, which passed the House on October 2, 2007. This bill will withdraw certain forms of aid to the Ethiopian Government, including forms of military aid, if it does not meet certain human rights benchmarks, spelled out in the legislation.

The reports from the Ogaden and Somalia are the latest in a long series of human rights outrages. In August 2005 I visited Ethiopia and met with some of those opposition figures imprisoned by Prime Minister Meles, including Hailu Shawel, the Chairman of the Coalition for Unity and Democracy, the largest democratic opposition party.

I also met with Meles. I brought up the June 2005 slaughter of almost 200 prodemocracy demonstrators in Addis, and the mass arrests that followed. I urged him to investigate that atrocity, to punish those responsible, and to release political prisoners. Meles told me, "I have a file on all of them, they are all guilty of treason."

We should all be skeptical of the value of dialogue on human rights reform with a man who would make a comment like that.

I believe that our government has not pushed Prime Minister Meles hard enough on human rights issues because it is satisfied that his government is cooperating with us in the war on terror. The war on terror is very, very important; but no regime that terrorizes people can be a reliable ally in the war on terror. Terrorism isn't just a military issue, it's also a human rights issue. Terrorists come from countries where governments failed to respect their human rights. In promoting human rights in Ethiopia, we are attacking terrorism at its roots.

America's commitment to promote respect for human rights around the world demands that we prevail upon Prime Minister Meles to respect human rights. I call upon our government to withdraw forms of aid and support to the Meles government to release its remaining political prisoners, to spare civilians in its counterinsurgency operations, and to permit humanitarian aid in the Ogaden.

HOUSE OF REPRESENTATIVES—*Tuesday, October 9, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 2007.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BERKLEY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, source of consolation and wisdom, we need to approach Your awesome presence with humility, trusting in Your goodness.

It is with great admiration and affection that Members of the House of Representatives and staff here on Capitol Hill lift up before You today the Honorable JO ANN DAVIS, who represented the First District of Virginia and served in this Chamber with grace and distinction.

Her faith in You, Lord, was manifest in many ways. Her faithfulness to sworn duty, her leadership in the House Prayer Breakfast, and her perseverance in suffering have provided great witness to You as the source of her strength and peace.

Now that You have taken her to Yourself, reward Your servant JO ANN for her public service, for her love of family and friends, as well as her kind courtesy to colleagues and staff alike. May You, our redeeming Lord, grant eternal rest to her and to all who have served in this noble institution with hearts fixed on serving others in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOMENT OF SILENCE FOR JORDANNE MURRAY, KATRINA McCORKLE, LEANNA THOMAS, AARON SMITH, BRADLEY SCHULTZ, LINDSEY STAHL, AND TYLER PETERSON.

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, as we see with Representative DAVIS, in any instant a spark turns cool. The State of Wisconsin and the city of Crandon are in mourning today over the tragic loss of 7 of their beloved children whose lives were lost in a violent outrage following a young lovers' quarrel.

Lost forever, but never to be forgotten, will be these beloved children, so dearly treasured by all who knew and loved them: Jordanne Murray, Katrina McCorkle, Leanna Thomas, Aaron Smith, Bradley Schultz, Lindsey Stahl, and Tyler Peterson.

On behalf of all people in northeast Wisconsin and beyond, please know that we share your grief. And to all family and friends of those who remain on this saddest of days, we mourn with you.

For some things there can never be a reason why.

I ask for a moment of silence.

A ROBUST ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, September marked the 49th consecutive month of job growth in the United States with the creation of 110,000 new jobs. Revised reports show an increase, not a decline, in jobs for August, which makes 8.4 million new jobs created since August 2003. This sets the record for the longest period of uninterrupted job growth in our history. This achievement comes as the stock market has hit a record high and the unemployment rate remains low at 4.7 percent.

The success of our economy is a product of pro-growth policies inspired by the Home Builders Association that respect the needs of American businesses and taxpayers. However, the most important contributor to these positive trends is the entrepreneurial spirit of Americans who are investing in our economy, building successful companies, and trading on the global market. We should support these efforts by keeping taxes low and enforcing fiscal responsibility here in Congress.

In conclusion, God bless our troops and we will never forget September the 11th. My deepest sympathy to the family, friends, and staff of Congresswoman JO ANN DAVIS of Virginia.

TRIBUTE TO THE HONORABLE JO ANN DAVIS OF VIRGINIA

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to Representative JO ANN DAVIS with whom I served as she served as chairperson and I as ranking member on our subcommittee in Government Reform.

It was always a pleasure to work with her. And while we didn't always agree on every issue that came before us, we always agreed that we would be civil and that we would work in tandem for the best interests of the people of this country.

So I'm going to miss her. I extend my personal condolences to her family and would just like for her to know that it was indeed a pleasure working with her.

SCHIP EXPANSION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, Congress's SCHIP legislation is seriously flawed. It takes a bipartisan program that was working well and turns it into a huge new entitlement.

It is a bold step towards government expansion into socialized medicine. According to the Congressional Budget Office, 2 million children who are already covered by private insurance will switch to the SCHIP program under the proposed expansion. This is more than one in three of the projected new enrollees.

In plain terms, this means we are providing incentives for people to drop their health insurance in favor of government-funded health care. And many of the people who will be dropping their health insurance will be making as much as $60,000.

This doesn't make sense. The government has no business luring Americans onto the Federal health care rolls and making them dependent on the government to provide health care.

Call it what you want, but this $35 billion expansion is not just about getting health care for kids. It is the early stages of a massive socialized health system that slowly erodes individual control in favor of government control of your health care. We don't need to be doing that.

AMERICAN TROOPS IN IRAQ

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, I just returned on a codel from Baghdad, among other places, with four other Members, a bipartisan trip. I am proud to report that our troops are doing a marvelous job under the circumstances in which they have been placed.

To ride in a C–130 with American soldiers going into combat, seeing their faces and realizing that they were going into harm's way was very, very emotional; to ride in a Humvee with soldiers who faced an enemy that they didn't know who it was because friends and enemy look alike; and to be in the streets of Baghdad.

I was buoyed by the enthusiasm of our troops but know they are going to need help over the years with veterans benefits. We were in Landstuhl, Germany hospital today with a soldier who lost his leg on Friday. Continuing injuries will cause a continuing commitment from the American people and a continuing commitment to make sure that Iran does not exercise undue influence.

Prime Minister Maliki reasserted his desire to provide defense for his own country with help from America with equipment and not to have Iran interfere. I wasn't as extremely enthusiastic about what I saw in the country of Iraq, which has been ravaged, or their government, which needs much improvement.

But our troops are beyond reproach and they need our support.

GOOD NEWS ON THE ECONOMIC FRONT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I too today stand to pay tribute to our colleague JO ANN DAVIS and to express my condolences to her family, her friends, and her staff. She will be missed in this body.

I also rise today to have a little bit to say about the economic news that is coming out. We have a Presidential debate on the issue tonight.

The bipartisan Congressional Budget Office has released a reported today; and according to the CBO, the Republican tax cuts going back to 2003, the tax cuts started then have fueled our growing economy and they are responsible for shrinking the Federal deficit, this time by 35 percent. What incredible economic news.

We also find out that Americans paid a record $2.5 trillion in taxes in 2007 and Federal receipts have climbed since when? Since the 2003 tax reductions were put in place. And it has fueled the largest 4-year revenue increase in U.S. history.

Madam Speaker, it is good news on the economic front. I highlight this good news to my colleagues and encourage them to read the CBO report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

On page 2, after line 11, insert:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) is from a family with a taxable annual income of less than $1,000,000.".

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking "through (F)" and inserting "through (G)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia, the Honorable, and I wanted to say Representative and I will say Representative, Representative ELEANOR HOLMES NORTON.

Ms. NORTON. Madam Speaker, I thank the gentleman for his kindness in yielding to me, the chairman of our subcommittee who has strongly supported the bill before us, H.R. 1124, and has expeditiously on every occasion moved this bill forward. We especially appreciate it, as the bill is at the end point of its authorization.

□ 1415

I want to also thank Ranking Member MARCHANT for his help and support of this bill; Chairman WAXMAN, who, as ranking member and now as Chair, has strongly supported this bill; Ranking Member TOM DAVIS, who, as Chair of the full committee, now as ranking member, has co-sponsored the bill from the beginning with me and was instrumental in its passage initially.

I want to thank in the Senate Senators VOINOVICH and SUSAN COLLINS, and of course the Chair of the full committee, Chairman LIEBERMAN. These have been the chief advocates in the Senate, and they would have passed the bill exactly as it came to them.

I think I need only say to the House, which has overwhelmingly supported this bill, that that support has been vindicated; that the President of the United States has increased the budget by $2 million, that he doesn't do lightly, and I think it's because of the payoff, payback of the investment. The increase in college attendance over 5 years, massive increase; the 646 universities and colleges in 47 States and the District of Columbia where these students are now going, many of them would have not attended college at all. I want to thank Don Graham, the publisher of The Washington Post, for his work in encouraging millions in private dollars as a complementary program to this program, his is the College Access Program, which is essential to the success of this program because its guidance of students seeking to go to college, and indeed financial aid, have been important to the success of this bill.

This is here because of a Senate amendment which we reluctantly accepted simply to get the bill through. The Senate defeated another amendment that would have destroyed the bill because it would have allowed money to go to private as well as public college. Our only point is to give residents the same access to the State university system as everybody else who graduates from high school has.

We appreciate that the Senate has passed the bill now unanimously. And we ask the House to repeat its overwhelming support of the bill when the bill was here only a few months ago.

Madam Speaker, I rise to speak in support of H.R. 1124, the bill that will reauthorize the District of Columbia College Access Act of 1999 and extend the District of Columbia Tuition Assistance Grant Program, DCTAG, for an additional 5 years, and to thank the House for a bill that has afforded higher education to many students who would otherwise not have received it. I especially thank Chairman HENRY WAXMAN and Chairman DANNY K. DAVIS for facilitating early consideration of this non-controversial bill on suspension. A very special thanks is particularly due to committee Ranking Member and co-author TOM DAVIS for his strong and indispensable leadership on this legislation when he was chair of the full Committee and for his continued strong support of DCTAG.

This legislation is already returning unusually large dividends for the Federal investment. DCTAG has increased the college attendance of D.C. students by an astonishing 100 percent over 5 years. For the 2005–2006 school year, almost 5,000 students received funding from DCTAG to enroll in 646 universities and colleges in 47 States, the District of Columbia and the U.S. Virgin Islands. Most of these students are the first in their families to attend college. These documented results represent the City's most important progress toward developing a workforce that can meet the increasing education requirements for employment at average wages in the region. Importantly, this legislation has been instrumental in reversing the steady flight of taxpayers in the District of Columbia, many of whom left the District in order to gain access to the lower-cost State colleges and universities in the region.

DCTAG acts as a proxy and a substitute for a State university system for the District, which has an open admissions State university, the University of the District of Columbia, but unlike every State, has no unified system of several colleges and universities. UDC, supported entirely by the City and tuitions, is itself so indispensable to the City that I used the opportunity provided by the CAA to achieve funded Historically Black College status that the City had long sought for UDC. As a result, UDC has received an attractive annual HBCU payment since 1999. However, this bill provides higher education access to young people here equivalent to opportunities available in all the States, rather than only one university, and increases the number of choices necessary to meet today's D.C. student population. Maryland and Virginia, for example each provide more than 30 different college options to residents. DCTAG provides up to $10,000 annually, which covers state college tuition at most public colleges, or provides up to $2,500 annually to attend private institutions in the City and region.

DCTAG has enjoyed strong bipartisan support since it was created in 1999. The President has shown his confidence in the program by including $35 million for DCTAG in his FY08 budget request. The D.C. State Education Office deserves special credit for working diligently and successfully since the bill was enacted to maintain solid administration of the program. The District has even moved ahead of the curve to foreclose any future funding shortfalls by engaging in careful planning and calculations, measuring expected demand and costs, and has made adjustments in offerings accordingly. We are particularly grateful to business leaders in the region, led by Donald Graham, Chairman of The Washington Post who was instrumental in helping to convince Congress of the necessity for the bill. However, Mr. Graham and the business leaders did not stop there. They established the College Access Program, CAP, which provides additional financial support. More important, CAP provides essential guidance and encouragement to students as they reach the critical time decision for college. We are also grateful to CAP for supplying a support network that has helped the District's TAG program receive excellent retention rates. For example, of the 1,091 DCTAG Freshman in 2001–2002, 73 percent returned as sophomores. Of that, 79 percent returned as juniors, 82 percent as seniors and 77 percent of the seniors graduated. CAP's 100 percent private funding by business leaders, most from the region, not the City, is nothing less than a vote of confidence in DCTAG that I believe is warranted by the legislation's documented results.

It is difficult to think of congressional legislation that has brought such immediate and positive results or that is more appreciated by D.C. residents. To be sure, our D.C. homebuyer and business tax credits, unique to the District and reauthorized again last year, have had similar measurable and documented effects on increasing home ownership and keeping taxpaying residents and businesses in a City without a State tax base that instead must itself carry many State costs. However, if there are to be homeowners and taxpayers in District of Columbia in the 21st century, many more of them must have college training. The economy of this Federal city will always be tied to Federal jobs. The stability of the Federal sector here has been indispensable to many aspects of the City's economy, but too few of the public and private sector jobs go to D.C. residents. For example, the District continues to be a virtual job machine for the region. The District created 8,500 jobs in the last 12 months, but its unemployment rate remains almost twice the rate in this region. This disparity represents an education and training mismatch that must be eliminated to assume a decent future for the City's young residents.

H.R. 1124 is one of the District's top priorities this year because of the program's proven benefits to the economy of the City and region, and especially to the City's students and families who have been willing to make the necessary sacrifices to meet the cost of large annual increases in State tuition nationwide, despite the modest family incomes of most of our students. This immensely successful and popular higher education program has proven itself. It would be difficult to think of a program that has returned so much to the City and the Federal Government for modest Federal funding. Of any measure, H.R. 1124 deserves continuing support.

I appreciate the strong bipartisan support and the support of the President that this vital Federal educational assistance program has received, and ask for the continued support. I believe the results fostered by the program have earned the support and I strongly urge its approval.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1124, legislation I introduced earlier this year to extend the District of Columbia Tuition Assistance Program through 2012.

This past May, the House approved the bill overwhelmingly and sent it to the Senate. Last month, after adding an amendment to exclude families who make more than $1 million a year from participating in the program, the Senate passed the bill 96–0. The amended legislation is now pending before the House. I urge my colleagues to support it.

Prior to the creation of this program in 1999, residents of the Nation's capital did not have the luxury afforded to high school graduates everywhere else in the country, the chance to attend public colleges and universities at in-State tuition rates. This program levels the playing field by allowing District graduates to attend public colleges and universities at in-State tuition rates.

The success of the Tuition Assistance Program is overwhelming and indisputable. College enrollment of public high school graduates in the District has doubled in the 7 years since the program was created from 30 percent to 60 percent, with 5,300 District graduates currently participating in the program. Few, if any other, federally funded initiatives can claim this level of success.

The program has always received broad bipartisan support. Both Houses of Congress unanimously passed authorizing legislation for the program in 1999, and again in 2005. And the President has always supported full funding for the program in his annual budget request to Congress.

The proven success of the program and the District's unique status make our choice simple. Congress should continue to support this legislation to provide higher education opportunities to high school graduates in the Nation's capital. I can't tell you how many parents told me, "We would have moved to the suburbs if the program didn't exist."

Madam Speaker, I urge my colleagues to support a level playing field for high school graduates in the District. It's the right thing to do; it's the smart thing to do.

I would also, at this point, like to thank, on the Republican staff, Mason Allinger, Howard Denes and David Marin for their hard work in bringing it to this moment.

I've traveled a long road with the District of Columbia Access Act, from March 1, 1999, when it was introduced, until the present day.

That road took us through the predecessor subcommittee that I chaired at the time, to the full Government Reform Committee, to the House and Senate floor, and then to the White House, where then-President Clinton signed the measure on November 12, 1999.

In all of its legislative approvals the College Access Act, now known as the Tuition Assistance Grant Program, was passed unanimously, by voice vote. President Clinton had included sufficient money in his Budget Submission that year, and a Statement of Administration Policy endorsed the approach we had taken in authorizing use of those funds.

I am deeply proud of our hard, bipartisan effort in enacting this measure and in re-authorizing it 2 years ago.

My thanks to ELEANOR HOLMES NORTON, who was ranking member of the District of Columbia Subcommittee in 1999, and who has worked tirelessly to enhance this legislation ever since.

I would also like to thank my then-counterpart in the Senate, GEORGE VOINOVICH, for his continuing support, and Senators WARNER and DURBIN, for working with us to improve this legislation.

The 5-year re-authorizing legislation before you today will enable District residents to continue to attend colleges and universities at in-state rates. President Bush, in his Budget Submission for fiscal year 2008, has included sufficient funds to make this happen.

Then-Mayor Anthony Williams, and now D.C. Mayor Adrian Fenty, have both strongly supported this law as being very important for District high school graduates. As documented to this subcommittee, the graduation rate for public school students in the city has doubled since this law went into effect. We have incentivized staying in school.

This law is a classic "leveling of the playing field". No city or county in the country is required to supplement its in-state rate with local funds, and neither should the taxpayers in the Nation's capital be saddled with this burden. Neither should the city be penalized for its own success in administering this program.

Back on March 4, 1999, when I introduced this bill, I went to nearby Eastern High School with Ms. NORTON. I was deeply moved by the reaction of the students. I will never forget how so many took our hands, looked into our eyes, and thanked us for introducing the original bill.

I'm proud of all we have been able to do in the Nation's capital since 1995, when the city was literally bankrupt. Economic development, public safety, the real estate market, and so many other aspects of city life have changed for the better.

But nothing has given me more satisfaction than working to improve educational opportunity. Fighting for equal educational opportunity is one of the reasons I entered public life.

We need a healthy city to have a healthy Washington region.

Re-authorizing this law, which has expanded higher educational choices, is an enormous leap forward.

It is a strong part of our vision for the future.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to commend Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS for their continued work and collaboration on the development of this legislation.

I rise in strong support of H.R. 1124, the District of Columbia College Access Act of 1999. It will reauthorize funding for the District of Columbia Tuition Assistance Grant (DCTAG) program which will help promote higher education for high school graduates in the District of Columbia.

DCTAG provides grants for District high school students to attend public colleges and universities nationwide at in-State tuition rates. The bill provides smaller grants for District students to attend private institutions in the Washington, DC metropolitan area and to attend Historically Black Colleges and Universities, HBCUs, nationwide.

The impact of this legislation on the community and in the lives of the students who receive the grant cannot be minimized. DCTAG reaches students and communities where there is little hope of being able to obtain a college education. This is particularly true for many of the students that participate in DCTAG; 58 percent of the students that participate in the program come from low-income households. Furthermore, students that participate in the program are attending educational institutions that are known to nurture students of color. Five of the top 10 private schools these students attend are Historically Black Colleges and Universities: Hampton University, Morehouse College, Virginia Union University, and St. Augustine's College and Bennett College.

While students from all races participate in the program and attend over 270,000 institutions in 47 States, including nationally recognized public institutions like the University of Michigan at Ann Arbor, the University of Illinois at both Chicago and Champaign-Urbana, the University of California Berkley, and the Ohio State University, this program serves a community that is lacking resources, especially for students of color from low-income households.

On March 22, 2007, the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia held a hearing on DCTAG. During the hearing, the Mayor of the District of Columbia, parents of DCTAG students, and former DCTAG scholars testified to the benefits of the program. DCTAG has helped thousands of D.C. residents achieve their dream of attending college. If not for DCTAG, many of these students would not be able to afford the rising cost of a college education. The DCTAG program helps to turn dreams into realities.

Madam Speaker, again I want to commend ranking minority member, Representative TOM DAVIS, and Delegate Eleanor Holmes Norton for introducing this legislation.

I want to end by suggesting that, given the fact that there is only one public institution of higher learning in the District of Columbia, that many of these young people would never have the opportunity to attend traditional State colleges and universities were it not for the DCTAG program. I urge its passage.

Madam Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Let me thank my colleague from Illinois for helping to shepherd this through today, and of course my friend from the District of Columbia (Ms. NORTON) who has been there from the beginning. This legislation at the very beginning had some tough sledding moving it through both Houses of the Congress. And also our thanks to Don Graham, who is really the father of this. The idea originated with him and he brought it to our attention early on in our congressional careers, and we are able to move it forward. But he brought a lot of bipartisan support from the business community to bear.

I urge adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1124.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CHARLES H. HENDRIX POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3518) to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendix Post Office Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARLES H. HENDRIX POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, shall be known and designated as the "Charles H. Hendrix Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Charles H. Hendrix Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3518, which names the postal facility in Cantonment, Florida, after Charles H. Hendrix.

H.R. 3518, which was introduced by Representative JEFF MILLER on September 10, 2007, was reported from the Oversight Committee on September 20, 2007, by a voice vote. This measure has the support of the entire Florida congressional delegation.

Madam Speaker, Mr. Charles Hendrix is the former Postmaster of the Cantonment Post Office and worked there for 37 years. He retired from the postal service in 1986. Mr. Hendrix was a charter member of the Molino Volunteer Fire Department where he served as fire chief and a member of the Cantonment Rotary Club since 1962. He was a prominent and respected resident of the Cantonment and Molino communities in Florida.

☐ 1430

Madam Speaker, I commend my colleague, Representative JEFF MILLER, for introducing this legislation, and I urge its swift passage.

I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to pay tribute to an outstanding public servant, community leader and family man. It is fitting that H.R. 3518 requests the designation of the post office in Cantonment, Florida, as the Charles H. Hendrix Post Office. Mr. Hendrix retired from the postal service after 37 years of service. Starting his career as a mail carrier and ultimately serving as the post master of the Cantonment post office, he was the type of employee that exemplifies loyalty and dedication.

A life-long resident of Molino, Florida, Mr. Hendrix over the years served his community in many ways. He was a member of the Highland Baptist Church his entire life, where he served as Sunday School superintendent. He was church treasurer and chairman of the board of deacons at the time of his death. He was also a member of the Cantonment Rotary Club since 1962.

He served one year as president and was an active member of the club service committee. He was also a charter member of the Molino Volunteer Fire Department, where he served as fire chief, assistant fire chief, and later as secretary of the fire department's board of directors, once again showing his dedication and service to others in the community.

Because of Mr. Hendrix's service to the community, he is remembered with appreciation as a man of great integrity and willingness to help others. It is for these reasons that we name the Cantonment, Florida post office for Charles Harold Hendrix.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I rise today in support of renaming the Cantonment Post Office in Cantonment, FL, the Charles H. Hendrix Post Office. It is fitting that we rename this post office after Mr. Hendrix as he retired from the U.S. Postal Service as Postmaster of the Cantonment Post Office with 37 years of service.

Charles Harold Hendrix was a man of service. He dedicated his life to the Lord, his family, and his community. Born and reared in Molino, FL, where he met his wife of 55 years, Barbara; they had 3 children: Chuck, Rusty, and Cheryl.

He was a member of Highland Baptist Church, where he served as the church treasurer, chairman of the board of deacons, and as a Sunday school superintendent. Charles Barton, the current Sunday school superintendent, said that Mr. Hendrix "had moral values that were exceptionally great, and that he was always willing to help everybody anytime, any way that he could." This sentiment was not only found around Highland Baptist Church.

Charles Hendrix was a charter member of the Molino Volunteer Fire Department, where he served as fire chief, assistant fire chief, and secretary of the department's board of directors. Former fire chief Harry Nowlin was inspired by Charles: "I've never met a finer gentleman in all my life."

Mr. Hendrix was also a member of the Cantonment Rotary Club for 44 years. He served one term as president and was an active member of the Club Service Committee. He was presented the prestigious Paul Harris Award, and in 2003, he received the club's "Gator Estes Service Above Self Award."

Mr. Hendrix went to be with the Lord last October at the early age of 75. Madam Speaker, I, along with the residents of Northwest Florida, can think of no better way to honor this highly respected, admirable man than to dedicate the Cantonment Post Office in his name.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3518, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the 'Charles H. Hendrix Post Office Building'".

A motion to reconsider was laid on the table.

CHIEF WARRANT OFFICER AARON WEAVER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3530) to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF WARRANT OFFICER AARON WEAVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, shall be known and designated as the "Chief Warrant Officer Aaron Weaver Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chief Warrant Officer Aaron Weaver Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3530, which names a postal facility in Inverness, Florida, after Chief Warrant Officer Aaron Weaver.

H.R. 3530, which was introduced by Representative GINNY BROWN-WAITE on September 14, 2007, was reported from the Oversight and Government Reform Committee on September 20, 2007, by voice vote. This measure has the support of the entire Florida congressional delegation.

Madam Speaker, Chief Warrant Officer Aaron A. Weaver was killed on January 8, 2004, while on board a UH-60 Black Hawk helicopter when it crashed during a Medevac mission in Fallujah, Iraq. He was assigned to C Troop, 1st Squadron, 17th Cavalry Regiment, 82nd Airborne Division in Fort Bragg, North Carolina.

Chief Warrant Officer Weaver's job in Iraq was to fly observation helicopters, monitor the enemy and send the information he gathered back to headquarters. He was on a Black Hawk helicopter en route to Baghdad for a checkup when the craft was shot down by enemy fire. Eight soldiers besides Chief Warrant Officer Weaver were killed. Chief Warrant Officer Weaver survived the October 1993 battle of Mogadishu in Somalia, but did not survive his tour in Iraq. He was a committed soldier and leader who served his country with honor and distinction.

Madam Speaker, I commend my colleague, Representative GINNY BROWN-WAITE, for introducing this legislation and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida, the author of this legislation, Ms. GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of my bill, H.R. 3530, which will rename the post office on Highway 41 in Inverness, Florida, after Chief Warrant Officer Aaron Weaver.

Aaron was a resident of my district from Floral City who gave his life for his country while serving in Iraq. After graduating from Citrus High School in 1989, Aaron Weaver joined the Army. Aaron's grandfather served in World War II and the Korean War, and his father was a very proud marine. Following in the family tradition, Aaron and his 2 brothers joined the military as well.

As a member of the elite Army Rangers in 1993, Aaron Weaver received the Bronze Star with valor for extreme courage for saving another soldier's life in the battle of Mogadishu in Somalia. Weaver's actions that day and the battle in Mogadishu were portrayed in the book and film "Black Hawk Down."

Aaron Weaver also fought another battle. He was diagnosed with testicular cancer, but would not let that get in the way of his mission to serve his country. The cancer could have easily been his way out of Iraq, but instead, Aaron urged his officers to let him enter the combat zone. In Iraq, Aaron served as a member of the 82nd Airborne Division and arranged to have his medical checkups for cancer while he was there. Aaron was actually on his way to a checkup not long before his tour of duty in Iraq was to end when his helicopter crashed on January 8, 2004, in southern Fallujah.

I hope that in the simple of act of renaming this post office that we will memorialize Aaron's incredible story. Aaron Weaver epitomized courage and patriotism. We must never forget his great sacrifice to our Nation.

Madam Speaker, I urge my colleagues to support this bill.

Mr. DAVIS of Illinois. Madam Speaker, I continue to reserve.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to pay tribute to a remarkable soldier, and another true American hero, Chief Warrant Officer Aaron Weaver, who at the age of 32 paid the ultimate price while in defense of his country.

On January 8, 2004, he was on his way to have his blood work tested for cancer when the Black Hawk he was riding was shot down, killing all on board. As was noted before, Aaron was a testicular cancer survivor. He was still being treated when his unit was called to active duty in Iraq. He could have stayed at Fort Bragg, but that wasn't like him. His father said, He wanted to go to Iraq. When you're in a close group like that, you don't want your friends to leave you behind.

As an Army Ranger, Weaver survived the October 1993 battle of Mogadishu in Somalia that was recounted in the book and film "Black Hawk Down." His heroism in saving a friend's life was also featured in that documentary on the battle. Not only was Chief Warrant Officer Weaver a fighter, he was a husband, a father, and a son. He was proud to serve his Nation. And with gratitude for his bravery and sacrifice to his country, I would urge all members to join me in supporting H.R. 3530.

I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased that today we can honor a true American hero, Aaron Weaver of Inverness, Florida. Weaver is yet another example of the dedication of many men and women serving in our military today.

Weaver has a great family history of service and I am proud to work with his uncle, Naval Academy graduate and veteran Bill Schmidt, on behalf of the veterans in the fifth district of New Jersey. I know that Bill will miss him dearly but I also know that he is proud of his courageous nephew.

Weaver served in Mogadishu with the rangers who were immortalized by the movie Black Hawk Down. These brave Americans held out against superior numbers of armed rebels and conducted their mission in Somalia with dedication and dignity. For his actions in Somalia he was awarded a Bronze Star.

When Warrant Officer Weaver was diagnosed with his illness he chose to fight both cancer and the forces of Saddam Hussein. While he could have chosen a medical discharge he instead pressed to be with his comrades defending our Nation. If there were American soldiers defending freedom on foreign shores then Weaver wanted to be with them.

It's only proper that we should honor this hero with a lasting memorial in his community. I hope that his courage and sacrifice will not be forgotten and that he can serve as an inspiration to those who are serving our Nation now in the field of battle.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3530.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING MARTHA COFFIN WRIGHT ON THE 200TH ANNIVERSARY OF HER BIRTH AND HER INDUCTION INTO THE NATIONAL WOMEN'S HALL OF FAME

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 588) recognizing Martha Coffin Wright on the 200th anniversary of her birth and her induction into the National Women's Hall of Fame.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 588

Whereas, Martha Coffin Wright, sister of Lucretia Coffin Mott, was one of five organizers of the First Woman's Rights Convention in Seneca Falls, New York, in 1848;

Whereas from this convention came the "Declaration of Sentiments", an appeal for basic rights for women, modeled on the Declaration of Independence;

Whereas when Martha Wright helped to plan the Seneca Falls Convention, she was six months pregnant with her seventh child, epitomizing the personal strength and dedication of the participants of the women's rights movement;

Whereas the sites associated with the First Woman's Rights Convention are preserved in the Women's Rights National Historic Park in Seneca Falls, New York;

Whereas after the Seneca Falls Convention, Martha Wright participated in many State and national women's rights conventions in various capacities, often serving as president;

Whereas during the antebellum years, Martha Wright was active in the abolition movement, attended the founding meeting of the American Anti-Slavery Society in Philadelphia in 1833, and later presided over numerous anti-slavery meetings;

Whereas Martha Wright's home in Auburn, New York, was part of the Underground Railroad; and

Whereas slavery was abolished in 1865 with the ratification of the Thirteenth Amendment, and women's suffrage was achieved in 1920 with the ratification of the Nineteenth Amendment: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 200th birthday of Martha Coffin Wright;

(2) recognizes the induction of Martha Coffin Wright into the National Women's Hall of Fame; and

(3) honors the accomplishments of Martha Coffin Wright in her fight for equal rights for all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I would like to yield such time as he might consume to the author of this legislation, Representative MICHAEL ARCURI from New York.

Mr. ARCURI. I thank the gentleman for yielding.

Madam Speaker, I rise today in honor of the life of suffragette and abolitionist Martha Coffin Wright. Martha Coffin was born in Massachusetts on Christmas Day 1806, the youngest child of Thomas and Anna Coffin. After her father's death from typhus in 1815, Martha's mother assumed the responsibilities of the family's business, setting an example of an independent, self-reliant woman that would shape Martha's views about the role of women in society. In 1824 Martha Coffin married Peter Pelham. Soon the couple moved to a frontier fort in Florida where Martha would give birth to her first daughter. Tragically, Peter died 2 years later in 1826 leaving Martha a 19-year-old widow with an infant child. To support herself and her daughter, she moved to Auburn, New York, to teach painting and writing at a Quaker school for girls. Soon after relocating to Auburn, she met and married a law student named David Wright with whom she would have 6 more children. In July of 1848, Martha's older sister, Lucretia Coffin Mott, a prominent Quaker preacher visited Martha's home in Auburn. During the visit, Martha, Lucretia, and Elizabeth Cady Stanton met to plan the Seneca Falls Convention at which 68 women and 32 men would sign the Declaration of Sentiments. This revolutionary document, modeled on the Declaration of Independence, stated that all men and women are created equal. It would be another 72 years before the 19th amendment gave American women the right to vote.

In the years following the Seneca Falls Convention, Martha Coffin Wright was also active in the abolition movement. With her sister, Lucretia, she attended the founding meeting of the American antislavery society in Philadelphia in 1833 and later presided over numerous antislavery meetings, including 2 in upstate New York, in early 1861 that were disrupted by angry anti-abolitionist mobs. Martha bravely opened her home in Auburn to the Underground Railroad in Auburn where she harbored fugitive slaves. In 1863 Martha and other women's rights activists formed the Women's National Loyal League to carry petitions for the abolition of slavery which would finally be achieved in 1865 with the ratification of the 13th amendment.

After the Civil War, Martha was also instrumental in the formation of the American Equal Rights Association, which attempted to merge the issues of black suffrage and women's suffrage; and in early 1874 she was elected president of the National Woman Suffrage Association. In December 1874, Martha took ill with typhoid pneumonia and died in Boston on January 4, 1875, at the age of 68.

Madam Speaker, Martha Coffin Wright's dedication and commitment should inspire all of us. I am proud to represent the region of upstate New York where Martha Coffin Wright and countless others fought tirelessly for equal rights for all. I am proud to represent the people of Seneca Falls, New York, who established the National Women's Hall of Fame in 1969 to honor the contributions of great American women with a permanent home. I was honored to attend the induction of Martha Coffin Wright into the Hall of Fame this past weekend.

I am proud to represent the birthplace of the women's rights movement, the importance of which was recognized by Congress in 1980 with the creation of the Women's Rights National Historical Park in Seneca Falls.

Madam Speaker, I urge my colleagues to once again join me in honoring the contributions of Martha Coffin Wright and reaffirming the historical significance of Seneca Falls, New York with a voice vote in favor of House Resolution 588 recognizing the achievement of a truly great American, Martha Coffin Wright.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from New York for introducing this bill.

Martha Coffin Wright was the quintessential women's rights pioneer long before most women entertained the notion. She, along with her sister, Lucretia, spent their entire lives fighting for basic rights for women. She had a strong, independent mother who served as a powerful role model. In 1848, Mrs. Wright decided, along with others, to hold a convention in Seneca Falls to discuss the need for substantial women's rights. The significance of that first convention was recognized by Congress in 1980 when Women's Rights National Historical Park was created. The bronze statue to Mrs. Wright at the park shows that at the time of the convention she was 6 months pregnant while she participated in the convention.

☐ 1445

This was particularly remarkable at a time in history when women didn't often go in public as an activist, much less when they were pregnant.

After the Seneca Falls Convention, Mrs. Wright served as president and in other leadership positions in many other women's rights conventions. Martha Wright was also a fervent abolitionist, and her home in Auburn, New York, was a station on the Underground Railroad. She often allowed fugitive slaves to sleep in her kitchen.

Martha Coffin Wright was truly a woman whose significant accomplishments and contributions to both women's rights and civil rights set her apart as a leader and pioneer. Because of these, I rise today to recognize Martha Coffin Wright on the 200th anniversary of her birth and induction into the National Women's Hall of fame.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 588, a bill that recognizes Martha Coffin Wright on the 200th anniversary of her birth and her induction into the National Women's Hall of Fame. H. Res. 588, which has 55 cosponsors, was introduced by the gentleman from New York (Mr. ARCURI) on July 31, 2007. H. Res. 588 was reported from the Oversight Committee on September 4, 2007, by a voice vote.

Madam Speaker, Martha Coffin Wright was the youngest of 8 children, and her sister Lucretia Coffin Mott was the second oldest. The 2 sisters worked tireless hours as activists for women's rights. Mrs. Wright participated in many State and national women's rights conventions in various capacities, often serving as president. She was also active in the abolition movement.

With her sister, Mrs. Mott, Mrs. Wright attended the founding meeting of the American Anti-Slavery Society in Philadelphia in 1833. Later, she presided over many anti-slavery meetings which were often disrupted by angry anti-abolitionist mobs. She used her home in Auburn, New York, as a station on the Underground Railroad to help runaway slaves gain their freedom. Mrs. Wright was a good friend and supporter of Harriet Tubman.

Madam Speaker, I commend my colleague, the gentleman from New York (Mr. ARCURI) for seeking to honor the life and accomplishments of Mrs. Wright and remind us all of what she and other people like her taught, a lesson that we remember even to this day, and that is the primary right that we actually have is the right to struggle. Those who would dare to struggle would dare to be victorious.

Madam Speaker, again, I commend my colleague from New York (Mr. ARCURI) for his introduction of this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BERKLEY). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 588.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE WARNER ROBINS LITTLE LEAGUE BASEBALL TEAM FROM WARNER ROBINS, GEORGIA, ON WINNING THE 2007 LITTLE LEAGUE WORLD SERIES CHAMPIONSHIP

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) congratulating the Warner Robins Little League Baseball Team from Warner Robins, Georgia, on winning the 2007 Little League World Series Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 630

Whereas on Sunday, August 26, 2007, the Warner Robins Little League Baseball Team from Warner Robins, Georgia, defeated the Tokyo Kitasuna Little League Team by a score of 3–2 to win the 2007 Little League World Series Championship at Williamsport, Pennsylvania;

Whereas although Warner Robins had taken one loss in the series, they did not give up, and the Warner Robins team battled back from behind to win the Championship game;

Whereas this is the second straight year that a team from the State of Georgia has won the world title;

Whereas the 2007 Warner Robins Little League World Championship Team consists of players Hunt Smith, Taylor Lay, David Umphreyville, Jr., Nick Martens, Zane Conlon, Micah Wells, Dalton Carriker, Kendall Scott, Clint Wynn, Payton Purvis, Hunter Jackson, and Keaton Allen;

Whereas the 2007 Warner Robins Little League World Championship Team is led by Manager Mickey Lay, Coach Mike Smith, Team Mother Robin Smith, and President Roman Jones;

Whereas the championship victory of the Warner Robins Little League Baseball Team sets an example of sportsmanship, dedication, and a "never give up" spirit for men and women all across the country; and

Whereas the achievement of the Warner Robins Little League Baseball Team is the cause of enormous pride for the Nation, the State of Georgia, and the city of Warner Robins: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Warner Robins Little League Baseball Team from Warner Robins, Georgia, on winning the 2007 Little League World Series Championship; and

(2) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City of Warner Robins and each player, manager, and coach of the Warner Robins Little League Baseball Team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the author of H. Res. 630, the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. I thank the gentleman for the time.

Madam Speaker, it is a real pleasure today to be here to recognize the achievement of the Warner Robins Little League team in winning the Little League World Series. An awful lot of people in Congress, including myself, watch those games, and it was a joy to do so and sort of relive my childhood, since baseball was my sport when I was a kid. I couldn't play baseball like those kids play baseball, but I still played baseball. It is truly the national pastime, and I would say to the kids that were so successful at this particular venture, and all other kids that play sports, that sports are a very important thing in your lives and you should try and do as well as you can when you're playing a game, be good sports, recognize that you're not always going to win, certainly treat the losers as the Warner Robins team did the Tokyo team, and then carry that same sort of spirit throughout our life, the same kind of drive, the interest in perfection, the commitment to doing your absolute best, and apply that in your school work, in the work that you eventually engage in as your vocation.

Don't get fixated on sports. Sports is a great, great thing for kids, and all kids should play sports. Don't be couch potatoes. Don't be just sitting there in front of a computer and playing computer games. Play sports, stay healthy, but then take what you learn on the field and apply it every single day. If you do that, you will wind up being successful in life.

Madam Speaker, I would like to basically read the resolution. It congratulates the Warner Robins Little League baseball team from Warner Robins, Georgia, in my district, on winning the 2007 Little League World Series Championship. This occurred on August 26, 2007, when the Warner Robins Little League team defeated the Tokyo Little League team by a score of 3–2 in a very exciting game.

Madam Speaker, I want to specifically congratulate the team players: Hunt Smith; Taylor Lay; David Umphreyville, Jr.; Nick Martens; Zane Conlon; Micah Wells; Dalton Carriker; Kendall Scott; Clint Wynn; Payton Purvis; Hunter Jackson; and Keaton Allen; and also the Manager, Mickey Lay; Coach, Mike Smith; Team Mother, Robin Smith; and President, Roman Jones.

I want to congratulate also the parents. It is an awfully big commitment for parents to make to see your kids through these kinds of athletic activities. Very, very few kids get to have the experience of winning a championship like this, but all kids are benefited from participating in sports.

Madam Speaker, the resolution goes on to resolve that the House of Representatives congratulates the Warner Robins Little League baseball team from Warner Robins, Georgia, on winning the 2007 Little League World Series Championship, and respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City of Warner Robins and to each player, manager and coach of the Warner Robins Little League baseball team.

To the extent that the Clerk needs help doing that, I am happy to offer my assistance.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge passage of this resolution to congratulate the Warner Robins, Georgia, All Stars for winning the Little League World Championship in August in Williamsport, Pennsylvania. The achievements on the field, Dalton Carriker smacked a 2–1 curve ball from Junsho Kiuchi of Japan over the right field wall to give the Georgia team a 3–2 walk-off victory before 31,000 fans, were, of course, remarkable.

Madam Speaker, what happened right after that was even more remarkable and speaks even higher of the players and coaches involved in this great victory. In fact, these boys taught a lesson that we here in Washington would do well to consider. When the Georgia boys saw the Japanese boys slump to the ground in defeat, they rushed to their sides, gave them hugs and physically and emotionally lifted their spirits. They knew the Japanese players were opponents, not enemies. They knew that good, worthy opponents are a blessing. Without opponents who push us, we never put forth our best effort, and our victories are empty and meaningless and trite.

The winning pitcher for Georgia, Kendall Scott, summed it up best as to why his team reacted as it did, and, little did he know, why programs such as Little League and other youth sports are so valuable to the character of America's youth: "They don't disrespect," Scott said. "They are very disciplined, and they are some of the nicest kids you'll ever meet. Just seeing them fall down and cry, you just couldn't let them do that. You gotta pick them up."

Madam Speaker, when these young men write their "What I did on my summer vacation" essays this fall, they will have a dazzling story to tell. They took on the world and won. But, better yet, they taught the world a lesson, that victories can come after the game as well as during it.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, realizing that I will not have an opportunity to call the Chicago Cubs champions this year, I am pleased to join my colleague in the consideration of H. Res. 630, a bill that congratulates the Warner Robins Little League baseball team. H. Res. 630, which has 55 cosponsors, was introduced by the gentleman from Georgia (Mr. MARSHALL) on September 4, 2007. H. Res. 630 was reported from the Oversight Committee on October 4, 2007, by a voice vote.

Madam Speaker, Georgia's Warner Robins Little League team beat Tokyo 3–2, to claim the world championship title on August 26, 2007. This is the second year in a row that a Georgia team has won the Little League Baseball World Series Championship game.

Dalton Carriker hit a dramatic home run in the bottom of the eighth inning to beat the Japanese baseball team for the championship. Carriker said, "I felt like I was flying, like Peter Pan. I didn't know what I was doing." This was a stunning home run that gave the United States its third straight Little League Championship.

Madam Speaker, I commend my colleague from Georgia (Mr. MARSHALL) for congratulating the Warner Robins Little League baseball team from Warner Robins, Georgia, on winning the 2007 Little League World Series. I know that oftentimes individuals wonder why these things are done and what relevance they are, but the reality is that as young people grow to function with each other and learn the value of teamwork and learn what it means to win not just a game of baseball, but what it means to win in the game of life, all of the things that it takes to be successful as a Little League baseball team, those same principles can be applied to everyday life.

When we congratulate these young people, we are also encouraging other young people. I would love to see a Little League baseball team on every square mile, in every neighborhood, in every block, so that as many young people as possible would get the opportunity to experience what the youngsters from Warner Robins, Georgia, have been able to experience.

Madam Speaker, again, I commend the gentleman from Georgia (Mr. MARSHALL) for his introduction of this legislation.

I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 630.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1500

CELEBRATING 90TH BIRTHDAY OF REV. THEODORE M. HESBURGH, C.S.C.

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 687) celebrating the 90th birthday of Reverend Theodore M. Hesburgh, C.S.C., president emeritus of the University of Notre Dame, and honoring his contributions to higher education, the Catholic Church, and the advancement of the humanitarian mission, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 687

Whereas Reverend Theodore M. Hesburgh, C.S.C., was born on May 25, 1917, in Syracuse, New York;

Whereas, on June 24, 1943, Father Hesburgh began his service to the Catholic Church as an ordained priest of the Congregation of Holy Cross;

Whereas, from 1952 to 1987, Father Hesburgh served as the president of the University of Notre Dame in South Bend, Indiana;

Whereas, throughout his tenure as president of the University of Notre Dame, Father Hesburgh sought to redefine the contemporary Catholic university as a place where both the moral and intellectual dimensions of scholarly inquiry are vigorously pursued;

Whereas, under his leadership, in 1972 the University of Notre Dame became a coeducational institution;

Whereas Father Hesburgh has held 16 presidential appointments under 9 administrations;

Whereas, throughout his life, Father Hesburgh has been a champion of civil rights, tirelessly seeking the peaceful resolution of international conflicts and encouraging a profound respect for all humanity;

Whereas, in pursuit of those objectives, Father Hesburgh has served on numerous boards and commissions, including terms as chair of the Overseas Development Council, chair of the Select Commission on Immigration and Refugee Policy, a member of President Ford's Presidential Clemency Board, and a representative of the Vatican at the International Atomic Energy Agency in Vienna;

Whereas Father Hesburgh was a founding member of the United States Commission on Civil Rights and served as chair of the commission from 1969 to 1972;

Whereas, through his global humanitarian efforts, Father Hesburgh was a catalyst for the creation of the Center of Civil and Human Rights at the University of Notre Dame Law School and contributed to the establishment of the Kellogg Institute for International Studies and the Kroc Institute for International Peace Studies on the University of Notre Dame campus;

Whereas Father Hesburgh has been a persistent advocate for the responsible stewardship of atomic energy, and has united internationally renowned scientists, scholars, and spiritual leaders to promote policies that reduce the likelihood of nuclear conflict;

Whereas Father Hesburgh served as ambassador to the 1979 United Nations Conference on Science and Technology for Development, the first Catholic priest to perform a formal diplomatic role for the United States Government;

Whereas, in 2000, Father Hesburgh became the first person in higher education to be awarded the Congressional Gold Medal;

Whereas Father Hesburgh has been awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, as well as numerous awards from education groups, including the Alexander Meiklejohn Award from the American Association of University Professors, the Elizabeth Ann Seton Award from the National Catholic Education Association, and 150 honorary degrees, the most ever awarded to a single individual;

Whereas, on May 25, 2007, Father Hesburgh celebrated his 90th birthday; and

Whereas Father Hesburgh has led a life of distinguished public service and deep faith: Now, therefore, be it

Resolved, That the House of Representatives recognizes Reverend Theodore M. Hesburgh, C.S.C., for his contributions to the United States civil rights movement, his tireless work to prevent nuclear conflict around the world, and his efforts to secure the peaceful resolution of international conflicts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Madam Speaker, I rise today in strong support of this resolution honoring Father Ted Hesburgh, a man who has made significant contributions to the lives of many Americans, and a man who, as the president emeritus of my alma mater, the University of Notre Dame, has had a profound impact on my own life.

I introduced H. Res. 687 on September 27 along with 103 original cosponsors. I am pleased to stand here today with my colleagues to express Congress's strong appreciation for a selfless giant whose great work continues even to this day.

As president of Notre Dame, Father Hesburgh worked to redefine the Catholic university as a place for students to learn more about their faith, while also engaging in rigorous intellectual debate.

Under his leadership, Notre Dame opened its door to women for the first time in 1972. My wife, Jill, was proud to be a member of that first class of women to graduate from the university.

In addition to his contributions to the Catholic Church and the University of Notre Dame, Father Hesburgh has worked tirelessly in service to the American people as a champion for social justice and the peaceful resolution of conflicts across the globe.

He has been a persistent voice for change here at home. He has held 16 Presidential appointments under nine different administrations, from Eisenhower to Clinton. He served as a founding member and later the Chair of the United States Commission on Civil Rights where he fought for true equality in America and opposed attempts to use force to break up protests on college campuses.

He has also served on the Select Commission on Immigration and Refugee Policy and as a member of President Ford's Presidential Clemency Board.

Madam Speaker, Father Hesburgh has also been a strong advocate for international policy reform. He has championed the responsible use of nuclear energy, represented the Vatican at the International Atomic Energy Agency in Vienna, and formally represented the United States at the 1979 U.N. Conference on Science and Technology for Development.

Father Ted, as he is known around South Bend and Notre Dame, has traveled across the globe working to find peaceful resolutions to international conflicts. As recently as 1999, when Father Hesburgh was 82 years old, he conducted a fact-finding tour of refugee camps in Kosovo for the United Nations.

Father Hesburgh has also led efforts to assist the poorest of the poor in the developing world, serving as the chairman of the Overseas Development Council where he led fund-raising efforts that helped prevent mass starvation in Cambodia as a result of the brutal policies of the Khmer Rouge.

In 2000, Father Hesburgh was awarded the Congressional Gold Medal. He was the first person from higher education to ever receive the award. He has also been the recipient of the Presidential Medal of Freedom, the Nation's highest civilian honor, along with numerous awards from educational institutions, including 150 honorary degrees, the most ever awarded to a single individual.

Madam Speaker, these awards serve as a testament to Father Ted's lifelong commitment to humanity and the true national significance of his work. But first and foremost, Madam Speaker, Father Ted always says, "I am a priest."

Father Hesburgh is a committed educator, a spiritual leader, an author, an advocate for peace, and a strong voice for equality and opportunity in America. Today, in recognition for all that Rev. Theodore Hesburgh has done for this country, I ask my colleagues to join me in support of H. Res. 687 to honor the life and contributions of a great American.

Madam Speaker, one thing of great enjoyment to me is that our colleague on the other side, my good friend Mark Souder, is also a graduate of our university.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank my friend and colleague who represents the University of Notre Dame. Unfortunately, I only come about 5 miles away as we circle around and share Elkhart County. It is great that we have six Domers in Congress. My colleague is actually a double Domer, which is a great honor.

Before I go into my remarks, I want to share something I remember from campus when I was there. The story on campus was: Do you know the difference between God and President Hesburgh? And the answer is: God is everywhere; President Hesburgh is everywhere but Notre Dame. And the reason was, this is what we are honoring him here for today. He went throughout the entire world, not only raising money for Notre Dame, but working to serve justice, working to serve various causes around the world.

I rise today in strong support of this resolution by Congressman DONNELLY to honor Rev. Theodore Hesburgh for his contributions to the civil rights movement in America, his tireless work to reduce the threat of nuclear conflict, and for seeking peaceful resolution to international conflict.

Father Hesburgh, who served as the president of the University of Notre Dame from 1952 to 1987, holds the world record for honorary degrees received at more than 150. He has been honored for his contributions to education, to athletics, to peace, as well as national and international issues.

He has earned these degrees, these honors, this praise with his thoughtful approach to many of the most daunting challenges of our time. In the late 1970s, he served on a commission appointed by President Carter to study immigration reform. His commission found that securing our borders should be the first step toward an immigration policy that is thoughtful and beneficial to us and our neighbors. How fresh that sounds for a recommendation he issued three decades ago.

His biography on the Notre Dame University Web site says: "Justice has been the focus of many of his outside involvements." He was a charter member of the U.S. Commission on Civil Rights, created in 1957; and he served as its chairman from 1969 to 1972, when he was replaced by President Nixon after criticizing the President's civil rights record.

He has argued that nuclear weapons present "the greatest moral challenge of all time." He says nuclear weapons undercut the key just-war principles of discrimination, avoiding killing innocent civilians, and proportionality, using only the force necessary to achieve justifiable defense. While not everyone here may agree with these views, they are thoughtful, inspired by the will to do and represent good and representative of a man who holds peace and goodwill towards men as his central tenets.

The title of his autobiography says it all: "God, Country, Notre Dame." Hopefully, those three will never be separated; but if they are, he has the order: God, country, and Notre Dame.

I would like to finish with one personal story. The only time I really got to spend with Father Hesburgh, I was head of the executive lecture series at the graduate School of Business at Notre Dame. He asked us to invite David Rockefeller in. He had served for many years on the Chase Manhattan board, and the Rockefellers had never contributed to Notre Dame. When we went to the airport, I saw one of the things my colleague mentioned, and that he was a priest first. He saw he had a few minutes, and so he went and did his prayers right on the airport runway. He made sure that every day he met his duties as a priest first and foremost.

My privilege that afternoon, after he spoke to the business school and the graduate students, was to accompany David Rockefeller, the executive vice president of Chase Manhattan, and Father Hesburgh for one simple reason: my job was when President Hesburgh gave me the signal, was to get the Vice President away so Father Hesburgh could do the close because in his heart this man will go to his grave knowing he built the university.

He took Notre Dame from a good university to a great international university, and that means you have to do many different things: one was fundraising, making friends with leaders around the world, then making sure that they saw his dream in South Bend, actually Notre Dame, Indiana, is a separate town, but that they saw the dream of the Fathers of the Holy Cross to build the university there. While they built that university, President Hesburgh was really the transition figure that took it to the university it is today.

So we thank him in the international region and for his civil rights commitment, and for building the University of Notre Dame into the great university it is today.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H. Res. 687, a resolution amended in committee, which recognizes Rev. Ted Hesburgh for his contributions to the civil rights movement in America, his tireless work to reduce the threat of nuclear conflict, and for seeking the peaceful resolution of international conflict.

H. Res. 687, has 103 cosponsors, was introduced by Representative JOE DONNELLY on September 27, 2007. H. Res. 687, was reported from the Oversight Committee on October 4, as amended, by voice vote.

Madam Speaker, Rev. Theodore M. Hesburgh is president emeritus of the University of Notre Dame. He retired from active service as the 15th president of the university in 1987. During his 35 years as an educator, he oversaw the growth of the university and the admission of women to the undergraduate program. Rev. Hesburgh's public service was recognized when he received the Congressional Gold Medal in July of 2000. The leadership of the Senate and the House of Representatives gathered in the rotunda of the Capitol as President William Clinton presented Rev. Hesburgh with the Congressional Gold Medal. Rev. Hesburgh has held 16 Presidential appointments pertaining to many social issues.

Living 90 miles from Notre Dame, it was as if Father Hesburgh was the pied piper for Notre Dame University. During his tenure in office, young people, especially from throughout the entire Midwest, clamored for a spot at Notre Dame. High school students, especially those at many of the top Catholic schools throughout the country, their greatest hope was to get an opportunity to go to Notre Dame. And so I am pleased to join with my colleagues in paying tribute to a man who is difficult to describe. Yes, he was an educator. Yes, he was a priest. Yes, he was Catholic; but he was so many things until there is no way that you can pigeonhole him. You can only say here is a great American who has contributed significantly to the development of the world order. And so I urge passage of this resolution.

Mr. KING of New York. Madam Speaker, today I rise as a proud alumnus of the University of Notre Dame law school and ask my colleagues to join me in supporting H. Res. 687, recognizing Reverend Theodore M. Hesburgh, C.S.C., for his contributions to the civil rights movement in the United States, his tireless work to reduce the threat of nuclear conflict, and his efforts to secure the peaceful resolution of international conflicts.

As president of Notre Dame, Father Hesburgh worked to bring the university to the forefront of American institutions of higher education. Over the 35 years that he served as president, the university's enrollment, degrees awarded and the size of the faculty all greatly increased. Additionally, under Father Hesburgh's tenure, women were first admitted to the undergraduate program in 1972.

Father Hesburgh is known as one of the 20th century's most influential figures in higher education. He served on many commissions and study groups, including serving as chairman of the International Federation of Catholic Universities from 1963 to 1970. In this capacity, he led a movement to redefine the nature and mission of the contemporary Catholic university, drawing from his experiences in American Catholic universities.

Father Hesburgh's accomplishments, however, are not limited to higher education. Throughout his distinguished career, Father Hesburgh has devoted himself to the cause of justice and human rights throughout the world. He has held 16 Presidential appointments for 10 presidents—President Eisenhower through the current President Bush. In these positions, Father Hesburgh was involved in shaping policy on major social issues including civil rights, peaceful uses of atomic energy, campus unrest and treatment of Vietnam offenders.

Furthermore, Father Hesburgh served four Popes, three as permanent Vatican City representative to the International Atomic Energy Agency in Vienna from 1956 to 1970. He was a charter member of the U.S. Commission on Civil Rights, created in 1957, and he chaired the Commission from 1969 to 1972. In 1971, he joined the board of the Overseas Development Council, a private organization supporting interests of the underdeveloped world, and chaired it until 1982. During the 1980s he was involved in a private initiative that sought to unite scientists and religious leaders in condemning nuclear weapons. In 1982, he helped organize a meeting in Vatican City of 58 scientists who called for the elimination of nuclear weapons and then brought together six spiritual leaders who endorsed this view.

In recognition of his many efforts in America and throughout the world, Father Hesburgh was awarded the Congressional Gold Medal in 2000 and the Medal of Freedom in 1964, the Nation's highest civilian honor. His service to his country is an inspiration to all and it has been my honor to know him.

Father Hesburgh once said, "My basic principle is that you don't make decisions because they are easy . . . you make them because they're right." He has certainly lived his life by those words and it is an honor to be recognizing today the outstanding life of this great man.

Mr. DAVIS of Illinois. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 687, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing Reverend Theodore M. Hesburgh, C.S.C., for his contributions to the civil rights movement in the United States, his tireless work to reduce the threat of nuclear conflict, and his efforts to secure the peaceful resolution of international conflicts.".

A motion to reconsider was laid on the table.

☐ 1515

COMMENDING GREEN BAY PACKERS QUARTERBACK BRETT FAVRE FOR ESTABLISHING A NATIONAL FOOTBALL LEAGUE RECORD FOR MOST CAREER TOUCHDOWN PASSES

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 697) commending Green Bay Packers quarterback Brett Favre for establishing a National Football League record for most career touchdown passes, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 697

Whereas on September 30, 2007, Green Bay Packers quarterback Brett Favre established a National Football League (NFL) record by throwing his 421st touchdown pass;

Whereas in addition to the career touchdown mark, Brett Favre also holds the NFL record for greatest number of wins by a starting quarterback and the NFL record for playing in the most consecutive games as a starting quarterback;

Whereas Brett Favre is the only 3-time winner of the NFL's Most Valuable Player Award;

Whereas Brett Favre's 16 consecutive years of dedicated service with the Green Bay Packers has enhanced the lives of the people of Northeast Wisconsin and exemplified the Wisconsin work ethic;

Whereas Brett Favre's contributions to his community have extended beyond the football field;

Whereas Brett Favre was born in Gulf Port, Mississippi, was raised in Kiln, Mississippi, and attended the University of Southern Mississippi;

Whereas Brett Favre's loyalties to his home State of Mississippi and adopted State of Wisconsin are reflected in his participation in and organization of numerous charitable activities in those States, including the Brett Favre Fourward Foundation, the Special Olympics, the Make-A-Wish Foundation, and the Boys and Girls Clubs of America;

Whereas the Brett Favre Fourward Foundation aids disadvantaged children in Wisconsin and Mississippi and has raised more than $1,000,000 for people affected by Hurricane Katrina in Mississippi;

Whereas Brett Favre and his wife, Deanna Favre, co-founded the Deanna Favre Hope Foundation, which provides assistance to women in need affected by breast cancer; and

Whereas Brett Favre has demonstrated that hard work and single-mindedness of purpose can bring success, and epitomizes the words of NFL Hall of Fame Coach Vince Lombardi: "People who work together will win, whether it be against complex football defenses, or the problems of modern society.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Green Bay Packers quarterback Brett Favre for establishing a National Football League record for most career touchdown passes;

(2) recognizes Brett Favre for his outstanding community service in Wisconsin and Mississippi and his 16 consecutive years of dedicated service with the Green Bay Packers, a community-owned organization; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Brett Favre, to the Green Bay Packers organization, and to the Commissioner of the National Football League.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the author of this legislation, Representative STEVE KAGEN.

Mr. KAGEN. Madam Speaker, I thank my colleague.

Madam Speaker, Green Bay, Wisconsin, the Green Bay Packers and quarterback Brett Favre have a great deal in common. They're hardworking, dedicated to the community and believe in competing with, not against, one another to bring out the very best performance possible for each and every athlete and every time on the field.

Today, the United States House of Representatives offers its praise to Brett Favre, to his family, to the Green Bay Packers and to the people of Wisconsin who together own the most storied team in professional sports.

In fact, the Green Bay Packers, unlike any other corporate entity in America, can never be offshored because the team is owned by the people living in Green Bay and Wisconsin.

There are three things our Nation can learn from the success of Brett Favre and the Green Bay Packers. First, the team competes with one another to bring out the very best performance from every athlete.

Secondly, Brett, like successful Olympic speed skating champions that I've come to know, does his personal best every single day, in practice and on the field. If one does one's personal best each and every day, no one can criticize you.

And lastly, the two words that form our American competitive spirit: "move up." Don't settle for second place. Shoot for the gold and settle for the silver, but at all times, never, never stop trying to move up. And remember, we know from our experiences that everybody falls. We all have failures. But it's not how far you fall; it's how high you bounce back.

Compete with one another. Do your personal best every day and move up. These 3 ideas tell the story of the Green Bay Packers and their quarterback Brett Favre. They reflect the spirit of the people in both Wisconsin and in Mississippi, and they will continue to be lived out by Brett Favre during his career in professional sports and beyond.

I ask my colleagues to join with me in recognizing the accomplishments of the Green Bay Packers, the hardworking people of Green Bay and the people of Wisconsin and our future Hall of Fame quarterback Brett Favre.

If I may read the resolution, which reads, H. Res. 697, "Commending Green Bay Packers quarterback Brett Favre for establishing a National Football League record for most career touchdown passes, and for other purposes.

"Whereas on September 30, 2007, Green Bay Packers quarterback Brett Favre established a National Football League (NFL) record by throwing his 421st touchdown pass;

"Whereas in addition to the career touchdown mark, Brett Favre also holds the NFL record for greatest number of wins by a starting quarterback and the NFL record for playing in the most consecutive games as a starting quarterback;

"Whereas Brett Favre is the only 3-time winner of the NFL's Most Valuable Player Award;

"Whereas Brett Favre's 16 consecutive years of dedicated service with the Green Bay Packers has enhanced the lives of the people of Northeast Wisconsin and exemplified the Wisconsin work ethic;

"Whereas Brett Favre's contributions to his community have extended beyond the football field;

"Whereas Brett Favre was born in Gulfport, Mississippi, was raised in Kiln, Mississippi, and attended the University of Southern Mississippi;

"Whereas Brett Favre's loyalties to his home State of Mississippi and adopted State of Wisconsin are reflected in his participation in and organization of numerous charitable activities in those States, including the Brett Favre Fourward Foundation, the Special Olympics, the Make-A-Wish Foundation, and the Boys and Girls Clubs of America;

"Whereas the Brett Favre Fourward Foundation aids disadvantaged children in Wisconsin and Mississippi and has raised more than $1,000,000 for people affected by Hurricane Katrina in Mississippi;

"Whereas Brett Favre and his wife, Deanna Favre, co-founded the Deanna Favre Hope Foundation, which provides assistance to women in need affected by breast cancer; and

"Whereas Brett Favre has demonstrated that hard work and single-mindedness of purpose can bring success, and epitomizes the words of NFL

Hall of Fame Coach Vince Lombardi: 'People who work together will win, whether it be against complex football defenses, or the problems of modern society.': Now, therefore, be it

"Resolved, That the House of Representatives—

"(1) commends Green Bay Packers quarterback Brett Favre for establishing a National Football League record for most career touchdown passes;

"(2) recognizes Brett Favre for his outstanding community service in Wisconsin and Mississippi and his 16 consecutive years of dedicated service with the Green Bay Packers, a community-owned organization; and

"(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Brett Favre, to the Green Bay Packers organization, and to the Commissioner of the National Football League."

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

We're going to be saying lots of nice things about Brett Favre this afternoon, but I want to make sure that he understands the most important thing. In my fantasy football team, the Domers, he's my starting quarterback this weekend. I need a lot of points. I don't want this going to his head that we're passing this congressional resolution.

In my little hometown of 700 of Grabill outside Fort Wayne, Indiana, when it was created, a man named Ben Neuenschwander brought a German over named Fred Marolf, and then Fred broke off, and up at the county line he formed a cheese company. And after many years and just a few miles from my hometown, they moved up to where all the cheeseheads go, to Wisconsin.

County Line Cheese today is 1 of the more famous cheese companies in America. And I don't know whether they make the actual cheeseheads that you Wisconsinites wear, but they certainly make a lot of the cheese.

That's kind of been my tie to the cheeseheads, because growing up near a plant, you could get the green curds and all that type of stuff. I followed the Green Bay Packers growing up, and they had Bart Starr and Fuzzy Thurston in the line and Jim Taylor, of course Paul Hornung, the Notre Dame great, and you kind of wondered whether Green Bay fans were going to be like Cub fans and all they did was talk about the past. Then along comes Brett Favre.

So let me rise today in support of this resolution to Brett Favre of the Green Bay Packers for breaking the world record on career touchdown passes, and the way he handled this with Dan Marino was just amazing for the country to watch as they both praised each other.

He adds to his record also for the most passes attempted, the most passes completed and, most importantly of all, the most games won as a starting quarterback.

It's only fitting that Favre continue his run on the NFL record books because he's always been a man ahead of his time. He started on his high school baseball team as an eighth grader. He started at 7 different positions, including offensive and defensive line, as a ninth grader on a varsity football team.

In 1987, he arrived at Southern Miss, and at age 17, was listed as the seventh-string for the Golden Eagles. Midway through the third game of that season, he had become the starter. He would not relinquish that spot until he graduated 4 years later. He would lead stunning upsets of Florida State and, as a senior, Alabama.

Two years later, Ron Wolf was hired as general manager of the Green Bay Packers. In his first speech to Packer fans, Wolf revealed that the Packers' next quarterback was a guy they'd never heard of, a guy who had languished as a third-string signal caller of the Atlanta Falcons, a guy named Brett Favre. He traded a running back you've never heard of to Atlanta for Favre, and the rest is history.

Well, maybe not all the rest. The Packers are 5–1 this year, and Favre, at 38, is off to his best start in years. Teammates say he's in the best shape of his career; coaches say he is making the best decisions of his career.

Could he do it again? Could he win his second Super Bowl? American cheeseheads hope so. For those of us Colts fans, we hope he does well in the final game but doesn't win.

Madam Speaker, I yield back.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he might consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

Madam Speaker, it's my pleasure to join Mr. KAGEN in offering this resolution, and I want the RECORD to reflect that my friend and colleague Mr. KAGEN is the second-biggest Packer fan in Congress. Being from the upper peninsula of Michigan, all of us UPers are known as Packer fans. Actually, Green Bay is only just over an hour's drive from my home, where the Detroit Lions are more than 10 hours away from home, so we are all Packer fans in northern Michigan.

On Sunday, September 30, with a 16-yard touchdown pass to wide receiver Greg Jennings, Green Bay Packer Brett Favre broke Dan Marino's career touchdown pass record with 421 touchdown passes.

Playing in his 17th season in the NFL, Brett Favre has consistently shown Packer fans and the Nation that hard work, dedication and determination lead to continued success.

The fact that Brett Favre threw the record-breaking touchdown in Minnesota against a tough divisional rival shows that his hard work and determination does pay off.

Throughout his career, Brett Favre has proven that his perseverance and love of the game have helped him overcome adversity and succeed at such a high level.

Most importantly, Brett Favre has remained humble while leading the Packers to four wins and only one loss so far this season. I realize my good friend Mr. SOUDER has already given the Packers their fifth win. That will come this Sunday against the Washington Redskins. After his record-breaking performance, Brett Favre said the last thing on his mind was the record. That truly sums up how this individual approaches the game. It's not for personal glory but for team pride and continuing on their winning ways.

Favre's teammates and coaches credit his work in the off-season and between games as the reason the three-time NFL Most Valuable Player has remained successful.

Favre's leadership has helped the Packers to start off the year on top of the division.

Favre has been a leader off the field as well. This resolution honors Brett and Deanna Favre's work supporting the Special Olympics, the Make-A-Wish Foundation, the Boys and Girls Club of America, breast cancer patients and those affected by Hurricane Katrina.

In a year plagued with sports scandals, Brett Favre sets a positive example for all Americans that there is still honesty and dignity in sports.

I'm proud to join with all my colleagues and the Members of the House of Representatives to salute Brett Favre's continued success on and off the field, and I look forward to another MVP year.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I can assure everybody that the Chicago Bears have a great deal of respect for Brett Favre, and I don't intend to get into Central Division football, but I do rise in strong support of this resolution, a bill that commends Green Bay Packers quarterback Brett Favre for establishing a National Football League record.

Football is an American pastime, and even people who don't know a great deal about the game oftentimes get caught up in what takes place, what goes on and what is happening. And so when one can rise to the top of the list in his profession, throw more passes than anybody else has ever thrown, thrill more audiences than perhaps anyone else thrilled, keep people coming and enjoying and interacting and being proud of not only the areas that they come from but proud of the contribution that one makes not only on the field but off the field, all of the charitable groups and organizations of which Brett and his family are a part of, gives us further reason to commend Representative STEVE KAGEN for his introduction of this legislation.

I certainly would urge its passage.

Mr. KIND. Madam Speaker, I rise today to pay tribute to Green Bay Packers quarterback Brett Favre upon his achievement of throwing his 421st NFL touchdown and breaking the all-time NFL record for touchdown passes.

From my days as Harvard quarterback, I can say firsthand that I have a deep appreciation for the sport of football and for the strength and dedication it takes not only as an athlete, but as a team leader as well. While growing up in western Wisconsin, I spent countless Sunday afternoons watching the Green Bay Packers through both good and bad seasons. I have watched Brett Favre grow from his first season as a Packer, to a Super Bowl MVP, and to a well respected legend.

Throughout the sports community, Brett Favre is a symbol of stamina, leadership, toughness, and sportsmanship. Not only has Brett Favre broken the NFL record for touchdown passes, he holds the records for most number of wins by starting quarterback, most consecutive games as a starting quarterback, and the only three-time winner of the NFL's Most Valuable Player Award. During his 16 years on the Green Bay Packers, Brett Favre has led the team to two Super Bowls and given Wisconsin a good reason to look forward to winter.

Brett Favre is more than an outstanding athlete; he is a dedicated humanitarian who has demonstrated leadership both on and off the field. The Brett Favre Fourward Foundation has donated more than $1.5 million for disadvantaged and disabled children in Wisconsin and Mississippi. When Hurricane Katrina devastated the Mississippi coast, Brett Favre played a leading role in rallying fundraising and aid for his home state. After his wife, Deanna, was diagnosed with breast cancer, the Favres founded the Deanna Favre Hope Foundation to provide support to uninsured or underinsured women living with this terrible disease.

I believe NFL Hall of Fame Coach Vince Lombardi captured it best when he said: "Individual commitment to a group effort—that is what makes a team work, a company work, a society work, a civilization work."

On behalf of the residents of the state of Wisconsin, I would like to congratulate Brett Favre on his many accomplishments, including his 421st touchdown pass, and to wish him the best of luck for the rest of the season.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 697.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1530

LANCE CORPORAL DAVID K. FRIBLEY POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3308) to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL DAVID K. FRIBLEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, shall be known and designated as the "Lance Corporal David K. Fribley Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal David K. Fribley Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3308, which names a postal facility in Atwood, Indiana, after Lance Corporal David K. Fribley.

H.R. 3308, which was introduced by Representative MARK SOUDER on August 1, 2007, was reported from the Oversight Committee on September 20, 2007, by voice vote. This measure has the support of the entire Indiana congressional delegation.

Madam Speaker, Marine Lance Corporal David K. Fribley was killed in action on March 23, 2003, near Nasiriyah, Iraq. He was assigned to the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, Camp Lejeune, North Carolina.

Mr. Fribley earned a degree from Indiana State University in recreation and sports management. He was working at a retirement home in Fort Myers, Florida, a job he loved, when the terrorist attacks occurred on September 11, 2001. Mr. Fribley joined the Marines. He wrote in a letter to his parents: "Right now, I'm sure I'm where God wants me to be."

Lance Corporal Fribley served his country with honor and distinction. He gave the ultimate sacrifice, and America is eternally grateful.

I commend my colleague, Representative MARK SOUDER, for introducing this legislation and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

There are probably no things more upsetting to Members of Congress than to know that the difficult decisions we have made here have resulted in the deaths of young men and women in battle.

Lance Corporal David Fribley was actually the first Hoosier killed in action in support of Operation Iraqi Freedom. One of the good things that we have seen in the Oversight and Government Reform Committee has been a number of post offices and various things being named after these young patriots.

I was earlier at a dedication of a football field in Warsaw, Indiana, named Fribley Field, where the community went together and put together a statue and a number of things in tribute for him and his family and renamed the field and redid the field so that kids could continue to play athletics as he did in Warsaw.

He is actually from Atwood. His parents are Gary and Linda. He has a brother, Steve, and a sister, Ann.

Atwood is a very small town, not that Warsaw is all that big, in the big scheme of things, but Atwood is a very small town, similar to the one I grew up in, probably about 500 people or thereabouts, between 500 and 1,000, at most. It is on U.S. 30. Many people may go by it. Be careful if you do, there is usually often a policeman there who tries to catch people in a speed trap. The town is just a little ways away.

But this is a big moment for Atwood. One of their stars that came out went to Warsaw High School; and even though he went to Warsaw High School, he was known as an Atwood boy. Warsaw is a large consolidated high school in the area, and all the small towns know their individuals there.

Vicky Romine, the postmaster in Atwood, requested this from our office and said, because he was an Atwood boy, they wanted to name their post office after him. The 3 county commissioners in Kosciusko County, Brad Jackson, Ronald Truex and Bob Conley, all sent letters of support to rename this post office after Lance Corporal David Fribley.

He graduated from high school in 1996, where he was an all-conference football player and a track and field star. He was on the track and field team at Indiana State from 1996 to 1998 and placed sixth in the shot put at the 1998 Missouri Valley Conference Indoor and Outdoor Championships. He went on to graduate with a bachelor's degree in recreational-business administration from Indiana State University.

After college he moved to Fort Myers, Florida, where he began organizing activities for retirees at the Shell Point Retirement Community until September 11, 2001. Right after 9/11, he joined the Marine Corps, saying, "The greatest gift one can give another is the gift of service. The following is my gift to you and others. With all the strength of my fellow marines, we shall always provide you with the comforting feeling of safety that you have each day."

He was assigned to the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, Camp Lejeune, North Carolina. In 2003, he was deployed in support of Operation Iraqi Freedom. On March 23, 2003, he died during a battle near Nasiriyah. He became the first Hoosier killed in action in support of Iraqi Operation Freedom.

Corporal Fribley was always ready to pitch in, friends and family say. When an uncle took sick, he mowed his aunt's lawn. When a cousin wanted to attend Indiana State, he took her to the sprawling campus, showed her shortcuts and introduced her around.

One of his fraternity brothers at Indiana State said: "David was one of those simple, gentle people. You could ask him to do anything, and he would stop what he was doing and help you. He was one of those people that I trusted with everything. I could go to him with a problem. I could go to him with an issue, and he would always come through."

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I urge the passage of this legislation and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3308.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE PHOENIX MERCURY FOR WINNING THE 2007 WNBA CHAMPIONSHIP

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 654) congratulating the Phoenix Mercury for winning the 2007 Women's National Basketball Association (WNBA) Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 654

Whereas, on September 16, 2007, the Phoenix Mercury won the 2007 Women's National Basketball Association (WNBA) Championship after cruising to victory over the defending champion Detroit Shock with a strong final score of 108 to 92 in the fifth and deciding game of the series;

Whereas this is the Mercury's first WNBA Championship since the team's formation in 1997 as one of the WNBA's original 8 teams;

Whereas the Mercury is the first team to win the WNBA Championship on the road;

Whereas, after only 2 seasons as head coach, the superb leadership and up-tempo style of Coach Paul Westhead guided the Mercury to this Championship;

Whereas, after only 2 years in the WNBA, Cappie Pondexter scored 26 points in the final game of the series and was chosen as the Most Valuable Player for the WNBA Finals;

Whereas Cappie Pondexter was ably assisted by Penny Taylor, who scored 30 points, and Diana Taurasi, who scored 17 points, in addition to outstanding efforts from teammates Tangela Smith, Kelly Miller, Kelly Mazzante, Kelly Schumacher, Belinda Snell, Olympia Scott, Jennifer Derevjanik, and Jennifer Lacy;

Whereas this impressive win makes Coach Paul Westhead the first coach in history to capture both the NBA Championship and WNBA Championship;

Whereas the Mercury entered the WNBA Playoffs with their best record in franchise history at 23–11 and after 6 years of having missed inclusion in the Playoffs;

Whereas there was no doubt who was taking control of the final game as the Mercury led by as many as 14 points in the first quarter, posted an impressive record by shooting 73.3 percent for the first quarter, and led by as many as 18 points in the second quarter; and

Whereas the city of Phoenix joins the Phoenix Mercury owner, Robert Sarver, in taking enormous pride in the accomplishment of this outstanding team: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Phoenix Mercury and Coach Paul Westhead for winning the 2007 Women's National Basketball Association Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 654, a bill that congratulates the Phoenix Mercury basketball team for winning the 2007 Women's National Basketball Association Championship.

H. Res. 654, which has 53 cosponsors, was introduced by Representative ED PASTOR on September 17, 2007. H. Res. 654 was reported from the Oversight Committee on October 4, 2007, by voice vote.

On September 16, 2007, the Phoenix Mercury beat the Detroit Shock 108-92 to win the Women's National Basketball Association Championship. This was the first national championship for the Phoenix Mercury basketball team.

The Phoenix Mercury team was led by three aggressive players, Ms. Cappie Pondexter, Ms. Penny Taylor and Ms. Diana Taurasi, who scored 73 points of the team's 108 points to dominate the Detroit Shock team.

I commend my colleague, Representative PASTOR, for congratulating the Phoenix Mercury basketball team for winning the 2007 Women's National Basketball Association Championship. I urge swift passage of this legislation and would just like to extend personal congratulations to Ms. Cappie Pondexter, who lived in the community where I lived, attended school there, and, of course, went on to become a great female basketball player.

Madam Speaker, I reserve the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of the resolution to congratulate the Phoenix Mercury for bringing the first professional basketball title ever to the Valley of the Sun.

The Mercury became the first team in WNBA history to clinch the league title on the road when it defeated the Detroit Shock in Detroit on September 16 to win the championship series 3-2. The Mercury relied on a variety of stars, from point guard Cappie Pondexter to former Connecticut star Diana Taurasi. Penny Taylor, Kelly Miller and Tangela Smith also averaged in double figures as the Mercury set the league scoring record for the second straight year.

I remember back in the 1960s when I was in college and things were a tad more sexist. You had half-court basketball. It has sure changed today when you watch the women in the WNBA outshoot and do things that most males wouldn't dream of being able to do. It has truly emerged as an increasingly popular sport and impressive sport.

It is no coincidence that all the high scoring occurred under the watch of Coach Paul Westhead, a Shakespearean scholar who taught actual classes while serving as a men's basketball coach. He devised a style 20 years ago as coach at Loyola Marymount that made the Los Angeles school the epicenter and really the founder of the high-scoring, I shouldn't have said that quite that way because there were others who did run-and-gun basketball, but Loyola Marymount was the first team that regularly scored more than 100 points. He took that show to George Mason University in Northern Virginia before returning to the pro game as an assistant a few years later.

In 2005, he resurfaced in Phoenix and helped turn a middle-of-the-pack team into a champion. At 68, with titles in both the NBA and WNBA to his credit, he has resigned, but not before helping to bring a trophy to a city that has long waited for one.

Congratulations to Coach Westhead and to all the Mercury and its fans.

Mr. PASTOR. Madam Speaker. It is with great pleasure that I rise today to congratulate the Phoenix Mercury on becoming the 2007 winner of the Women's National Basketball Association Championship on September 16, 2007, in the final game of a five-game series that Phoenix won by an impressive 108–92 score.

This is the first championship for the Phoenix Mercury, and the first title won by a road team in the league's history. The event also places the Mercury Coach, Paul Westhead, in the unique position of being the first coach to ever lead a team to a championship in both the National Basketball Association and the WNBA courts.

The WNBA started 11 years ago. Since that time, its fan base has continued to grow each year as more and more sports enthusiasts have become appreciative of the athletic talents of women. This year's victory game, in which the Mercury posted a 73.3 shooting percentage in the first quarter, clearly shows that women have rightfully earned a spot in the limelight of this sport.

The magic events of the September 16th game created an impressive run of records that are truly deserving of recognition. Therefore, I am very proud of to have sponsored this resolution honoring the Phoenix Mercury, a superb team that has combined hard-work, sportsmanship, raw talent, and a will to win into a modern day success story—a success that was aided by great coaching and a strong front office organization led by owner Robert Sarver. I am most certainly wishing them all the best as they continue to bring outstanding basketball in the future to fans worldwide.

As Coach Westhead recently quoted when referencing this victory and which serves as a thoughtful reminder to all walks of life, "Isn't it amazing how much can be accomplished when no one cares who gets the credit?"

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 654.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CHILDREN'S GASOLINE BURN PREVENTION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 814) to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Gasoline Burn Prevention Act".

SEC. 2. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.

(a) CONSUMER PRODUCT SAFETY RULE.—The provision of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) REQUIREMENTS.—Effective 6 months after the date of enactment of this Act, each portable gasoline container manufactured on or after that date for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517-05, issued by ASTM International.

(c) DEFINITION.—As used in this Act, the term "portable gasoline container" means any portable gasoline container intended for use by consumers.

(d) REVISION OF RULE.—If, after the enactment of this Act, ASTM International proposes to revise the child resistance requirements of ASTM F2517-05, ASTM International shall notify the Consumer Product Safety Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule under subsection (a) unless, within 60 days of such notice, the Commission notifies ASTM International that the Commission has determined that such revision does not carry out the purposes of subsection (b).

(e) IMPLEMENTING REGULATIONS.—Section 553 of title 5, United States Code, shall apply with respect to the issuance of any regulations by the Consumer Product Safety Commission to implement the requirements of this section, and sections 7 and 9 of the Consumer Product Safety Act shall not apply to such issuance.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Consumer Product Safety Commission shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the degree of industry compliance with the standard promulgated under subsection (a);

(2) any enforcement actions brought by the Commission to enforce such standard; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the standard promulgated under subsection (a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the first of four consumer protection bills on floor of the House of Representatives that the Subcommittee on Commerce, Trade and Consumer Protection reported on July 30, and the Committee on Energy and Commerce subsequently reported on September 27.

The final versions of these bills have all been crafted in a thoroughly bipartisan manner and in close consultation with the Consumer Product Safety Commission. The committee staff, both majority and minority, should be commended for the hard work they put into these bills to ensure that they are thoughtful, careful, and bipartisan pieces of legislation.

H.R. 814, the Children's Gasoline Burn Prevention Act, was introduced by Congressman DENNIS MOORE and Congressman SPENCER BACHUS.

☐ 1545

It requires child-resistant caps on gasoline cans, whether they are sold with or without gasoline. Currently, the law only requires such safety caps on cans sold with gasoline in the can. The absence of a requirement for child-resistant caps on empty gasoline cans makes no sense, and this bill addresses this dangerous inconsistency.

At subcommittee, we passed an amendment in the nature of a substitute which reflected arcane and technical changes to the bill as recommended by the staff of the CPSC. As a consequence, the bill, as amended, employs the regulatory model used for automatic garage door openers to formulate safety requirements, which has proven to be a very successful regulatory model over the years for the CPSC.

This is a good bill, Madam Speaker, and I want to commend our colleagues, Mr. MOORE and Mr. BACHUS, for their bipartisan work. I urge a "yes" vote.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, it's a great opportunity to see you in the Speaker's chair today.

I would like to commend, obviously, Congressman MOORE for his dedication and his determination to move H.R.

814, the Gasoline Burn Prevention Act. He has been, Madam Speaker, and as my colleague knows, the chairman of the committee has been tireless in his efforts to ensure portable gasoline containers are fitted with child-resistant caps, and that is simply what this legislation does. This bill mandates that all portable gas cans sold in this country be equipped with child-resistant caps.

I'd like to note, however, that mandating the standard is not a substitute for preventing access to gasoline. In fact, all prepackaged gas containers are required to be sold with child-resistant caps. And empty gas containers, which this legislation addresses, are now sold with such caps as a matter of compliance with a voluntary industry standard. Let me repeat. The industry has complied with this on a volunteer basis. The very standard that this bill adopts, industry has voluntarily complied with and set up themselves or in compliance with State environmental laws requiring child-resistant and spill-resistant caps.

As a consequence, I'm just a bit concerned about this legislation. Not, obviously, because of its substance, but simply because of the precedents that we have here, Congress, how we will treat industry who voluntarily step out, set their standards, comply with it and do it themselves. So when the industry is in compliance and did so voluntarily, why does the United States Federal Government need to get involved? Requirements of the Consumer Product Safety Act establish the CPSC should only promulgate a standard when no industry or other standard exists, or when an existing standard is inadequate or is not being complied with at large. But, again, industry in compliance; did so voluntarily. So why does the United States Government have to step in?

I'm concerned that we'll send a message to industry that even when you do things correctly, you adopt the standards voluntarily, and you comply with them, Congress will not hesitate to intercede, turning an industry standard into a commission rule while bypassing the requirements of the Administrative Procedures Act.

Now, think about that. They adopt the standards, they comply with it, they do it themselves; Congress still intervenes and adopts what the industry put as a standard as part of a bill here. If turning industry standards into agency rules becomes regular practice around here, it could severely diminish the willingness of industry to develop standards on their own because, be careful what you ask for. The industry will say to themselves, lo and behold, we work hard, we developed this voluntarily, this standard, bingo. They come back and they might take the standard, and not only take the standard, but the standard plus one, plus two, plus three.

So I worry that these additional layers of regulation liability, and of course there's liability when the Federal Government steps in, on the manufacturing industry, particularly when the industry complies, simply complies with the industry standards, are unnecessary in many cases, and often contribute to the loss of U.S. manufacturing jobs because of the concern about liability.

Now, having said all that, Madam Speaker, expressing my concerns of the unintended precedent, I obviously support this bill because the bill, in effect, is a reasonable effort that may, perhaps will, reduce danger to children. And so for that, Madam Speaker, I commend Congressman MOORE. I just think it establishes a precedent that we, on this committee, Commerce, Consumer Protection and Trade, have to be careful about.

Madam Speaker, I yield back the balance of my time.

Mr. RUSH. Madam Speaker, I want to assure everybody that, in spite of the polemics, this is a bipartisan bill, and we do have bipartisan agreement.

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of H.R. 814, the Children's Gasoline Burn Prevention Act.

While they say that good things come to those who wait, victims of a gasoline burn due to non-child-resistant gasoline container closures and their families would disagree. This is the fourth Congress in which I have introduced this measure. For the past two, I have been joined by my friend and colleague from Alabama, Representative SPENCER BACHUS. Our children have waited long enough for this common sense consumer protection.

The 1973 Poison Packaging Prevention Act requires items containing dangerous or poisonous materials, such as pill bottles, to be sold with child-resistant caps. Gasoline cans, however, are exempt from this requirement because they are sold empty, even though they are designed solely to contain one very hazardous, highly flammable liquid. H.R. 814 would simply amend section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), to include child-resistance standards for closures on all portable gasoline containers.

Allowing these cans to be sold with simple twist-off caps is dangerous and causes tragic accidents when children come into contact with them. Unfortunately, these accidents occur all too frequently. In 2003, the Consumer Product Safety Commission, CPSC, released a report estimating that in a single year; more than 1,200 children under the age of five were treated in emergency rooms for injuries resulting from unsecured gas cans, either through fires or inhalation of fumes. Using a different data set, the CPSC confirmed 19 deaths over eleven years due to children interacting with gas cans.

H.R. 814 has been endorsed by the American Society of Testing and Materials' Task Group of Standards for Flammable Liquid Containers, the World Burn Foundation, the National Safety Council, the American Academy of Pediatrics, the National Fire Protection Association, Public Citizen, and the Office of the Kansas State Fire Marshal.

In addition, H.R. 814 would not cost the taxpayers any money and is strongly bipartisan.

During the 109th Congress, the Children's Gasoline Burn Prevention Act garnered 119 cosponsors, 14 of whom were Republicans. This Congress, it is again a strongly bipartisan bill.

Thank you again, Madam Speaker, for the opportunity to vote on this proposal in the full House. I hope that we can work together to enact this simple, common-sense measure that will protect young children, and help put their parents' minds at ease with regard to gasoline cans stored in garages, basements, and back porches. The Consumer Product Safety Commission must be allowed to adequately protect consumers and ensure public safety. This measure will help do that.

Mr. WAXMAN. Madam Speaker, I rise today to support H.R. 814, a commonsense bill that will protect children from severe harm.

The Children's Gasoline Burn Prevention Act will resolve a long-standing loophole in Federal law. For more than 30 years, we have required that household hazardous materials be sold in child resistant containers. Gasoline cans were exempt from this requirement for one simple reason. They are sold empty. They do not hold any hazardous material when they are purchased.

This is a meaningless distinction—the sole purpose of these cans is to hold gasoline, a highly flammable and dangerous material. This bill will require that companies sell cans that children can't open.

I worked with my colleague DENNIS MOORE to introduce a similar bill last Congress, after I learned about young children who were killed or permanently injured in fires that began when the children accidentally opened a gas can. Stephen Diaz, a California boy, is just one example. He opened a gas can in his family garage and knocked it over. The fumes ignited, and he was burned over half of his body. This fire, and many others, could and should have been prevented.

I am pleased that the bill has been reintroduced this Congress and is on the floor today. The Children's Gasoline Burn Prevention Act is a simple but important piece of legislation that I urge my colleagues to support.

Mr. RUSH. I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BERKLEY). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 814, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DANNY KEYSAR CHILD PRODUCT SAFETY NOTIFICATION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1699) to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Danny Keysar Child Product Safety Notification Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Unintentional injuries are the leading cause of death among children, and for every such injury that is fatal, approximately 18 children are hospitalized and 1,250 are treated by emergency departments for such injuries that are nonfatal.

(2) According to the Consumer Product Safety Commission, an average of 50 children under the age of 5 die each year in incidents associated with nursery products, and about 16 of these deaths each year are associated with cribs.

(3) In 2003, an estimated 60,700 children under the age of 5 were treated in United States hospital emergency rooms for injuries associated with nursery products, and there were 10,700 injuries to children under the age of 5 years associated with strollers alone.

(4) Of the 397 recalls issued by the Consumer Product Safety Commission in fiscal year 2005, 109 (or 27 percent) were children's products. Children's products were recalled, on average, over 2 times per week, and accounted for 19,635,627 individual units.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term "durable infant or toddler product"—

(A) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(B) shall include—

(i) full-size cribs and nonfull-size cribs;

(ii) toddler beds;

(iii) high chairs, booster chairs, and hook-on chairs;

(iv) bath seats;

(v) gates and other enclosures for confining a child;

(vi) play yards;

(vii) stationary activity centers;

(viii) infant carriers;

(ix) strollers;

(x) walkers;

(xi) swings; and

(xii) bassinets and cradles.

SEC. 4. CONSUMER PRODUCT REGISTRATION FORMS.

(a) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(1) to provide consumers with a postage-paid consumer registration form with each such product;

(2) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(3) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(b) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(1) include spaces for a consumer to provide their name, address, telephone number, and email address;

(2) include space sufficiently large to permit easy, legible recording of all desired information;

(3) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(4) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(5) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(6) include an option for consumers to register through the Internet; and

(7) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(c) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(d) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 1699, the Danny Keysar Child Product Safety Act was introduced by the vice chairwoman of the Subcommittee on Commerce, Trade and Consumer Protection, Ms. SCHAKOWSKY, and Mr. UPTON, a senior member of the Energy and Commerce Committee. The bill is named after 16-month-old Danny Keysar, who tragically and senselessly died when his defective portable crib collapsed and strangled him to death. Unbeknownst to Danny's poor parents and caregiver, the crib was subject to a voluntary recall 5 years earlier.

H.R. 1699 directs the Consumer Product Safety Commission to require manufacturers of certain nursery products to create a voluntary registry to facilitate the efficacy of recall of those products when they occur. Under the bill, when a consumer buys one of 12 types of everyday durable nursery products as defined by statute, such as cribs, high chairs, bath seats and strollers, the manufacturer must provide the consumer with a postage-paid postcard. Parents will have the option to fill out the postcard and register with the manufacturer by mail or, alternatively, by e-mail so that they can be immediately notified if the product is the subject of a recall. The information on these postcards cannot be used for marketing or any other purpose than to notify consumers of the recall. It's worth noting, Madam Speaker, that this registry is based on an existing successful program for child car seats maintained by the National Highway Transportation Safety Administration.

It's also worth noting that this bill is extremely timely, given the recent recall of infant cribs made by the company Simplicity, because of the strangulation hazard the defective cribs posed to young toddlers. Moreover, numerous press reports have recently cited just how ineffective product recalls can be. Unfortunately, parents are often unaware of defective recall products, and they remain in homes posing danger to children, as was the case with Danny Keysar. Indeed, in recent years, the CPSC has increasingly issued expanded recalls of products that have already been the subject of recalls, because the Commission continues to be vigilant and to receive injury reports on defective products. H.R. 1699 will go a long way towards remedying this problem and empowering parents to become aware of infant product recalls immediately after they are our initiated.

Madam Speaker, I urge all of the Members of the House to vote for this excellent bill.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, my colleagues, this bill aims to improve the recall process of children's products such as toys and furniture by requiring the inclusion of a product safety registration card with each product at the point of sale. The program is modeled on the car seat registration program mandated by the National Highway Traffic Safety Administration, better known as NHTSA.

Now, my colleagues, this legislation creates a new mechanism for keeping consumers informed of child product recalls. To the extent we can improve the recall process, we should, and we think it's a good idea. Parents should know as soon as possible, if they own a product that's dangerous to their child's safety.

Children have been injured by the continued use of a recalled product simply because the parents were simply unaware of the product's dangerous nature. Our hope is that this registration program will render these type of accidents preventable.

Now, my colleagues, of course children's products are often passed along to other friends or family members once their child is grown, outgrows its use. We all know that. We put it up in the attic, then we hear a friend at church says they have a new child and we bring down this particular product. So many products are donated to charity outlets for resale, or sold at secondhand stores, online or at yard sales. No registration program will reach these parents in the event of a recall. They'll have to depend upon media.

This legislation will attempt to reach these legacy owners by permanently marking each product with the manufacturer's name, model number, and other information used in consumer product recalls. A parent can simply research the item on the Internet or call the manufacturer to verify a product's safety if he or she gets this product either in a yard sale or it's given to them by a friend. This is good.

To the extent this measure improves notification to parents of potentially dangerous products, all of us should support this bill. At the same time, we all know that nothing is more important to a child's safety than vigilant parental supervision. I hope the good intentions of this legislation proves effective for both the consumers who purchase the products and the companies who will have to maintain these databases.

Madam Speaker, I yield back the balance of my time.

Mr. RUSH. Madam Speaker, I am pleased to yield 5 minutes to the sponsor of this legislation along with Congressman UPTON, the gentlewoman from Illinois, the vice chairman of the subcommittee, my friend, Congresswoman JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Madam Speaker, I'd first like to thank the chairman of the Commerce, Trade and Consumer Protection subcommittee, Mr. RUSH, for his support and help.

I also want to thank Mr. STEARNS for his support of the legislation, as well as full committee Chairman DINGELL and Ranking Member BARTON.

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It is clear that our system for recalling dangerous products is simply broken. It is failing American families. The recall system relies on the media to pick up the story and spread the word, but many times the stories are not picked up and the news does not reach the owners of defective products. In fact, some estimate that the recall effectiveness rate for products under jurisdiction of the Consumer Product Safety Commission is a mere 16 percent. Notification targeted to owners of the product is rare, and many parents remain unaware of the dangers.

And that's why I rise in strong support of H.R. 1699, the Danny Keysar Child Product Safety Notification Act, which I was proud to introduce with my good friend from Michigan, Congressman UPTON. This bill will begin to close the significant gaps in the recall system by requiring that durable children's products such as cribs and strollers and high chairs come with a postage-paid postcard that parents or caregivers can mail in to be notified if a product is recalled for safety reasons.

This legislation is a commonsense solution to a very real and pervasive problem. Unintentional injuries are the leading cause of death among children. According to the Consumer Product Safety Commission, an estimated 64,700 children under the age of 5 were treated in emergency rooms across the country for injuries associated with nursery products in 2003 at a cost of $2.5 billion, and that figure has almost certainly risen in the last 4 years. And even more tragically, an average of 50 children under the age of 5 die each year in incidents associated with nursery products, and about 16 of these deaths each year are associated with cribs.

And this bill is a tribute to one such child. On May 12, 1998, 16-month-old Danny Keysar was strangled to death at his licensed day care facility when a portable crib collapsed, turning the horizontal side rail into a V-shaped wedge that squeezed his throat and strangled him. Imagine what Danny's parents must have felt when they learned that the crib that killed their son, a Playskool Travel-Lite crib, had been recalled by the government and the manufacturer 5 years earlier.

And, sadly, Danny's parents aren't alone. More than 1.5 million portable cribs like the one that killed Danny were made with a similar design by different manufacturers. The crib that took Danny's life had already killed four children. A 10-month-old New Jersey baby became the sixth child to be strangled to death by the Playskool crib just 3 months after Danny died.

Despite the recall, neither the day care center nor State inspectors who had been to the facility just a week before Danny's death knew that recalled products were being used there. And they are not to blame. It was not the State agency's mandate to inspect for recalled materials; and unless someone who worked in the center happened to catch the recall story on the news, there was virtually no way to know that the cribs they used were death traps. And, by the way, Illinois did change its law.

But in case anyone might think this was an isolated incident, think again. In 2005 children's products were recalled on average 2 times a week. Just over 2 weeks ago, the Consumer Product Safety Commission issued the largest recall of full-sized cribs in the agency's history, recalling almost a million of the Nation's most popular cribs because of design flaws that have already killed at least 3 more children. And a week later, Kolcraft, the company that manufactured the Playskool crib that killed Danny Keysar, recalled 425,000 infant play yards following the death of a 10-month-old child.

Congress needs to act to make sure that these kinds of senseless tragedies don't occur again. When Danny's parents, Linda Ginzel and Boaz Keysar, learned that the crib that had killed their son had been recalled in 1993, they turned their grief into action and founded Kids in Danger, a Chicago-based nonprofit that is dedicated to protecting children by improving children's product safety. It is because of their dedication that we are here today, and I am honored to represent them here today and thank them for their work. I hope with the passage of this legislation no more parents will have to endure what they did.

I believe that H.R. 1699, which allows people to send in a card or e-mail to make sure that the manufacturer will let them know, just as is done with car seats in the National Highway Transportation and Safety Administration, a provision that has been so successful that there has been a tenfold increase in recalls and recall repair rates have gone up by 56 percent, that at a cost of a handful of pennies per card, this legislation will save lives of children.

I would appreciate support.

Mr. RUSH. Mr. Speaker, this is a commonsense piece of legislation. It takes a giant step toward protecting our Nation's most important asset: Our children.

I urge Members of this body to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COHEN). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1699, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRODUCT SAFETY CIVIL PENALTIES IMPROVEMENT ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2474) to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Safety Civil Penalties Improvement Act".

SEC. 2. MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.

(a) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(1) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(2) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(b) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(1) AMENDMENTS.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is amended by striking "$1,250,000" both places it appears and inserting "$10,000,000".

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking "$1,250,000" both places it appears and inserting "$10,000,000".

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking "$1,250,000" and inserting "$10,000,000".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(A) the date on which final regulations are issued pursuant to section 3(b); or

(B) 360 days after the date of enactment of this Act.

SEC. 3. DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.

(a) FACTORS TO BE CONSIDERED.—

(1) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)) is amended—

(A) by inserting "the nature, circumstances, extent, and gravity of the violation, including" after "shall consider";

(B) by striking "products distributed, and" and inserting "products distributed,"; and

(C) by inserting ", and such other factors as appropriate" before the period.

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(A) by inserting "the nature, circumstances, extent ,and gravity of the violation, including" after "shall consider";

(B) by striking "substance distributed, and" and inserting "substance distributed,"; and

(C) by inserting ", and such other factors as appropriate" before the period.

(3) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(A) by striking "nature and number" and inserting "nature, circumstances, extent, and gravity";

(B) by striking "absence of injury, and" and inserting "absence of injury,"; and

(C) by inserting ", and such other factors as appropriate" before the period.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am the author of the third consumer protection bill that we are considering on the House floor this afternoon, H.R. 2474, the Product Safety Civil Penalties Improvement Act, which raises the cap on civil penalties that the Consumer Product Safety Commission can impose from $1.83 million to $10 million. Furthermore, the new cap will be phased in through two steps. It rises to $5 million as soon as the CPSC issues its new interpretive guidelines or one year after reenactment, whichever occurs first. Mr. Speaker, the cap will subsequently rise to its full $10 million 1 year after this initial increase. This new cap figure and 2-step process is the product of careful negotiations and compromise with the minority.

Furthermore, the bill, as amended in this subcommittee, renders the factors used in assessing the amount of penalties more expansive and flexible, and it further makes clear that the current list of factors is not exclusive. This flexibility will allow the commission to take into account factors such as whether the manufacturer is a recidivist or a first-time offender when imposing these civil penalties. In this regard CPSC is required to promulgate interpretive rules on these penalty factors within 360 days.

Mr. Speaker, passage of H.R. 2474 is badly needed. For too long the CPSC has only been able to slap violators on the wrist with a puny civil penalties cap of $1.8 million. Under current law, section 15(b) of the Consumer Product Safety Act requires every manufacturer, every distributor, or retailer of a consumer product to notify the CPSC immediately upon information that reasonably supports the conclusion that a given product, one, violates a safety standard promulgated by the CPSC; two, contains a defect that could pose a substantial hazard; or, three, otherwise creates an unreasonable risk of injury or death.

Unfortunately, for many large companies, a civil penalty of $1.83 million is a mere drop in the bucket and does not always provide substantial and sufficient incentive for companies to report problems to the commission. The cost of civil penalties may be outweighed by the cost of compliance with the prohibitions and requirements of the law. For instance, at our June 6 hearing before the Subcommittee on Commerce, Trade, and Consumer Protection, we heard testimony that the $750,000 fine assessed by the CPSC against Wal-Mart for failing to report a defect in fitness machines represented 1 minute, 33 seconds' worth of sales for the retail giant.

While most companies try to do the right thing and report injuries in a timely manner to the CPSC, H.R. 2474 gives the commission a bigger hammer to crack down on bad corporate behavior that leads to defective and dangerous products on the market.

Mr. Speaker, I urge a "yes" vote from my colleagues on this bipartisan piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume. This is a straightforward bill, and we support it on this side. Of the four consumer product safety bills that we have on the floor, we feel this is the one that is the most straightforward and, obviously, we support and we speak in favor of it.

My colleagues, go back to 1972. The House passed the Consumer Product Safety Act. At that time the penalty was simply $500,000. Now let's leap ahead. Adjusted for inflation, what is that equivalent in today's dollars? About $2.5 million. However, the original penalty maximum in the CPSA was not indexed to inflation; so $500,000 as years went by up to 1990 was a pretty paltry amount over this period of time. And then in 1990 it was indexed to inflation so that the current civil penalty maximum is $1.825 million.

The chairman would indicate that is a small incentive for companies out there. I submit that the penalty is not the big product for companies. It's bad PR. If you are a Wal-Mart and you have a product that is defective or you are a toy manufacturer, the penalty is going to be a deterrent, but the big deterrent is you won't be able to sell that product if those products have to be recalled and everybody knows that your company has manufactured a defective product.

I support the ability of the Consumer Product Safety Commission to penalize those who willfully, willfully violate the act. At the same time, we are not sure whether the effect of an increase in potential penalties to as much as $10 million will have the desired effect.

I can support this measure, however, because there are 3 key factors when you look at this bill. First, the increase in the penalty maximum will be phased in, thanks to the chairman and his staff and our staff working together. Two, this measure amends the CPSA to include specific penalty assessment factors. And, three, the measure directs the CPSC to promulgate rules interpreting these factors and delineates how the commission will assess the fines.

My colleagues, this last factor in particular is important to our business community. Interpretive rules are necessary to provide guidance, clarity, and some predictability to regulate industries. Additionally, interpretive guidelines will provide a constant framework within which the CPSC may act. $10 million is too great an amount to not act responsibly, I agree with the chairman. That is a deterrent, and consistently imposing such fines is important.

☐ 1615

But again, I point out that the larger deterrent for corporations is the fact that the publicity will be damaging to their sale of future products.

So, I would commend the chairman for his leadership in updating the CPSC on this matter, again, for his staff working with us to create, I think, a bipartisan work product that all of us, both Democrats and Republican, can support.

Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, this, again, is another example of commonsense legislation, bipartisan cooperation that is aimed at improving and enhancing the flow of commerce between consumers and manufacturing.

Mr. Speaker, this piece of legislation takes a giant, giant step toward improving the overall product safety, product recall phenomenon that exists to stream the system that exists.

I urge passage of this outstanding piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 2474, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1721) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Virginia Graeme Baker Pool and Spa Safety Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Federal swimming pool and spa drain cover standard.
Sec. 4. State swimming pool safety grant program.
Sec. 5. Minimum State law requirements.
Sec. 6. Education program.
Sec. 7. Definitions.
Sec. 8. CPSC report.

SEC. 2. FINDINGS.

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) there are approximately 260 drowning deaths of children younger than age 5 each year in swimming pools, and an estimated 2,725 children are treated annually in hospital emergency rooms for pool submersion injuries, mostly in residential pools;

(3) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa, and Preston de Ibern, who at age 5 nearly drowned and was left permanently brain damaged, finally succumbing to his catastrophic healthcare issues when he was 12 years old;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard.

(c) REVISION OF RULE.—If, after the enactment of this Act, ANSI proposes to revise the entrapment protection requirements of ASME/ANSI A112.19.8, ANSI shall notify the Consumer Product Safety Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule under subsection (a) unless, within 60 days of such notice, the Commission notifies ANSI that the Commission has determined that such revision does not carry out the purposes of subsection (b).

(d) IMPLEMENTING REGULATIONS.—Section 553 of title 5, United States Code, shall apply with respect to the issuance of any regulations by the Consumer Product Safety Commission to implement the requirements of this section, and sections 7 and 9 of the Consumer Product Safety Act shall not apply to such issuance.

SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, that provides for the enforcement of a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 through 2013 $5,000,000 to carry out this section, such sums to remain available until expended.

SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain per circulation pump;

(II) 1 or more unblockable drains per circulation pump; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 6. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools, spas, and ornamental pools. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators;

(3) educational materials designed for ornamental pool owners and operators, including municipalities; and

(4) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) ASME/ANSI STANDARD.—The term "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) ASTM STANDARD.—The term "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) BARRIER.—The term "barrier", with respect to a swimming pool, means a fence, dwelling wall, or nondwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier. In the case where a wall of a dwelling that contains a door or window serves as part of the barrier, all doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet. Alarms should meet the requirements of UL 2017 General-Purpose Signaling Devices and Systems, section 77. All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor. The term "barrier" means, with respect to a portable hot tub, a lockable cover.

(4) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(5) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) ORNAMENTAL POOL.—The term "ornamental pool" means a man-made structure designed to contain water such as a decorative fountain or reflecting pool in the ground, partially in the ground, or in a building, intended primarily for aesthetic value and not intended for swimming or wading.

(7) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(8) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(9) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fourth and final consumer protection bill on the floor today is H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act, introduced by Congresswoman DEBBIE WASSERMAN SCHULTZ and Congressman FRANK WOLF.

H.R. 1721 requires pools and spa drains with specified anti-entrapment standards, establishes a CPSC-administered grant program to encourage the States to enact pool and spa safety reforms, and develops a national drowning prevention education program.

Given the numerous tragic and preventable deaths of young children who have drowned in swimming pools, fountains, and spas as a result of faulty drains, this bill is overdue and worthy of passage under the suspension of the rules.

The bill is named after Virginia Graeme Baker, the beautiful little girl whose tragic death drove her mother, Nancy Baker, to tirelessly fight for this legislation.

As amended in the subcommittee, H.R. 1721 requires a specified barrier around residential pools and imposes security and safety requirements on the home, such as self-closing, self-latching doors in order to qualify for Federal funds. Moreover, the bill authorizes an annual appropriation of $5 million over 5 years. At the subcommittee level, we chose this level of funding because of the simple reality that the Consumer Product Safety Commission has experienced with grant programs, and the Commission's overall budget currently is only $67 million. As such, we want to ensure that this program is run effectively and does not overshadow the other worthy and equally important programs under the watch of the CPSC.

This is another bipartisan, carefully crafted bill, and is yet another example of the bipartisan cooperation we currently achieve in the Subcommittee on Commerce, Trade and Consumer Protection.

I want to commend the majority and minority staff for working together to produce thoughtful, quality pieces of legislation. And I want to thank my friend from Florida, the ranking member of this subcommittee, Mr. STEARNS, for his continued bipartisan cooperation.

This bill, along with the three previous bills we have just considered on the floor, is a good start, but there is more to be done to reform the Consumer Product Safety Commission and its underlying organic statute to protect American consumers.

The recent barrage of high-profile recalls of toys manufactured in China highlights the need for Congress to decisively act and strengthen our laws that protect our children from dangerous products. I am currently working on a reform package that will do just that.

I hope that my colleague, Mr. STEARNS, and I, along with Chairman DINGELL and Ranking Member BARTON, can continue our cooperative effort to produce a piece of legislation that we can proudly bring to the House floor with the same bipartisan support exemplified by the bills that we have on the floor today.

With that, I urge a resounding "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, this bill, the Virginia Graeme Baker Pool and Spa Safety Act, as the chairman mentioned, simply aims to prevent tragic drowning and entrapment accidents that of course are entirely preventable with the addition of some simple equipment at a modest cost, I think we all agree. What we have here I believe is significantly different and significantly improved over what was initially referred to our committee. So, again, in a bipartisan fashion, I think we've improved the bill. So I commend the chairman for including some of the modifications that we suggested and some of the modifications that came from his staff.

My colleagues, this legislation has 2 distinct components: One, it adopts an industry standard on drain covers; and two, it establishes a grant program administered by the Commission designed to provide incentives to States to change their State laws regarding pool safety demands. These incentives, through these grants, the States will change their laws.

I fully support the intent of this measure, and I will, therefore, support the drain cover standard. I would like to reiterate the concern I expressed during consideration of the bill earlier, that of turning voluntary industry standards into commission rules. Without repeating what I said earlier on one of the previous bills, I again simply caution my colleagues about the unintended precedents our actions today may put in place.

Further, I would like to express my reservation about the pool safety grant program and its effect on a States' rights to regulate property and safety within its own borders. This piece of Federal legislation mandates that States adopt specific safety standards and no other. Mr. Speaker, there are 38 States with pool safety laws on the books today. None of these States, my colleagues, including my home State of Florida and the State of California, probably the two States with the most swimming pools and the most stringent pool safety laws, will be eligible for the $25 million in grant funds unless they change their existing laws, making this essentially a 12-State grant program.

The laws mandated by this legislation are overly prescriptive and may even weaken the safety laws of some States. Some of us may disagree on this, but that's what we could possibly consider. Holding Federal tax dollars over the heads of State lawmakers to urge them to change in their States their laws to a proscribed standard may not have any effect. We hope it does. If a State opts to change its laws, a change will unfortunately and indiscriminately raise the cost of compliance for all pool owners, regardless of whether they have children or not.

I note that the Commission itself expressed concern about the grant program. The CPSC does not have experience in ministering any grant program, and Mr. Speaker, it's not staffed to do so.

Now, notwithstanding those concerns that I have just expressed, I voice my support for this bill today and for its author, DEBBIE WASSERMAN SCHULTZ, who did a very strong, persevering job on this. It came through committee when I was chairman and we tried to make changes. I appreciate her patience, and I look forward to supporting her, and I commend her for her perseverance.

We are going to support the bill because it will undoubtedly improve swimming pool safety by requiring that all drain covers sold in the United States be made in accordance with standards to prevent entrapment. This is very good. These horrific entrapment accidents are entirely preventable. It is my hope that this legislation will result in such prevention and avoidance.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I am pleased to yield 5 minutes to the coauthor of this outstanding piece of legislation, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act. I want to particularly thank Chairman BOBBY RUSH, the chairman of the Subcommittee on Commerce, Trade and Consumer Protection, and Chairman JOHN DINGELL of the Committee on Energy and Commerce, for their incredible leadership and support on this legislation.

Additionally, I would like to thank Ranking Member BARTON, Congressman WOLF and Congressman RAMSTAD for their steadfast support of this legislation, as well as Ranking Member STEARNS, my fellow Floridian. I also want to thank Safe Kids Worldwide for always being such a wonderful resource as this legislation became a reality.

On June 15, 2002, the beautiful Graeme Baker, whose picture is in front of me, attended a pool party with her entire family; her mother, Nancy, and her 4 sisters. Everyone was having a great time swimming, when all of a sudden one of Nancy's daughters came running to tell her that Graeme was in the spa. Nancy ran to the edge of the spa, and all she saw was dark and bubbling water. Her daughter, frantically crying and pointing into the tub, insisted that Graeme was there. Nancy jumped into the spa and saw Graeme with her eyes pinched closed, her hair and limbs moving, with the current of water from all the jets on the side. Graeme was entrapped by the powerful suction of the drain spa and could not free herself. Nancy pulled and pulled with all her strength to help her daughter. It eventually took the strength of 2 adults to free Graeme from the spa. Sadly, it was too late; Graeme passed away in the hospital that afternoon.

Following Graeme's death, Nancy and her father-in-law, former Secretary of State James Baker, became and still are tireless advocates for children's pool and spa safety.

When I met Nancy, I was immediately taken by her tragic story of the loss of her daughter. As a fellow mother of twins, I was most affected by Nancy's incredible desire to ensure that what happened to Graeme did not happen to any other child. She has channeled all of her energy into raising the issue of pool and spa safety to a national audience. Her passion is an inspiration to me, and I am proud to sponsor this legislation in her daughter's name.

The Baker family tragedy is a painful example of the need for national pool and spa safety legislation. We must implement national standards to replace the haphazard safety measures that allowed Graeme, and hundreds of children like her, to be lost in such nightmare scenarios.

I am a mother of three young children, and I have talked about them on the floor many times relating to various pieces of legislation. And as any mother of young children will tell you, supervision does lapse. Supervision, when children are around water, is imperative. But as a mom of twins, as a mom of a 4-year-old, I can tell you that there are times when even the best parent, even the most vigilant parent lets a child slip out from under their view and they accidentally fall in the water. That has happened countless times.

Let me just tell you what most parents' view in a survey was of supervising their children around water. While 94 percent of people report that they always actively supervise their children while swimming, closer examination indicates that parents often participate in a variety of distracting behaviors. According to the American Academy of Pediatrics, one in five parents believes that a lifeguard is the main person responsible for supervising children in the water. Lifeguards are a key safety measure, but they supervise an average of 25 swimmers per lifeguard. They also report that 55 percent of parents thought there were circumstances in which it was okay for a child to swim without a buddy. Within this category, 31 percent said it was okay to leave a child unsupervised if he or she swam with a buddy; 29 percent thought it was okay if the child was an excellent swimmer; 23 percent thought it was okay if the child had several years of swimming lessons. I could stand here all day, and I would still not be able to adequately emphasize that parents must adequately supervise their children whenever they are in or near water.

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But we all know that supervision lapses. That is what this bill is designed to do. It is designed to encourage States to adopt swimming pool safety laws to ensure that suction drain entrapment, which occurs when a child passes over a swimming pool drain that has suction so strong that it holds them to the drain under water and either entangles their hair or even disembowels the child, that we can prevent this. Drowning is the second leading cause of preventable death in children 1 to 14 years old in this entire country. And even cold-weather States have hundreds of drownings every single year.

We can stop this. We can encourage States through funding and through education programs to adopt swimming pool and spa safety laws. I urge the United States House of Representatives to adopt this legislation so that we can make sure that we end or dramatically reduce, at the very least, the likelihood of young children drowning needlessly in a swimming pool or spa.

Mr. STEARNS. Mr. Speaker, I recognize the gentleman from Minnesota (Mr. RAMSTAD) for 3 minutes.

Mr. RAMSTAD. I thank the ranking member for yielding.

Mr. Speaker, I rise today in strong support of H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act. I would like to thank my colleague from Florida (Ms. WASSERMAN SCHULTZ) for her incredible efforts, her tireless leadership on this important legislation. But for her efforts, this legislation wouldn't be on the floor before us today.

Mr. Speaker, this past July, a truly horrendous tragedy changed the life of my young constituent forever. Eight-year-old Abigail Taylor was swimming in a local club's swimming pool when she became entrapped by the pool's drain system. This brave young girl, and her family, fought with everything they had for her survival. She has now endured numerous surgeries and is faced with permanent disabilities that no child should ever have to suffer.

While it is too late to protect young Abigail Taylor from her cruel debilitating injuries, it is not too late to protect millions of other children who use swimming pools and spas. No child should ever be disemboweled by a swimming pool drain.

Mr. Speaker, Members, that is what we are talking about here. That is what happens to these children. They are disemboweled by the suction from these swimming pool drains.

This important legislation will establish a new consumer product safety standard, as has been explained previously by Mr. RUSH, whose leadership I also deeply appreciate, as well as Mr. STEARNS and Ms. WASSERMAN SCHULTZ. The standards will require each swimming pool or spa drain cover to conform to the entrapment protection standards of the American National Standards Institute and the American Society of Mechanical Engineers, obviously two organizations with direct expertise. And these are very reasonable, not onerous, standards, very reasonable standards for industry which will protect our children in swimming pools.

Mr. Speaker, let me just conclude by saying one drain entrapment is one too many. One precious little 8-year-old girl losing part of her small intestine is too much suffering to comprehend. Too much suffering to comprehend. It is time to take action to ensure our children are protected when children are sent to swimming pools by their parents or are there with their parents. Every parent should have a reasonable probability, a reasonable belief that their children will be safe in that pool. It is time to pass this critical legislation on behalf of Abigail Taylor and the millions of children who deserve to be safe in our pools. Let's pass this lifesaving legislation without further delay.

Mr. RUSH. Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas, Dr. BURGESS, a member of the Subcommittee on Commerce, Trade, and Consumer Protection.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I thank our committee chairman for bringing this bill to the floor and all the people who have worked so hard on this legislation over the years.

Mr. Speaker, I am going to rise in support today of H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act. During the Commerce, Trade and Consumer Protection Subcommittee markup, it occurred to me because of some things that had happened back in my district that there was an additional danger that was not being addressed in the hearings we had leading up to this legislation. So during the subcommittee process, I introduced an amendment that was inspired by the tragic accident that occurred in an ornamental pool back in my district back in Fort Worth, Texas. In June of 2004, 3 children and 1 adult drowned at the Fort Worth Water Gardens: Myron Dukes, age 39; his daughter, Lauren, age 8; his son, Christopher, 13; and a family friend, Juanitrice Deadmon, age 11. On that tragic day, 1 child accidentally fell into the ornamental pool and the other 3 jumped in trying to save the child. Compounding the tragedy, the water was unusually deep due to a recirculating pump malfunction and recent heavy rains.

Mr. Speaker, let me quote to you and the House from the Fort Worth Star Telegram about that event. Fort Worth Star Telegram June 17, 2004:

"The victims were among the thousands of visitors attending the National Baptist Congress at the Fort Worth Convention Center.

"The pastor, Gerald Dew, said he was told that the children went to the Water Gardens to play because the swimming pool at the Fort Worth Plaza Hotel where they were staying was closed for maintenance.

"One of the children slipped, which started a chain reaction.

"Bike patrol officer Tony Maldonado, who was one of the first officers to arrive at the swimming pool, said he jumped in and the force 'literally sucked the socks off of my feet.' "

From the Fort Worth Star Telegram 2004.

While this tragedy happened in Fort Worth, the visitors were from Chicago and were constituents of my subcommittee chairman and friend, Congressman RUSH. I know that both of our cities, Fort Worth, Texas, and Chicago, Illinois, grieved about this loss.

Mr. Speaker, let me quote to you from an online report from the CBS affiliate in Chicago, Chicago.com, on the reopening of the Water Gardens last spring. This is from March 20, 2007: "The park of artistic pools and fountains closed following the June 2004 drownings of the 4 from Chicago, who were in Fort Worth for a religious convention. Since then, more than $3 million in modifications to improve the park's safety have been made.

" 'The renovations from the past month don't take away from the mystique,' Mayor Michael Moncrief said during the ceremonies.

"Now, the depth of the Active Pool, where the drownings occurred, has been restricted to less than 2 feet. Other renovations include new pumps and pump system, switches, electrical work, lights and additional handrails, as well as a larger and easier-to-clean drain system around the park's perimeter."

Mr. Speaker, as with many things in life, awareness and education can save lives. And this disaster, this disaster that happened in my district in Fort Worth, must not be repeated. More education regarding the unseen dangers hidden in ornamental pools is necessary.

Mr. Speaker, almost every single community in this country has an ornamental pool. We have quite a few here at the Capitol. While 36 States have pool safety programs, not all of these States have an ornamental pool safety program, and therefore they likely do not educate their constituency on the dangers that ornamental pools can represent. Ornamental pools often greatly enhance communities, but they can also pose a great threat to communities if the owners and operators are not educated as to the potential danger.

Through my amendment in this bill, there will be a wider public education campaign to alert consumers to the safety hazards associated and the requirements for proper maintenance of ornamental pools. The bill, which requires the use of proper anti-entrapment drain covers and drainage systems, establishes a swimming pool safety grant program to be administered by the Consumer Product Safety Commission.

This legislation also encourages States to strengthen pool and spa safety laws and increase public education and outreach to consumers. I believe the inclusions of ornamental pools in this bill is an important component of this legislation.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. WOLF. Mr. Speaker, I rise today in full support of H.R. 1721, the Pool and Spa Safety Act. It has been my pleasure to work with Congresswoman WASSERMAN SCHULTZ during the last two sessions of Congress to bring this legislation to the floor. I applaud Representative WASSERMAN SCHULTZ for her dedication and fully support the congressional efforts to protect our children from swimming pool accidents.

Every summer we hear the tragic stories of young children involved in harrowing pool accidents. Though pool season is winding down for the year we must push forward and enact legislation to protect our children in the summers to come.

It's tragic that over the last 20 years, we have lost at least 33 children under the age of 14 as a result of pool and spa entrapment. Entrapment occurs when part of a child's body becomes attached to a drain as a result of the powerful suction of a pool or spa's water circulation system. Death or serious injury can occur when the force of the suction overpowers the child's ability to disengage from the drain.

According to the Consumer Product Safety Commission, drowning is the leading cause of accidental injury-related death for children under 4 and the second leading cause of accidental injury-related death of children under 14. However, these figures are very likely understated because law enforcement do not always note "entrapment" when reporting a drowning.

In the hundreds of tragic drowning cases across the country each year, simple pool safety precautions could help save these precious lives. But it's important to remember that this legislation is not a federal mandate. Instead, it will encourage states to adopt comprehensive pool safety precautions that will substantially reduce the dangers of accidental drowning, body part entrapment, and hair entanglement. It will also promote swimming pool and spa safety.

We can prevent these tragedies and save our children. I urge the support for the Pool and Spa Safety Act, H.R. 1721.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1721, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC DIPLOMACY RESOURCE CENTERS ACT OF 2007

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2553) to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited at the "Public Diplomacy Resource Centers Act of 2007".

SEC. 2. UNITED STATES PUBLIC DIPLOMACY.

(a) ESTABLISHMENT AND MAINTENANCE OF LIBRARIES.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) provide for the establishment of new and the maintenance of existing libraries and resource centers at or in connection with United States diplomatic and consular missions.".

(b) OPERATION OF LIBRARIES.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by section 2(a)(3) of this Act) are open to the general public to the greatest extent practicable, subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

(2) JOHNNY GRANT FILM SERIES.—The Secretary of State shall ensure that such libraries and resource centers schedule public showings of American films that showcase American culture, society, values, and history. Such public showings shall be known as the "Johnny Grant Film Series".

(c) RECEIPT OF DONATIONS.—The Secretary of State may accept donations that are made to the libraries and resource centers authorized under this Act if the Secretary determines that such receipt will not result in any cost to the Federal Government.

(d) ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—The Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing and evaluation of the functions and effectiveness of the libraries and resource centers that are authorized under this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Department of State to carry out purposes similar to those required under this Act, there are authorized to the Secretary of State such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

First, I would like to thank Chairman LANTOS, as well as my friend Mr. BILIRAKIS as, I think, acting in place of the ranking member (Ms. ROS-LEHTINEN) for helping me to move this bill to the floor.

I am proud to be the author of H.R. 2553, the Public Diplomacy Resource Centers Act of 2007. This bill is designed to provide our diplomats abroad with additional tools to show the world the best of American society. In the 110th Congress, the Committee on Foreign Affairs is working to help redeem the status and prestige that the United States has lost around the world in recent years.

While U.S. foreign policy clearly is a key factor in how we are viewed abroad, other factors are also critical to how the United States is viewed around the world. An important point of regaining our rightful leadership role is to find more effective ways to let the world know who we are as Americans and what we stand for.

One of the most effective elements of American public policy is the array of libraries and information resource centers around the globe. The facilities run by our State Department provide people in foreign countries the ability to freely access information about the United States, about their own societies, and about science and the arts. For years, these resources have been a testament to the principle that the greatest tool we have against tyranny is the truth.

But as we face this moment of tighter budgets, I am afraid that our public diplomacy libraries and resource centers are not getting the support they need.

That is why I have introduced this bill. The bill would not seek to disrupt the efforts that the State Department has under way to organize and run its resource centers. Rather, it would seek to put these efforts on a more stable footing by creating a clear funding stream for the State Department libraries and resource centers abroad.

Furthermore, the bill would establish the Johnny Grant film series as part of the State Department's public diplomacy effort. Johnny Grant is a legendary friend of American entertainment and is known as the honorary mayor of Hollywood for his continued efforts on behalf of the American entertainment industries. He is also an ardent proponent of the power of American film to convey the universal values of freedom and opportunity to others around the world. As of this year, he will have made his 60th trip abroad to entertain our troops.

□ 1645

By the way, he traveled with Bob Hope often. The Johnny Grant Film Series would provide the United States Government with the opportunity to show the world the optimism and promise of America as portrayed in our classic films.

Mr. Speaker, again, I want to thank both my chairman, TOM LANTOS, as well as my cosponsor, the ranking member, ILEANA ROS-LEHTINEN, for their extraordinary efforts to help me move this legislation forward. I would also like to specifically thank David Abramowitz and Lynne Weil of the majority staff, and Doug Anderson and Sam Stratman of the Republican staff for the kind consideration they showed to me and my staff as we sought to move this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2553, the Public Diplomacy Resource Centers Act of 2007. Every year, thousands of people living overseas visit an American Cultural Center or one of dozens of American Corners that are maintained by our State Department. Those libraries and cultural outposts are indispensable tools in our public diplomacy efforts around the world. They help foreign audiences better understand our Nation, our people, our government, and our society.

The bill before us today will strengthen this American outreach by establishing a new film series and by requiring a report to Congress analyzing the effectiveness of libraries and resource centers. Also, by providing specific statutory authority for the establishment and maintenance of these centers, this bill will create an annual appropriations line item, which will allow Congress to oversee these activities in the future.

Mr. Speaker, I want to thank the gentlewoman from California, my good friend, Ambassador WATSON, and the ranking member of the Foreign Affairs Committee, my good friend, Representative ROS-LEHTINEN, for introducing this measure, which deserves our support.

Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2553, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TROPICAL FOREST CONSERVATION ACT OF 1998 AMENDMENTS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2185) to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Subsection (a) of section 802 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431) is amended—

(1) in paragraphs (1), (6), and (7), by striking "tropical forests" each place it appears and inserting "tropical forests and coral reefs and associated coastal marine ecosystems";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

"(3) Coral reefs and associated coastal marine ecosystems provide a wide range of benefits to mankind by—

"(A) harboring more species per unit area than any other marine habitat, providing the basis for developing pharmaceutical products and fostering a growing marine tourism sector;

"(B) providing a major source of food and jobs for hundreds of millions of coastal residents; and

"(C) serving as natural storm barriers, thus protecting vulnerable shorelines and communities from storm waves and erosion."; and

(4) in paragraph (4) (as redesignated)—

(A) by inserting "and coral reef and associated coastal marine ecosystems" after "forest resources"; and

(B) by inserting "and coral reef and associated coastal marine ecosystem exploitation" after "tropical deforestation".

(b) PURPOSES.—Subsection (b) of such section is amended—

(1) in paragraphs (1), (3), and (4), by striking "tropical forests" each place it appears and inserting "tropical forests and coral reefs and associated coastal marine ecosystems"; and

(2) in paragraph (2)—

(A) by striking "tropical forests" the first and third place it appears and inserting "tropical forests and coral reefs and associated coastal marine ecosystems";

(B) by striking "tropical forests" the second place it appears and inserting "areas"; and

(C) by inserting at the end before the semicolon the following: "and unsustainable coral reef and associated coastal marine ecosystem exploitation".

SEC. 2. DEFINITIONS.

Section 803 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431a) is amended—

(1) in paragraph (2)(A), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs";

(2) by striking paragraphs (4), (7), (8), and (9);

(3) in paragraph (5)—

(A) in the heading, by striking "TROPICAL FOREST" and inserting "TROPICAL FOREST OR CORAL REEF OR ASSOCIATED COASTAL MARINE ECOSYSTEM";

(B) in the matter preceding subparagraph (A), by striking "tropical forest" and inserting "tropical forest or coral reef or associated coastal marine ecosystem"; and

(C) in subparagraph (B)—

(i) by striking "tropical forest" and inserting "tropical forest or coral reef or associated coastal marine ecosystem"; and

(ii) by striking "tropical forests" and inserting "tropical forests or coral reefs or associated coastal marine ecosystems";

(4) by redesignating paragraphs (5) and (6) as paragraphs (9) and (10), respectively; and

(5) by inserting after paragraph (3) the following:

"(4) CONSERVATION AGREEMENT.—The term 'Conservation Agreement' or 'Agreement' means a Conservation Agreement provided for in section 809.

"(5) CONSERVATION FACILITY.—The term 'Conservation Facility' or 'Facility' means the Conservation Facility established in the Department of the Treasury by section 804.

"(6) CONSERVATION FUND.—The term 'Conservation Fund' or 'Fund' means a Conservation Fund provided for in section 810.

"(7) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and

"(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

"(8) CORAL REEF.—The term 'coral reef' means any reef or shoal composed primarily of corals.".

SEC. 3. ESTABLISHMENT OF THE FACILITY.

Section 804 of the Tropical Forest Conservation Act of 1968 (22 U.S.C. 2431b) is amended by striking "Tropical Forest Facility" and inserting "Conservation Facility".

SEC. 4. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431c(a)) is amended by striking "tropical forest" and inserting "tropical forest or coral reef or associated coastal marine ecosystem".

SEC. 5. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) ADDITIONAL TERMS AND CONDITIONS.—Subsection (c)(2) of section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by striking "Tropical Forest Fund" and inserting "Conservation Fund".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d)(6) of such section is amended by striking "fiscal year 2007" and inserting "each of the fiscal years 2007 through 2010".

(c) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Subsection (e) of such section is amended to read as follows:

"(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, up to $300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring, and administration."

SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

Section 807(c)(2) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431e(c)(2)) is amended by striking "Tropical Forest Fund" and inserting "Conservation Fund".

SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT-BUYBACKS.

Section 808(a)(5) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431f(a)(5)) is amended by adding at the end the following:

"(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government may serve in an official capacity on the administering body that oversees the implementation of grants arising from this debt-for-nature swap or debt buy-back regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.".

SEC. 8. CONSERVATION AGREEMENT.

(a) AUTHORITY.—Subsection (a) of section 809 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431g) is amended—

(1) by striking "(a) AUTHORITY.—" and all that follows through "The Secretary of State" and inserting "(a) AUTHORITY.—The Secretary of State";

(2) by striking "Tropical Forest Agreement" and inserting "Conservation Agreement"; and

(3) by striking paragraph (2).

(b) ADMINISTERING BODY.—Subsection (c)(2)(A) of such section is amended—

(1) in clause (i), by inserting at the end before the semicolon the following: "to serve in an official capacity"; and

(2) in clause (iii)(III), by inserting "or marine" after "forestry".

(c) ELIGIBLE ACTIVITIES.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "the tropical forests" and inserting "tropical forests or coral reefs or associated coastal marine ecosystems";

(2) in paragraph (2), by inserting "and water" after "land";

(3) in paragraph (5), by striking "tropical forest"; and

(4) in paragraph (6), by striking "living in or near a tropical forest in a manner consistent with protecting such tropical forest" and inserting "dependent on a tropical forest or coral reef or associated coastal marine ecosystem in a manner consistent with protecting and conserving such resources".

(d) GRANT RECIPIENTS.—Subsection (e)(1)(A) of such section is amended by inserting "marine," after "forestry,".

(e) REVIEW OF LARGER GRANTS.—Subsection (f) of such section is amended to read as follows:

"(f) REVIEW OF LARGER GRANTS.—Any grant of more than $250,000 from a Fund shall be approved by the Government of the United States and the government of the beneficiary country.".

(f) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**TROPICAL FOREST**" and inserting "**CONSERVATION**".

SEC. 9. CONSERVATION FUND.

(a) ESTABLISHMENT.—Subsection (a) of section 810 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431h) is amended—

(1) by striking "Tropical Forest Agreement" and inserting "Conservation Agreement"; and

(2) by striking "Tropical Forest Fund" and inserting "Conservation Fund".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is amended—

(1) in subsection (b), by striking "terms as conditions" and inserting "terms and conditions"; and

(2) in the heading, by striking "**TROPICAL FOREST**" and inserting "**CONSERVATION**".

SEC. 10. BOARD.

Section 811 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431i) is hereby repealed.

SEC. 11. ANNUAL REPORTS TO THE CONGRESS.

Section 813 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431k) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "December 31" and inserting "April 15";

(3) by striking "fiscal year" each place it appears and inserting "calendar year"; and

(4) by striking subsection (b).

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS.

(a) PART HEADING.—The heading of part V of the Foreign Assistance Act of 1961 is amended by striking "**TROPICAL FORESTS**" and inserting "**TROPICAL FORESTS OR CORAL REEFS OR ASSOCIATED COASTAL MARINE ECOSYSTEMS**".

(b) SHORT TITLE.—

(1) AMENDMENT.—Section 801 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2151 note) is amended by striking "Tropical Forest Conservation Act of 1998" and inserting "Tropical Forest and Coral Conservation Act of 2007".

(2) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Tropical Forest Conservation Act of 1998 shall be deemed to be a reference to the Tropical Forest and Coral Conservation Act of 2007.

(3) AVAILABILITY OF UNOBLIGATED OR UNEXPENDED FUNDS.—Amounts appropriated to carry out the Tropical Forest Conservation Act of 1998 (as in effect on the day before the date of the enactment of this Act) that are unobligated or unexpended as of the date of the enactment of this Act may be used to carry out the Tropical Forest and Coral Conservation Act of 2007.

(c) REDESIGNATION.—Part V of the Foreign Assistance Act of 1961 (22 U.S.C. 2431 et seq.) is amended by redesignating sections 812 and 813 as sections 811 and 812, respectively.

(d) OTHER AMENDMENTS.— Section 703(a)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2430b(a)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or, as appropriate in exceptional circumstances," and inserting "or"; and

(2) in subparagraph (A), by striking "or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or in exceptional circumstances, a Fund monitored program or its equivalent," and inserting "an arrangement under the structural adjustment facility or enhanced structural adjustment facility, a Fund monitored program, or is implementing sound macroeconomic policies,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this bill and I yield myself such time as I may consume.

Mr. Speaker, I strongly support the Tropical Forest Conservation Act Reauthorization bill and urge my colleagues to do so as well. I would particularly like to recognize the efforts of Congressman MARK KIRK, the sponsor of H.R. 2185. Congressman KIRK is a long-time champion of this innovative debt-for-conservation program. Mr. KIRK's legislation extends and expands a vitally important environmental initiative launched during the Clinton administration.

Mr. Speaker, over the past 9 years this program has resulted in 12 Tropical Forest Conservation Act agreements in Asia, the Caribbean, Central and South America. These agreements have provided $135 million to help conserve 50 million acres of tropical forests. The Tropical Forest Conservation Act has become one of the most effective foreign policy tools that the executive branch has at its disposal to encourage developing states to take action to protect and preserve tropical forests.

The program has been a tremendous success. It has provided needed funding to actively pursue debt swaps, buybacks, and debt restructuring with developing nations in return for concrete expenditures aimed at protecting vital natural resources. This mechanism inspires more prompt debt servicing and gives foreign governments a greater sense of responsibility for preserving the global heritage.

H.R. 2185 would expand the program in a very significant way by extending its debt-relief-for-conservation mechanism to expenditures aimed at protecting coral reefs and sensitive marine environments. Coral reefs and coastal marine environments provide a host of benefits to humankind. They harbor a major share of the world's marine biological diversity, and act as vital nurseries and seeding grounds for many sensitive deep sea species. They also provide the foundation for economic, social and recreational activities of immeasurable value.

Mr. Speaker, coral reefs are extremely sensitive treasures. However, the shocking reports of wide-scale coral bleaching that has occurred around the globe in recent years should serve as a wake-up call for all of us. Urgent action is needed to mitigate the contributions that human activities are making to this problem.

H.R. 2185 provides just the kind of creative, targeted and mutually beneficial assistance that is clearly required to tackle this important ecological threat. H.R. 2185 will also enable more key countries to participate in the program. Currently, in order to qualify for the Act's mutually beneficial mechanism, a country must have an IMF agreement in place. Under the new language, eligibility would also extend to nations that are implementing sound macroeconomic policies.

Mr. Speaker, the executive branch has partnered with us in crafting this reauthorization, and has expressed its interest in seeing it pass this year. I urge my colleagues to support passage of this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 2185, which would reauthorize and amend the Tropical Forest Conservation Act of 1998. As the total territory of the world's tropical forests continue to decline, programs such as that created by the Tropical Forest Conservation Act of 1998 are an important component of international efforts to slow and hopefully reverse the decline at the start of the new century.

Under the Tropical Forest Conservation Act, a country with a tropical forest within its borders may seek an agreement with the United States whereby some of the debts it may owe us can instead be utilized to support activities that maintain those tropical forests. The bill would reauthorize this important conservation program through fiscal year 2010. The bill also amends the program in order to make coral reefs eligible for coverage under the program as well.

This is an important response to the increasing evidence of decline in the world coral reefs, which, along with tropical forests, are a vital environmental resource. It is important that we preserve such underwater treasures, not just for future generations to enjoy, but to ensure the sustainability of our world's fragile ecology.

Mr. Speaker, enactment of this bill would authorize a continuation of these important conservation efforts for the next 3 fiscal years. I support this measure and urge my colleagues as well to support this measure.

Mr. HASTINGS of Florida. Mr. Speaker, I am very proud to rise today in support of H.R. 2185, a resolution that I introduced with my good friend Congressman MARK KIRK and the bipartisan support of 30 other cosponsors.

I would like to first extend my appreciation for the hard work and efforts made by all parties who worked to craft this important bipartisan piece of legislation. Congressman KIRK and I worked closely with the Nature Conservancy, Conservation International, the World Wildlife Fund, the Wildlife Conservation Society, the Office of Management and Budget, and Departments of State and Treasury on this bill. I thank each of these bodies for their input, cooperation and support.

This innovative program allows eligible developing countries to utilize all funds spent on tropical forest preservation toward foreign debt payments to the United States.

Mr. Speaker, H.R. 2185 builds on the already successful and sound economic and conservation law, the Tropical Forest Conservation Act, TFCA, of 1998.

For 7 years, the program created by that act has simultaneously accomplished two key goals: providing relief for the burden of debt on developing countries and promoting increased international tropical forest conservation.

The program's achievements speak for themselves. Since its inception, 12 "debt-for nature swaps" have been signed in developing countries in Asia, the Caribbean, Central and South America, generating $135 million in debt relief for these countries and conserving some 50 million acres of tropical forests.

Our legislation reauthorizes and expands this program.

By reauthorizing the Tropical Forest Conservation Act, the House is continuing to strengthen the indigenous economies and civil society of developing countries while protecting both the world's forests and endangered marine habitats.

Additionally, by continuing to protect our rainforests we are protecting future medicinal storehouses. The medicinal value of these rainforests cannot be underestimated. Today some 120 prescription drugs sold worldwide today are derived directly from rainforest plants. By conserving our rainforests, we are providing possible cures for life-threatening diseases.

By expanding this legislation, we are improving on an already responsible, sensible and successful initiative to conserve more ecosystems and relieve more countries' debt.

One of the most significant expansions we made to the Tropical Forest Conservation Act in this bill extends the program to apply to all forests, coral reefs and associated coastal marine ecosystems. Including coral reefs and related marine areas under the scope of TFCA will encourage the conservation of these endangered marine environments.

Coral reef ecosystems throughout the world face numerous threats and even possible extinction. Threats to coral reef, in turn, threaten the species and livelihoods that depend on them. Coral reef offers protections from storms, wave damage, and erosion and also provides various economic opportunities from fishing to ecotourism.

By providing incentives for developing nations to conserve their coral resources, we are in effect protecting coastal landscape's and maintaining coastal quality of water of some of the most important coral reef ecosystems in the world.

Another important alteration we made to the legislation expands the programs eligibility to additional countries. Current law forbids governments of beneficiary countries to be grant recipients unless there are "exceptional circumstances." However, for many countries their governments are the sole managers of their ecosystems, thereby preventing them from receiving the funds. By increasing the Treasury Department's authority to provide funds to governments of beneficiary countries, our legislation extends the programs' eligibility to even more developing countries.

A final significant change we made to the program authorizes additional funding for audits and evaluation and allows these funds to be used for monitoring and administration. Increasing the funding amount allows the Treasury Department to better monitor all deals and improve oversight over the entire program.

Top notch strategies and technologies needed to conserve and protect our international ecosystems can be found right here in the United States. In my State of Florida, several institutions have long been at the forefront of efforts to preserve these marine habitats.

The Florida Aquarium, a non-profit education and research institution in Tampa, has developed cutting edge technologies and protocols for coral conservation including how to safely introduce cultural coral into wild reefs. Until the museum pioneered this technology, there was no viable solution to "quickly" rebuild destroyed and dying reefs. Developing countries participating in our debt relief initiative could greatly benefit from the museum's technology and expertise, and I strongly encourage these countries to seek out the museum as a resource in their efforts to rehabilitate coral.

The Harbor Branch Oceanographic Institution, located outside of my district in Fort Pierce, does equally outstanding work to investigate the causes of and prevent coral reef degradation and deforestation. Dr. Brian Lapointe of the Center for Coastal Research at Harbor Branch has spent the majority of his career studying threats to the marine ecosystems in island nations such as Jamaica, Trinidad and Tobago, Martinique and St. Lucia. He has successfully assisted these countries by helping them understand the effects of human impact on coral reef.

Dr. Lapointe and others at Harbor Branch Oceanographic have tirelessly worked to educate communities on rehabilitation strategies and future conservation techniques. People like Brian Lapointe and institutions like Harbor Branch Oceanographic can help countries that get assistance through the Tropical Forest Conservation Act program to restore and protect valuable and irreplaceable coral reefs and other marine ecosystems.

This bill is a win-win-win situation. With the passage of this bill, Congress can further alleviate debt in developing countries, provide long-term sustainable financing for environmental conservation and protection for important world ecosystems, and advance medicinal research and increase United States assistance to developing countries and further our credibility overseas. Reauthorizing the Tropical Forest Conservation Act provides numerous benefits to developing nations, to the United States, and to our planet.

I urge my colleagues to vote in favor of this bill.

Ms. CASTOR. Mr. Speaker, as we reauthorize the Tropical Forest Conservation Act, we take an important and critical new step to help the world preserve and restore its natural resources and vital ecosystems. This reauthorization will continue our efforts to preserve the world's forests, coral reefs, and associated coastal marine ecosystems. The Tropical Forest Conservation Act will create an invaluable debt-for-nature exchange that not only benefits the global economy, but also the global environment.

Protecting our natural resources is a daunting responsibility, and coral reefs present unique challenges to protect and rebuild. They are fragile, slow-growing, and easily damaged by passing ships, changes in temperature, or severe weather. Despite these challenges, they are an integral part of our environment. Corals support economies, protect coastlines, and act as ecosystems for thousands of species of sea life. They may also provide information for the development of new drugs or understandings of human disease.

The Florida Aquarium, a non-profit education and research institution in Tampa, has extensive experience in developing cutting edge technologies and protocols for coral conservation, including how to safely introduce cultured coral onto wild reefs. This facility has pioneered the methods and technology needed to confidently direct a coral health certificate program wherein aquacultured corals are certified as safe for introduction into the wild. Until the Florida Aquarium developed this certification technique for artificially aquacultured coral, there was no acceptable solution for doing so. This made rebuilding reefs time-consuming and expensive, and often led to the destruction of the wild coral that scientists were trying to restore. Today, the Florida Aquarium continues to lead the scientific community as the only institution in the world that can certify aquacultured coral for wild reefs.

Mr. Speaker, developing countries participating in our debt relief initiative could greatly benefit from the Florida Aquarium's technology and expertise. I strongly encourage the coral initiatives under the Tropical Forest Conservation Act to seek out the Florida Aquarium as a resource in rehabilitating coral reefs world wide. I am proud to support this important legislation in its effort to preserve our natural resources.

Mr. KIRK. Mr. Speaker, I rise in strong support of H.R. 2185 to reauthorize and expand Rob Portman's landmark legislation, the Tropical Forest Conservation Act. This reauthorization will help developing countries reduce foreign debt and provide comprehensive environmental preservation programs to protect tropical forests and endangered marine habitats around the world.

Since enacted in 1998, Tropical Forest Conservation Act programs have generated a total of $136.5 million over 10 to 25 years to help conserve 50 million acres of tropical forests in Asia, the Caribbean, Central and South America. But the rate of deforestation continues to accelerate across the globe.

Similarly alarming is the rapid rate of coral reef and coastal exploitation. The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Caribbean and Pacific. With few natural resources, these countries often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. According to the National Oceanic & Atmospheric Administration, 60 percent of the world's coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The Tropical Forest and Coral Conservation Act expands the current tropical forest conservation programs to include the protection and conservation of these vital coral ecosystems. H.R. 2185 will credit qualified developing nations for each dollar spent on a comprehensive tropical forest and reef preservation or management programs. It will also reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies to preserve the natural resources upon which local commerce is based. Most importantly, H.R. 2185 will make resources available for environmental stewardship that would otherwise be of the lowest priority in a developing country.

This legislation has enormous consequences for the existence of critical ecosystems, the health of our planet and the livelihoods of millions of people across the globe. I would like to thank Bill Millan from The Nature Conservancy, Lisa Handy from Conservation International, Beth Allgood from the World Wildlife Fund and Kelly Aylward from the Wildlife Conservation Society for all their efforts in helping to craft and forward this legislation. I urge my colleagues to support the Tropical Forest and Coral Conservation Act, which will help preserve the world's most precious natural resources.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2185, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes.".

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR IMPLEMENTATION OF AGREEMENT RELATING TO REUNIFICATION OF CYPRUS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 405) expressing the strong support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 405

Whereas, in recognition that any future efforts for a solution of the Cyprus problem need to be carefully prepared, President of the Republic of Cyprus Tassos Papadopoulos and former United Nations Secretary-General Kofi Annan met on February 28, 2006, in Paris, and reiterated that, "the resumption of the negotiating process within the framework of the Secretary General's Good Offices must be timely and based on careful preparation";

Whereas on July 8, 2006, President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat, agreed, under the auspices of United Nations Under Secretary-General Ibrahim Gambari, to a set of principles to begin a process of bi-communal discussions;

Whereas the set of principles agreed to are—

(1) commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions;

(2) recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots;

(3) commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed;

(4) agreement to begin a process immediately, involving bi-communal discussion of issues that affect the day-to-day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement; and

(5) commitment to ensure that the "right atmosphere" prevails for this process to be successful; in that connection, confidence-building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots; and also in that connection, an end must be put to the so-called "blame game";

Whereas, according to the agreement, technical committees and working groups would be set up to examine and discuss issues that affect day-to-day life of the people of Cyprus and concurrently those that concern substantive issues, thus contributing to a comprehensive settlement of the Cyprus problem;

Whereas on March 27, 2007, the United Nations Security Council in a statement on Cyprus indicated that, "the members of the Security Council urge both communities to work with the United Nations to implement the 8 July 2006 agreement, in particular through the immediate creation of bi-communal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive and durable settlement";

Whereas the United States has long supported fostering the reunification of Cyprus within a bi-zonal, bi-communal federation, and within a process that is led by the United Nations, thereby consistent with the intended aim of the July 8, 2006, agreement, and as set out in the relevant United Nations Security Council resolutions;

Whereas several meetings have been held between the Greek and Turkish Cypriot members of the coordination committee, consulting on the implementation of the July 8, 2006, agreement, but no technical committees or working groups have been set up;

Whereas on June 15, 2007, the United Nations Security Council adopted Resolution 1758 which "expresses full support for the July 8, 2006 process, notes with concern the lack of progress, and calls upon all parties to immediately engage constructively with the United Nations efforts, as described in Under Secretary General Gambari's letter of 15 November 2006, to demonstrate measurable progress in order to allow fully fledged negotiations to begin"; and

Whereas on September 5, 2007, President Papadopoulos and Mr. Talat "agreed on the need for the earliest start of the [Gambari] process" and to "continue their contact through the UN and to meet again when appropriate": Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the immediate implementation of the July 8, 2006, agreement as the way forward to prepare for new comprehensive negotiations leading to the reunification of Cyprus within a bi-zonal, bi-communal federation as set out in the relevant United Nations Security Council resolutions; and

(2) calls upon the United States Government to fully support the immediate implementation of the July 8, 2006, agreement in its entirety and without deviation from that process.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first thank our colleague from Florida (Mr. BILIRAKIS) for introducing this important resolution. For years, the United Nations has attempted to reduce the potential for conflict on Cyprus and to heal and reunify that long-divided island.

Last year, Under Secretary of the United Nations Ibrahim Gambari potentially made progress towards resolving this issue. Thanks to his efforts, the Greek and Turkish Cypriots signed an agreement on July 8, 2006, that sets out principles forming the basis for a future permanent agreement.

Mr. Speaker, these important principles include, first and foremost, recognition that the status quo, with a divided island, is unacceptable. They also include a commitment to unification based on a bizonal, bicommunal federation; a commitment to form intercommunal working groups aimed at achieving confidence-building measures to improve daily lives on both sides of the island; and a commitment to promote a positive atmosphere that would allow negotiations to thrive.

All of us hope that the July 8, 2006, agreement between the Greek and the Turkish Cypriot communities will prove to be an important step on the road to reunification of Cyprus as a bizonal, bicommunal federation. The pace of the progress must accelerate. To date, it has been, at best, halting. But both parties have at least renewed their pledge to work towards a negotiated agreement.

Mr. Speaker, U.N. Security Council Resolution 1758 expresses full support for the July 8, 2006, agreement. I hope the Members of this body will reinforce that message by backing this bill, and thereby backing the unification of Cyprus. The resolution before us, H. Res. 405, expresses its support for the immediate implementation of the July 8, 2006, agreement, and it calls on the administration to support it as well.

□ 1700

Mr. Speaker, the people of Cyprus deserve our encouragement and our support in their efforts to prepare for new talks aimed at reunification, and that is exactly what this resolution seeks to do. I strongly support it, and I encourage my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentlewoman from California for her strong support of H. Res. 405. I rise today to urge my colleagues to support H. Res. 405, which expresses the strong support of the U.S. House of Representatives for the immediate implementation of the July 8, 2006, United Nations-brokered agreement between President Papadopoulos of Cyprus and the Turkish Cypriot community leader, Mr. Mehmet Ali Talat.

More than 33 years after the invasion and occupation of Cyprus by Turkish troops, the country remains divided and has the longest running peacekeeping force in the history of the

United Nations. It is important that there is forward movement on properly preparing the grounds for serious negotiations that will lead to sustainable and lasting peace.

The international community has helped shepherd an agreement on a process, the Gambari process, that points the way forward to comprehensive negotiations that will lead to the reunification of the island, its people, institutions and economy in a bi-zonal, bi-communal federation.

The United Nations Security Council, the European Union, and the United States have all played key roles in trying to bring a lasting and fair resolution to the division of the island.

On July 8, 2006, President Papadopoulos and Mr. Talat agreed, under the auspices of the United Nations, to the establishment of technical committees and working groups to examine the issues affecting the daily lives of the Greek and Turkish Cypriot people, as well as issues of substance.

H. Res. 405 recognizes the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots. It also reinforces the proposition that a comprehensive settlement is both desirable and possible and should not be further delayed.

In an effort to jump-start the July 8 agreement, President Papadopoulos invited Mr. Talat to a meeting that took place this year on September 5. The two leaders agreed on the need for the earliest start of the Gambari process and to continue their contact through the U.N. and to meet again when appropriate.

As a member of the European Union, the Republic of Cyprus has proven itself a committed and influential partner in Europe. Despite its forced division, Cyprus's successful social and economic integration into the European Union is a testament to its focus and dedication to democratic values and regional cooperation.

In addition, Cyprus has a long history of working cooperatively with the United States on issues of international defense and security and continues to do so in the global war on terror. Cyprus is also a good friend to this country. In the summer of 2006, Cyprus served as the principal transit for 15,000 Americans evacuating Lebanon. Our citizens were provided with food, shelter, and medical care.

It is now time for Congress to demonstrate its strong support of efforts toward the reunification of Cyprus by passing H. Res. 405, calling for the immediate implementation of the July 8 agreement in its entirety and without deviation from the process.

H. Res. 405 gives a strong message of support for a reunified Cyprus under a bi-zonal, bi-communal federation with a single sovereignty, single international personality, and single citizenship with respect to human rights and fundamental freedoms of all Cypriots.

I wish to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN and all of my colleagues who have cosponsored H. Res. 405. I thank them for recognizing what a significant step this great representative body is taking by telling the world community that the sad and tragic division of Cyprus should be no longer.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY), member of the Veterans' Affairs Committee and Ways and Means Committee.

Ms. BERKLEY. I thank the gentlewoman from California.

Mr. Speaker, I rise in support of this resolution of which I am a proud cosponsor. In the summer of 2006, we witnessed a major breakthrough in the troubled history of this divided island. After years of conflict, both sides committed themselves to the reunification of Cyprus based on a bi-zonal, bi-communal federation and political equality. By agreeing to these principles, they recognize the status quo is unacceptable and that continuing it only hurts both the Turkish and Greek Cypriot communities.

In connection with this agreement, we are all pleased to see the Cypriot Government take a number of confidence-building measures, demolishing walls and even providing free health care to Turkish Cypriots.

This summer, my family and I traveled to Cyprus and had the pleasure of enjoying the legendary Cypriot hospitality. While I enjoyed the beauty and serenity of the island, I was most struck by the openness and warmth of the people there, who treated my family and me with the greatest regard. It is cruel that such a warm and hospitable people should continue to be subjected to this conflict.

We were simply appalled by the state of the "green line" area. It is a blot on an otherwise breathtaking country. It is time that the Turkish troops remove themselves from this island so that, at our next visit, Cyprus will once again be a peaceful and unified island free of occupation.

Mr. Speaker, it is time for both sides to come together to execute the July 2006 agreement. The principles have been laid out and all that we need now is implementation. I urge support for this resolution.

Mr. SIRES. Mr. Speaker, today I rise in support of H. Res. 405, which expresses strong support for the implementation of the July 8, 2006 agreement between the President of the Republic of Cyprus and the Turkish Cypriot leader. Since the invasion of Cyprus over 30 years ago, the Greek and Turkish Cypriot communities have been divided. There have been over 13 million crossings by Greek and Turkish Cypriots into each other's communities without incident. The reunification of Cyprus would improve relations between the communities, commerce, and the everyday lives of Cypriots on the island. It is in the best interest of the Cypriot people, the United States and our allies, Greece and Turkey, to urge the immediate implementation of the July 8th agreement. Both parties must abide by U.N. Security Council Resolutions and move forward with the reunification of Cyprus. I'd like to thank Congressman BILIRAKIS for introducing this resolution and I would urge all of my colleagues to support it.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Res. 405, of which I am a cosponsor, which expresses the strong support of the House of Representatives for the implementation of the July 8, 2006, U.N.-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus. As a co-founder and co-chair of the Hellenic Caucus, I want to thank Representative BILIRAKIS, my fellow co-chair, for introducing the bill and working to bring it to the floor today.

On July 8, 2006, President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat agreed, under the auspices of the United Nations, to a set of principles to begin a process of discussions aimed at ending the division of Cyprus. The agreement calls for a commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions. The agreement also called for the establishment of technical committees and working groups to examine and discuss a variety of issues including those that affect the daily lives of the people.

I believe that the United States must play an active role in the resolution of the serious issues facing Cyprus, and I hope that passage of H. Res. 405 by the House today will be a positive influence in moving this process forward in preparation for new comprehensive negotiations leading to the unification of Cyprus within a bi-zonal, bi-communal federation.

I urge my colleagues to support this legislation.

Mr. SPACE. Mr. Speaker, I wish to make known my support for H. Res. 405, a bill expressing the sense of Congress in support of the immediate implementation of the July 8, 2006 agreement as the way forward to prepare for new comprehensive negotiations leading to the reunification of Cyprus within a bizonal, bicommunal federation as set out in the relevant United Nations Security Council resolutions.

On July 20, 1974, Turkey illegally invaded the island of Cyprus. Thirty-three years later, we remember this black day as we continue hammering out a suitable way forward. This is absolutely necessary as the people of Cyprus have suffered unjustly for far too long.

Thirty-three years ago, Turkish troops invaded Cyprus in flagrant disregard for international law. As a result, an estimated 160,000 true Cypriots were displaced and another 5,000 Cypriots were killed. The current occupied area is notably one of the most highly militarized areas in the world with 43,000

Turkish troops stationed there illegally. In an act of further defiance, in 1983, Turkish Cypriots declared themselves a sovereign nation. To date, they are the only ones who recognize themselves as such.

Together with both the E.U., and the U.N., the United States has been a strong ally of the Republic of Cyprus, and we owe it to her to continue our steadfast support. As a Congress, we must uphold our Nation's pledge to advance the July 8th agreement that President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat reached a year ago. This agreement would begin the process of setting up bicommunal committees and working groups to address day-to-day issues facing those caught up in this conflict.

I am a cosponsor of H. Res. 405 because of the history I've outlined here. The July 8th agreement is the way forward for an island that has suffered far too long.

As a Greek American and as a member of the Hellenic Caucus, I could not feel more strongly about the reunification of Cyprus. The issue is straightforward and clear: We must aid our ally, the Republic of Cyprus, in righting the wrongs of the past 33 years. Passing H. Res. 405 is a step in the right direction.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 405, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPANDING STRATEGIC RELATIONSHIP BETWEEN THE UNITED STATES AND BRAZIL

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 651) recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 651

Whereas following the oil shock of the early 1970s, Brazil chose to reduce its energy vulnerability by choosing sugar-based ethanol to diversify its energy sector and power its automobiles;

Whereas with large private and public investments and support from the World Bank, Brazil greatly expanded the amount of sugarcane it produced and began large-scale construction of alcohol distilleries to process sugar into ethanol;

Whereas decades of state investment have helped Brazil become the world's largest consumer and producer of ethanol from sugar cane;

Whereas ethanol supplies 40 percent of the motor fuel used in Brazil and is extremely competitive with gasoline;

Whereas the transition towards biofuels will have a positive impact on the environment and will help reduce greenhouse gases;

Whereas by the end of 2006, 80 percent of new car sales in Brazil were flex-fuel, meaning that they can run on ethanol, gasoline, or any mixture of both;

Whereas Brazil stands out as the leading example of a country that has diversified its energy supply and become a net exporter of energy, in large part by increasing its use and production of alternative energy sources, including ethanol;

Whereas putting the United States on a path toward ending its addiction to oil, as Brazil has done, by investing in clean alternative energy sources is essential in protecting United States national security, the environment, and the stability of the United States economy;

Whereas, on March 9, 2007, the United States and Brazil—the world's 2 largest ethanol producing countries—signed a Memorandum of Understanding (MOU) to promote greater cooperation on ethanol and biofuels in the Western Hemisphere;

Whereas the United States-Brazil MOU involves technology-sharing between the United States and Brazil, feasibility studies and technical assistance to build domestic biofuels industries in third countries, and multilateral efforts to advance the global development of biofuels;

Whereas the first countries targeted for United States-Brazilian technical assistance are the Dominican Republic, El Salvador, Haiti, and St. Kitts and Nevis;

Whereas United States President George W. Bush and Brazilian President Luiz Inacio "Lula" da Silva have met twice in 2007 as visible examples of the expanding warm relations and close ties between the United States and Brazil;

Whereas the United States and Brazil are the two largest and most diverse democracies in the Western Hemisphere;

Whereas Brazil—through its leadership of the United Nations Stabilization Mission (MINUSTAH) in Haiti and other achievements—has emerged as a regional leader in the Western Hemisphere; and

Whereas Secretary of State Condoleezza Rice has said that the United States looks to Brazil as a "regional leader and a global partner": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the United States and Brazil have arrived at the point of a strategic confluence of interests and urges President George W. Bush to continue to deepen the bilateral relationship between the two countries;

(2) recognizes Brazil's role as a leader in the Western Hemisphere and commends its leadership of the United Nations Stabilization Mission (MINUSTAH) in Haiti;

(3) commends Brazil for successfully diversifying its energy resources and reducing its dependence on oil;

(4) strongly supports the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels as a major step forward in bilateral relations, hemispheric integration, and energy diversification;

(5) commends joint efforts by the United States and Brazil for their commitment to use expertise to provide technical assistance for biofuels industries in third countries, currently including the Dominican Republic, El Salvador, Haiti, and St. Kitts and Nevis; and

(6) encourages United States and Brazilian officials to quickly identify additional countries in the Western Hemisphere to receive technical assistance related to biofuels.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would first like to thank our colleagues, Congressman ELIOT ENGEL and DAN BURTON, for introducing this important resolution. Their leadership on Brazil-related matters is greatly appreciated.

Mr. Speaker, Brazil has the largest economy, population, and land mass in South America. It is the fifth most populous country in the world, and its economy is the 11th largest. It is high time we recognize, as this resolution does, the expanding strategic relationship between the United States and Brazil.

We in America are finally waking up not only to Brazil's importance, but to how natural this relationship should be. Brazil is also the right country with which to cooperate on alternative energy sources.

This resolution commends Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs and recognizes the importance of the March 9, 2007, U.S.-Brazil memorandum of understanding on biofuels cooperation.

The agreement promotes greater cooperation on ethanol and biofuels between the world's two largest ethanol-producing countries. Brazil has become the world's largest consumer and producer of ethanol from sugar cane. By the end of 2006, 80 percent of new-car sales in Brazil were flex-fuel, meaning they can run on a mixture of ethanol and gasoline.

Furthermore, ethanol supplies 40 percent of the motor fuel used in Brazil and is extremely competitive with gasoline. We as Americans can learn a great deal from Brazil and they from us as we try to reduce their dependence on oil and diversify our energy resources. The U.S. and Brazil are providing technical assistance to build biofuels industries in Third World countries, including the Dominican Republic, Haiti, El Salvador, St. Kitts, and Nevis.

It is also important to note that Brazil, through its leadership of the United Nations Stabilization Mission in Haiti and other achievements, has emerged as a regional leader in the Western Hemisphere, a role this resolution recognizes for Brazil.

Brazil's leadership in the Americas and throughout the world signals the emergence of a vital partner and friend to the United States. That is why I strongly urge all Members to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, early this year, the U.S. and Brazil signed a memorandum of understanding on biofuels cooperation. This document symbolizes not only a shared interest in reducing energy vulnerability, but also a growing relationship between our two countries based on the common goal of regional stability and prosperity throughout the Western Hemisphere.

I am pleased to learn of the progress made under the United States-Brazil memorandum of understanding and applaud the proactive efforts being taken by both of our countries in confronting the constraints of oil dependence.

As Hugo Chávez continues to exploit Venezuela's oil supply to spread his propaganda across the Western Hemisphere, it is essential that the U.S. and Brazil continue to lead the way in diminishing our historical dependence on oil by finding alternative ways to satisfy our energy needs.

Additionally, while I appreciate the growing and valuable role of Brazil as a strategic partner, we must remain vigilant of Brazil's own activities.

As the U.S. continues to work to promote freedom and democracy in the hemisphere, we continue to face challenges by the likes of Venezuela's Chavez and Bolivia's Morales, under the tyrannical influences of Castro.

We must be cognizant of the fact that President da Silva was in fact a founding member of the Foro de Sao Paõlo, which plays host to these men and promoter to their increasingly anti-American rhetoric throughout the region.

Brazil has a history of noncompliance with the IAEA obligations and an expressed interest in pursuing future enrichment programs.

This mixed with the increasing of rogue regimes, like Iran and Syria, to make inroads into the unstable political, economic and social worlds of Latin America requires the U.S. be vigilant in our assessment of Brazil and the region as a whole.

As biofuels cooperation allows our two countries to work increasingly closely together, I am hopeful that continued success in bilateral relations, hemispheric integration, and energy diversification will help to mitigate these challenges.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1715

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman for her leadership and my good friend and colleague Mr. BILIRAKIS for their support of this legislation.

Let me commend Congressman ENGEL and Congressman BURTON, both chairman and ranking member of the Western Hemisphere Subcommittee on Foreign Affairs, and the chairman of the full committee, Mr. LANTOS, and the ranking member of the committee.

This is an important step that cements and further enhances the relationship between Brazil and the United States, the largest economy, population land mass in South America.

But it's even more important to reinforce the strategic relationship that we are establishing between Brazil and the United States, the friendship that we are establishing, and to have both countries wake up to the importance of our relationship to each other and for it to be a natural relationship.

Brazil is also the right country in which to cooperate with alternative energy sources. It has an enormously diverse population and a very large Afro-Brazilian population. In fact, it is the largest African population in South America.

I would hope that as we move forward on this legislation that we emphasize the successful relationship between Brazil and the United States as we work towards alternative fuels. This is a good partnership. It is a good legislative initiative, and I congratulate the sponsors and look forward to working with them on expanding our relationship between the United States and Brazil.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise today strong support of my resolution—H. Res. 651—which recognizes the expanding strategic relationship between the United States and Brazil. This resolution also commends Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs and recognizes the importance of the March 9, 2007 United States—Brazil Memorandum of Understanding (MOU) on biofuels cooperation.

For years, Brazil has flown below the radar in the United States. We never paid much attention to what was happening in the largest country in South America. But I believe that we are reaching the end of this period of ignorance and neglect and that we, in America, are finally waking up not only to Brazil's importance, but also to how natural this relationship should be.

Brazil occupies almost half of the continent of South America and is the fifth most populous country in the world. Its economy is the eleventh largest in the world, the largest in Latin America, and one of the largest in the developing world. Secretary of State Condoleezza Rice has called Brazil "the regional leader and our global partner." These are words we reserve for only a few countries—those where partnership is truly advantageous for both of us.

Brazil is also the right country with which to cooperate on alternative energy sources. Brazil and the United States are by far the world's largest ethanol producers. In 2006, the two countries together produced 69 percent of ethanol in the world. And Brazil has become a global leader on alternative energy. By the end of 2006, 80 percent of new car sales in Brazil were flex-fuel, meaning they can run on a mixture of ethanol and gasoline.

On March 9th, the U.S. and Brazil signed a Memorandum of Understanding (MOU) to promote greater cooperation on ethanol and biofuels in the Western Hemisphere. Our bilateral partnership is establishing both countries as leaders in the energy field in the hemisphere. I am particularly pleased by joint U.S.-Brazilian efforts to provide technical assistance to build biofuels industries in third countries, including the Dominican Republic, Haiti, El Salvador and St. Kitts and Nevis. This resolution commends these efforts and also encourages U.S. and Brazilian officials to quickly move to a second wave of countries to receive similar technical assistance.

Many argue that for too long, the U.S. has focused its agenda in the hemisphere on "trade and drugs" at the exclusion of other elements. The deepening of our energy cooperation with our friends in the hemisphere—particularly Brazil—is helping us to develop a positive agenda that I hope will continue to grow in the coming years.

I am also pleased to announce today that I will be leading a bipartisan congressional delegation to Brazil on November 25th and I encourage my colleagues to join me on this trip.

I want to close by noting that there is a cynical, old adage about Brazil that says, "Brazil is the land of the future, and always will be." Brazil's leadership at home, in the Americas and throughout the world is proving this statement to be false. I truly believe that Brazil's time has come. As Western Hemisphere Subcommittee Chairman, I look forward to continuing to focus intensively on Brazil—a vital partner and friend.

I urge my colleagues to support House Resolution 651.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 651, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DENOUNCING THE PRACTICES OF FEMALE GENITAL MUTILATION, DOMESTIC VIOLENCE, "HONOR" KILLINGS, ACID BURNING, DOWRY DEATHS AND OTHER GENDER-BASED PERSECUTIONS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 32) denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 32

Whereas human rights violations against women occur around the world and are not limited to times of war, and have been committed for political gain, personal advantage, ethnic hatred, and in the name of deities and fundamentalist religious zeal;

Whereas, in many parts of the world, there is a culture of violence and discrimination which denies women rights equal to those of men and which legitimizes the exploitation of women for personal gratification, political purposes, and financial gain;

Whereas despite the fact that in 1998, the United Nations International Criminal Tribunal for Rwanda set a precedent in international law by establishing and prosecuting rape and sexual violence in times of violent conflict as war crimes and crimes against humanity, the rape of women continues to be used as an instrument of armed conflict in the 21st century;

Whereas former Bangladeshi Prime-Minister Sheikh Hasina acknowledged that every year in Bangladesh up to 200 women are horribly disfigured by acid attacks by their spurned husbands or suitors, leaving many of them blind, deaf, or dead;

Whereas according to Amnesty International, 6,000 women are subjected to genital mutilation each day in North Africa, and 135,000,000 women, in at least 46 other countries, have undergone female genital mutilation worldwide;

Whereas Time Magazine reports that about 25,000 women in India each year are doused with gasoline, set on fire, and burned to death because their marriage dowries are deemed too small, and 4 out of 5 of these attacks are not reported to or recorded by law enforcement agencies;

Whereas in many societies baby girls are denied food, drowned, suffocated, abandoned, or their spines are broken simply because they are born girls;

Whereas in China, where the male-child is traditionally prized above the female, the "one-child" state policy has multiplied the rate of abandonment, sex-selective and forced abortion and female infanticide, and yielded a skewed population demographic;

Whereas Chinese demographics have exacerbated the abduction, trafficking, and sale of Asian women and girls for the purposes of sex slavery and forced marriage;

Whereas Amnesty International estimates that this year, more than 15,000 women will be sold as sexual slaves in China;

Whereas, according to World Bank figures, at least 1 in 5 women and girls around the world has been beaten or sexually abused in her lifetime;

Whereas the 2002 Parliamentary Assembly of the Council of Europe estimates that the leading cause of death worldwide among women ages 14 through 44 is the violence to which they are subjected in their own homes, and in the Russian Federation alone, every day 36,000 women are beaten by their husbands or partners;

Whereas in the United States, every day 4 women die as a result of domestic violence, every year more than half a million women are battered, every year 4,000,000 women are physically abused by their husbands or domestic partners, one-third of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives, over 324,000 pregnant women are victims of intimate partner violence annually, the majority of welfare recipients have experienced domestic violence as adults, and domestic violence causes 100,000 days of hospitalization, 30,000 emergency room visits, and 40,000 visits to a doctor each year;

Whereas, the theme for the 2007 United Nations International Women's Day was "Ending Impunity for Violence Against Women and Girls";

Whereas UNAIDS asserts that the best way to prevent HIV is to raise the status of women because a woman's vulnerability to HIV infection is in direct proportion to her lack of control over the risks of infection;

Whereas the inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people;

Whereas the situation of women is exacerbated by the extreme poverty that affects the lives of the majority of the world's people, in particular women and children;

Whereas families rely on mothers and wives for emotional support, labor, and income needed to raise healthy children and care for other relatives;

Whereas, according to the United Nations, nearly 70 percent of the people who live in abject poverty are women and women perform two-thirds of the world's work, earn less than five percent of its income, and own less than one percent of its property;

Whereas democracy, political stability, and economic development are linked to the welfare of women and children, yet the United Nations estimates that three of every four illiterate adults in the world are women and two-thirds of children denied primary education are girls;

Whereas the exclusion of women from the political process in many countries makes them even more vulnerable to abuse;

Whereas as long as women and girls are undervalued, overworked, and subjected to violence in and out of their homes, the potential of the human family to create a peaceful, prosperous world will not be realized; and

Whereas the leadership of women is strongly linked to social justice, economic prosperity, political stability, peaceful relations, and a healthy population: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) denounces the barbaric practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and crimes;

(B) asserts that women are not chattel, should not be trafficked, exploited, or sold for services, and should not be denied the right to education, to ownership of property, or to participate in full, economic, social and political life;

(C) demands the cessation of these barbaric practices and the dismantling of social and institutional mechanisms which perpetuate systematic discrimination against women and girls;

(D) calls on all governments to pass enforceable laws banning these practices, prosecute any individuals who persecute or violate women and girls with these acts, and pass measures to empower women and girls and afford them equal access to educational, social, and economic opportunities; and

(E) calls on the President and fellow donor countries to promote the rights, health, and empowerment of women in every aspect of their foreign assistance to developing countries, and discourage continued acts of violence against women and the impunity that often accompanies these acts; and

(2) it is the sense of the House of Representatives that—

(A) participation, protection, recognition, health, and equality of women and girls are crucial to achieving a just, moral, and peaceful society; and

(B) regardless of religion, geography, or form of government, women should not be denied their human rights, and those rights must be defended and enforced when they are abridged, challenged, or violated.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I might consume.

I rise today in strong support of H. Res. 32, denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that the participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society.

Allow me to thank Chairman LANTOS and Ranking Member ILEANA ROS-LEHTINEN for working with my staff and working collaboratively to bring forward this legislation that really is a statement of our committee.

Let me also thank the staff who worked on this bill. The full committee: Kristin Wells, Pearl-Alice Marsh, Joan Condon and Yleem Poblete. I also thank the members of my staff: Yohannes Tsehai, Nina Besser and Samia Elshakie.

It is very important as we move forward in making this statement that we recognize that we are attempting to save lives.

May I share with my colleagues the loneliness of being a woman anywhere in the world where they're not protected against brutality, dowry killings, honor killings, and that they have no refuge and no opportunity to address their grievances in their own Nation.

Might I show you some of the dastardly pictures, horrific that they are, showing how women are burned, how women are scarred, and how women are beaten all over the world.

It is time for the United States to join in making a very pronounced statement because women are lonely, and they need the statement or the support of women and this Congress.

I would like to thank the chairman of the Foreign Affairs, as I indicated, my good friend and colleague, Congressman LANTOS, again, and as well the ranking member.

In recent decades, women have made crucial strides toward equality. Our daughters now have a wide range of options and opportunities, and they can look forward to a life full of promise. Despite this important progress, women and girls throughout the world, including here in our own Nation, continue to face gender-based persecutions.

In many parts of the world, a culture of violence and discrimination persists, denying women rights equal to those of men, and legitimizing the exploitation of women for personal gratification, political purposes, and financial gain. My legislation strongly denounces such practices and reaffirms the societal values of the independence of women.

Human rights violations against women and girls know no borders. They take place throughout the world on six continents. Statistics are shocking. In North Africa, 6,000 women are genitally mutilated each day. Over 7,000 women in India are killed by their families and in-laws in disputes over dowries annually. A woman in Pakistan was raped by a person in the military, and no one was willing to address her grievances.

More than 15,000 women will be sold as sexual slaves in China this year. Two hundred women in Bangladesh are horribly disfigured when their spurned husbands or suitors burn them with acid each year, according to the Bangladesho Prime Minister.

The 2002 Parliamentary Assembly of the Council of Europe estimates that the leading cause of death worldwide among women ages 14 to 44 is the violence they are subjected to in their own homes. In the Russian Federation alone, every day 36,000 women are beaten by their husbands or partners. Even here in the United States, a woman is raped every six minutes, and a woman is battered every 15 seconds.

Mr. Speaker, these practices are contrary to international law. In 1998, the International Criminal Tribunal for Rwanda issued a groundbreaking verdict with the successful prosecution of rape as a tool of genocide. Further prosecutions under the International Criminal Tribunal for the former Yugoslavia solidified rape as a crime of war and as the basis for prosecution for torture. Despite these ever-evolving legal traditions, the rape of women continues to be used as an instrument of armed conflict in the 21st century.

I'm very proud of the Foreign Affairs Committee because we work in a bipartisan manner, and therefore, this legislation was able to come out of the committee in a bipartisan manner. And so, as we look to be of help, this is an important forward step in acknowledging the brutality towards women around the world.

In addition to rape, another persistent form of gender-based persecution is female genital mutilation. Despite existing laws forbidding this practice, this tradition is often embedded in cultural, religious and nonmedical practices, making it more difficult to overcome. Such traditions legitimize the exploitation of women for personal gratification and political gain.

The situation faced by women worldwide is intricately tied to a number of other issues that we have addressed in recent months in the committee. Women and children are particularly affected by extreme poverty, which exacerbates the obstacles they face. Nearly 70 percent of those living in abject poverty are women, according to the United Nations. And while women perform two-thirds of the world's work, they earn less than 5 percent of all income, and they own less than 1 percent of all property. The United Nations estimates that three of every four illiterate adults in the world are women, and two-thirds of children denied primary education are girls.

I ask my colleagues to support H. Res. 32.

Mr. Speaker, I rise today in strong support of H. Res. 32, denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions, and expressing the sense of the House of Representatives that the participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society.

I would like to thank the Chairman of the Foreign Affairs Committee, my good friend and colleague Congressman LANTOS, for his support and his leadership on this important issue. I have been pleased to work with the Committee on this legislation, and I would to thank the Committee staff for their work on this issue.

Mr. Speaker, in recent decades, women have made crucial strides toward equality. Our daughters now have a wide range of options and opportunities, and they can look forward to a life full of promise. Despite this important progress, women and girls throughout the world, including here in our own nation, continue to face gender-based persecutions. In many parts of the world, a culture of violence and discrimination persists, denying women rights equal to those of men, and legitimizing the exploitation of women for personal gratification, political purposes, and financial gain. My legislation strongly denounces such practices, and reaffirms the societal value of the independence of women.

Human rights violations against women and girls know no borders. They take place throughout the world, on 6 continents. The statistics are shocking. In North Africa, 6,000 women are genitally mutilated each day. Over 7,000 women in India are killed by their families and in-laws in disputes over dowries annually. More than 15,000 women will be sold as sexual slaves in China this year. 200 women in Bangladesh are horribly disfigured when their spurned husbands or suitors burn them with acids each year, according to former Bangladeshi Prime Minister Sheikh Hasina. The 2002 Parliamentary Assembly of the Council of Europe estimates that the leading cause of death worldwide among women ages 14–44 is the violence they are subjected to in their own homes. In the Russian Federation alone, every day 36,000 women are beaten by their husbands or partners. Even here, in United States, a woman is raped every 6 minutes, and a woman is battered every 15 seconds.

Mr. Speaker, these practices are contrary to international law. In 1998, the International Criminal Tribunal for Rwanda (ICTR) issued a groundbreaking verdict with the successful prosecution of rape as a tool of genocide. Further prosecutions under the International Criminal Tribunal for the former Yugoslavia (ICTY) solidified rape as a crime of war and as the basis for prosecution for torture. Despite these ever evolving legal traditions, the rape of women continues to be used as an instrument of armed conflict in the 21st century.

In addition to rape, another persistent form of gender-based persecution is female genital mutilation. Despite existing laws forbidding this practice, this tradition is often embedded in cultural, religious, and non-medical practices, making it more difficult to overcome. Such traditions legitimize the exploitation of women for personal gratification and political gain.

The situation faced by women worldwide is intricately tied to a number of other issues that we have addressed in recent months in this Committee. Women and children are particularly affected by extreme poverty, which exacerbates the obstacles they face. Nearly 70 percent of those living in abject poverty are women, according to the United Nations, and, while women perform 2/3 of the world's work, they earn less than 5 percent of all income, and they own less than 1 percent of all property. The United Nations estimates that 3 out of every 4 illiterate adults in the world are women, and that two-thirds of children denied primary education are girls.

Mr. Speaker, democracy, political stability, and economic development are linked to the welfare of women and children. This Congress has announced its commitment to all 3 of these admirable goals, and I firmly believe that if we are truly dedicated to building and supporting stable, open, and prosperous societies throughout the world, we must work to eliminate these practices of serious persecution and discrimination.

Mr. Speaker, the time is long since passed for us to strongly declare that women are not chattel, should not be trafficked, nor sold for services, and must not be denied the right to own property. The fundamental rights to freedom of worship, expression, association, conscience and pursuit of happiness ought never to be threatened by violence, oppression, slavery, or manipulation.

My legislation denounces the barbaric practices of female genital mutilation, domestic violence, 'honor' killings, acid burning, dowry deaths, and other gender-based persecutions. It demands the cessation of these barbaric practices and condemns the perpetrators. Regardless of religion, geography, or form of government, women should not be denied equal rights, which should be defended when their rights are abridged, challenged, or violated.

Mr. Speaker, Members of Congress, I strongly urge you to join me in supporting this extremely important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

I'm pleased to rise in support of H. Res. 32, which denounces violence against women and recognizes that women's rights are, indeed, human rights.

I also would like to thank Chairman LANTOS and the sponsor of this resolution, my good friend and my chairwoman, Ms. JACKSON-LEE, for agreeing to modify the introduced text such that it strikes all references to the Convention on the Elimination of Discrimination Against Women. By striking these references and refocusing our attention on the challenges to human dignity that an alarming number of women are forced to endure around the world, H. Res. 32 is now a much stronger, bipartisan resolution which can be universally embraced.

H. Res. 32 recognizes that democracy, political stability, public health and economic development are linked to the welfare of women and children. Two-thirds of the world's work is performed by women, yet women still earn less than 5 percent of its income, own less than 1 percent of its property, and make up nearly 70 percent of the people living in poverty unfortunately.

The lack of legal standing of women in many societies makes them especially susceptible to poverty, exploitation, abuse and, inevitably, infectious diseases, including HIV/AIDS.

Yet as women serve as the provider and educator for their families in many traditional societies, their exploitation threatens the prosperity of their entire family and community. As such, the resolution calls upon governments to address the entrenched gender inequalities which threaten development, as well as national security.

It also calls on governments to criminalize such atrocious practices as female genital mutilation, domestic violence, "honor" killings, acid burnings, dowry deaths, and other gender-based crimes.

This resolution does not seek to bestow upon women any special privilege. It simply recognizes the fact that no matter where one lives, and no matter what their race, religion or culture, we are all human beings who deserve the opportunity to live in dignity and free from oppression or abuse based solely on our gender.

I urge unanimous support of H. Res. 32.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I am prepared to close at this time.

Let me thank my very generous friend Mr. BILIRAKIS from Florida for expressing the negotiations that occurred in the Foreign Affairs Committee and the spirit in which we work in that committee by coming together in a bipartisan way to make such an important statement today.

In closing, I would like to indicate that democracy, political stability, and economic development are linked to the welfare of our women and children. This Congress has announced its commitment to all three of these admirable goals, and I firmly believe that if we are truly dedicated to building and supporting stable, open and prosperous societies throughout the world, we must work to eliminate these practices of serious persecution and discrimination.

The distinguished gentleman from Florida has indicated that we're doing this together. The time has long since passed for us to strongly declare that women are not chattel, should not be trafficked, and not sold for services and must not be denied the right to own property. The fundamental rights to freedom of worship, expression, association, conscience and pursuit of happiness ought never to be threatened by violence, oppression, slavery, or manipulation.

My legislation denounces the barbaric practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions. It gives women hope around the world. It demands a cessation of these barbaric practices and condemns the perpetrators.

I'm delighted to be supported by Amnesty International; the United Nations Women's Fund; the CARE, Council on American-Islamic Relations, equal rights advocates; and NOW.

I'm also delighted to be able to have this Congress express that regardless of religion, geography or form of government, women should not be denied equal rights, should have the opportunity to be defended when their rights are abridged, challenged or violated.

So, in the spirit of protecting the women around the world from the violence that they experience and suffer every day from the trafficking and from the inhumane treatment, I ask my colleagues to enthusiastically support H. Res. 32.

Amnesty International USA commends Congresswoman Sheila Jackson-Lee and the U.S. House of Representatives for authoring and considering H. Res. 32 to denounce the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths and other gender-based persecution and to urge participation, protection, recognition and independence of women.

Violence against women is a human rights scandal. At least 1 out of every 3 women has been beaten, coerced into sex, or otherwise abused in her lifetime. In Europe, domestic violence is the major cause of death and disability for women aged 16 to 44. In the United States, a woman is raped every 6 minutes; a woman is battered every 15 seconds.

Rape of women is widespread in armed conflicts such as in Colombia and Darfur. Trafficking of women has become a global phenomenon where victims are sexually exploited, forced into labor and subjected to abuse.

Murders of women in Guatemala, Russia, India, and other countries often go uninvestigated and unpunished. The experience or threat of violence affects the lives of women everywhere, cutting across boundaries of wealth, race and culture. In the home and in the community, in times of war and peace, women are beaten, raped, mutilated, and killed with impunity.

The U.S. government should move forward in ratifying the Treaty for the Rights of Women (CEDAW)—the most complete international agreement on basic human rights for women. The United States played an important role in drafting the Treaty, which 185 nations have ratified as of October 2007. As the leading superpower, U.S. ratification would lend weight to the Treaty and provide valuable support to women seeking reforms in countries around the world.

Amnesty International USA encourages members of the U.S. House of Representatives to move quickly towards passage of H. Res. 32 and encourages all members of the legislative body to actively work to stop violence against women throughout the world.

TO THE HONORABLE SHEILA JACKSON LEE: The U.S. National Committee for UNIFEM is in full support of H. Res. 32 which denounces the practices of female genital mutilation, domestic violence, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society.

Violence against women and girls is one of the most widespread violations of human rights. Since 1976, UNIFEM (the women's fund at the UN) has provided financial and technical assistance to innovative programs focusing on ending gender-based violence including initiatives to eliminate FGM, dowry murders and domestic violence. In 1996, the UN General Assembly established the UN Trust Fund in Support of Actions to Eliminate Violence Against Women. Managed by UNIFEM, the Trust Fund is the only multilateral grant-making mechanism that supports local, national and regional efforts to combat violence. While the Trust Fund has provided over $13 million to 226 projects in over 100 countries, the need for stricter laws, education and advocacy efforts to end gender-based violence persist.

The U.S. National Committee for UNIFEM is one of 16 national committees that support UNIFEM. We work to increase the visibility of UNIFEM in the U.S. and promote campaigns and events to support UNIFEM's four strategic areas: reducing women's poverty, ending gender-based violence, halting the spread of HIV/AIDS and supporting women's leadership. We are devoted to working toward a world where women and girls live free from violence, poverty and inequality. With Congress's support of this bill, we can ensure that we come one step closer to this goal. We applaud your efforts.

Sincerely,

CAROL POTEAT BUCHANAN,
President, U.S. National Committee for UNIFEM.

COUNCIL ON
AMERICAN-ISLAMIC RELATIONS,
Washington, DC, October 8, 2007.

Hon. SHEILA JACKSON-LEE,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN JACKSON LEE: The Council on American-Islamic Relations (CAIR) expresses its support for H. Res. 32, denouncing female genital mutilation, domestic violence, "honor killings," acid burning, dowry deaths, and other gender-based human rights violations against women.

CAIR joins in calling for an end to such barbaric practices.

Perpetrators of these barbaric acts claim any number of philosophical, political or religious justifications. CAIR, drawing on our faith's admonition to establish justice, stands with those who reject such justifications.

CAIR, America's largest Muslim civil liberties group, has 33 offices, chapters and affiliates nationwide and in Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

Sincerely,

NIHAD AWAD,
Executive Director.

Mr. BACA. Mr. Speaker, I stand here today in support of House Resolution 32 the Denouncement to the Suppression of Women.

Thousands of women a year fall victim to societies that deem them unworthy and in turn suffer at the hands of discrimination and violence. We must recognize that this violence is a manifestation of historically unequal power relations between men and women and it must be eliminated. Too many women are continuously tortured, beaten, mutilated and assaulted by husbands, fathers, and complete strangers without hope for support or promise of a safe haven to run to.

Domestic violence is the major cause of death and disability for women aged 16 to 44, accounting for more death and ill-health than cancer or traffic accidents. More than 60 million women are "missing" from the world today as a result of sex-selective abortions and female infanticide. The World Health Organization has reported that up to 70 percent of female murder victims are killed by their male partners.

As Americans, citizens striving to preserve human life and oppose the discrimination of any person, we must move to impair these malevolent occurrences in full force.

United, we must denounce these demeaning practices and fervently demand an end to this persecution and a commitment to preserving the rights of female populations all over the world. No longer can we stand silent while thousands of women fall victim to cultural prejudice and international trafficking. I urge my colleagues to support this resolution.

The preservation of female rights must be a priority to this the 110th Congress as we continue to work towards ensuring democratic ideals worldwide.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 32, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

WAR PROFITEERING PREVENTION ACT OF 2007

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 400) to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Profiteering Prevention Act of 2007".

SEC. 2. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1040. War profiteering and fraud

"(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

"(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

"(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

"(2) in connection with the contract or the provision of those goods or services—

"(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(B) makes any materially false, fictitious, or fraudulent statements or representations; or

"(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1040. War profiteering and fraud.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1040".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1040 (relating to war profiteering and fraud)," after "liquidating agent of financial institution),".

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 1040 (relating to war profiteering and fraud)," after "in connection with access devices),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Reconstruction fraud has run rampant during the engagement of the U.S. forces in Iraq and Afghanistan. The

United States has devoted more than $50 billion to relief and reconstruction activities there, and at least $8.8 billion cannot be accounted for.

Some of the reports of excessive profiteering are simply appalling. For example, one contractor was hired to build the Baghdad Police College, a facility to house and train more than 4,000 police recruits. After spending $72 million of U.S. taxpayer money, the contractor delivered an engineering nightmare with so many plumbing problems that auditors from the Special Inspector General for Iraq Reconstruction said that during the visit a substance dripped from the ceiling onto an assessment team member's shirt.

It's not only construction. There are widely reported stories of contractors double-charging taxpayers for sodas and overcharging the government 600 percent for fuel shipments.

Another report has a company running convoys of empty trucks back and forth across an insurgent-laden desert, pointlessly risking the lives of soldiers and drivers so the company could charge the taxpayer for phantom deliveries. Truckers referred to their cargo as sailboat fuel.

Inspector Generals have opened hundreds of investigations into fraud and waste in Iraq and Kuwait and Afghanistan involving illegal kickbacks, bid-rigging, embezzlement and fraudulent overbilling.

The Special Inspector General for Iraq Reconstruction has more than 70 open and active investigations in contracting fraud and abuse in the war. In addition, private whistleblowers have filed numerous civil claims involving Iraq fraud under the False Claims Act.

Despite the breadth of all of these investigations and civil claims, the Department of Justice has chosen to pursue a relatively small number of cases. To promote a more vigorous Department of Justice prosecution of reconstruction fraud, the gentleman from Hawaii (Mr. ABERCROMBIE) has introduced H.R. 400, the War Profiteering Prevention Act of 2007.

Although there are anti-fraud laws to protect against waste of U.S. taxpayers' money at home, no law specifically prohibits war profiteering or expressly confers jurisdiction of U.S. courts to hear the fraud cases when our forces and reconstruction efforts are deployed overseas.

To clarify the full reach of the U.S. jurisdiction to appropriately punish this conduct wherever it may occur, H.R. 400 would criminalize overcharging taxpayers to profit excessively with the intent to defraud the United States Government or any provisional authority, such as the former Coalition Provisional Authority in Iraq.

This crime would be a felony, with criminal penalties up to $1 million in fines and up to 20 years in prison. In addition to prohibiting fraud, H.R. 400 also criminalizes false statements in providing goods and services in connection with the war or reconstruction effort. This crime would also be a felony, subject to criminal penalties up to $1 million and up to 10 years in prison.

The bill before us makes a few technical changes to the bill that was reported out of committee. Among them is a deletion of a provision providing for an alternative fund of twice the gross profits or other proceeds of the crime.

This alternative fund essentially duplicates and would possibly displace a stronger current provision in the law, section 3571(d) of title 18 of the U.S. code, which applies to all crimes.

But also note that the bill explicitly provides for an extraterritorial jurisdiction. The inclusion of this provision is meant to make it abundantly clear that this statute reaches war profiteering crimes wherever they may occur. However, it is not intended and should not be interpreted to undermine the extraterritorial reach of any other Federal criminal statute.

H.R. 400 sends a resounding warning, which I hope would be heard and taken to heart by all relief and reconstruction contractors doing business with the U.S. Government or any provisional authority operating under our control, that is, that contracting fraud not only undercuts our missions overseas, it is illegal. If you engage in it, you can expect to be vigorously prosecuted.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 400, the War Profiteering Prevention Act of 2007. If a contractor in Iraq decides to engage in the corrupt business practice of overbilling the U.S. military to maximize his profits, he will now face 20 years in a Federal prison cell and a fine of $1 million.

Those bad apples who defraud the American taxpayer must be held accountable, regardless of whether the sleazy, fraudulent practice occurred in the United States, Afghanistan, or Iraq. This is especially true when the fraud relates to our military and reconstruction activities in Iraq and Afghanistan, because such schemes could directly harm our country's global war against terrorism.

Moreover, corruption by a handful of individuals who are ostensibly engaged in supporting our military and reconstruction efforts in Iraq and Afghanistan unfairly tarnishes the reputation of the many honorable military and civilian contractors, the overwhelming majority of whom risk their lives daily and professionally perform their duties.

Fortunately, according to the testimony of Stuart Bowen, Jr., the Special Inspector General for Iraq Reconstruction, most contractors are good apples, and the incidence of corruption within the U.S. reconstruction program constitutes a small component of the overall American financial contribution to Iraq's reconstruction.

These cases often require extensive investigative resources and documentation. Having to gather such evidence in a dangerous setting like Iraq or Afghanistan makes it difficult to build a successful criminal case.

Nevertheless, the U.S. Government has brought many successful prosecutions, and it will likely bring more. For example, Philip Bloom was sentenced earlier this year to 46 months in prison as a result of his scheme to defraud the Coalition Provisional Authority by rigging contract bids in excess of $8.6 million.

In addition, Robert Stein, the former Coalition Provisional Authority comptroller and funding officer, was sentenced to 9 years in prison earlier this year. He was prosecuted and convicted of funneling numerous contracts to Bloom in exchange for kickbacks and bribes. Overall, the Special Inspector General for Iraq Reconstruction has opened over 300 criminal and civil investigations, leading to 10 arrests, five persons indicted, five convicted, and two imprisoned. The Inspector General continues to work on 79 live investigations, and these investigations may involve one or more targets. Twenty-eight of these investigations are currently being prosecuted by the Department of Justice, 23 of these are criminal cases, and five are civil.

In short, this legislation creates a new crime with a maximum term of imprisonment of 20 years, which is double the existing crime of fraud against the government, and deservedly so.

I urge my colleagues to vote "yes" on H.R. 400.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I submit for the RECORD a statement from Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction.

STATEMENT OF STUART W. BOWEN JR., SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION, BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

WAR PROFITEERING AND OTHER CONTRACTOR CRIMES COMMITTED OVERSEAS

(Tuesday, June 19, 2007, Washington, DC)

Chairman Scott, Ranking Member Forbes, and members of the Subcommittee, thank you for this opportunity to address you today on the work of the Office of the Special Inspector General for Iraq Reconstruction.

To ensure accurate context, permit me to outline several points essential to understanding the challenges of investigating and prosecuting fraud in Iraq.

First, corruption within the Iraqi government, indeed within the fabric of Iraqi society, is a serious problem that inhibits progress on many fronts in Iraq. This is widely recognized by the Government of Iraq and the international community. In our quarterly reports, SIGIR has called Iraq's endemic corruption problem a "second insurgency."

I returned last month from my 16th trip to Iraq and, during my visit, I met with the Commissioner of Public Integrity, who heads the institution created by the CPA to increase accountability for public corruption in Iraq—and the President of the Board of Supreme Audit, the analogue to the Government Accountability Office, which has existed in Iraq for many decades. The Iraqi anti-corruption authorities again emphasized to me the widespread nature of the problem of corruption, which stretches across the government, afflicting virtually every ministry. And they outlined for me the difficulties they face in implementing their respective anti-corruption mandates.

The CPI Commissioner told me that he currently has 2,000 cases involving $5 billion in alleged corruption. And the President of the Board of Supreme Audit has hundreds of audits ongoing. In virtually every case, he is uncovering a lack of accountability. Let me emphasize that the CPI and the BSA oversee Iraqi money—not U.S. money—that is missing or has been stolen from Iraqi programs.

During my visit, I was informed about political interference with the work of Iraqi investigators and prosecutors. For example, I learned that Ministers and former Ministers are exempt from prosecution unless the assent of the Prime Minister is obtained; and each Minister is entitled, under an Iraqi criminal code provision, to immunize selectively ministry employees from being held accountable for corruption.

Iraq must make progress on rule of law enforcement, in general, and corruption, in particular; political interference with fighting corruption remains a problem, undermining the effectiveness of the developing rule of law system and consequently eroding the Iraqi people's confidence in their government.

Iraq is a sovereign state. The role of the United States thus is to encourage the development of an efficient Iraqi justice system. We do this for its own sake and for the sake of maintaining and building upon the efforts made, at great cost in blood and treasure, by Americans and Iraqis since the liberation of Iraq.

SIGIR's specific role in this process has been to review the effectiveness of United States efforts to improve the rule of law system and to build up the corruption-fighting capacity of the Iraqi government.

On July 28, 2006, SIGIR released a survey on this subject and found that American efforts were funded at a very modest level, given the scope of the problem, receiving about $65 million (about three-tenths of 1 percent of our total reconstruction spending). My auditors found that American efforts have not been sufficiently coordinated and focused and that more adequate leadership and organization was needed. The U.S. Embassy has responded to some of these concerns since the review was released. SIGIR will soon release another review on the issue, updating our previous report.

SIGIR has a continuing investigative responsibility to detect and investigate malfeasance in American relief and reconstruction programs in Iraq. As part of this effort, we have developed good working-level and leadership-level relationships with the CPI and the BSA. We coordinate with these Iraqi agencies whenever we come across evidence of potential wrongdoing by Iraqis. SIGIR, of course, concentrates its law enforcement efforts on American targets and works with the Department of Justice in their effective prosecution.

My second point is that the incidence of corruption within the U.S. reconstruction program—judging from those cases that we have uncovered thus far—appears to constitute a relatively small component of the overall American financial contribution to Iraq's reconstruction. Based on the work of our 18 career investigators on SIGIR staff, I believe that losses to American taxpayers from fraud within reconstruction programs will likely amount to a relatively small component of the overall investment in Iraq, totaling in the tens of millions (rather than hundreds of millions or billions, as is sometimes imagined). However, the fact that the fraud we have detected is relatively small (to date) does not diminish the aggressiveness with which SIGIR pursues allegations of fraud in Iraq. We have found egregious incidents of fraud. And in partnership with the Department of Justice, SIGIR has produced clear results in prosecutions and convictions.

For example, in January, two individuals were sentenced to prison as a result of SIGIR investigations. In early February, indictments were announced of five more individuals, resulting from SIGIR investigations. To date, SIGIR has opened over 300 cases, and we have over 70 ongoing investigations. Thirty-two of those cases are under prosecution at the Department of Justice.

We believe that the publicity our enforcement actions have received has helped to deter misconduct in the U.S. reconstruction program. And we also believe that enforcement will be an increasingly important part of SIGIR's mission over the next 18 months. Moreover, in the course of this year, we expect to produce concrete investigative results as significant current cases come to fruition.

SIGIR remains committed to a robust, deterrent presence in Iraq as long as our temporary organization exists. Today, I have five investigators on the ground in Iraq investigating fraud. Although there are other law enforcement agencies fighting fraud in Iraq, SIGIR has maintained over the past 3 years the largest contingent of fraud investigators in Iraq. My investigators travel the country under dangerous conditions, pursuing leads, interviewing witnesses, and piecing together evidence on a wide variety of cases. Their work also takes them to other countries in the region. Of note, SIGIR is currently reducing its overall personnel "footprint" in Baghdad in conjunction with the reduction in spending of appropriated dollars on Iraq reconstruction.

One of the most important aspects of our investigative efforts is the development of task-force relationships with other agencies involved in oversight in Iraq, including may colleagues from the Office of Inspector General of the Department of Defense and the Defense Criminal Investigative Service, as well as the Federal Bureau of Investigation. SIGIR has 16 investigators in Arlington, and we are participating in the new Joint Operations Center located at the FBI to coordinate and enhance fraud investigations in Iraq.

SIGIR's first task force was the Special Investigative Task Force for Iraq Reconstruction (SPITFIRE), and it combined the efforts of the Internal Revenue Service, the Department of Homeland Security, Immigrations and Customs enforcement office, the FBI and the Department of State Office of Inspector General. That task force was able to effectively pursue the Bloom-Stein conspiracy that my auditors uncovered in Hillah, Iraq—a very egregious kickback and bribery scheme involving over $10 million in reconstruction funds that Philip Bloom, the contractor, and Robert Stein, the Coalition Provisional Authority comptroller for that region, engineered for their own criminal ends. SPITFIRE continues its work today; and we continue to pursue a number of leads that arose from the Bloom-Stein case.

The other major task-force initiative that SIGIR has initiated with the FBI is the International Contract Corruption Task Force (ICCTF). ICCTF prompted the creation of the Joint Operations Center mentioned above, which is producing the effective collection and coordination of investigative leads and source development. Although I am not at liberty to discuss details of these cases, I am very pleased with the very significant progress the JOC investigators have made, news of which I expect to be forthcoming later this year.

Along with SIGIR, the ICCTF includes the U.S. Army's Criminal Investigative Division's Major Procurement Fraud Unit, the Defense Criminal Investigative Service, the FBI, and the inspectors general of the Department of State and the Agency for International Development.

SIGIR is also part of the DOJ National Procurement Fraud Task Force. We continue to work closely with DOJ in the investigation and prosecution of our cases.

Finally, to coordinate efforts in oversight in Iraq, I formed the Iraq Inspector Generals' Council, IIGC, 3 years ago, which brings together every agency with oversight authority in Iraq for a meeting every quarter. The IIGC exists to deconflict and coordinate the member agencies' oversight efforts in Iraq.

SIGIR is not limiting its efforts just to addressing contractor misconduct through the criminal justice system. We also refer cases to the U.S. government's administrative debarment and suspension processes. To date, the competent oversight authorities have, through established rules that preserve due process, suspended 17 companies and individuals, debarred ten, and have another nine pending debarments.

To date, SIGIR has produced 13 quarterly reports, 86 audit reports, and 90 inspection reports. Our auditors and inspectors regularly refer investigative leads to our investigators some of which have developed into very significant cases. The Bloom-Stein case is just one example.

SIGIR's three lessons-learned reports produced to date have provided recommendations on policies designed to improve economy, efficiency and effectiveness for the Iraq program and for future reconstruction and stabilization operations. The reports have prompted the introduction of reform measures in the Congress that will improve contracting processes. SIGIR is at work on a lessons-learned capping report, which will be produced at the end of this year. It is my hope that our lessons learned reports will prompt reforms that will improve the capacity of law enforcement to deter crime.

Mr. Chairman, with respect to H.R. 400, Representative Abercrombie's bill entitled the "War Profiteering Prevention Act of 2007," our position is essentially what it was when we were asked to reflect on its counterpart at a Senate hearing this past March.

SIGIR remains a strong proponent of legislation that would strengthen efforts to punish fraud or abuse in contracting programs in Iraq or elsewhere. We look forward to working with the Department of Justice to enforce H.R. 400, should it become law. We are, however, unaware of instances where the Justice Department was unable to prosecute, under existing law, on the facts we developed in our investigations.

One of our responsibilities in Iraq is to encourage efficiency in the reconstruction effort. In that role, we have prompted management to seek the widest possible participation by business enterprises (especially Iraqi firms) in reconstruction. The security risks in Iraq are self-evident, and thus the risks to any business enterprise operating in such an environment are mammoth. International companies likely will not get into the business of reconstruction in Iraq without incentives that render the risk-taking worthwhile. This reality should figure in the development of legislation that affects contracting in Iraq or similarly insecure environments.

Whether H.R. 400 becomes law, SIGIR will continue to aggressively pursue investigations, provide robust oversight through audits and inspections, and will press for more efforts to improve contract administration, quality assurance, and quality control. It is my hope that our continuing efforts will help promote an aim we all share—a reconstruction program that is administered and executed honestly, and is as well-managed and efficient as possible under very challenging circumstances.

Mr. Chairman, members of the Committee, thank you for your time and attention to these important matters, and I look forward to answering your questions.

Mr. ABERCROMBIE. I want to pay a special thank you, a big mahalo, to Mr. SCOTT and to the Judiciary Committee for their hard work. I am very grateful to the ranking members, the Republicans and Democrats. We cannot resolve this without seeing to it that we have a bipartisan approach on this.

I am particularly grateful to Senator PAT LEAHY, who is the Judiciary Chairman in the Senate, for entrusting this bill to our care here in the House and allowing me to introduce it as a companion bill to the one that has passed in the Senate. I am very hopeful that we can get a vote in the Senate and move this to the President's desk.

When the wrong computer equipment arrived in Iraq, the contractor ordered it dumped into a mammoth burn pit and placed an order for replacements, rather than sending it back. The government paid for both the wrong computers and the replacements. The contractor collected a fee for each, thanks to a cost-plus contract.

Halliburton had drivers driving empty trucks between bases in Iraq, unnecessarily exposing the drivers to danger, because the company was paid by the trip, not by the amount of materiel hauled or a flat fee; $186 million was spent over 2 years to build 142 health care centers, yet only 15 have been completed and only eight are open. According to testimony, the contractor lacked qualified engineers, hired incompetent subcontractors, failed to supervise construction work, and failed to enforce quality control.

A large U.S. construction company was paid tens of millions of dollars to repair Iraq's schools. Many of the schools were never touched, and several that were repaired, and I say that in quotes, were left in shambles, one filled with unflushed sewage.

At least 10 companies with billions of dollars in contracts have already been forced to pay up to $300 million in penalties to resolve allegations of bid-rigging, fraud, gross overcharging, delivery of faulty military parts and environmental damage, $300 million in penalties. Some of these same companies have faced such allegations during past military operations in other countries, but have had no problem receiving new contracts in Iraq.

Despite millions of dollars in payments to U.S. companies, key pieces of Iraq's infrastructure, power plants, telephone exchanges, sewage and sanitation systems, have either not been repaired or have been fixed so poorly that they still don't function.

How has this been allowed to happen? The United States Government directly and through the late Coalition Provisional Authority have outsourced the war in Iraq like no other in our history, spending more than $50 billion on private contractors to provide food, water, gasoline and other supplies, guard bases, drive trucks, and many other activities in support of our troops.

But consistent with the administration's overall attitude toward spending public money with private companies, little or no thought was given to contract oversight or accountability. As a result, some of these contractors have declared the U.S. occupation of Iraq open season on the taxpayer. Cleaning up this mess has been hampered by the fact that while anti-fraud laws protect against the waste or theft of U.S. taxpayers in the United States, there have been no statutes prohibiting sleazy business practices by American companies overseas.

As we have learned in the investigation of the Blackwater USA contract, the Coalition Provisional Authority issued order number 17, which specifically exempted U.S. contractors from Iraqi law.

In fact, one contractor was found guilty of 37 counts of fraud, including false billing, and was ordered to pay more than $10 million in damages, but the decision was overturned because the contracts were let through the Coalition Provisional Authority, and it was found that U.S. laws against fraud did not apply.

Despite the fact that the Coalition Provisional Authority was created by the Bush administration under the Department of Defense; despite the fact that L. Paul Bremer, the overseer in Iraq, subsequent to the initial attack on Iraq, had an office literally across the hall from Secretary Rumsfeld, the Coalition Provisional Authority was not considered part of the U.S. Government, and, therefore, U.S. laws were unenforceable.

These practices are a flagrant abuse of the public's trust and the public's money during a time of war and cannot be allowed to continue. H.R. 400, the War Profiteering Prevention Act of 2007, will, one, criminalize war profiteering defined as contract fraud or overcharging for goods and services in connection with the mission of the United States Government overseas; two, violations of law will be a felony and punishable up to 20 years in prison and fines up to $1 million or twice the illegal profits of the crime; three, jurisdiction for such cases, no matter where the alleged crimes are committed, will be in the United States Federal court.

H.R. 400 was heard and considered by the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security and ordered reported to the full Judiciary Committee by a voice vote on August 1. Among the many significant consequences of the decision to invade and occupy Iraq marked by a complete dismissal of the need for intelligent planning and stunning incompetence in the conduct of the war, this problem has received too little attention from the news media, the public, and the Congress.

☐ 1745

Most of the cases of fraud, questionable business practices and outright corruption have been uncovered and investigated through the efforts of the Special Inspector General for Iraq Reconstruction, Mr. Stuart Bowen, Jr. Mr. Bowen and his super staff both here in the U.S. and on the ground in Iraq have provided oversight and insight under the most difficult conditions imaginable for billions of American taxpayer dollars intended to rebuild Iraq and support our troops in combat. They deserve our gratitude. They deserve the gratitude of the Congress and the Nation for a tough job well done.

Mr. Speaker, this bill, together with H.R. 2740, legislation passed by this House last week to expand the reach of the Uniform Code of Military Justice to private civilian security operatives in the region are two important steps this Congress is taking to clean up the mess in Iraq.

H.R. 400, in conclusion, Mr. Speaker, the War Profiteering Prevention Act will help end the open season declared on American taxpayers.

Mr. KELLER of Florida. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to oppose this bill, not because I oppose punishing war profiteers or punishing corruption in contracting. I think these are critical, important laudable goals.

I oppose this bill because creating a new law "involving a contract or the provision of goods or services to the United States" is a matter which must be considered in relation to the existing Federal acquisition systems, which this bill is not. Any attempt to legislate without considering the current system can have disastrous, albeit unintended, consequences which in this case include serious criminal penalties.

As others have said today, we all agree that fraud against the United States undermines national security and there must be severe penalties for it. And of course we all agree corruption of any kind is unacceptable. Our committee in the last Congress held several hearings on contracting in Iraq and the difficulties that were faced there. And if the current law is inadequate to punish wrongdoers for these offenses, Congress should act.

But taking up this bill in this way at this time proves to me that some of my colleagues on the other side of the aisle are caring about passing a bill so that they can take political potshots at contractors. Hundreds of contractors' lives have been lost over in Iraq, and I think the widows and the mothers of these sons and daughters who have been killed in Iraq would be, I think, chagrined to hear their sons referred to as profiteers. In many cases the contractors are more in harm's way than our troops. They don't get the body armor. Many of them don't operate in the Green Zone or on bases. This is, in fact, a substitute, a proxy, if you will, because the majority can't put together a plan to end the war in Iraq so we go after contracting in Iraq. I think there are some things we could do, but I don't think this bill is the appropriate way to get through it. The words in this case don't make sense. It's not good law. What you care about is contractor bashing, consequences be damned.

It is hard to get good companies to do business in Iraq. It is dangerous, it is expensive, it has all kinds of contingencies, and a lot of the best companies say we don't want to have anything to do with.

The relationship between the government and the contractor is an arms-length business one, with many laws outlining how this relationship should proceed. Adding additional language to the criminal code regarding certain aspects of this relationship will have unintended consequences which have to be considered before moving this legislation forward.

For example, the bill makes it a crime to materially overvalue a good or service. Under the Truth in Negotiation Act, a detailed process is already set out in which to address claims of defective pricing in Federal contracts. To those who don't know this government contract lingo, this might sound like fraudulent behavior.

But defective pricing occurs when a company's contract price is significantly increased because the company submitted pricing data that was not accurate, complete and current. That's 10 U.S.C. 2306(a). In these cases, the government is generally entitled to a price reduction to remedy any overcharge by the submission of defective pricing data.

The government takes seriously overpayments based on defective pricing and aggressively pursues contractors found to have engaged in these practices, in some cases including debarment. A contractor's liability can extend beyond the repayment of any overcharges, and under current law, can include fraud claims against the contractor.

But under H.R. 400, would an overzealous prosecutor be able to go after a company with a defective pricing claim against it as materially overvaluing a good or service? Maybe. Maybe not. But we, on the Oversight and Government Reform Committee with jurisdiction over Federal procurement should have the opportunity to consider this language and its impact on the Federal acquisition system.

The interrelationship of procurement law and the criminal law can be complicated. We have to be careful not to criminalize procurement management matters just because you can. Careful study is required to separate criminal behavior from management issues.

I see other problems as well. Allowing a Federal prosecutor to enter post hoc determinations on whether a contract provides appropriate value to the government would have a chilling effect on a contracting officer's decision-making.

Contractors would be discouraged from providing innovative solutions to government problems for fear that their solutions would subject them to charges of material overvaluation if the solution didn't work out as planned.

Competition would be discouraged, which is the cornerstone of getting the best price and value because prospective contractors could be subjected to harsh penalties at the whim of a prosecutor who probably doesn't understand the acquisition system.

In fixed price contracts, the price which the government buys would likely increase because contractors would have to include the possibility of these penalties in their pricing, costing the taxpayers money.

In commercial contracts the market dictates what is a fair value, not a post hoc prosecutor's determination whether the government got appropriate value from the contract.

I support strong penalties for war profiteering. I support strong penalties for corruption. I do not support H.R. 400 because I don't believe it has been given appropriate consideration by this House and numerous unintended consequences.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, just to point out that the standard in the bill on page 2, line 10, it says that you have to execute or attempt to execute a scheme or artifice to defraud the United States or materially overvalues any good or service with the intent to defraud. That's a very high standard, not just overcharging, but overcharging with the intent to defraud or, in the second part, tries to cover up the deed. Those are high standards, and people will know that they're committing a crime when, in fact, they do that.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I find it very unfortunate that my good friend from Virginia has taken a position that the bill in any way encourages the whims of prosecutors. As Mr. SCOTT has pointed out, the standard is very high and applies to any contract, whether it's in the United States or overseas. There is nothing applied to the contracts overseas that is not applied to a contract here in the United States when it comes to the question of fraud or overcharging or deliberate deception with regard to the contract. That standard has to be met in any court and has to come before any judge meeting such a standard. There is no differentiation whatsoever.

The reason the bill is here, and the reason we're bringing the legislation, is the courts have ruled that there is, at best, an ambiguous situation, if not an outright gap between the capacity for prosecution of such a crime, should the standard for the crime be sustained by a prosecutorial investigation, and what is possible in Iraq. It can't be prosecuted in Iraq, and the courts found that it wasn't. We did not have legislation sufficiently clear in the United States in order to prosecute it. Thus, far from arbitrary or capricious prosecution, we have the opportunity for arbitrary defrauding of the United States taxpayer with no consequences. That's why the legislation is here.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume, and then I will turn and yield 30 seconds to Mr. DAVIS of Virginia. I will go ahead and respond as Mr. DAVIS is gathering his thoughts.

One of the concerns Mr. DAVIS raised was what if there was some inadvertent overpricing by a contractor based on a mistake and later went back and corrected it. My reading of the bill is that person wouldn't be prosecuted because there's a three-prong standard. First, you have to knowingly, materially overvalue goods or service with the intent to defraud. And the intent-to-defraud prong would not be met under the analogy or the example Mr. DAVIS gave because "intent to defraud" is a term of art which requires that the actor possesses the specific intent to cheat the government. And you would not have that element of the crime proven if you had inadvertent overpricing based on a mistake.

Now, it doesn't mean you may not have what he's concerned about, an overzealous prosecutor try to prosecute someone without having the prongs or the factual basis for it. We can ask the prosecutor from the Duke case what happens when you're overzealous in your prosecutions. But I believe under that particular example that person wouldn't be prosecuted.

However, before I yield to Mr. DAVIS, let me just say, he does have a great deal of experience dealing with Government reform issues as the ranking member and represents a lot of government employees. And so I certainly am empathetic to his concerns that perhaps his committee might have had some insight into this bill that was worth looking at.

Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I think the key here is that this legislation is needed. You have defective pricing legislation. You have Qui Tam actions. You have the Procurement Integrity Act. The language in this bill that concerns me is not the fact that its intent to defraud; that's in a lot of legislation. It's materially overvalues any good. And I can't find any precedent for that in the federal acquisition regulations. I can't find any precedent in terms of what this means and how a prosecutor could take this from materially overvaluing any good. That is a very subjective measurement. There are a lot of unintended consequences. And I suspect this bill will pass today, although not with my vote. But I hope we can improve it if we're going to make this actual law.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri, the chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, I think this is a very important piece of legislation.

Let me take this opportunity to compliment my friend from Hawaii for introducing it and for bringing it to the floor. Mr. ABERCROMBIE is indeed to be commended for this work.

What this does is merely closes some loopholes that are presently in the United States law. Defrauding the Federal taxpayer should be a felony, and it is subject to considerable years in prison and a fine up to $1 million or twice the illegal profits of the crime.

When we're in a war situation, you want people to work hard. We expect a great deal from those in uniform. And we expect those who are supplying and building and reconstructing in the war-torn area to also play by the rules as we demand of those young men and young women in our United States military.

So this bill does the right thing. It goes after the war profiteering, that is the overcharging in order to defraud or profit excessively from the war. And this bill also confers jurisdiction within the Federal courts to hear and try such cases. It's the right thing. It's the right action for us to take in this Congress.

I, again, compliment the gentleman from Hawaii (Mr. ABERCROMBIE), and I thank the gentleman from Virginia (Mr. SCOTT).

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume and am prepared to yield back as we have no further speakers.

Mr. Speaker, this is a bipartisan bill. We agree on a bipartisan basis that when a corrupt contractor overbills our U.S. military, it rips off the taxpayers, it hurts our national security, and it unfairly stains the reputation of the many honorable military and civilian contractors who risk their lives every day and do a professional and honest job.

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This bill appropriately says that if you plan on overbilling or ripping off the U.S. military in terms of these contracts to do reconstruction work or military-related work in Iraq or Afghanistan, you are going to be sitting in a prison cell for 20 years and you are going to pay a fine of $1 million. We think that is an appropriate message to accept in light of this problem. And I urge my colleagues on both sides of the aisle to vote "yes" on H.R. 400.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Florida for his support for the bill. And as he has indicated when my distinguished colleague from Virginia pointed out all of the different acts that apply, one of the major problems was that there is no jurisdiction to actually prosecute those claims without this legislation. The standard is high. There is an intent to defraud.

I would hope that the House would pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 400, the "War Profiteering Prevention Act of 2007." I support this bill because it strengthens the tools available to Federal law enforcement to combat contracting fraud during times of war, military action, or relief or reconstruction activities.

Mr. Speaker, H.R. 400 creates a new criminal offense in title 18 of the United States Code for fraudulent acts involving contracts or the provision of goods and services in connection with war, military actions, and relief or reconstruction activities. This new offense provides a significant new tool for federal law enforcement, as well as creating a strong deterrent to those who would contemplate exploiting the exigencies of war, military actions, relief or reconstruction activities to commit fraud and profit thereby.

The new offense may be committed in two ways: (1) By committing fraud or (2) by making a materially false statement. The fraud provisions would make it a crime to execute or attempt to execute a scheme or artifice to defraud the United States or to materially overvalue any good or service with the specific intent to defraud. These provisions are designed to prohibit schemes to defraud the United States, including efforts to exploit "cost plus" or "no-bid" contracts by materially overvaluing goods or services with the specific intent to defraud.

These provisions are not intended to prohibit or punish contractors providing goods or services in the normal course of business, and the legislation specifically requires that violators may only be criminally liable if they materially overvalue any good or service "with the specific intent to defraud." This provision is intended to ensure that no contractor will be prosecuted under this offense for mere negligent or mistaken conduct.

The material false statement provisions would make it a crime to: (1) Falsify, conceal, or cover up by any trick, scheme or device a material fact; (2) make any materially false, fictitious, or fraudulent statements or representations; or (3) make or use any materially false writing or document knowing they contain a false, fictitious, or fraudulent statement. This language is consistent with other material false statement provisions under Federal law, such as sections 1001 and 1035 of title 18 of the U.S. Code. The new offense also requires that conduct be done knowingly and willfully to constitute a criminal violation.

The new offense would require that the fraud or material false statement be in connection with any war, military action, or relief or reconstruction activities. This would include circumstances where war was declared, or where the executive branch was engaged in any military action with or without congressional authorization. This would also include relief or reconstruction activities, whether or not a war or military action was undertaken. This new offense is intended to deter fraud and material false statements committed in connection with any of these exigencies.

The new offense also requires that the conduct be subject to the jurisdiction of the United States. This term is to be interpreted broadly consistent with the jurisdictional scope of the federal material false statement statute, 18 U.S.C. § 1001. In addition, the new offense explicitly provides extraterritorial jurisdiction and is intended to extend jurisdiction for this offense to the full extent of U.S. law. This provision has been included to ensure that offenses occurring outside the United States, even by non-U.S. nationals, may be prosecuted. Furthermore, consistent with other federal fraud provisions, the U.S. Government need not be a victim or suffer a loss from this offense provided the conduct meets the other elements of the offense. The bill also establishes venue for the offense as authorized by existing federal statutes (see 18 U.S.C. §§ 3231–3244) including extradition, or in any district where any act in further of the offense took place, or where any party to the contract or the provider of goods or services is located.

Violations of the fraud provisions in this bill would be punishable by imprisonment for up to 20 years, and violations of the material false statement provisions would be punishable by imprisonment for up to 10 years. All violations of this new offense would be subject to fines of up to $1,000,000 or twice the gross profits or other proceeds of the offense. The offense provides for criminal and civil forfeiture of any unlawful proceeds, and makes the new offense a predicate crime for money laundering (18 U.S.C. § 1956(c)(7)) and for racketeering offenses (18 U.S.C. § 1961(1)).

Let us strengthen the tools available to federal law enforcement to combat contracting fraud during times of war, military action, or relief or reconstruction activities. I urge my colleagues to vote in favor of H.R. 400, the "War Profiteering Prevention Act of 2007."

Ms. HIRONO. Mr. Speaker, I rise in support of H.R. 400, the War Profiteering Prevention Act of 2007. I am a proud cosponsor of this legislation, introduced by my colleague from Hawaii NEIL ABERCROMBIE. This bill would prohibit profiteering and fraud relating to contracts executed by the United States Government or a provisional authority for the provision of goods and services in support of U.S. missions overseas. This long overdue legislation will help correct the unconscionable and unpatriotic defrauding of the United States government, our armed services, and American taxpayers. Unfortunately, the problem of contractor fraud has proliferated in the past 4 years.

The United States has spent over $50 billion on contracts thus far in Iraq to provide for support services, security, infrastructure construction, and reconstruction work. Much of this spending has been under no-bid or cost-plus contracts. As a result of inadequate planning, control, enforcement, and prosecution, the free-spending, former Coalition Provisional Authority could not account for $8.8 billion of that money. Allegations about rampant waste, over-billing, and outright fraud have been reported time and time again, but no action has been taken to correct this waste of taxpayer dollars.

Unfortunately, current law does not explicitly extend extraterritorial jurisdiction for contract fraud on contracts executed by the U.S. Government or any provisional authority supporting a U.S. mission abroad. As a result, numerous instances of fraud have been committed and inspectors general have initiated hundreds of investigations of alleged fraudulent practices, including illegal kickbacks, bid-rigging, embezzlement, faulty construction, and fraudulent over-billing.

We need to toughen the laws which apply to individuals and corporations who have placed personal profit and greed over the interests of American taxpayers and our men and women serving in the armed services. While most private contractors are not overcharging the government and are providing good value with their goods and services, others are engaged in fraud and waste, costing the American taxpayers billions of dollars that could be spent on domestic needs, including funds that could have gone to our underfunded schools, health clinics, infrastructure, and environmental programs.

Even when the government does act to enforce fraud statutes on the books, it has been stymied by the inadequacy of current law. The infamous case against Custer Battles, an American contractor in Iraq found to have committed 37 acts of fraud, is a case in point. Custer Battles was one of a few contractors that was actually prosecuted and was ordered to pay $10 million in damages. However, it was allowed to walk away scot-free when a federal judge overturned the verdict on a technicality. The court found that United States fraud law did not apply to this contractor since the contract went through the Coalition Provisional Authority which the court held was not part of the United States government. The incompetence of this administration not only permitted fraud against the U.S. but allowed the perpetrator to escape punishment.

To successfully prosecute these individuals and corporations, H.R. 400 provides clear and unambiguous legal authority to criminalize this unconscionable behavior on the part of greedy, corrupt contractors and provides a mechanism for successful prosecution. We are talking about prosecuting contractors who willfully and intentionally defraud the government, not those who merely make a business mistake. We should have no sympathy or leniency for those who purposely defraud taxpayers.

This is not a partisan issue. As Americans, we should all stand together to put an end to greed and corruption in our government programs, which hurts the troops on the ground, undermines the efforts of our armed forces, enriches the greedy and corrupt, and steals from the American taxpayer. This must end, H.R. 400 is a major step to bring accountability to the contracting process.

Mr. BLUMENAUER. Mr. Speaker, as part of our ongoing efforts to end the war in Iraq, H.R. 400 is an important step in standing up against those who defraud our troops or improperly profit at the expense of our troops. We must be vigilant in prosecuting war profiteers, using every tool available. The President should use his legal authority to cancel contracts with those that defraud the government and be aggressive in seeking to recover lost funds. If he is unwilling to do so, Congress will hold him accountable.

Mr. SHAYS. Mr. Speaker, I support this legislation, and believe it is important to clarify overseas contract fraud involving U.S. taxpayer dollars is a crime that will not be tolerated and will be prosecuted.

Contractors have labored in Iraq under incredibly severe circumstances; most have worked honestly and in good faith, and some have even given their lives trying to improve the lives of Iraqi citizens. During 18 trips to Iraq I have seen firsthand the incredible work contractors have done—building schools, repairing power plants, and working with the Iraqi people to restore critical infrastructure.

Unfortunately, a few bad actors have operated greedily and dishonestly and in the end have defrauded not only the Iraqi people the contracts were intended to assist, but have also defrauded their own American government. Perhaps worst of all, the criminal actions of a select few have tarnished the image and integrity of the United States.

This legislation will create a new criminal fraud offense to prohibit fraudulent acts involving the provision of goods or services in connection with a mission of the United States Government overseas. It also makes this new offense a predicate crime for criminal forfeiture, as well as for Federal money laundering and racketeering offenses. It is my hope this legislation will provide more clarity regarding crimes committed abroad, and not less. Ranking Member TOM DAVIS has identified several important criticisms of this legislation, and I hope my friends on the other side of the aisle will seriously consider and address those as this bill moves forward.

Way back in 1988, I voted for the Major Fraud Act, which creates criminal penalties of up to $1 million in fines and 10 years imprisonment for anyone who knowingly defrauds the U.S. government. There are numerous other statutes, such as the Criminal False Claims Act and the Anti-Kickback Act, which criminalize acts of fraud.

Working with then-Government Reform Committee Chairman TOM DAVIS, the Subcommittee on National Security, Emerging Threats and International Relations, which I chaired from 1999 to 2006, had several hearings on contracting concerns in Iraq. During the hearings, several DoD witnesses with oversight responsibility for contracting in Iraq testified about the challenges of coordinating the tremendous task of rebuilding Iraq. While I recognize the tremendous task and difficult challenges associated with the reconstruction of Iraq, the bottom line is the Coalition Provisional Authority was under-staffed and overburdened.

I appreciate this legislation being brought to the floor and hope it will provide needed clarity about the United States' intention to prosecute those who defraud our government.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE JO ANN DAVIS, A REPRESENTATIVE OF THE COMMONWEALTH OF VIRGINIA

Mr. WOLF. Mr. Speaker, I offer a privileged resolution (H. Res. 717) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 717

Resolved, That the House has heard with profound sorrow of the death of the Honorable Jo Ann Davis, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. Without objection, the Chair may postpone further consideration of House Resolution 717 as necessary to accommodate voting at approximately 6:30 p.m.

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 1 hour.

Mr. WOLF. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia (Mr. SCOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, it is with profound sadness that we come to the floor tonight to honor the memory of our colleague and friend, the Honorable JO ANN DAVIS, who lost her 2-year battle with breast cancer this past Saturday. She was not only our House colleague; she was our Virginia colleague who represented the First District of Virginia, a district which she proudly called "America's First District" because of our country's roots at Jamestown and the many significant events in history which occurred there.

JO ANN DAVIS also could have had a first next to her name because she was the first Republican woman elected to Congress from Virginia in 2000 to succeed our late colleague Herb Bateman. But that historic aspect of her career in Congress was not important to her. Representing her constituents and being the best Member of Congress she could be for the people of her district, that was what was most important to her.

Her career in elected office spanned 10 short years, from her first election in 1997 to the Virginia House of Delegates to her four elected terms in the House beginning in the year 2000.

But over that decade she made her mark as a deeply caring and very hardworking public servant who believed in common sense and conservative ideals. In remembering JO ANN's work in Congress, there are several thoughts I would like to share.

She battled to the end with courage and grace in her fight against breast cancer. When she was first diagnosed in 2005 with the insidious disease, she announced it publicly to encourage other women to beware of the disease. Her bravery and personal strength were a source of inspiration to many. She was a person of honesty, integrity, and very strong moral conviction in representing her district and living her life. And she had a very strong commitment to the Lord. She was a dedicated and tenacious fighter for her beliefs, and the importance of her faith was obvious in the way she cared for and treated others and in the way she did her job.

She was a tireless and passionate advocate for the First District in Virginia, working to protect the military interests in her district and Navy shipbuilding in Newport News. She cofounded the Congressional Shipbuilding Caucus as she worked to provide for the defense of our Nation.

But as important as that work was for JO ANN, protecting the interests of men and women in uniform, their families, and veterans was priority number one.

She also worked hard for other local interests, such as the removal of the "ghost fleet" of obsolete, environmentally hazardous ships from the James River; better regulation of the amount of trash coming into Virginia; and protecting the resources of the Chesapeake Bay.

This House and this Nation will miss JO ANN DAVIS and her dedication to public service. I want to express my sincere condolences to her staff, both in Washington and in her district, who can be proud of their work by her side for the people of America's First District. JO ANN DAVIS had an outstanding staff, and I want to thank the staff.

I also want to join with my colleagues in expressing profound sympathy to JO ANN's husband, Chuck; and their two sons, Christopher and Charles; and a granddaughter.

In remembering JO ANN DAVIS and her life of service to others, I am reminded of the words of Scripture where it says: "Well done, good and faithful servant."

Mr. Speaker, I submit for the RECORD a news article and editorial from the Newport News Daily Press about our late colleague, the Honorable JO ANN DAVIS.

[From the dailypress.com, Oct. 8, 2007]

THE UNLIKELY POLITICIAN—THE SELF-DESCRIBED COUNTRY GAL PREFERRED HORSES TO THE CAPITOL HILL PARTY CIRCUIT

(By David Lerman)

She was, by her own admission, an unlikely politician.

Virginia Rep. Jo Ann Davis, who died of breast cancer Saturday at age 57, was more at ease with her beloved horses on her Gloucester farm than the cocktail party circuit on Capitol Hill.

The self-described country gal and former real estate agent fell into a congressional career almost by accident. It took church connections, perseverance and the sudden withdrawal of the leading Republican Party favorite to propel Davis to the office she first won in 2000.

"I could have cared less about politics," she recalled in a 2003 interview. "I did not know there was a Republican Party committee in Virginia."

But since becoming Virginia's first female Republican member of Congress, Davis learned her role quickly and, many agreed, managed to make the 1st District House seat her own:

When obsolete, environmentally hazardous ships started mushrooming in the James River off Fort Eustis, Davis fought for federal funding to speed up their removal—and made significant progress.

When state and local officials complained about the barrage of trash coming into Virginia landfills from other states and littering state highways, Davis pushed for legislation to limit interstate waste.

While that effort stalled, she won approval of a measure establishing a series of random safety inspections for waste haulers.

When military personnel and federal employees complained of inadequate benefits, Davis won passage of legislation increasing the life insurance benefits paid to survivors of military members killed on duty.

And when Pentagon budgets forecast a steady decline in the size of the Navy's fleet, Davis sounded the alarm.

A staunch advocate for the thousands of shipyard workers in her district, she cofounded the Congressional Shipbuilding Caucus and pushed legislation, albeit unsuccessfully, mandating a larger fleet.

"At a time when people have such a negative impression of Washington, Jo Ann Davis was a refreshing reminder that there are people here who do their best for their constituents," said Christopher Connelly, her chief of staff.

"A lot of the issues she worked on were local issues. She didn't get lost in the Washington glamour."

While seldom a major player on national policy matters, Davis won respect from Republicans and Democrats alike for her ability to delve into local concerns and to stay true to her beliefs.

"While we had different political loyalties, we had no differences in our efforts to work together for the Hampton Roads area," said Rep. Robert C. "Bobby" Scott, D-Newport News.

Davis's rise to political power was as unconventional as it was unlikely.

Unlike her predecessor in office, the late Rep. Herbert H. Bateman, Davis lacked the traditional credentials and years of political grooming that typically foreshadow a congressional career.

No prestigious university or law-school degree appeared on her resume.

The daughter of a Hampton city bus driver, Davis came from modest roots that stood in contrast to those of many of her wealthier colleagues in Congress.

After graduating from Hampton Roads Business College in 1971, she went to work as an executive secretary for a real estate firm before becoming a stay-at-home mom.

She later got her real estate license and opened Davis Management Co. in 1988, followed by Jo Ann Davis Realty in 1990.

All the while, Davis was becoming a deeply religious person.

When her mother-in-law suffered a fatal heart attack, Davis has said, she had a born-again experience and then joined the Assembly of God church.

Through her church, Davis met Brenda Pogge, a fellow real estate agent and local GOP activist, who encouraged her to enter politics and invited her to her first Republican mass meeting.

"She was my sister in the faith," Pogge said. "She was my friend, my boss and then my congresswoman. Jo Ann was such a role model."

In 1997, at Pogge's steady urging, Davis reluctantly agreed to challenge a 15-year Democratic incumbent in the General Assembly and won, despite being outspent roughly 3 to 1.

In 2000, when Bateman announced his retirement and then died in office, Davis launched her upstart campaign for Congress.

The odds seemed stacked against her because of formidable opposition for the Republican nomination, led by former Newport News Mayor Barry DuVal.

But when DuVal withdrew from the race, Davis had an opening. She faced a grueling five-way party primary but emerged victorious with 35 percent of the vote.

Her general election victory was then little in doubt because of the 1st District's strong Republican tilt. She easily won re-election repeatedly, as she did last year.

Because of her faith, Davis has said, she remained an outspoken conservative voice on social issues.

She co-sponsored a constitutional amendment banning gay marriage and took a purist position on abortion, opposing it even in cases of rape, incest or when the mother's life is endangered.

"It's just who I am," she once said. "I believe what I believe. I didn't know I was called a right-winger."

If there was a historic aspect to Davis's career, it was in her becoming the first Republican woman to win a House seat from Virginia. Former Rep. Leslie Byrne of Fairfax was the first Democratic woman.

But Davis bristled at such gender-based distinctions, which she regarded as irrelevant. "It shouldn't matter if you're male or female," she once said. "I'm just a member of Congress, like they are.

"No different."

[From the dailypress.com, Oct. 9, 2007]

JO ANN DAVIS—A CAREER SPENT MAKING FRIENDS, WORKING HARD AND DOING HER DUTY

Rep. Jo Ann Davis died on Saturday as the new edition of Time magazine appeared in mailboxes around Hampton Roads. "Breast Cancer is Spreading Around the World," the cover headline read.

Cancer. The scourge of our times. And it has run up a wretched score in the 1st Congressional District. Davis's predecessor, Rep. Herbert Bateman, fought lung cancer and prostate cancer before succumbing in 2000.

Davis confronted her illness bravely and with little regard for the odds, just as she had approached politics.

Del. Shirley Cooper, the redoubtable Democrat from York County, held her seat in the General Assembly for 15 years until an outspent Davis came along in 1997 and snatched it away from her. That was an impressive win.

Three years later, Davis went one better. The 1st District congressional seat, open after Bateman's death, drew 5 contenders for the Republican nomination, including one who self-financed his bid to the tune of $1 million.

For her part, Davis amassed around $45,000 and won handily. Now, that tells you something.

Davis enjoyed a 10-year political career, a brief span in relative terms, but memorable for what it lacked. "Jo Ann knew no enemies," Brenda Pogge said, in an interview on Sunday. "She was just emotionally and spiritually strong."

Democrats also said as much. Not long after Davis arrived in Washington, Rep. Bobby Scott started quietly telling people that he admired Davis for her independence and readiness to do the work. There was nothing flashy, no attention-gathering histrionics so common to the profession, just diligence and commitment.

And empathy. The 1st District naturally draws its representatives into military affairs, including such arcane matters such as defense contracting and Pentagon appropriations. But for Davis the military was first and fundamentally about people—the soldiers, the families, the veterans—and what had to be done to provide for their interests.

There's a legacy there. Something to admire. Something, perhaps, to emulate as the inevitable scrambling develops to fill the 1st District seat. You can, as Jo Ann Davis amply demonstrated, succeed in politics by making friends, working hard and doing your duty.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleagues in mourning the loss of one of the Commonwealth of Virginia's finest public servants, Congresswoman JO ANN DAVIS. She was a good friend and a tireless advocate for America's First District, as both she and the late Congressman Herb Bateman referred to the First Congressional District of Virginia.

JO ANN was a self-made woman who came from modest roots. Born in North Carolina, she grew up in Hampton, Virginia, where her father was a city bus driver. She graduated from Hampton Roads Business College in 1971, received her real estate license in 1984, and received her real estate broker's license 4 years later. She was a successful business woman, having opened Davis Management Company in 1988 and Jo Ann Davis Realty in 1990.

Mr. Speaker, JO ANN was not a career politician and probably never imagined that she would run for office and end up serving in the United States Congress for over 6 years. In 1997 she was reluctantly convinced by her friends to run for a seat in the Virginia House of Delegates. When our late colleague Herb Bateman announced his retirement from the House, JO ANN mounted an underdog campaign. Notwithstanding the fact that she was outspent by a margin of 40 to one in the primary, she prevailed; and in November, 2000, she became the first Republican woman from Virginia elected to Congress.

While we had different political loyalties, we had no differences in our efforts to work together for the citizens of Hampton Roads. JO ANN's service on the Armed Services Committee directly mirrored her commitment to the thousands of military personnel in her district. One of her first pieces of legislation that she introduced passed in 2001. It increased the amount of life insurance benefits for survivors of members of the U.S. Armed Forces killed in active duty.

JO ANN was also a tireless advocate for the thousands of shipbuilders in her district that worked at Northrop Grumman Newport News, and she cofounded the Congressional Shipbuilding Caucus with Congressman GENE TAYLOR of Mississippi. That caucus has made a compelling case to the Department of Defense that it is pivotal for our national defense that the Navy spend more money on shipbuilding. In the last Congress, she was instrumental in efforts to secure funding for the refueling of the USS *Carl Vinson*. Without JO ANN's hard work, the Hampton Roads area might have lost billions of dollars in economic revenue tied directly to that aircraft carrier.

JO ANN placed a high priority on the removal of ships in the so-called James River "Ghost Fleet," which posed a major environmental threat to the James River and the Chesapeake Bay; and as a result of her leadership, many of those ships have been removed. Together, we have worked to secure Federal funding for the Achievable Dream education program in Newport News to ensure that at-risk children have the best opportunity to succeed in school.

Mr. Speaker, every Member of this body was saddened to learn that JO ANN developed breast cancer in 2005 and even more so when the cancer returned this year. The sadness is especially felt by members of the weekly Congressional Prayer Breakfast, which JO ANN and I regularly attended. Despite her personal battle with cancer, JO ANN did not retire from Congress. She stayed and fought her cancer and continued to represent the people of the First District to the best of her ability until the very end. Learning from her own experience with cancer, she has encouraged her colleagues and her constituents to get screened regularly for all types of cancer.

Mr. Speaker, the Hampton Roads delegation has lost a tremendous advocate for the interests of our region. I want to extend my deepest sympathies to her husband of 33 years, Chuck Davis;

their two grown sons, Charlie and Christopher; their granddaughter; and her wonderful staff with whom my staff has worked so well over the years. America's First District and the U.S. House of Representatives have lost a true friend and advocate with the passing of Congresswoman Jo Ann Davis.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Tom Davis).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to pay tribute to my friend and colleague, Jo Ann Davis, who has served this body with dignity and honor and dedication since her election in 2000.

I first met Jo Ann when she was running for the House of Delegates in 1997 and quickly became impressed with her strong work ethic. Her congressional district, like mine, is the home of many current and retired Federal employees. So when I became chairman of the House Government Reform Committee, it was an easy decision to ask her to oversee the Civil Service Subcommittee.

She took on the responsibilities of subcommittee Chair with great diligence and energy. Through her efforts, we made important strides in helping the Federal Government recruit and retain quality employees. With her help, we improved Federal student loan repayment programs and expanded dental and vision benefits. Jo Ann was a strong supporter of legislation allowing retired Federal employees to deduct health care premiums from pretax dollars, moving this important legislation through her subcommittee. She was also a reliable ally in the annual fight for pay parity for civilian Federal employees.

Her district borders mine; we both represent portions of Prince William County. We have worked closely on a number of local issues. With her passing, Northern Virginia and the Commonwealth have lost a strong advocate.

I salute Jo Ann Davis for her courageous fight against cancer. Her passing reminds us all that we need to fight this horrible affliction.

My heartfelt condolences go out to her husband, Chuck and to her sons, Christopher and Charles. I hope they find solace in knowing she did so much to represent the people of Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri, the chairman of one of the committees that Jo Ann served on and a past president of the weekly Congressional Prayer Breakfast (Mr. Skelton).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Virginia for giving me the opportunity to express my condolences to the Jo Ann Davis family, her husband and two sons.

It's always difficult to say good-bye to a friend. And Jo Ann Davis was my friend. She was my colleague. We served together on the Armed Services Committee since she came to Congress. She represented the First District of Virginia, which had and has a strong military tradition. She was preceded in this Congress by my friend through the years Herb Bateman.

She was a strong advocate for the men and women in uniform, and she will be sorely missed in supporting them as the days lie ahead. Shipbuilding was the centerpiece of her work because of the district she represented, and she understood and advocated the importance of shipbuilding for the United States Navy. She was a member, actually a subcommittee ranking member, on the Readiness Subcommittee.

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And it is interesting that we should, this evening, point out that she fought a disease with grace and dignity, and that this is the Breast Cancer Awareness month, that I think we should make note of.

She fought a tremendous fight. She came back when she could, and our heart was with her. She fought the good fight. But in looking back at my friend, Jo Ann Davis, I remember her most for her sense of humor, how we would joke with one another and how absolutely pleasant she was. Those are attributes that people remember just as much as they remember the good work that she did as a Member of this body. So I thank the gentleman from Virginia for allowing me to say a word or two about my friend, Jo Ann Davis.

Mr. WOLF. Mr. Speaker, I yield such time to the gentlewoman from Virginia, Thelma Drake.

Mrs. DRAKE. Mr. Speaker, I rise today to honor our colleague and my friend, Jo Ann Davis. I was honored to have served with her in both the Virginia General Assembly and now here in the U.S. Congress.

Jo Ann and I had reverse roles. When Jo Ann ran for the House of Delegates, I was her mentor. I was glad to see her success at being elected there. And when I ran for the U.S. Congress in 2004, Jo Ann was my mentor.

We were both Realtors and shared that common bond and that friendship. I was proud to support her in her historic elevation to the Congress. Jo Ann, as you have heard, was the first Republican woman to serve in this body. She was also the first woman from Virginia to be re-elected.

We all know that Jo Ann was a woman of great faith, great strength, great courage, great honesty and great integrity. I don't believe that it was ever Jo Ann's intention to be a trailblazer. I think her successes in her life as a mother, a grandmother, a businesswoman, as a legislator are all the result of a path that she chose in her life, and that was the path that cared for other people first, put other people first, and that she stood very strong on the principles to protect those around her. That earned her the respect of the people of the First District, and it lead her on the path to the House of Delegates and then here.

Jo Ann was a valued resource and a trusted confidant. Here in Congress, I was honored to work with her on issues facing the people of Hampton Roads and of Virginia. We served together on the House Armed Services Committee, and I have watched her very deep appreciation for the contributions of the shipbuilding industry, and she understood the important role that the Navy plays in our Nation, projecting strength and security around the world.

Jo Ann also was a true leader and a hero in protecting our military and their families, and she always worked to ensure that their rights and interests were protected.

It is fitting that the month of October is dedicated to raising breast cancer awareness. For even as Jo Ann battled her own illness, she saw her illness as an opportunity to help other women. When she was first diagnosed, she told me that she would be healed, and she was, from her first bout of cancer, and that she would use this as an opportunity for other women to see and to make sure that other women received the health care and didn't put things off.

I know that today I join my colleagues in extending our deepest sympathies to her family, to her husband Chuck, to her staff, to her friends. I appreciate the opportunity to stand here and to honor my good friend. I know that we will all miss her greatly.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlelady from California (Mrs. Capps).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I, with great sadness, rise to pay tribute as well to our dear colleague, Jo Ann Davis.

As other women in the Congress know, there is a sisterhood among many women Members. This weekend, we lost one of our sisters to a disease that has fostered another kind of sisterhood throughout the Nation, breast cancer. And while Jo Ann would have chosen to confront her disease in private, she bravely and valiantly decided to take her experience to improve the experiences of other women in that sisterhood. She did so by advocating for the Breast Cancer Patient Protection Act and other legislation that would improve the lives of those who suffer from this disease.

I was also proud to work with Jo Ann on the Federal Firefighters Fairness Act. Together we worked, one from the west coast and one from the east, to extend to Federal firefighters the same presumptive disability rights offered to most city and State firefighters. I enjoyed working with Jo Ann on this issue, especially as she showed so much her dedication to firefighters and their families.

I will, however, most fondly remember the many mornings I and several others spent with Jo Ann at prayer breakfast on Wednesday mornings at the C Street House, as we will gather in sadness and sorrow tomorrow.

We were bound together, several of us, through personal experiences with cancer. And when amongst our fellowship Jo Ann was first diagnosed, we supported her with prayer; and then as she regained her strength, we rejoiced. But as so often and tragically happens with this dreaded disease and others, there was a relapse. And we have been much in prayer, as all of us have, for her recovery, but it was not to be.

You know, she and I had our differences in the direction of policy, but we certainly shared in our desire to let our faith serve as a guide for our work in Congress. And she was a very strong, principled person whose convictions and certainty of her faith shown through everything that she did.

I know we're going to honor our dear departed colleague by following in her strong example, by calling on our faith to serve as the motivation for our work here in Congress the way that she did. We may not measure up to her strength, but we have a role model in her. And I also hope that we, as a Congress, will serve to honor her memory by redoubling our efforts to remove the scourge of cancer through support for prevention, for following her example of reaching out, through education outreach and awareness, and for increasing research dollars so that we can more effectively prevent and treat this disease.

I join my colleagues in paying tribute to Jo Ann Davis today and offering our condolences to her family, her staff and her constituents in this time of their sorrow. We will miss Jo Ann Davis dearly.

Mr. WOLF. I yield to the gentleman from Virginia (Mr. Forbes).

Mr. FORBES. Mr. Speaker, I, like so many others, rise today to pay tribute to Jo Ann Davis and to offer my sympathies to her husband, Chuck, and her family.

By now, you begin to hear a pattern that reflects very accurately the life of Jo Ann. And you hear many people stand up and saying the same thing, that she was our friend, and like so many others, we will miss her.

I spent a lot of hours talking with Jo Ann in this corner and in the Armed Services Committee, and I remember reading one account in one of the papers that said that she was born of "modest" means. But if you listened to Jo Ann, she was born poor. Jo Ann never went to a 4-year college, but she had more wisdom than you could ever see reflected in a diploma, and one mistake you could never, ever make with Jo Ann Davis was to underestimate her.

I still remember how she used to talk that so many people felt that she could never put herself through real estate school, and she proved them wrong. I remember her talking about how, that as a wife and mother, many people didn't feel that she could become a successful Realtor, and she proved them wrong.

I remember when she was first running for the House of Delegates meeting with her and talking with her and she told me that people didn't think she could win, and she proved them wrong. And then, like my good friend from Virginia, Congressman Scott, said, when she was running for Congress, she was a 40–1 financial underdog and nobody thought she could win, and she proved them wrong.

Who would have ever thought she would have served on the Armed Services Committee, been the ranking member of one of the subcommittees, that she would serve on the Intelligence Committee of the House of Representatives, and as so many people mentioned, she became a national leader on shipbuilding and defending the shipbuilding trade.

She was a tireless advocate for our veterans and men and women in uniform. She loved her husband, Chuck, and firefighters and would stand with firefighters in almost every issue that they brought forward, both in the Virginia House of Delegates when she served there and here in Congress.

She loved her family, and she was proud of them. And she loved her constituents, and she fought for them. And nobody, and I emphasize "nobody," ever told her what to do. She always did what she thought was right for Virginia, and what she thought was right for the country.

And 2 final things that I think you don't hear people reflect here today, but we need to just mention, she loved horses. And I remember her and I talking many times about the fact that we were probably 2 of the only Members of Congress that actually had to go home on weekends and clean out horse stables; and yet Jo Ann was the kind of person that was humble enough not only to do it, but to love it.

But above everything else, I am absolutely convinced that she would also want us to say today, and this is what Congressman Wolf alluded to a little bit earlier, that she absolutely loved, above anything else in her life, her faith in Jesus Christ. And I have no question that today she has heard those words that Congressman Wolf mentioned, and that is, "Well done, good and faithful servant."

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the Speaker of the United States House of Representatives, Ms. Pelosi.

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to acknowledge the passing of Congresswoman Jo Ann Davis and to pay tribute to her. As we all know, she passed away on Saturday. And although she had been diagnosed a while ago, we knew she was sick, it still hit this Congress very hard to lose her.

Congresswoman Davis was tremendously proud to represent Virginia's First District, which she called "America's First District" because it included Jamestown. She spoke often on this floor of the deep patriotism of her constituents and of the pride of the many brave men and women in uniform who were her constituents.

When Jo Ann Davis was elected to Congress, as has been mentioned by some, she made history as the first female Republican ever elected to the House from Virginia; but she knew it was far more critical to make progress than to make history, and she did, particularly in honoring our troops and our veterans. In fact, the first piece of legislation Congresswoman Davis ever introduced increased the life insurance benefits paid to survivors of military members killed on duty, and that passed the House in 2001.

After being diagnosed with breast cancer in 2005, Congresswoman Davis became an outspoken advocate in favor of education, prevention and treatment of the disease. We in this body can express our admiration for her dedication with a real national commitment to fighting this disease which annually takes the lives of 40,000 American women.

The Daily Press of Newport News, Virginia wrote of their Member of Congress this weekend, "You can, as Jo Ann Davis amply demonstrated, succeed in politics by making friends, working hard, and doing your duty." All of us in this body can honor Congresswoman Davis's legacy by doing just that.

As was mentioned about the patriotism of her district, she was deeply patriotic as well. She loved our country, and this Congress loved her. When she was diagnosed, we all hovered over her and prayed for her and were deeply saddened. At first, she would be gone for a while, and when she came back, we all encircled her and hugged her, and as it turned out, drew strength from her. As we were trying to encourage her, she gave us strength. Her attitude, her dignity, and the strength with which she confronted this terrible disease was something that was a lesson for all of us. When she passed away, we were all very, very deeply saddened, as I mentioned before, to get that sad news.

She was really a bright light in this Congress. I hope it is a comfort to her husband, Chuck Davis, to her family, her two sons, her granddaughter, and her many family and friends that so many people in our country, indeed, intensely in this Congress, mourn their loss and are praying for them at this sad time.

☐ 1830

Mr. WOLF. I yield such time as he may consume to Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend for yielding.

One of the great privileges in the daily honor of being able to serve in the Congress of the United States is the privilege of being able to meet extraordinary people on a constant basis here in these Halls.

I rise today, Mr. Speaker, to remember and pay tribute to a dear friend who was one of those truly extraordinary people whom I have had the privilege of meeting in my 15 years here in these Halls of Congress, JO ANN DAVIS. We will always remember her not only as the gracious and dignified and wonderful lady that she was, but as the effective representative for her constituents and the great American patriot, who every day gave her all to defend our Nation and to honor and protect, to the best of her ability, those who protect us and our freedom, our men and women in uniform.

I am deeply comforted, Mr. Speaker, by the fact that JO ANN DAVIS had such a profound faith in God. It was her strength. At this time, it is especially comforting to know that she is now with the Lord.

I enjoyed my conversations with JO ANN, the fellowship, her sense of humor. She was a wonderful, wonderful human being. How her eyes would light up, Mr. Speaker, when the subject of her granddaughter would be brought up, Charlotte. I had the privilege of getting to know her son, Charlie, very well. He was a member of my staff, an extraordinary young man, who did his job day in and day out. Each day he worked in our office in a marvelous manner with total devotion to this Congress, to the people of the United States. I am deeply grateful for his service. I extend to him, my friend, Charlie, and his family, obviously his wife, his daughter, Charlotte, his brother, JO ANN's other son, Chris, and of course, Chuck, JO ANN's husband, my deepest sympathy and condolences at this time.

We will never forget her, that wonderful, wonderful colleague, that wonderful friend, that wonderful lady who not only graced these Halls but served her constituents of the First District of Virginia so effectively, so well, and indeed served all of America so well.

As I say, I will never forget her and consider it a great privilege to have been able to meet and to be a friend of Congresswoman JO ANN DAVIS.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, it is with great sorrow that I learned of the loss of our colleague and four-term Representative, JO ANN DAVIS, who represented Virginia's First District, referred to as America's First District. She was a great leader and a tireless advocate for all of her constituents. And for those of us who came in after her, I remember she organized a WeightWatchers class, saw that we were there every week, and that we followed the procedure for weight watching. She said, Now, be sure to weigh yourself so that you can see what kind of progress you are making. But I want you to know, I don't weigh myself because I don't think I am progressing.

JO ANN was first in many ways. As the first elected female Republican from the Commonwealth, she set an example for women across the country who aspire to political office. She worked tirelessly on behalf of our men and women in uniform and the many Federal civil servants in her congressional district and succeeded in introducing and passing legislation that benefited these important constituencies.

We all know that we lost our colleague to breast cancer. I remember going over to her when we heard that Juanita Millender-McDonald was taking a leave, and the women's caucus wanted to send greetings, and I asked her if she would be the first. She looked at me and she said, No, because on that day, Friday, I take my chemo and I am very sick afterwards. So I said, Well, I understand. I just thought the two of you had much in common and that you could inspire her. We know that it is such a devastating disease that takes away our loved ones too quickly. I don't know at the time if it was in JO ANN's mind, but she never let on. She seemed to be very secretive about her personal self.

So, as a reminder, this is Breast Cancer Awareness Month, and I think it is so appropriate that we salute her and her life because she lived so well and influenced so many people and was really a symbol for how to deal with the condition that she had and she was challenged by.

Our colleague will be sorely missed, not only here, but in her home district where her constituents knew that she represented them with excellence, integrity, and tenacity. We all mourn her loss, our friend and colleague. I send my most heartfelt condolences to her family, staff, and her many close friends here on Capitol Hill and in Virginia.

Mr. WOLF. I am going to yield to Mr. CANTOR. We have been told we can do one more, but we will resume after the votes for anyone that is interested and is listening. But before we go to the votes, I recognize Mr. CANTOR from Virginia.

Mr. CANTOR. I thank the gentleman.

Along with my colleagues, Mr. Speaker, I too rise with a very heavy heart today as we mourn the passing and reflect on the life of our dear friend and colleague, JO ANN DAVIS. In life, JO ANN amazed so many of us with her determination and her fighting spirit. In politics, as has been noted before, she made history, becoming the first Republican woman from Virginia to serve in this House. In fighting for everything she believed in up until the last day of her bout with cancer, JO ANN taught us how to make every moment on this Earth count. JO ANN was a true gentlelady from Virginia. She was a woman of faith and family who had an unshakable commitment to the principles of our Nation's Founders and of our Nation's military.

As was indicated by my colleagues before, JO ANN was a true patriot. And though she spent only a mere 10 years in elected office, she left a profound imprint on national and State politics. The State of Virginia and our country will miss her greatly. All of us talk about the experiences and recall with much sadness, but yet appreciation, that we did have the time we did with JO ANN DAVIS.

I, like many of my Virginia colleagues, served with JO ANN in the Virginia legislature. I had 3 years with JO ANN. We served together on the General Laws Committee in the Virginia House of Delegates. It was there that I first saw this incredibly strong woman with a will to make sure that she did the right thing regardless.

We had adjoining districts. We shared many of the same community interests. JO ANN was a believer and a promoter of the James River. As was noted earlier by my colleague from Virginia (Mr. SCOTT), she cared greatly about the Ghost Fleet there as well as making sure that Virginia was no longer a dumping ground for out-of-state trash.

As has been noted, JO ANN was a great person of faith. I had the tremendous fortune of visiting the Land of Israel with JO ANN and Chuck and saw firsthand how much her faith meant to her. Regardless of what you say about JO ANN DAVIS, I think we can all agree that JO ANN DAVIS was never concerned about being politically correct. She carried the bill to make sure that we recognized the holiday of Christmas and that the issue of faith and God was not taken out of the public realm.

JO ANN spoke her mind when she had opinions about this war in Iraq. When it came down to it, she cared about her troops, her constituents, her family, and her God. We all will miss JO ANN tremendously. I want to, at this time, also extend to her family, to Chuck, to her 2 sons, her granddaughter, a great deal of sympathy. We will miss her.

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Pursuant to the earlier order of the House, further proceedings on House Resolution 717 will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 32, by the yeas and nays;

H.R. 400, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

DENOUNCING THE PRACTICES OF FEMALE GENITAL MUTILATION, DOMESTIC VIOLENCE, "HONOR" KILLINGS, ACID BURNING, DOWRY DEATHS AND OTHER GENDER-BASED PERSECUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 32, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) that the House suspend the rules and agree to the resolution, H. Res. 32, as amended.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 53, as follows:

[Roll No. 949]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel
 E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
 T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman
 Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—53

Bean
Blumenauer
Boren
Butterfield
Buyer
Camp (MI)
Carson
Clyburn
Coble
Cubin
Dingell
Doyle
Everett
Giffords
Gingrey
Hastert
Hinchey
Hobson
Hodes
Honda
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Jordan
Knollenberg
Kucinich
LaHood
Lucas
Maloney (NY)
Marchant
McCrery
McMorris
 Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Mollohan
Murtha
Neal (MA)
Paul
Peterson (PA)
Pryce (OH)
Reichert
Rothman
Smith (NJ)
Space
Tancredo
Tiberi
Towns
Udall (CO)
Wamp
Weller
Wexler

□ 1907

Mr. BOOZMAN changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A resolution denouncing the practices of female genital mutilation, domestic violence, 'honor' killings, acid burnings, dowry deaths, and other gender-based persecutions, and expressing the sense of the House of Representatives that participation, protection, recognition, and equality of women is crucial to achieving a just, moral and peaceful society."

A motion to reconsider was laid on the table.

Stated for:

Mr. HONDA. Mr. Speaker, on rollcall No. 949, I was unable to vote on H. Res. 32. Had I been present, I would have voted "yea."

WAR PROFITEERING PREVENTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 400, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 400, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 3, not voting 53, as follows:

[Roll No. 950]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus

Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
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Frank (MA)
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Garrett (NJ)
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Goode
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Gordon
Granger
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Green, Al
Green, Gene
Grijalva
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Hall (NY)
Hall (TX)
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Hastings (FL)
Hastings (WA)
Hayes
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Hensarling
Herger
Herseth Sandlin
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Honda
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Inglis (SC)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
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Kildee
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King (IA)
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Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
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Meek (FL)
Melancon
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Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
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Poe
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Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
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Wasserman Schultz
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Wilson (NM)
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Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Baker
Davis, Tom
Rogers (AL)

NOT VOTING—53

Bean
Bishop (UT)
Blumenauer
Boren
Butterfield
Buyer
Capps
Carson
Clyburn
Coble
Cubin
Dingell
Doyle
Everett
Giffords
Gingrey
Hastert
Higgins
Hinchey
Hobson
Hodes
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Jordan
Knollenberg
Kucinich
LaHood
Lucas
Maloney (NY)
Marchant
McCrery
McMorris Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Mollohan
Murtha
Neal (MA)
Paul
Peterson (PA)
Pryce (OH)
Reichert
Rothman
Smith (NJ)
Space
Tancredo
Tiberi
Udall (CO)
Wamp
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1916

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MITCHELL. Mr. Speaker, I am writing regarding today's rollcall votes 949, H. Res. 32, denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society, as well as 950, H.R. 400, the War Profiteering Prevention Act of 2007.

Please accept my apologies as I was attending a family event in Arizona and was not able to cast my votes tonight. It was my intention to vote "yea" on both H. Res. 32 and H.R. 400.

PERSONAL EXPLANATION

Mr. BLUMENAUER. Mr. Speaker, because I was detained by an important event in my district, I was unable to vote on H. Res. 32, regarding human rights and gender-based persecutions, and H.R. 400, the "War Profiteering Prevention Act." Had I been present, I would have voted "yea" on both bills.

PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 949 on H. Res. 32, I am not recorded. I was absent, attending the funeral of Jack Sutton, a beloved member of my District staff in Georgia. Had I been present, I would have voted "yea."

On rollcall No. 950 on H.R. 400, the War Profiteering Prevention Act of 2007, had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE JO ANN DAVIS, A REPRESENTATIVE OF THE COMMONWEALTH OF VIRGINIA

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on House Resolution 717.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 28 minutes remained in debate.

The gentleman from Virginia (Mr. WOLF) has 11 minutes remaining and the gentleman from Virginia (Mr. SCOTT) has 17 minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LANTOS), the chairman of the Foreign Affairs Committee of which JO ANN DAVIS was a member.

Mr. LANTOS. Mr. Speaker, as chairman of the Foreign Affairs Committee, I never speak for the whole committee, only for myself, but this is an exception.

JO ANN DAVIS was respected and admired across the total political spectrum, and as I was listening to my colleagues paying tribute to this extraordinary woman, to this remarkable Member of Congress, to this unique public servant, I, of course, agreed with everything they said. But there is one aspect of JO ANN's life that has not yet been mentioned, and that is what I would like to address.

She loved her district, she loved the State of Virginia, but she was also one of the great Atlantises in this body. She was passionately committed to rebuilding the alliance between Europe and the United States, and she did an extraordinary job over a long period of time successfully doing this.

My predecessor, Henry Hyde, and I had many conversations about her little-noticed, but enormously important, work on behalf of our effective foreign policy, on behalf of rebuilding so many of the ties that over the years had been weakened by a variety of actions.

Jo Ann will be missed in all of her endeavors, but those of us on the Foreign Affairs Committee will particularly miss her enormous contribution to building alliances for the United States, for being a multilateralist, for recognizing that while we may be the one remaining superpower, we are a superpower in need of allies and friends and collaborators.

I want to express my deepest condolences to her family and I want to express on behalf of all of my colleagues on the Foreign Affairs Committee our respect, our admiration and our love for our dear colleague Jo Ann Davis.

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Aderholt).

Mr. ADERHOLT. Mr. Speaker, I join my colleagues in mourning the loss of one of our own, it's been mentioned here tonight, Representative Jo Ann Davis. Representative Davis, as has been said and as we have discussed tonight, battled cancer for several years, and of course, as we know, lost her battle Saturday morning.

At a time when others would have considered retirement, Jo Ann Davis continued to represent the people of the First District of Virginia with distinction. Through her service she set an example of courage in the face of adversity. She refused to allow a disease that afflicts far too many affect her life and take her away from the work that she loved so dearly.

As the first female elected to the House of Representatives from the Commonwealth of Virginia, Jo Ann was a leader and example to all of us. But of all of Jo Ann's accomplishments, of all the roles she played, she would not be ashamed to tell you that her decision to follow Jesus Christ was the most important decision for her.

The people of Virginia were privileged to have known her as a public servant. The Members of this Congress were honored to share her as a colleague. I was honored to consider her a friend.

Our thoughts and prayers are with her husband, Chuck; her sons, Charlie and Chris; along with her granddaughter, Charlotte. May God give each of them an extra measure of peace during this time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlelady from Ohio (Ms. Kaptur).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished Member from Virginia (Mr. Scott) for yielding me this time, and on behalf of the people of the State of Ohio and myself, the senior woman in this House, I would like to express deepest condolences to the people of the Commonwealth of Virginia on the passing of Jo Ann Davis, our very, very respected colleague, from this life.

To her husband, Chuck, to her two sons, to her granddaughter, we respected Jo Ann as a woman, as a Member, as a wife, as a mother, as a grandmother. We also respected her because she was an heroic Member of this Congress.

There are some people in life who teach us how to live, and then there are those rare few who teach us how to die. Jo Ann Davis was such an individual. She held herself with great courage.

As a woman, I might like to put on the Record that in the entire history of this institution there have been very few women that have actually served here. Out of a little over 11,000 Members of our Republic who have been elected to Congress, about 200 or so have been elected as women. And so we know that with every woman who is elected, a new page in history is written. It may seem easy, but it is very, very hard. Jo Ann Davis was a part of that new page in history of this Republic.

Others have stated, of course, she was the first Republican woman to have been elected from Virginia, and so we know in having met her, we met a pioneering woman, a woman who truly is a first. That took great stamina; it took rare courage and great perseverance.

She had other careers before she came here, as a Realtor, as a member of her own State legislature, and upon being elected here, she was then elected to some of the most weighty committees in this institution: To Defense, Foreign Affairs, Intelligence, always a woman who stood tall for those in the uniformed service of our country.

She had a warm and radiant smile, and she held herself erect and with a stalwart stance that revealed the strength of character that represented Jo Ann Davis's entire life. You knew she would meet all of life's challenges, and she did.

Her faith imbued her with that strength, and it also imbued the kindness that she demonstrated to every Member of this institution, a warm cordiality, and also in her closing days on Earth, great dignity in her heroic struggle.

It was my privilege to know her and to be allowed to serve with her during the years that she gave to the people of this great Republic.

May she rest in peace.

Mr. WOLF. Mr. Speaker, I yield to the gentlelady from Florida (Ms. Ginny Brown-Waite).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today to honor a friend and a colleague, Jo Ann Davis from the great State of Virginia. When I was first elected in 2002, came to this body in 2003, Jo Ann was one of the first people to approach me and say, what can I do to help you, can I help you look for staff, what can I do. Jo Ann was always known for being a very willing, helpful person.

She never offered advice, but if you asked her for advice, you better be prepared for frankness, and she would strongly suggest that you follow that advice. She'd say you asked for it. And she was always very frank and very candid when she gave advice but always very gentle, always a lady.

I would have to say that Jo Ann Davis epitomized the Golden Rule. She followed the Golden Rule. She was a fighter and she was a woman who, although diminutive in size, demonstrated great, great strength, whether it was fighting cancer, that she beat back once, and then we all know it came back a second time to take her from us, but she was always a fighter and always with a smile on her face.

It can safely be said that Jo Ann loved God, and her country, as well as her beloved family.

☐ 1930

We will miss Jo Ann Davis because of what she brought to this body, because of her spirit, because of her ever, ever-winning smile.

Jo Ann Davis had the honor of being respected by people on both sides of the aisle. They respected her, and they knew that she worked very hard to represent her district in Virginia.

We extend our sympathies to her husband, Chuck, her sons, Charlie and Chris, as well as her granddaughter, Charlotte.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri, who served with Jo Ann as joint president of the Congressional Prayer Breakfast, Mr. Cleaver.

Mr. CLEAVER. I thank the gentleman from Virginia.

Mr. Speaker, one of the first individuals I met when I was elected to Congress was Jo Ann Davis. I actually met her, along with the gentleman from Virginia, at our prayer breakfast and immediately had the opportunity to get to know her and to work with her. I sat beside her on each Thursday; and over the course of a year, we got a chance to know each other and began to tease each other, play with each other, have fun with each other, and then we ended up as the cochairs of the prayer breakfast for this past year.

On the night before the prayer breakfast, I was called in my apartment and told that Congresswoman DAVIS was not feeling well enough for us to jointly lead the prayer breakfast. I knew of her physical problems, and so I knew that things had to have gotten worse, but I had the opportunity to say to her something that I really, really feel strongly about. My goal is not to hate a single individual, and I get up each morning with a goal of not even trying to resemble, in my actions, something that would be related to hate.

But I told her, and I will say it here, I hate cancer, I hate it. I have seen it wreak havoc in the lives of men and women almost all of my life.

When JO ANN tried to come back to Congress, this body that she loved, I was able to go over and sit down beside her. I wasn't going to have a gloomy conversation. She said, you know, you don't recognize me, do you, because I have lost so much weight. We had a relationship where we could tease each other, and I kept in contact with her office staff and the prayer breakfast. As the gentleman from Virginia and the gentleman from Tennessee will recall, we sent flowers to her about 3 months ago, which she was very thankful for.

But I would like to say this, JO ANN DAVIS and I didn't agree on a lot of things politically; but we were able to sit together, talk together, eat breakfast together, eat lunch together and enjoy this world together. If there is anything I think we ought to be able to remember about her, I think it is in spite of political differences, ideological differences, this woman from Virginia, this tiny woman, was able to put all that aside in terms of personal relationships.

Thank you for this opportunity to share my thoughts about one of my colleagues, someone I cared a lot about.

Mr. WOLF. Mr. Speaker, I recognize the gentleman from Virginia (Mr. GOODLATTE) for as much time as he may consume.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlemen from Virginia, Mr. WOLF and Mr. SCOTT, for leading this tribute to a great and courageous woman, Congresswoman JO ANN DAVIS.

I had the opportunity first to meet JO ANN DAVIS when she was a member of the Virginia General Assembly. She showed there the same courage, determination and hard work that she has shown here during her service in the United States Congress. Right through to her final week here, she was still working for the people of the First Congressional District of Virginia. She was very proud of her representation of those great people and often talked about her district as being America's First Congressional District because it contained Jamestown and Yorktown and Williamsburg, and worked very hard for the past year or more as we prepared for this year's celebration of the 400th anniversary of the settlement of Jamestown.

She also was a member of three very important committees here in the Congress, the Armed Services Committee, the International Relations Committee and the Intelligence Committee, all very much related to our Nation's national security and working with other countries around the world in our war against terror and was very, very dedicated to our Armed Services, the men and women who served there and our veterans. She stood up for them time and time again.

When I arrived at my office today, I found in my in-box a copy of a bill that she introduced just last Tuesday, October 2. It may well be the last bill that she introduced in the Congress, House Concurrent Resolution 222, cosponsored by myself and all the other Members on both sides of the aisle, commending the National Aeronautics and Space Administration, Langley Research Center in her district, on the celebration of its 90th anniversary later this month.

I can think of no better tribute to Congresswoman DAVIS and to the men and women of the NASA Langley Research Center, the premier aeronautic space and research facility in the country. I would commend to the Speaker and to the chairman of the Committee on Science and Technology where this bill has been referred to pass it, not only in tribute to those great workers at that great facility, but also a tribute to a great Member of Congress, Congresswoman JO ANN DAVIS, who worked in this body in a very bipartisan spirit.

Every month the Virginia congressional delegation meets, both the Senators and the House Members, the Republicans and the Democrats, in a bipartisan fashion. We talk about the issues that we are dealing with here in the Congress, particularly those that have a great impact on the Commonwealth of Virginia.

She was an active and vocal participant in all of those discussions looking after the interests of Virginia and her congressional district. But she also loved to get away from here to her home in Gloucester, to her horses, to her family, her wonderful husband, Chuck, her children and grandchildren, where she was when she passed on at the end of last week.

We will all miss her. Our hearts go out to her family, to her constituents. It is my hope that we will all take heart from this brave and courageous woman to her last days serving the people of her district with distinction and courage and great honor and determination.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. DAVIS), a member of the Armed Services Committee who served with JO ANN DAVIS.

Mrs. DAVIS of California. I want to thank my colleagues from Virginia for having this time set aside for all of us to come to the floor today and express our real sadness in losing our friend, JO ANN DAVIS.

Mr. Speaker, in many ways JO ANN was not just my friend, but in some ways my sister here. I came to the Congress in 2001 with JO ANN; and at the beginning, because our names are the same, we got a little confused. In fact, people confused one particular bill with our names, and it took us awhile to sort that out. We had a good laugh over that because sometimes we didn't always agree on everything.

But I can say that of so many people that I have met and had a chance to spend time with, I really enjoyed my time with JO ANN. She was just such a strong woman who didn't always have an easy time, particularly as we saw her suffer through cancer.

But she was so desirous, I think, of telling people a little bit about how she was doing and yet at the same time letting us know that she was okay. Well, you know, she wasn't always okay, but she wanted us to know that.

The first experience that I had with JO ANN is when we had an opportunity to travel to Afghanistan together, and one of the first codels, soon after we had a chance to go in and see how our military was doing there, and what was happening and trying to help develop the new Afghani Army.

We had quite an amazing trip. In spending all that time in the air and on the ground and really having a chance to talk, I felt like I got to know her as a true individual with great values, connected with family, and someone who was so devoted to her community. We both represent a military community, and I think we shared a great deal of that together.

I wanted to just say thank you for what JO ANN gave me over these last years and helping me to also talk about my values and what is important to me. Family was very important to her. My husband and I reach out to Chuck and the family, and we wish them all the condolences in the world that we can bring to them and thank them for being the wonderful family that they are.

Mr. WOLF. Mr. Speaker, I recognize the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. I too want to thank Congressman WOLF and Congressman SCOTT for arranging this Special Order on behalf of Congresswoman JO ANN DAVIS.

Mr. Speaker, I rise to pay tribute to the service of my friend and colleague, JO ANN DAVIS. She worked tirelessly on behalf of Virginians in the General Assembly and in the United States House of Representatives. JO ANN was a stalwart defender of the rights of the unborn and a leader on numerous other commonsense issues.

In 2000, JO ANN surprised many political pundits and prognosticators by winning a hard-fought primary in which she was heavily outspent by her opponents. She was easily reelected in subsequent campaigns because of her devotion to the constituents in her district and her focus on the concerns of the citizens in the eastern part of Virginia.

She was a feisty fighter and frequently reminded others in Virginia and around the country that she represented not only Virginia's First District, but also America's first district, as it includes Jamestown, Virginia, where our Nation's first settlement was founded in 1607. She was a vigorous proponent of celebrating the 400th anniversary of Jamestown and made sure it received notice throughout Virginia, the United States and around the world.

As evidenced by the comments and tributes made here this evening, she touched everyone on both sides of the aisle. Her good works and her fighting on behalf of this great Nation will be long remembered.

Her husband, Chuck, and her family are in our thoughts and prayers. It was an honor to have served the Commonwealth of Virginia and this Nation with JO ANN DAVIS.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I recognize the gentlelady from Ohio (Mrs. SCHMIDT) for the balance of the time.

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the life of a very dear friend of mine, JO ANN DAVIS.

When I came here a little over 2 years ago, I walked into a room filled with strangers, and I quickly looked for the smiles. She was one of those smiles. She quickly took me under her wings. In addition to helping me through the maze of Congress, she also invited me to come to the best hour of the week, the prayer breakfast on Thursday. It's an event I rarely, rarely miss.

She not only was a fighter for her district and a fighter for her country, but she was a woman that truly loved her family and loved the Lord, and it showed in each and every day and in each and every way of her life. To her husband, Chuck, to her two sons, to her darling granddaughter, my heart goes out to you.

Every day since I learned of her cancer, I have been praying for her. I shall continue those prayers for you. May God bless all of you.

□ 1945

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H. Res. 717.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman, my colleague from Virginia, for introducing the resolution. I ask for support for the resolution, and will yield the gentleman, my colleague, the balance of my time.

Mr. WOLF. Mr. Speaker, I think for those who are watching, you've seen this Congress at its best, to see people from both sides of the aisle come together, and that is a tribute to JO ANN.

Ms. JACKSON-LEE of Texas. I rise to pay tribute to a great American and a member of this House. JO ANN DAVIS was a veteran legislator, businesswoman, and Member of Congress from Virginia's First Congressional District. Her district, which stretches from the Washington suburbs to the Hampton Roads area, is often called "America's 1st District; the site of the Jamestown settlement is located there.

Congresswoman DAVIS was the second woman from Virginia, and the first Virginia Republican woman, elected to the House in her own right. She was reelected by substantial margins in 2002, 2004, and to her fourth term in 2006. She was a productive member of three very important committees in the House: Armed Services, Intelligence, and Foreign Affairs. She was the ranking Republican on the House Intelligence Subcommittee on Intelligence Policy.

JO ANN DAVIS was born in Rowan County North Carolina, but lived in Virginia since she was 9 years old. She attended Hampton Roads Business College and worked in real estate before she was elected to the Virginia House of Delegates in 1997. She was reelected in 1999, where she served until her election to Congress.

Congresswoman DAVIS died on Saturday, October 6, 2007 and was a respected member of this body and respected by all who knew her. She was a legislator's legislator. She was known to often to put aside partisan politics and reach across the aisle to legislate in a bipartisan manner for the best interests of the American people.

Her presence will be greatly missed and we all mourn her loss and extend our sincerest condolences to her husband Chuck and her children and grandchild.

Mr. Speaker, a dear colleague has fallen but she will not be forgotten. We are all saddened by our loss but we are happy to have served with her. Our prayers and condolences go out to her husband, Chuck, her children, and to thousands of friends around the Nation. She touched so many lives during her tenure in this body and she will be missed very much by the people she represented so ably.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express deepest condolences on the passing of my fellow colleague from Virginia, the Honorable JO ANN DAVIS.

During her time in Congress, JO ANN was a strong advocate for her constituents and an active voice on issues affecting the Commonwealth.

As Ranking Member of the House Armed Services Readiness Subcommittee, JO ANN was well-positioned and a successful advocate for her district's economic bread and butter—the shipbuilding and national defense industry.

Regarding our joint efforts to grant federal recognition to Virginia's six state-recognized tribes, JO ANN was a passionate and helpful ally. Her familiarity with the tribes' issues and her testament as to their traditional values and practices helped pave the way for the recognition bill's passage in the House. I am grateful that, despite her failing health, she lived to see the bill receive the unanimous support of her colleagues.

JO ANN will be deeply missed both within Congress and the Virginia delegation. Our hearts and prayers go out to her husband Chuck Davis, her 2 sons, and their entire extended family as they cope with the loss of their beloved wife, mother and citizen legislator.

Mr. BACA. Mr. Speaker, I stand here today in support of H. Res. 717, the "Privileged Resolution on the Passing of the Honorable JO ANN DAVIS".

Today we stand in remembrance of a distinguished member of the 110th Congress, Congresswoman JO ANN DAVIS, who after a 2 year battle with Breast Cancer has passed away.

Her husband, Chuck Davis, battalion chief for the Hampton Fire Department; 2 sons, Christopher and Charles Davis, and extended family survive her, remembering the incredible legacy Congresswoman DAVIS has left behind her.

A woman of modest beginnings, Congresswoman DAVIS knew the meaning of hard work and proved headstrong and committed as she worked her way to becoming the first Republican woman to lead the First District of Virginia. She would maintain her leadership there for 7 years.

She has been praised for her commitment to Armed Services, and commended for her commitment to researching and pursuing legislative reform.

Her determination to pursue change and prevail over hardships knew no bounds, even in her fight against breast cancer.

Even in this moment of memorial, her presence and upstanding character is reflected as we discuss a recommitment of H.R. 1124—a bill providing financial assistance to low-income students and ensuring a brighter future for all Virginian youth.

Because of the Congresswoman's ongoing commitment to preserving life on a social and political level, my colleagues and I will make great strides to continue supporting breast cancer awareness and the wellbeing of all Americans.

In her memory we will continue to uphold two priorities to which she was greatly dedicated.

While it is with sadness that we say goodbye to an incredible woman, we think of her with joy and fondness as we remember her devotion to creating a better America.

The use of her life to benefit "America's First District of Virginia" is unquestionable and has served to ensure a sense of responsibility among her fellow colleagues in the 109th and 100th Congress.

I thank Congresswoman DAVIS for dedicating her life to service on the behalf of the 1st District of Virginia. I am honored to have worked with her and I truly appreciate all she has given.

Her efforts have touched many lives and her exceptional impact upon our country will create a lasting legacy for generations to come.

Congresswoman DAVIS will be greatly missed.

Mrs. MYRICK. Mr. Speaker, we've lost another great American who always put others before herself. She was devoted to her husband, Chuck, her two boys, Charlie and Chris, and her granddaughter, Charlotte, as well as all of the people she served. She and I were close friends—we talked about everything—and I, along with others here in Congress, will miss her dearly. JO ANN never gave up—she fought hard until the end.

She had her priorities right—God is going to be very good to JO ANN DAVIS.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the life of JO ANN DAVIS—a friend and colleague who served the people of Virginia for 7 years in the House of Representatives.

As the first female Republican elected to the House from Virginia, JO ANN was dedicated to representing her constituents with a genuine leadership and passion for public service. She was committed to fighting government waste and strengthening our national defense and remained devoted to her duty despite her illness. As fellow members of the House Armed Services Committee and the Committee on Foreign Affairs, I am grateful to have known and worked with JO ANN. I am especially grateful for the 3 years we sat together on Thursdays at the Congressional Prayer Breakfast which she ultimately so devotedly chaired.

During this difficult time, our thoughts and prayers are with JO ANN's husband, Chuck, their 2 sons, her granddaughter, and the entire Davis family.

In conclusion, God bless our troops, and we will never forget September 11th.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3056, TAX COLLECTION RESPONSIBILITY ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-368) on the resolution (H. Res. 719) providing for consideration of the bill (H.R. 3056) to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-369) on the resolution (H. Res. 720) providing for consideration of the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families, which was referred to the House Calendar and ordered to be printed.

JASON NORLING

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, last Monday, 38-year old Deputy Constable Jason Norling was killed while writing a traffic ticket in Houston, Texas. Norling, a motorcycle officer, was ticketing a speeder when another vehicle swerved off the shoulder and hit Norling, killing him.

Norling was a former chef and artist and previously worked for the Hempstead, Texas Police Department before becoming a member of the Precinct 5 Constables Unit. Norling's mother said, "God's purpose for Jason was to be in law enforcement."

Norling was married, and when he was hit by a driver who, ironically, had just been involved in another accident when his vehicle was rear-ended.

And so as the bagpipes played Amazing Grace at the Spring Baptist Church last week, they mourned the loss of another peace officer who wore the badge to protect and serve.

And by the way, Mr. Speaker, the driver who swerved and hit Officer Norling was apparently distracted because he was talking on his cell phone.

Our prayers are with the Norling family and his fellow Texas lawmen.

And that's just the way it is.

ARMENIAN GENOCIDE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, tomorrow the House Committee on Foreign Affairs will consider H. Res. 106, affirming the United States' record on the Armenian genocide. I will ask my colleagues on the committee to carefully consider this resolution and the vast body of evidence that supports its conclusion.

The allied powers of the First World War early on recognized that the Turkish Government at that time was committing crimes against humanity by perpetrating the organized slaughter of Armenians. The U.S. Congress of that time affirmed these crimes in hearings and resolutions. Though the chief organizers of this crime were convicted of the massacres by the Turkish military courts, they never were made to pay any penalty.

We fully recognize now the friendship of our allies in Turkey, but it cannot change the past. I hope that there can be some reconciliation between Turkey and Armenia and that a proper acknowledgment of the crimes of the past can allow them to move forward into the future of peace and mutual understanding.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JOSE MEDELLIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I come tonight to talk to you, the House, about the murder of 2 girls. In 1993, 2 teenage girls were walking home, making sure they got there in time for the curfew. Their names were Jennifer Ertman and Elizabeth Pena.

As they were headed home, they took a shortcut through the woods, and that mistake cost them their lives. They came in contact with a person by the name of Jose Medellin, who was the gang leader of a group called the Black and Whites. He, along with his fellow gangsters, kidnapped these 2 girls and brutalized them, sexually assaulted them, tortured them, and then, when they were through having their way after gang raping them, they murdered them, these 2 teenage girls, Jennifer Ertman, Elizabeth Pena.

The Houston Police Department finally caught up with Jose Medellin and his gangsters. They were all tried lawfully in Texas courts. Jose Medellin received the death penalty, along with 1 other individual who's already been executed. A third individual's on death row waiting to be executed, and 2 more are serving life sentences in Texas penitentiaries.

Jose Medellin, when he was captured, he had in his possession, Mr. Speaker, a watch. It was a Mickey Mouse watch that Jennifer Ertman wore. And he was proud to carry this token of his murder. He bragged about the murder. He confessed to the murder, and a jury of 12 Texans convicted him and gave him the death penalty, which he earned and which he deserved.

His case was appealed. It worked its way all the way to the Supreme Court.

The Supreme Court upheld the conviction based upon a complaint about the confession.

But during all of this process, 10 years after the conviction, in 2003, the Mexican Government filed a lawsuit against the United States in the World Court. You see, Medellin was illegally in the United States from Mexico. And the Mexican Government claimed that he should have been told by the arresting police officers that he had the right to talk to the Mexican Consulate.

Now, the Houston police officers didn't tell him he had the right. They certainly wouldn't have prevented him from having permission to talk to the Mexican Consulate, and he never, at the trial, objected to not being able to talk to the Mexican Consulate. He waited some 10 years until he got to the World Court before his government complained.

The World Court ruled in favor of Mexico, and here's where all of the irony begins. After the World Court ruled that the Texas court, or the Texas peace officers should have told him that he had the right to talk to the Mexican Consulate, the President of the United States intervened in this case and told the Texas courts they ought to review this matter; they ought to uphold the ruling of the World Court. And last year, the Texas courts, in all due respect to the administration, told the President he didn't have any authority to tell Texas courts what to do about anything, and they upheld this conviction and ordered him to be executed, this defendant.

Tomorrow the Supreme Court of the United States is going to hear this case. They're going to hear this case and have to decide this issue. Does the World Court, when it issues an opinion about a trial that takes place in the State of Texas, or any other State, have authority to tell a court of law in this country that they must overturn a conviction or not?

This is a big deal, Mr. Speaker, because, you see, Texas courts, like most courts in the United States, all courts in the United States, are beholden to the United States Constitution as the supreme law of the land. The supreme law of the land is not the World Court in the Hague. So that's the first decision the Supreme Court's going to have to make; whether or not this is a lawful order by the World Court or whether the Constitution is to be held supreme.

Second, they're going to have to decide, does the President of the United States have the authority to order any court to review any case?

I hope they rule that he does not because as Ted Cruz said, the lawyer representing the State of Texas tomorrow in this death penalty case, it is not the province of the President to say what the law is or is not. If this President's assertion of authority is upheld in this case, it opens the door for enormous mischief from Presidents of either party. What might these Presidents be inclined to do if they had the power to flick State laws off the books?

It's a big deal. Separation of powers. The judicial branch is independent of the administration, of the executive branch. The executive branch has no authority over the judicial branch.

And the third issue, and most importantly, is should this case be reversed because the defendant, according to the World Court, should have had the ability to talk to his consulate or not?

Texas courts, and even Federal courts have found that he gave up that right if he had a right by not ever objecting at the trial.

Meanwhile, this defendant has been on death row longer than these two girls were alive. Justice must be provided for the victims of this crime, and this horrible case should be upheld by the Supreme Court.

And that's just the way it is.

WATER CRISIS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, after the administration promised to bring liberation to the people of Iraq, they have, instead, brought insecurity and despair.

Every day a new report emerges about the horrible living conditions in Iraq. One of the latest stories comes from Missan, a predominantly Shia province south of Baghdad.

Human rights groups and media reports show that there is a shortage of safe drinking water, and that very shortage may pose a serious health risk. Eight agencies have found that there is a shortage of chemicals for water purification and that many people have been forced to take water directly from the polluted Tigris River.

The provincial capital, Amarah, hasn't been able to treat its water supply since early September because they lack the treatment chemicals.

This problem, Mr. Speaker, is further complicated by the large number of internally displaced people arriving each and every day. And according to media reports, thousands of refugees have arrived from the central and northern provinces since February 2006, which puts unmitigated pressure on the already strained water system.

And according to a U.N. Refugee Agency report, the available water supply only met 60 percent of the needs 1 year ago. It also stated, "Rural areas rely on drinking water directly from the marshes, water that is highly saline, untreated and often contaminated."

Recent studies found that only 5 percent of the houses in the province have running water. Sixty percent use water pumps, and the rest rely on river water. Is there any wonder why the number of cholera cases are on the rise?

But the news reports only say so much. Listen to the local sanitation officials: "Mains water has not been purified since early September as the chemicals aren't available, and the only truck carrying the material was stolen.

"Families fear cholera will spread to their cities and towns. In Amarah, cases of diarrhea have increased by 30 percent compared to 2 months ago.

There hasn't been a proper sanitation system in Missan since before the invasion of 2003. Many districts have poor sanitation facilities, and one can smell the stench of open sewers kilometers away. In some areas of the province, supposedly drinkable water is being mixed with sewage effluent and families have no option but to drink unsafe water.

Mr. Speaker, we are spending $2 billion a week in Iraq, and we cannot provide for the most basic needs like safe drinking water. This makes one wonder if the funds are being misdirected, and it makes us wonder if our administration just can't show any leadership on humanitarian projects. It is simply disgraceful.

We should help the Iraqi people by giving them back their country, and then we should work with our international partners to help the Iraqis rebuild their physical and economic infrastructure. And we should ensure that the Iraqi people have all they need to survive: clean water, food, electricity, schools, jobs, and a secure future.

These life and death problems are not going to be solved at the point of a gun. Putting our brave men and women in uniform on the front lines of a civil war isn't helping.

I urge my colleagues to join together to support proposals that bring our troops and military contractors home and rededicate ourselves to the ongoing humanitarian crisis in Iraq.

It is past time for responsible foreign policy. It is time to bring our troops home now.

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THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, the last few days have brought terrific news for American workers and taxpayers. Today, the markets closed at new record highs. The Dow Jones Industrial Average closed at 14,164; the S&P at 1,565.

Last week the Bureau of Labor Statistics released new jobs figures: 110,000 jobs created in September. September 2007, is the 49th consecutive month of job growth, setting a new record for the longest uninterrupted expansion of the U.S. labor market. Since August 2003, our economy has created more than 8.1 million jobs, and the unemployment rate remains low at 4.7 percent.

We also learned last week that the nonpartisan Congressional Budget Office said the Federal deficit came in at $161 billion for the just-completed fiscal year, down significantly from last year's deficit of $248 billion.

The Wall Street Journal editorial board noted today that "since 2004 deficit spending has tumbled by $251 billion, which is one of the most rapid 3-year declines in U.S. history. The deficit as a share of the economy is down to 1.2 percent or about half the average of the last 50 years." A deficit at 1.2 percent share of the economy. In the words of the Associated Press, "The fiscal picture is the best it's been since 2001."

Taken together, this shows the American economy remains strong, a strength derived from the hard work of the American people and Republican pro-growth, low-tax policies.

But as sure as the sun is going to rise in the morning and set in the evening, House Democrats are going to do their best to jeopardize our economic growth through higher taxes and spending increases. The Wall Street Journal warned this morning that the Democrat "Congress is already gearing up to splurge again, with its $35 billion expansion in the children's health program, a $286 billion 5-year farm bill, $23 billion in water projects, and $22 billion more in non-defense discretionary spending. Combine this blowout with slowing revenue growth due to the housing recession, and the deficit may not fall again in 2008. This is all the more reason for President Bush to finally use his veto pen on spending bills."

And that's just spending. Democrats continue to treat higher tax as a cure-all. Frustrated by their inability to choke of funds for our troops in harm's way, last week top Democrats on the Appropriations Committee proposed a $150 billion war tax. This is just the latest. Consider some of the recent Democrat tax hike proposals:

A 50 cent increase per gallon of Federal gas tax hike from the Energy and Commerce Committee chairman. A 5-cent increase per gallon of Federal gas tax hike from the Transportation Committee chairman. A massive $392.5 billion tax increase on middle-class families in their fiscal year 2008 budget. More than $15 billion in new energy taxes passed in July that will raise gasoline prices on consumers. A $7.5 billion tax increase in their farm bill which threatens 5.1 million American jobs and greater investment in the U.S.

It seems every time they propose to raise taxes, the deficit falls to historic lows. Each time they refuse to rein in spending, job creation breaks a new record. Each time they refuse to live up to their promise of fiscal responsibility, the stock market closes at record highs.

That's bad news for Democrats and terrific news for the American people.

Let's support the Republican policies that have made this success possible and let us see it continue.

TRIBUTE TO MARGUERITE FREEMAN, TEACHER OF TRUTH AND LOVING ENCOURAGER TO CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, this last Sunday one of America's grandest ladies turned 97 years old. And tonight it is a sincere privilege for me to stand here in this well to speak a few words of heartfelt tribute to a woman whose impact on three generations of children will be felt in the human family I believe even after this Chamber is dust.

I knew this special lady as Mrs. Freeman. Four decades have passed since I gathered my belongings as a fourth grader and left the warmth and safety of her classroom for the very last time. As we all reflect on our childhood, I suppose each of us has that one teacher in our memory who affected our lives more than any other. My memory of her is always that of a truly warm and elegant lady who completely personified class, dignity, and grace.

Mrs. Freeman was the model teacher that I believe every teacher truly aspires to be. She made books come alive in class. She made every lesson exciting, every life was important. She made us realize that each of us had an important part to play that only we could play. This gracious lady encouraged us to pursue a standard of integrity simply by the way she lived. And in those times when we disappointed her, Mr. Speaker, she never failed to correct us truthfully but gently, and she was always willing to forgive us and to affirm that we were fully restored in her eyes.

While there were so many ways that the guidance of Mrs. Freeman prepared me for life, perhaps the greatest gift I ever received from her and have carried with me through all these years was that of her words of encouragement. I may never have come to this Chamber at all, Mr. Speaker, without some of the soul-lifting things that she said to me. And I am convinced that not a day goes by that I am not affected by those words.

And I can say to you, Mr. Speaker, that not a day ever went by in her class that did not include a moment when Mrs. Freeman looked into the eyes of one of her students and, with a warm smile and a loving wink, she would utter those simple words "You can do it." I know without a doubt that mine was only one of hundreds of lives that were changed forever by those magnificent words, not only because they empowered and encouraged but because we each knew that she meant those words from the depth and core of her soul.

There were many other lessons she left us with that I have greatly cherished on this road to the United States Congress. When one of us would be left out, she would come along beside us and encourage us with that authentically gracious and generous spirit that characterized her life. When my home burned down, Mr. Speaker, taking nearly every material belonging I had, including my school books, and leaving me feeling a little lost, it was Mrs. Freeman that reminded me that God had spared all of my family and that the rest really didn't matter. And I knew then and I know now more than ever that she was so very right.

She also taught me through school plays just to speak my lines sincerely from my heart, and I seek to do that even tonight, Mr. Speaker. Few gifts could have served me better over these many years.

When I first ran for the United States Congress, this sweet lady made the trip to attend one of the major events supporting my candidacy. She made a campaign contribution and included a note that ended with those words, "You can do it."

But a narrow loss in that election, Mr. Speaker, was a deep disappointment. And still I received a letter from her shortly afterward, and once again she offered hope and encouragement that I will cherish as long as I live. But it was her last five words that I remember most. They were the hallmark phrase of Marguerite Freeman, teacher of truth and loving encourager to children. Her letter closed with those words, "You can still do it."

Mother Theresa once said, "Kind words can be short and easy to speak, but their echoes are endless." Mr. Speaker, if Mrs. Freeman could be here in this Chamber tonight, I would say to her something like this: that words fail me to express the loving impact that you have had on my life and so many others. And I truly believe that this generation and many generations to come will inherit the beauty and legacy of those endless echoes of your encouragement that you cast into the hearts of so many of those children whose priceless gift it was to call you teacher. Beloved and gallant lady, may God bless you forever.

TRIBUTE TO THE LATE HONORABLE JO ANN DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to pay tribute to our fallen colleague, the Honorable JO ANN DAVIS, Member of Congress from the Commonwealth of Virginia. Let me, first of all, offer my deepest sympathy to her family and to acknowledge the special role that Congresswoman DAVIS had in this body.

She was a veteran legislator, a business woman, and a Member of Congress from Virginia's First District. She was the first Virginia Republican woman elected to the House in her own right, and she was the second woman from Virginia to be elected in the United States Congress.

More importantly, she loved the work. She loved this House and loved America. As a member of the House Armed Services Committee, Intelligence, and Foreign Affairs Committees, she was diligent in her work. I am reminded of her participation in the Women's Caucus. The caucus was bipartisan. We had many opportunities, as women Members of the United States House, to sit together to study issues, particularly health issues, the way a number of diseases impacted women. We were able to gather together to sponsor legislation that particularly focused on enhanced research on diseases that impacted women negatively.

I am reminded of the leadership of a former colleague also recently deceased, Congresswoman Juanita Millender-McDonald, who organized the women's effort to lay a wreath at the Women's Memorial at Arlington Cemetery, and I have in my mind a memory of Congresswoman DAVIS joining us on those many occasions, uniting around our effort to pay tribute to women members of the armed services of the United States of America.

So this evening I simply say that we will miss her, thank her for her pioneering spirit and her leadership, and I would like to say simply to her husband, Chuck; her children; and to thousands of her friends around the Nation and in her district our prayers and condolences are to your family and certainly to your community. So many lives were touched by your service. So we say to you, farewell, our dear friend. May you rest in peace.

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SCHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, what kind of Nation are we, and is anyone really listening? We have over 47 million citizens in this country going without health care coverage; 47 million citizens have zero, and they've been left behind. Why? They don't have the money. They simply don't have the money to be able to afford the impossible cost of health care today. People cannot afford to pay for their pills; they cannot afford to pay their doctor bills or their hospital tests or their cancer treatments. These treatments now are out of their reach. And why? It's simple. They don't have the money.

And what kind of Nation are we when, in my home State of Wisconsin, in Shawano County, 19 out of 20 families filing for bankruptcy recently did so only because they couldn't afford their health care bills. We need a uniquely American solution to this crisis, and we need it now because my patients and my constituents cannot hold their breath any longer.

Mr. Speaker, what kind of Nation are we? Let's agree right here and right now that we need to come together in a bipartisan way and help to begin to solve this national disgrace. My constituents are listening tonight, and so are yours. Let's end this national nightmare and guarantee access to affordable care for every citizen.

Now, we're very fortunate to have a Democratic majority in the United States today. We're fortunate because we have the SCHIP bill that will be coming back to the House floor on the 18th of this month, that's one week from this Thursday. We're hoping to get enough votes to override President Bush's recent veto of this essential piece of health care legislation.

The SCHIP bill is a State-run program. There have been a great number of misrepresentations about what it really is, and tonight for a few moments I would like to review with you what the SCHIP bill really is all about. It's a State-run, private program. It's aimed and focused at the poorest working families. It will cost $3.50 every day to ensure a child, $3.50 a day. Compare that to the millions and millions and billions of dollars we're spending in the sands of Iraq, $3 billion per week, nearly $400 million a day, and $3.50 to guarantee access for a child to see their pediatrician or their family practitioner. What kind of a Nation are we to say no to that?

The eligible people will be those who are in the low-income group. Low-income is three times the Federal poverty level. People who earn $50,000 or $55,000 a year simply don't have the money to spend on health insurance policies, which are now averaging $12,000 to $14,000 every year.

It will cover up to 10.8 million children in our country. But don't take my word for it about health care. These are cards I've received from my constituents in Wisconsin. Joe from Hazelhurst writes, "I am more likely to die because I can't afford the medical care needed than I am in danger of being killed by terrorists. Fix this, please." He's not a child, but he needs our help today.

Megan and Eric from Appleton, Wisconsin, "We are a young family with 4 kids, 6, 3 and twins age 5 months. Our insurance is out of control. Our family earns about $38,000 a year, and we pay $520-plus each month to have health insurance. Our country needs to make affordable health care a priority."

And what about Pat from Green Bay, Wisconsin. "Health care issues are critical. We need to develop a plan to help the elderly and the uninsurable." For too long, insurance companies have been allowed to discriminate against citizens. Why? For their own personal and individual corporate profits. For too long, our insurance companies have been able to deny people access to affordable care because of a preexisting condition. We haven't addressed that yet, but we will and we must. Allan from Green Bay writes, "Universal health care. I need affordable medical insurance." Rhonda, from Sturgeon Bay, Wisconsin, "Our middle-class income cannot support the increase in medical premiums, copays and deductibles. What will be done for the middle class?"

The SCHIP bill is a great start. It's aimed at ensuring the children of our Nation, those who are most at risk of going without, become healthy once again.

What kind of Nation are we if we don't care for our own children? Our children, after all, we are dependent on their future. I thank you for listening.

THE REPUBLICAN VISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. SESSIONS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SESSIONS. Thank you, Mr. Speaker, for allowing us to be on the floor this evening to talk about very important issues.

And of course the House of Representatives, in recess right now, is beginning to prepare for the funeral for our colleague, JO ANN DAVIS of Virginia, who passed away. Today, our colleagues came to the floor one by one to not only acknowledge the service that JO ANN DAVIS gave to the United States of America, but also in her representation of her congressional district JO ANN will be missed. JO ANN courageously fought cancer. JO ANN courageously went back home day after day, week after week, after serving the United States Congress, making sure that she talked about those things which she did in her job and her representation of people from Virginia.

but perhaps more importantly, with the strength and character and courage that JO ANN, even in the midst of adversity, brought to this body was an inspiration to Republicans and Democrats alike. It is with a heavy heart that we all will miss her, and we say to her family, how much they know they will miss her, too, and to her constituents, they were well served. Mr. Speaker, we will miss JO ANN DAVIS from Virginia.

Mr. Speaker, tonight I come to the floor of the House of Representatives to talk about the things which I believe are important for so many people to understand, not just about what is happening here in Washington, DC between the two parties, the Republican Party and the Democrat Party, as we talk about public policy issues that are demanding on both parties, and certainly our President and the American people who want to, and do, recognize that America's greatest days lie in our future, but rather, not just understanding the philosophies which are talked about here, but they want to know more about them. What would those policies lead to? And tonight it is my intent, with several of my Republican colleagues, to talk about the Republican vision, the Republican vision that would be of a smaller, smarter, commonsense government versus the Democrat agenda, which is ineffective, wasteful and intrusive government.

The Republican Party for so many years has been really the party of the free enterprise system, the free enterprise system which has made America the envy of the world, which has made the Republican Party and this great Nation to not only grow in stature, but to provide dreams, dreams to Americans and dreams for people around the world.

Mr. Speaker, just in March of this year, the Financial Times out of London put forth a pretty interesting editorial where they talked about that the EU, now 25 combined nations of the EU has a GDP that equals that of the United States of America, or at least where the United States of America was 25 years ago; meaning that Europe consolidated all of their resources to the EU, the European Union, to these 25 nations, and when they combine all that they have equal that of the United States GDP 25 years ago.

What is interesting is that they also look at the amount of spending that would take place within their medical system and within research and development in medicine, and both those lag 25 years behind the United States.

The United States of America has a strong and vibrant system, the free enterprise system, as a result of not just the United States Congress and tax cuts and making sure that we have the greatest health care system in the world, but it comes as a result of what you're going to hear tonight of a public policy that is ennunciated from a Republican vision. And certainly, as we look at what has made America great, you would want to look at, well, why has Europe lagged so far behind? I mean, after all, Europe could do the exact same things that America does. They have education. They have wonderful people. They have innovate ideas and opportunities. I would submit to you it is because of the public policy. And the public policy that they have in Europe really has three basic tenets that are entirely different than the United States has, our free enterprise system. And that was pretty much ennunciated by what you saw tonight; we're talking about health care, where it's a State-run program. This is what the Democratic Party is pushing for their public policy. They want a State-run, single-payer health care system, just like Europe.

We also see rules and regulations. Europe is completely covered up with rules and regulations that tell not only employers but also employees exactly how they will be treated. Forget the free enterprise system, forget innovativeness, forget the new opportunities that people might have to bring new products and services. You've got to look up the union rule book; you've got to find out what you can do.

And lastly, the third tenet that separates the United States of America from the European model is taxation. Taxes began as a battle point under Ronald Reagan here in this country. And we recognized that back under Ronald Reagan, and the President recognized it, that our taxes were not just too high, they were stifling innovativeness and the free enterprise system. They were stifling the ability that we had to grow our free enterprise system in favor of giving the money to the government, to grow the size of government. And as our President, Ronald Reagan, said, he hoped that he would change that to where America once again would be the shining city on the hill. In fact, that did take place. As we cut taxes, as we became prepared for the future way back when Ronald Reagan was President to be prepared today, and for the last few years, for America to propel itself forward.

Mr. Speaker, the Financial Times was right when they said in March that the European Union could not compete against the United States economically because of the three tenets that make the EU different, and that is, high taxes, more rules and regulations, and single-payer system for health care.

Tonight, you are going to hear members of the Republican Party talk about how that is virtually exactly what the Democrat Party agenda is for this great Nation. And tonight you're going to hear Republicans talk about smaller, smarter, commonsense government whereby we not only balance budgets, where we have tax reform, where we have health care that works on behalf of people to where we can maintain the greatest health care system in the world. We will talk about agriculture; the gentleman from the great State of Oregon (Mr. WALDEN) is here to do that. We will talk about intelligence and homeland security. And lastly, we intend to talk about education.

It is with great honor tonight that I am joined by a dear colleague who is from the State of Oregon, the gentleman from Oregon, and I would yield to him at this time.

Mr. WALDEN of Oregon. Representative SESSIONS, I appreciate your comments tonight about the differences between our parties, Republicans versus Democrats; but moreover, the vision for this country. Because I think at the end of the day Americans want us to come together with a vision that will produce jobs, that will let Americans keep more of what they earn, that will do something to protect our various resources and allow us to be competitive internationally.

I heard your comments about our competitiveness versus the European Union, and I am no economist, but I did spend a little time over there this spring. And, you know, they're headed down this path of higher taxes in some countries, and other countries have figured out they can't compete with higher taxes and they can't compete with very short work weeks, and they're actually trying to reform to be more like the United States.

Mr. SESSIONS. Will the gentleman yield?

Mr. WALDEN of Oregon. I would be happy to yield.

Mr. SESSIONS. I thank the gentleman.

You know, an example of this might be the recent election that we saw in France. And I'm going to let you amplify that, but as we in America looked at France, and just in the past few years as we looked at a closed system that they have to where they're not only having to have people to come through immigration to their country, they are not able to grow their economy, to be able to bring them into their economy so that they can be real positives. It's a closed system.

☐ 2030

What we have seen is how the French people changed their government as a result of that. America still is the big dream. I think the French understand that.

Mr. WALDEN of Oregon. I appreciate that. America is a great country with a great future if we don't allow it to get messed up in these Halls. We have a great opportunity ahead of us, I believe. I certainly think when you see what is happening in some European capitals, some are good things and then there are some questionable things. In some of these areas they realized their tax rates are much too high. All you have to do is go back and look at Ireland that went ahead after many decades of stagnant economy and then did a major tax reform or reduction and all of a sudden its economy is blossoming. They are creating jobs. They are attracting companies to locate in Ireland.

I guess that is what troubles me a bit about what I see happening here in the new Democrat majority is they are looking at how do we raise taxes, which I don't think is the way to go. I think hardworking Americans deserve to keep more of what they earn. Certainly that has been my philosophy and how I have voted here. I think that the outcome is clear. If you look at when President Kennedy cut the capital gains tax rate, revenues went up to the Federal Government. Bill Clinton understood it. He cut capital gains rate. Revenues went up to the Federal Government. Republicans cut the capital gains rate. Revenues went up to the Federal Government. The new majority, the Democrats say, We may just let that expire. We may raise it. We may raise all these taxes. I think the effect will be very harsh on our economy and revenues to the Federal Government will probably go down.

Mr. SESSIONS. Exactly what the gentleman is talking about, the newest word out today in the Wall Street Journal, last week the Bureau of Labor Statistics released new figures, 110,000 jobs created in September of this year.

Mr. WALDEN of Oregon. 110,000 new jobs.

Mr. SESSIONS. September 2007 is the 49th consecutive month of job growth, setting a new record for the longest uninterrupted expansion of the U.S. labor market. There is more good news. No surprise. We also learned that the nonpartisan Congressional Budget Office said the Federal deficit came in at $161 billion for the just-completed 2007 year, down significantly from $248 billion the year before, meaning that we are following exactly what the gentleman from Oregon is talking about. We are following through to make sure that with these tax cuts that not only do people have jobs, but the government increases the amount of revenue it has.

Mr. WALDEN of Oregon. I am glad you made the point about the declining deficits and the increasing revenues to the Federal Government. This Federal Government has never been richer. It has never had more of our tax dollars than it has today. The issue here is how do you control spending. I think that Wall Street Journal editorial and column went on to say today that, Look out, because there are all these new spending programs being put on the desk.

I met with a group this weekend in my district and I said, You know, if you smoke, if you drink, if you are born, if you die, if you have capital gains, dividend income, if you just work, look out because the taxes on you are most likely going to go up. That is what we see here, as you know, on the farm bill that recently was approved by this House. I reluctantly at the end voted against it because it abrogates 55 international tax treaties we have on how our companies and other international companies are dealt with. Those are treaties we have. And this House, no notice to anyone here, I think we learned the night before the vote, suddenly wanted to raise taxes $78 billion and abrogate all these international treaties America has entered into. Not renegotiate them. Just blow them apart.

And I don't think that is the way to go. We hear more about this every day. It is pick on this group or that group or the next group, set one American against another American and try to leverage one group and wedge one group and engage in all this political posturing to grow government.

Mr. SESSIONS. The point that the gentleman from Oregon is making is so true, and it seems like that we are always in gear for an election. The fact of the matter is that every 2 years there is an election, but now, the year before the election, we have engaged in so much bashing of not only America but really how great America is.

What the gentleman talks about here would also be true with trade, about how America has found a way to find trading partners all around the globe to reduce tariffs. And if there is one thing, and the gentleman knows that I am a big scouter with the Boy Scouts of America. I teach merit badge classes back home. All of my scouters learn right off the bat, what is a tariff? And they respond, it is a tax. We are reducing taxes and allowing countries all around the globe to be able to compete so that they better their own economic circumstances and end poverty in their own country. This is part of what that overall plan is.

Agriculture plays a key role in this.

Mr. WALDEN of Oregon. A huge role.

Mr. SESSIONS. The American is a farmer making sure that not only what we produce in this country that we get that opportunity for it, but making sure the rest of the world has that same opportunity. So this is where these trade bills which are languishing right now in the House of Representatives, the clock has already started. Please let everyone know back home if you can, the gentleman from Oregon (Mr. WALDEN), that we need to continue these trade bills to make sure that American agriculture and our manufacturing pushes our products overseas and we take their products which helps not only these countries but also all of humanity.

Mr. WALDEN of Oregon. As the gentleman well knows, the trade bills that are pending open their markets to our goods, because our markets are all already open to their goods. This is about American manufacturers, American agriculture being able to sell what we make or raise here into other markets in a fair way.

I met with a wheat marketing group on Friday morning in my district in the town of Moro, Sherman County. And wheat there, they had just sold a barge full of U.S. soft white wheat from the Northwest for $11 a bushel. I stutter because it is a record amount, $11 a bushel. Why? Well, there are droughts in Australia and elsewhere, enormous demand for this product on the world market. Where they have suffered year after year when there have been gluts on the market, in this year, world economy, effects of agriculture around the globe, international trade policy being open, they are going to get up to $11 for their wheat. Now the market has come down a little bit, $300 for barley right now. These are tremendous prices that will help American farmers because it needs to be sold to countries overseas that are consuming it in enormous amounts.

So we benefit from trade if these agreements are fair, if they are negotiated properly, and if they are enforced correctly. Now, let me give you an example in my part of the world that is really troubling and that this Congress needs to do something about, and that is the issue of illegal logging. It ties into the whole issue of the environment and how I think Republicans want to take care of the environment that we have especially in our forests. There is an enormous amount of illegal logging going on overseas to satisfy the wood demand that we have right here in the United States and elsewhere. But we are the big importers in many cases.

According to the G–8 illegal logging dialogue which happened in Berlin in June of this year, 40 percent of illegally cut timber is attributable to imports to the G–8 countries, and United States is responsible for a quarter of those imports. Now, what is going on around the world I don't think most Americans are aware of. I wasn't. The Washington Post did a terrific story on it. I have now read other studies. Brazil, China, Indonesia, Malaysia, Russia appeared to supply, but not necessarily from all their own forests, a great majority of this illegal timber. There may be logs on the books that say, Don't cut here. But that doesn't stop rogue provinces and illegal operators from doing that. Why does that matter? Because here in the United States, this Congress and this government has clamped down on our domestic production of timber off our forested lands, especially in the West, 80 percent reduction since 1990. Meanwhile, wild fires ravage America's forests.

I tell you, Congressman SESSIONS, if Theodore Roosevelt were alive today, he created these forest reserves in 1905, he would be rolling over in his grave to watch how mismanaged they are. We had over 8 million acres go up in fire this year, nearly a record. We are on track for a record each of these last few years. It costs the taxpayers of America $1.2 billion so far and we are not done with the fire season, so far to extinguish these blazes.

Mr. SESSIONS. Tonight we are talking about the Republican vision versus the Democrat agenda. Smaller, smarter, commonsense government versus ineffective, wasteful, intrusive government. Forestry may be one of those issues that would fit right in here.

Mr. WALDEN of Oregon. It absolutely is one of those issues. When Republicans were in control of this assembly, and I am sorry to sound partisan on this, but it is just the way it is in the clash of philosophies on this particular issue, while we had some bipartisan help, I chaired the Forestry Subcommittee in the House Resources Committee. We held hearing after hearing after hearing on these issues. We marked up and passed legislation, some of which made it all the way into law, some of which was bipartisan and passed this assembly.

But unfortunately, today, the Speaker of the House, the majority leader of the House, the Democratic caucus chair, the Natural Resources Committee chair and the Rules Committee chairwoman all voted against, for example, the Healthy Forest Restoration Act, which did become law, which allowed some thinning of our forest, not as much as I would like to see but helped streamline it. The whole leadership of this Democrat Congress voted against that in the House. So it makes it almost impossible to go to the next step to help stop these wild fires from ravaging our forests, to get to commonsense management of our timber.

I want to show an example here of a fire that occurred in my district. This is the example of the Eggley fire. The Eggley fire burned about 140,000 acres of America's grasslands and forest lands out in Harney County, 140,000 acres. Do you see the devastation? These two children are the grandchildren of the county judge there, a Democrat, Steve Grasty, and they are standing there as a stark example of the future that they are now inheriting. Some of this area burned before. Some of this area has been basically made off limits. We think you ought to go in there and remove the burned dead trees while they still have value and restart a new forest sooner. We had legislation that passed the Republican House last year, it was bipartisan, that would have gotten that going. Unfortunately, the Senate never picked it up.

Mr. SESSIONS. So the opportunity to go in and clear, the opportunity to allow this burned timber to be harvested would mean that bugs and all the things which might find a way to eat this timber or weaken it, rather than clearing it and getting started again, is in the process of decay, not health at this time.

Mr. WALDEN of Oregon. I will tell you what is worse. We have a lot of cattle ranchers out there who have permits to graze on some of this ground. Because of the intensity of this fire, it may be one year or two before the grasses come back and they will be allowed to graze. They are having now today, literally today, with the price of hay being what it is and the demand, they are having to liquidate their herds. Some of them may go completely out of business all because these lands aren't being properly managed.

Now, for our friends who are concerned about global warming and greenhouse gas emissions, I serve on the Select Committee on Energy Independence and Climate Change. A fire that burns as intensely or more so than this one probably emits 100 tons of greenhouse gas emission for every acre, 100 tons per acre. This burned 140,000 acres. A good, green, healthy-growing forest like a lot of them we have in the Northwest will sequester between 4 and 6 tons of carbon per acre. So wouldn't you think that this Congress would be focusing on doing better management on our forests? And yet the subcommittee that I used to chair has now been compressed in with the National Parks, Forests and Public Lands Subcommittee into one, has held one hearing in 9½ months on this issue. They have marked up no legislation dealing with this issue. Nothing is happening of consequence, except taxpayers are spending $1.2 billion to fight these blazes. The future these kids are looking at is a long way off. I like my forests green and healthy, not black. But some of the groups out there who appeal even thinning in these areas issued a statement recently that said burned forests are healthy forests.

Now, I suppose in the enormous scope of time, they grow back. We know that. But I don't think burned forests are the policy that Americans want us to have when it comes to their forests. It doesn't work well for habitat, for water quality and watersheds.

Meanwhile, I'll bet we don't cut a stick of this, or very little of it. Instead, because this will get litigated because we won't change the law here which is what needs to happen, even though you and I would do it and you have been helpful in these efforts, instead we will proudly go to the local store and get our furniture made in China from illegally harvested wood from countries that have no environmental laws where the forests are extraordinarily important around the equator to sequester carbon.

□ 2045

I don't understand the ineffective, wasteful vision of the other side, when I believe no land manager in America would allow this to occur and wouldn't go in right afterward. Counties don't do it. Private foresters don't allow this to occur. They get in right away. I have been out on sites, and they get in right away, clean it up. Our State of Oregon has a very progressive Forest Practices Act. But they don't wait. They don't wait a year. It will be a year before they are done writing their plan, and then it will be subject to appeal and litigation, most likely for another year.

Mr. SESSIONS. Mr. Speaker, I remember when the fires at Yellowstone were taking place, and I remember seeing how many of our friends who were environmentalists said, let it burn, let it burn, and yet I remember seeing the carnage that took place with wildlife and the millions of animals who not only lost their home but then would be thrust out in the cold as a result of the huge fire, when in fact I had learned from my being an Eagle Scout, and the gentleman from Oregon is an Eagle Scout, we learned in our forestry merit badges that healthy forests are those where you can come in and clear out those things that were from years of use, and come and clean the forest, and you could come and take sections so that you made sure that any fire did not destroy the whole thing. They would come and cut the forest and work with Mother Nature and then replant.

Mr. Speaker, in the last 5 or 6 years, and you can look at any National Geographic or perhaps the Discovery Channel and see where the people, the companies that grow trees, they have healthy forests. I think the healthiest forests are where private people and private companies own the trees, as opposed to the government, because the government has a policy of ineffective, wasteful and intrusive government in managing our forests.

Mr. WALDEN of Oregon. The other thing we learned as Scouts, and, like you say, we are both Eagle Scouts, what has always stuck with me when it comes to how we manage our resources was a very simple line: "Leave your campsite better than you found it." That, I think, is a great guiding principle for those of us in this body, not only for natural resource policy, but for this country, to leave it better than you found it.

Mr. Speaker, let me just suggest that we burned more than 8 million acres this year, and 5.7 million acres, which is our new average that we are burning every year in this country, is an area larger than the entire State of New Jersey. We throw these big numbers around in Washington, the bureaucrats do it all the time, and we do it from time to time. Think about every year you're burning an area of your national forest and grasslands and other areas larger than the size of the State of New Jersey.

Let me tell you what just happened in my district of eastern Oregon. I have 70,000 square miles of terrific eastern Oregon. Three of the last mills have been put either on indefinite closure or closure in very remote areas where they are surrounded by overstocked forests that need all this work, and they are some of the last, if not the last mills in these communities, and 198 people in those three communities have lost their jobs. That is 2.6 percent of nonfarm payroll.

Now the State's economists, the certified smart economic folks, said, I wonder what that impact of those 198 jobs would be if it was spread over 2.6 percent of nonfarm payroll over the Portland metropolitan area. So a standard city in America, what do you think that would be? It would be the loss of 26,400 jobs.

So all across the rural West in small communities where the mills close, there's barely a yawn or a whimper in this Congress about what is happening, and yet the prior forest service chiefs and the current one will tell you our country and our forests and our ability to manage those forests cannot be sustained if we lose the infrastructure to do the management.

That is precisely what is happening today, for a lot of reasons, some of it market conditions, but part of the market conditions is an 80 percent reduction in the timber harvest on Federal land, an inability to go in and even clean up after a fire in less than 2 years on Federal land.

I was just out on the GW fire, not named for me, even though it's my initials, GW fire outside of Black Butte Ranch, Sisters, Oregon. It burned, I think, 7,000 acres, something like that, or 8,000. Where the forest service had done thinning, the fire dropped to the ground and they put it out. That is part of what we were trying to accomplish with our Healthy Forest Restoration Act that President Bush signed into law, that we as Republicans wrote, with bipartisan help.

The thinning project, where it dropped to the ground, the trees are all green around it, was held up by environmentalists for let's say 5 years in litigation, 2001 until, I think, 2006, and finally the forest service prevailed and they worked the sale. They thinned out this overstock stand, and a fire hit it and it went out, and the trees are still green.

Mr. Speaker, I think that what Americans want is for us to manage, to be good stewards of this land and this resource. To do what is happening today without reform is ineffective, it's wasteful, it's intrusive. Today, 45 percent of the forest service budget goes to fighting fire. It used to be 15. That is 45 percent goes to fighting fire. A nearly like amount goes to paperwork to process the various activities they do, rather than on the ground, doing what they are trained to do. We tie them up in court, in litigation, in all this process and all this stuff.

We have got to fix this problem, and if we do, when we passed the Forest Emergency Recovery and Research Act in the House last year by a big bipartisan margin, it would have generated, I think, $140 million over 10 years to the Federal Treasury in net new revenues. It would have helped pay for cleanup and restoration effort.

We can do these things, but this leadership today, they voted against it, from the Speaker on down. They put people in charge of the committees who were opposed to us every step of the way.

So I would tell my colleague from Texas, elections have consequences, and the changes are being played out today as more and more firefighters are called upon to put out these blazes, as cattle ranchers in eastern Oregon and around the West are driven off their allotments, having to liquidate their herds or trying to get disaster help in, when it doesn't have to be that way. It doesn't have to be that way.

We can work smarter, we can fix these problems, and in so doing, we can improve the environment. Do you think this is great habitat for anything other than bugs and woodpeckers, which need habitat; I'm not downplaying that. We have seen case after case. In Colorado, the Hayman fire. After that enormous fire, the Denver watershed was deluged with mud and dead animal debris and dead fish as the runoff occurred. We are always going to have fire. We need to be smart on how we manage our forests so we can manage our fires. Get it back in balance with nature.

Mr. Speaker, this Congress has held one hearing, taken no legislative action, zero, zip, zilch, let it burn, don't fix it afterwards, and we will just get our imported wood from illegal logging and furniture from China. It doesn't make sense. It needs to change.

Mr. SESSIONS. I thank the gentleman from Oregon, who not only has persuasively brought forth arguments that he sees in his home State of Oregon, but also who amplified the Republican vision, smaller, smarter, commonsense government, almost something you can find in a Scout handbook, or a merit badge, versus the Democrat agenda, which is ineffective, wasteful, intrusive government, allowing not only for thousands of people to lose their job, but mismanagement of the natural resources that has been given to this great country that Lewis & Clark found out so much about, that we tout as not only the Teddy Roosevelt answer to the way America would be, but also how we are going to bring her on in the future.

Mr. Speaker, I want to thank the gentleman from Oregon not only for his time, for his dedication, but also for the things which he believes in.

I yield to the gentleman.

Mr. WALDEN of Oregon. Mr. Speaker, I want to make one other comment. You're going to see a lot of discussion in this Congress about what to do about global warming. I serve on both the Energy and Commerce Committee and the Energy and Air Quality Committee and the Select Committee on Global Climate Change, and I want to do what is right for the environment. But there are going to be competing viewpoints. The two philosophies are going to collide here.

There are some on the Democrat leadership side who think a carbon tax is where America should go, a .50 cent a gallon increase in taxes on your gasoline. That is their vision. It's $50 a ton carbon emissions from power plants, higher taxes, higher fees on ratepayers in America or drivers in America. I don't think it has to be that way, by the way. I think there are ways we can invest in research and development and get new technologies and incent Americans to do the right thing, not punish them with higher taxes, because Europe is kind of going that direction. They are looking at a cap and trade model in Germany. They rolled it out 5 years and the price of electricity in Germany went up 25 percent. They miscalculated. Guess who got the bill? The ratepayers did. Now they are going to try and change that. They think they have got a little different thing worked out.

But I would rather invest in research, development in new technologies for new fuels. I was out at the dedication of an ethanol plant in my district. If we can ever get to cellulosic, we can use woody biomass and we can use things like algae to scrub carbon out and to produce fuel. It is amazing what lurks out there on the horizon. But we don't have to punish ratepayers, I don't think, at least. And yet, you watch, that is what is coming.

Think back to Jimmy Carter in the seventies. He put on his sweater, sat by the fireplace in the White House. The sweater thing may be there, but you aren't going to get to have a fire. You're just going to shiver in the cold because you won't be able to afford your electricity or your power because they are going to drive up the costs so high that people are going to say "I can't afford it." And then they will race back here to get more money from the government to help bring down the cost of heating.

Mr. Speaker, it doesn't have to be that way. We ought to have incentives, not punishment. There are ways to get this done. There is a great story in the Wall Street Journal today about big national companies that are beginning to ask about carbon footprint of their suppliers, and Americans are beginning to say maybe you ought to put a fluorescent light bulb in. If you put it in five of your most used lights, you can save an enormous amount of energy. It's a good thing for your bottom line, and it reduces carbon. Keep your air up in your tires, you reduce carbon emissions and you increase your gas mileage.

These are things Americans will do because we want a good, healthy environment. But do you want to have a 20 percent increase in your electricity bill this winter? Do you want 50 cents more on top of a gallon of gas? And who gets the money? The Federal Government. You could have a trillion dollars that way in a heartbeat and it will all be hidden; it will be phased in, come out of your power bills, you will never know it happened. And the big spenders around here are just licking their chops.

I don't think it has to be that way. I think we can have smaller, smarter commonsense government that uses market principles and incent the people to do the right thing, not ineffective, wasteful and intrusive government that just costs taxpayers more and more and more.

Mr. SESSIONS. I want to thank the gentleman from Oregon. There's only one thing you didn't mention, and that's the BTU tax that many of the new leaders of the United States Congress today, the new Democrat majority, right there with the BTU tax. They're back. What they are really saying is pretty simple: Don't use this electricity; sit in the dark. Don't go create something that is good or better, don't find a way to have less emissions; go and tax things.

Mr. Speaker, I want to thank the gentleman for being here today. We have been joined also tonight by the gentleman, who is a dear friend of mine from Iowa, Mr. KING. We are talking tonight, Mr. KING, about the Republican agenda, smaller, smarter, commonsense government, versus the Democrat agenda, which is ineffective, wasteful and intrusive government. And perhaps the thing which I identify most, and particularly when I see you, is to talk about taxes and how important tax reform has been.

Mr. Speaker, it has been said a long time ago that the Republican party is here as the bull dogs for the taxpayer, to make sure that efficiency occurs, to make sure that the original mission statement of what a program might be for, to balance a budget is important. I don't know if the gentleman heard or not, but the Bureau of Labor Statistics released new job figures of 110,000 net new jobs in September. September 2007 is the 49th consecutive month of job growth, setting a new record for the longest uninterrupted expansion of the U.S. labor market.

□ 2100

Since August of 2003, our economy has created more than 8.1 million jobs and today has the lowest unemployment that sits at 4.7 percent. There is more good news. You see, if you have a country that produces great dreams for people and they can go make things happen, like jobs, we also learned last week that the nonpartisan CBO, Congressional Budget Office, said the Federal deficit came in at $161 billion for the just-completed fiscal year, down from $248 billion the year before. I think we are headed in the right direction. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for organizing this Special Order this evening and pulling together a lot of the thought process regarding the Republican vision versus the Democrat agenda.

Looking at the 40 consecutive months of job growth, I would take us back to why we didn't have job growth before this began in August 2003. I would like to frame this for when the Bush Presidency came in in January 2001. That was in the middle of the bursting of the dot-com bubble. We had an economy that was really a false economy. It was a speculation on the ability to store and transfer information more efficiently than ever before, but it had not been corrected for.

Well, the dot-com bubble was in the middle of bursting in January 2001. By September 11, 2001, the financial center was attacked, America was attacked and the Pentagon was attacked and they had the plane that crashed in Pennsylvania. This was another attack on our finances. This was a double-whammy cloud that came over the very new Bush administration.

So we came forward with 2 rounds of tax cuts. We asked for $545 billion worth of tax cuts over that span of time. We got a pretty good chunk of that. In 2 rounds, those tax cuts have been what produced this thriving economy that shows a stock market that sets new highs, and also this job growth of 49 consecutive months of job growth.

Mr. SESSIONS. As I recall, we spent at least one or two of those elections talking about how the stock market was down and how people had lost their savings and their pensions were in trouble, and how all of these terrible things were happening, cataclysmic events.

Then along came a market-based idea which we had known and understood not just from watching President Kennedy who cut capital gains and President Reagan to talk about you cut taxes you get more money because of invasion, isn't it true what this brave Republican Congress did is they cut taxes because they wanted to spur the American economy for people to have jobs and be competitive with the world, and so families would have an opportunity to keep more of what they made rather than giving it to the government.

Mr. KING of Iowa. What the gentleman says is exactly true. Believing in the free market system and allowing people to keep more of what they earn, allowing them to make those decisions, that was entirely the philosophy behind the tax cuts. It has proven to be true throughout all these years, and it continues to grow this economy in the face of some very poor messages coming out of this Congress. Thankfully, not much of what has been attempted on the other side has been accomplished.

I think a strong market indicates that Wall Street doesn't believe that the Democrats are going to accomplish very many of the things they would like to do.

To go back to the tax component, and I don't know how I overlooked the corporate corruption which was also a component, Enron, Global Crossing, some of those things, the accounting things that were going on. I recall some people made a lot of money out of Global Crossing. Some went to jail; some didn't. Some are supporting Presidential campaigns. We ought to take a look at those folks and how that worked.

But I would like to take this back to a philosophy that I would ask the American people to think about, that is, Ronald Reagan once said: What you tax, you get less of. He also said what you subsidize you get more of. But what you tax, you get less of. And so the Federal Government, in its, I'll say lack of wisdom, places a tax on all productivity in America. And Uncle Sam has the first lien on all productivity in America. That is our Federal income tax, personal, corporate, capital gains, the tax on your pension, the alternative minimum tax, the whole list of all of the Federal taxes, Social Security tax is another one. That list of taxes is taxes on productivity. Interest income, dividend income, all are measures of our productivity. The Federal Government has the first lien on those taxes.

What I want to do, what a lot of us in this Congress want to do is adopt a national sales tax, a national consumption tax, H.R. 25, the FAIR Tax. I will say this: everything good that anyone's tax proposal does in this Congress, it does all of them in one package. That is not just my opinion. That is the opinion of a lot of economists and some very highly placed, respectable people.

But to put that in place, we have to take the tax off of production and put it on consumption. We will have far more production. The estimates of some of the top economists go from a growth in our economy of maybe 8 to 9 percent up to 33, 35 percent growth in our economy. But nobody thinks there will be less growth; we think there will be more growth.

But changing the dynamic way we tax, no tax on production, earn all you want to earn, save all you want to save and produce all you want to produce, there is a reward for that because then you get to decide when you pay taxes, and that will be when you consume.

Another thing that is an important component of this, and Alexander Tyler once said that when a democracy realizes, and I will argue we are a constitutional Republic, but he referenced a democracy, when people realize they can vote themselves benefits from the public treasury, on that day a democracy ceases to exist.

We have a number, maybe 44 percent, of Americans don't pay any income tax. That number has been growing. It is 2 or 3 or 4 years old, so I am going to suppose that number is bigger and maybe it is over 50 percent. If half of the people realize they can push their Congressmen and go to the polls and elect people that will vote them benefits out of the public treasury, then soon we are in a situation where that half of the people don't want to work. They don't want to produce any more. So they sit back. They were in the safety net that was created by the nanny state, and now that safety net has been cranked up to the elevation of a hammock, and there they sit, not producing, just sitting not being productive individuals in this society.

Mr. SESSIONS. And aren't we in that circumstance as we speak now with the SCHIP, which is children's health care, where this new Democrat majority has brought forth a bill that, among other things, more than half of the people who would be new to this SCHIP bill would be people who are already on insurance, who already have private insurance, and yet they are demanding, no, no, we have to add them to the government side.

What we are looking at here is a $6 billion program that Republicans invented because we believe in helping children because we know if you take care of children, immunize them and do things when they are children, then when they are adults, they not only do better in school they grow up and are healthier.

We are taking this from a $6 billion program a year to a $13 billion program. And to fund it, it would require, under the Democrat majority plan, 20 million new smokers to pay for the darn program. Is that what you are talking about where you all of a sudden shift from people who figure out you can get the government to pay for everything, a government-run health care program?

Mr. KING of Iowa. That is exactly what I am talking about. People decide they want to be dependent on the taxpayers. They think it is cheaper for them to let somebody else pay for those services. This is a perfect example.

I was in the Iowa senate when we shaped the SCHIP policy and supported it at 200 percent of poverty. There are waivers in there, and I can speak specifically to Iowa's numbers. They vary across the country depending on the waivers and what the States have decided to do.

I think it was New Jersey that said no matter what the President says, they are going to grant SCHIP benefits to 450 percent of poverty. In Iowa right now it is 200 percent of poverty, and there are 20 percent that are waivers. So a family of four making $51,625 a year qualifies. That is mom, dad and two kids. The kids qualify for federally funded health insurance programs making that kind of money.

The bill passed off the House, this Pelosi-led Congress, was 400 percent of poverty. That meant that same family of four in Iowa that qualifies at $51,625 would qualify at over $103,000. Well, in the Senate it got negotiated down to 300 percent of poverty. So in my State that is still over $77,000 for a family of four.

So you have to decide. There will be 2.1 million kids that I will say will be bribed off their own private health insurance by Federal tax dollars. They will say: go on the Federal plan.

They will never be able to do that one again because there will be such a high percentage of the kids that you can never reach into that universe. I don't know if there will be any kids on privately funded health insurance if this SCHIP bill passes. That percentage goes up well over 80 percent of the kids that will be on federally funded health insurance, and there will be companies that are providing health insurance for their employees and the family, and they will take a look at this and decide I am paying them less than $83,000, which is a commonly used number, so why don't we just offer health insurance to the employee and their spouse or significant other, as the case may be, and just say we don't provide it for children because the Federal Government does.

This bill takes us to the tipping point where it slides over the other side. It is the cornerstone for socialized medicine. It closes the gap, just a technicality to pick up the remaining percentage of kids that would be on private insurance.

By the way, here in this Chamber, September 22, 1993, President Clinton spoke to a joint session on health care. He laid out a lot of this plan which we know now was Hillary's plan, and she began her hearings and her secret meetings after that, Harry and Louise shut that down, along with Phil Gramm and a good number of other people who believe in freedom and private health care.

But Clinton came back and said if we can't get this done in one shot, we are going to do this incrementally. And the next step for full, federally funded coverage for children in America is to go and lower Medicare from 65 down to 55. If we do that, the people in the middle, SCHIP is covering some kids up to age 25 today. So the people in the middle ages, 25 to 55, they are the ones paying for their own and they would be paying for everybody else's.

Mr. SESSIONS. My guess is they would call that the doughnut hole then.

Mr. KING of Iowa. That is the group of volatile people that will realize they are paying for everybody else's health care, and they are paying for their own. They will say, put me on it, too, I'm paying for it anyway, and then we will have a Canadian plan. That is what I see coming.

Mr. SESSIONS. Where would the Canadians go if America has a single payer, Hillary-style health care plan? Where would the Canadians go when they need real medicine?

Mr. KING of Iowa. I would think they would be worried about that right now. Their Prime Minister came to the United States for melanoma surgery. There are entire companies that have been spawned in Canada who are in the business of setting up the transportation and the access to U.S. health care for the people that are very sick or maybe die in line in Canada that can come down to the United States.

One of the good insurance programs that you can get up there is being able to have your heart surgery taken care of by flying you from Ottawa or Montreal or Quebec down to Houston for heart surgery. That is the Canadian package. There is no place to go if we don't have an American plan.

And by the way, the research and development, the innovation, the things that make us the best in the world in health care, disappear too because the profit incentive is taken out. Then we get mediocre along with the rest of the world. That ends up reducing our quality of life, and it costs American lives.

□ 2115

Mr. SESSIONS. The gentleman, as he makes the point about how important it is that we have a market-based, free enterprise system health care, is so true.

If you look at America and leukemia versus Europe, America's survival rate is 50 percent; Europe's is 35 percent. Prostate cancer, America's survival rate is 81.2 percent; France, 61.7; England, 44.3 percent.

My gosh, it just tells you that what America has is not only the greatest health care system in the world, and one that is of envy, but one that produces results. And of course it is more expensive, and of course it costs money, but if the free enterprise system would support this because we don't tax the ability that people have to buy their health care, which is what the Democrat party mandate is, that you've got to tax people that don't belong in a corporation, then what it means is that you've got a bunch of people that can't afford it.

So that's another point that comes back to your tax element about health care. You should not have to pay after-tax money on health care. It should all be pre-tax, but the Democrats insist that, if you don't work for a corporation, you should not get this opportunity because it's not something that you negotiated with with a labor contract.

Mr. KING of Iowa. I do have a bill that I've introduced in this Congress, whose number has escaped me, that provides full deductibility for health insurance purchased by individuals, and that's been slow in the coming. It's been lagging. It's rooted back in wage and price controls of World War II. When they froze those wages and prices, then employers figured out that if they couldn't give a raise, they could give a benefit. So health insurance became the benefit that got added on because wage dollars couldn't go up.

When that happened, we built a foundation of employer-based health insurance in this country, and now it becomes the politics of holding on to that employer base. That's why there's not the flexibility that we need to have there.

But an entrepreneur, an individual that starts up a business, a ma and pa store, they have to pay some of the highest premiums because they don't get into a group plan, and they can deduct 100 percent of the health insurance for their employees but not for themselves.

There's something really wrong with that. That needs to be fixed. I would take this thing on over to a lot more freedom, and whenever you give up tax dollars, some of them provide you security like through the military, through those services that can't be provided any other way. Transportation is one of them. But at some point, as you peel out the tax dollars and hand them over into that hand of Uncle Sam, they represent your freedom that you're granting over there to the Federal Government. The Federal Government then decides who's going to be able to exercise their freedom at your expense.

I want to feed my share of this and hold up my end of this freedom, but I don't want those dollars to go to discourage people from holding up their end of this load. That's the difference between Republicans and Democrats.

We're all sociologists here in this chamber. We're here trying to figure out how do people react towards certain stimuli or lack of stimuli, raising taxes, raising regulations, imposing criminal penalties and prison sentences. Everything in between, across the spectrum are all things that we should be analyzing and having some understanding of how people will react.

But we understand the motive for earn, save and invest, and we are philanthropists. We give at church. We give to charities. All of us in this country do, more on our side than the other side statistically, but if you let people keep their own money, they'll also understand a good place to put it out of the goodness of their heart.

Mr. SESSIONS. I thank the gentleman not only for being here this evening but a chance to join the gentleman from Oregon and, of course, Texan here.

Mr. Speaker, tonight we've had an opportunity to talk about the Republican vision and how important the Republican vision is for a smaller, smarter, common sense government, versus a Democrat agenda, ineffective, wasteful and intrusive government.

I want to thank my colleagues for being here this evening. Mr. Speaker, we appreciate your time. We know that the people of the good State of Tennessee have sent you here to do the people's work, and that's what we're here to do, same also, for good public policy.

PROTECTING PEOPLE AGAINST DISCRIMINATION BASED ON THEIR SEXUAL ORIENTATION AND GENDER IDENTITY

The SPEAKER pro tempore (Mr. MAHONEY of Florida). Under the Speaker's announced policy of January 18, 2007, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANK of Massachusetts. Mr. Speaker, let me do what I think you cannot do under the rules and reassure your constituents in Florida that you have not become a Tennesseean when they weren't looking. I believe the gentleman from Tennessee left the chair, and we do now have the gentleman from Florida in the chair.

Mr. Speaker, I want to address today a very important issue that is generating an intense discussion among a fairly small segment of people who follow things, and it seems to us it's not healthy and that we ought to have a broader discussion, both of the specific issue, which is a question of how to protect people against discrimination based on their sexual orientation and at some point I would hope their gender and their gender identity, and also how do political parties relate to those in the population who are the most passionate, the most committed and the most legitimately zealous about their feelings, often on one particular issue to the exclusion of a broader set.

Before I came to Congress in 1981, former Members, the gentlewoman from New York (Ms. Abzug), gentleman from Massachusetts (Mr. Tsongas) and others, in the House filed legislation to make it illegal to discriminate against people in employment based on their sexual orientation; that is, they would have made it illegal in the same way that the 1964 Civil Rights Act made it illegal based on race, but in a different statute for a variety of reasons, for people to be fired, for people to refuse to hire people, for people to be denied promotions or in other ways discriminated against in the job based on their being gay or lesbian or bisexual. That was, and has been, the number one legislative goal of gay and lesbian, bisexual people for more than 30 years.

In many States subsequent to that enactment, that introduction, laws were adopted to do that. Wisconsin was the first in 1982; Massachusetts, the State I represent, the second in 1989. Many States now have it.

As we kept that fight up in the face of a good deal of opposition and as we began to educate people as to why the prejudice against people based on our being gay or lesbian or bisexual was, in fact, invalid as a grounds for economic discrimination, movement expanded to cover people who are transgendered, people who were born into one sex physically but who strongly identify with the other sex and who, in fact, choose to live as members of the sex other than the one they were born in, often but not always having surgery to enhance that new life.

We are at a differential stage in public understanding of these issues. We've been dealing explicitly and increasingly openly with prejudice based on sexual orientation for almost 40 years, since the Stonewall Riots of 1969 and since then.

The millions of people that talk openly and to take on the prejudice against people who are transgendered is newer. It is also the case that prejudice begins with people reacting against those who are different from them in some way. People are rarely prejudiced against their clones. So we have this situation where there is more prejudice in this society today against people who are transgendered than against people who are gay and lesbian, partly because we have been working longer at dealing with the sex orientation prejudice; partly because the greater the difference, the greater the prejudice is to start, the more people fail to identify, the more they are put off by differences, especially when those differences come in matters of the greatest personal intimacy.

We should be clear that as we talk about matters of human sexuality or the human sexual characteristics we touch on the most sensitive subjects that human beings will deal with.

So where we are today is that earlier this year, after years of our introducing the bill which we call ENDA, the Employment Non-Discrimination

Act, to ban discrimination in employment based on sexual orientation, we added this year for the first time a provision that would also have banned discrimination based on gender identity as we have designated it, i.e., against people who are transgendered.

We began dealing with the transgender issue earlier in the context of the hate crimes legislation, and legislating against hate crimes, it's easier to do than sexual orientation. It is less intrusive, and it is easier to make the argument that assaulting people and destroying their property is wrong than it is to say that refusing to hire them is wrong. I think they're both wrong, but obviously, there is a distinction in this society. One is a serious criminal issue; one becomes civil.

We originally encountered difficulty in broadening hate crimes to include people of transgender. I first talked about that in 1999. I remember having to explain to people what we were talking about.

Recently, we were successful earlier this, under the leadership of the Speaker of the House, in getting legislation through the House that expanded the hate crime protection, not just based on sexual orientation, but based on people being transgender. The Senate followed suit; although one of the leading senators engaged in that effort noted that whereas, when the Senate voted on that dealing solely with the sexual orientation issue, there were 12 Republican supporters, this year there were only eight. Eight turned out to be just enough to get us 60 votes to break a filibuster, but there was a fourth or one-third of Republican support even on hate crimes which is the easier one.

Despite that, we thought we were in a position this year, under the leadership of the Speaker who had committed early to myself and the gentlewoman from Wisconsin (Ms. BALDWIN), my colleague, to bring these issues up, hate crimes first and then employment nondiscrimination, we thought we had the votes to pass it.

In fact, on September 5 of this year, when the gentleman from New Jersey (Mr. ANDREWS), a great supporter of opposing discrimination for all sorts, had a hearing in his subcommittee on the issue, I personally spoke more about the importance of including people who were transgendered than any other witness.

I know, Mr. Speaker, that there are today people who are unhappy with my position because I believe, to get to the central point here, that we have the votes to pass a bill today in the House that would ban discrimination in employment based on sexual orientation, but sadly, we don't yet have it on gender identity. And I differ with some as to what we do about that.

But one of the problems we have today, both on this issue, and as I will discuss in a little bit in general, is people in our society, the most deeply committed, who believe that when a politician tells them an unpleasant fact, he or she must somehow be embracing that fact. Because I have been one of those who has felt the obligation to tell my friends in the transgender community that prejudice against them is greater than prejudice against gay men and lesbians for some of the reasons I talked about, I have been asked why I am so opposed to fairness for people of transgender.

I will submit for the RECORD statements that I made officially, either in committee or on the floor, two in committee and one on the floor, in September 2004, when I said on the floor of the House: Yes, there are people who are transgendered in our society, and they are sadly often victimized. They're often victims of violence. Yes, I think it is a good idea to come to their aid, and if the gentleman thinks it is a mistake to go to the aid of people who are transgendered, who are more often than others victimized or who were put in fear of that, then we do disagree. September of 2004.

September, 2005, again in the hate crimes context: I should add, too, that we've recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid.

And on September 5 of this year, when I testified at that point in favor of a bill that I hope we would have the votes to pass only a month ago, that was fully inclusive, I said: And then we have the issue that my colleague so ably discussed of the transgendered, my colleague being the gentlewoman from Wisconsin who often talks about this.

I said: I understand this is a new issue for people. There are people who were born with the physical characteristics of 1 sex and strongly identify with the other. Some of them have a physical change. Some of them don't. Let me make a plea to all of my colleagues. These are people. Think what it must be like to be born with that set of feelings. Think what it must be like. Think what stress, what agony you go through to defy society's conventions to the extent where you make that kind of statement. This is something people are driven to do. Is there any reason why any of us should make those lives of those people more difficult than they already are? Obviously, these are people who are coping, and things are getting better. Things are better in ways. When I was young, a lot of things were difficult that are less difficult today. But we say here is, if someone has these feelings, if someone is born with 1 set of characteristics and strongly identifies the other way, should you fire them? Do you deny them a promotion? Do you say to them no matter how good your job is, you make me uneasy so out you go?

□ 2130

I spoke in hopes, on September 5, that we would have the support to do this. To my dismay, not entirely to my surprise but to my dismay, I found that we did not yet have the votes to pass a bill that would protect people who are transgender. As I said, I have discussed this issue, I think, as much as any Member of Congress and more than most. I am determined to try to diminish that prejudice, as I was determined when I started my political career to diminish the prejudice based on sexual orientation.

Let me add one point here. I am, myself, of course, gay, so when I talk about passing legislation against sexual orientation discrimination, it's fair for people to say, well, you think about yourself. But I first got elected to a legislature in 1972. In the intervening 35 years, I have worked very hard for legislation further banning discrimination based on race, discrimination based on ethnicity, based on gender to protect women, based on age to protect the elderly, based on disability.

At the time that I voted to protect people against those forms of discrimination, I was not, myself, a victim of any of them. I was not a beneficiary of banning discrimination against women or against African Americans or against Hispanics or people who were disabled. I was not when I voted for it one who was protected against discrimination based on age, but I now am, but I wasn't when I voted for it. I have just been around long enough to do that.

I reject the notion that somehow I have only been concerned with the category in which I am a member. I will say this, every time I voted for one of those, I was voting to protect one group of people and not another. Because at the time when we voted, that was all that we could do, that was all that we could get the votes for, because a fight against discrimination is an incremental fight. I wish it wasn't.

Some of my colleagues, some of my friends, I say to my colleagues in the gay community, maybe I will do a little stereotyping, maybe they have seen the Wizard of Oz too often. They seem to have Speaker PELOSI, a wonderful dedicated, committed supporter of human rights, confused with Glenda the good witch. They think if she waved her magic wand she could somehow change things.

I have seen this woman work as hard as it is humanly possible to do to achieve results, but there are limits to what any human being could do in the face of difficult reality. You can move reality, you can chip away at it, you can try to shape it, but you can't just wish it away.

What I have learned in the past month was that we weren't yet at the point where we could wish away this prejudice against people with transgender. Yes, we have an overwhelming majority of Democrats for that, but not all of them; and we have very few Republicans, although we have some of them. By the way, I wish this wasn't partisan. People said, don't make it partisan. I wish it wasn't partisan. I also wish I could eat more and not gain weight, and I wish I was as energetic today as I was when I was not protected with age discrimination.

But this is one of the central points. Denying reality not only doesn't change it; it makes it harder to overcome it. That's where we are.

On September 5, I testified in favor of including people of transgender. We then learned from conversations with our colleagues that we didn't have the votes to do it.

Let me say, and I love being in this House and many of my best friends are Members of Congress, but we are sometimes, those of us in elected office, loath to tell people the truth when it will make them mad. We don't often lie directly, but we have ways of sounding more agreeable than we, in fact, are. We detect that in each other. We know when someone is being verbally more accommodating than he or she is likely to be when it comes time to vote.

I am afraid that some of my friends in the transgender community and the gay and lesbian community and the advocate community in general were misled by what we used to call in Massachusetts "the wink and the nod," the smile, the oh, of course, I strongly sympathize with you.

People thought we had the votes. I hoped we had the votes. I wasn't sure. We do not have the votes. That has been confirmed.

The majority whip, a man whose own life has been one of dedication to overcoming prejudice, did a check, not of every single Member on the Democrat side, but a large number of Members who were likely to be problematic. What we have found was, and I have confirmed this in my own conversations, here is where we are after years of advocacy on the sexual orientation question, a few years of advocacy on the transgender issue.

I am convinced that we have the votes to pass in this House a bill that has been the number one goal of the gay and lesbian and bisexual community and our allies for many years, a bill to ban discrimination based on employment. I think it will be an extraordinarily good thing for America if we are able to do that.

I don't expect the President to sign it, but it has always been the view of advocates, including my gay and lesbian colleagues, that we don't get deterred from pushing ahead by the threat of a veto. It's important to get those votes and to get people on record and show your strength so you can move forward and set the stage for an enactment in 2009. After all, I don't expect the President to sign the hate crimes bill; he says he won't, although he doesn't always remain unchanged.

But no one that I work with said let's not pass the hate crimes bill, transgender inclusive, by the way, because we aren't sure George Bush is going to sign it or we think he might veto it. You push ahead.

So this is the question we now face. I am convinced that the votes are there to pass a bill that bans discrimination based on sexual orientation in employment. I am also convinced that if we were to put up a bill that included people of transgender, that part would be stricken on a vote, and, unfortunately, a fairly heavy vote. Because what happens is when a tough issue, and the transgender issue is a tough political issue now, and if I have fought with colleagues, it is for not being honest enough with people. And people who would mislead you, I would say, Mr. Speaker, to those who come before us as advocates, people who would mislead you and let you think your task is easier are not your friends. They are undercutting your ability. Underestimating your enemy is the surest way, not only to lose, but to lose so bad it is hard to come back.

I had hoped that we would have a vote upon a transgender-inclusive bill and win. Getting a large vote in this body to say no to transgender inclusion will make it harder in the future to change that situation, partly because my junior Senator, as the Presidential candidate, was unfairly pilloried. His remark was caricatured about his vote on Iraq. He quite sensibly voted for one version of funding for Iraq and then voted against another. He phrased it inartfully. What he did was correct.

But because of that, the fear that Members of this body have and of the other body of voting one way and then later changing has been magnified. People now pay an unduly high price if they change their mind. So if you go ahead and get a negative vote on the transgender issue today, that will make it harder for us at some point, and I hope that point comes within the next few years, to change things after we have done more education.

If we simply put the bill forward, and these become parliamentary intricacies, but they are irrelevant, if we simply put the bill forward and there was no amendment in the committee and it came to the floor of the House and it included the transgender inclusion, then you would see a series of very clever moves from the Republican side, motions to recommit, that could lead to the indefinite postponement in a repeated set of votes that would keep us from passing this bill.

Now, people have said to me, what's the message you send if you pass the bill banning sexual orientation and not transgender discrimination? Before I answer that question, I want to pose another.

What will be the message to this country who are not following all the intricacies of transgender inclusion? What will be the message that we will send if NANCY PELOSI, as strong an advocate of human rights for all people who has ever held high public office in the United States, if she is portrayed in the headlines as someone who says, I give up, we can't pass the gay rights bill this year.

If, after NANCY PELOSI ascends to the Speakership with her record of advocacy and after many of us, and I include myself in this, who have long been supporters of fairness, if we now are in a position of leadership in this House and we collectively say, sorry, you know that goal that you have had for over 30 years, that we have had, speaking for myself, of banning discrimination in employment based on sexual orientation? You know this message we wanted to send that it's wrong to do that all over the country? Not now, can't do it. Why can't we do it? Because we can't do it perfectly.

Now, the notion that you do not pass an antidiscrimination bill protecting large numbers of people until you can protect everybody, in my judgment, is flawed, morally and politically. It is flawed morally because I am here to help people in need. That's why I serve in this job.

If we can get a sexual orientation ban enacted, we will be protecting millions of people in this country who live in States where there is no such law. There are laws in some States and not others. The States that have the laws are probably the place where prejudice is most active.

I do not accept the argument that I am somehow morally lacking if I say, you know what, I would like to protect everybody, gay, lesbian, bisexual and transgender, I am only at this point able to get a vote passed that protects the millions of people who are gay, lesbian and bisexual; but I will withhold from them that protection until I do anything. Because any time you insist on doing everything all at once, you will do nothing.

I think my favorite way to look at American history is to look at some of those wonderful principles that were set forth in the Constitution of United States, extraordinary declarations of basic human rights at a time when those were really quite unrealized in the world.

But as people pointed out, Thurgood Marshall most eloquently, there was a great gap between those wonderful universal principles, the rights of all, and the practice. Yes, everybody had rights on the paper, and rich white Christian men had rights in reality.

What we have seen over 200-plus years, in my judgment, is successive efforts to take those marvelous principles of freedom and equality and democracy and fairness that were set forward in the Constitution, Declaration of Independence and apply them to more and more people, to diminish the exclusion. We have done it on race, we have done it on gender, we have done it in a number of other areas.

The last remaining barrier is sexual orientation and people who are transgender. We cannot do it, I believe, all at once. I have tried, and I will say that I have tried as hard, I quoted several statements I made. I will say this as an aside, I will get to this later, that one of the things that does bother me, to be honest, is that people who are now demanding that we kill a bill to protect people against sexual orientation and discrimination because we haven't done enough to protect people of transgender were silent on the issue awhile ago.

When I testified on September 5, I wasn't the head of some large movement. I was speaking out personally. I had been begging people for months. We knew this was coming up. It has been published since earlier this year that we would be voting on this bill now.

People are now having Web sites; people are bursting forward. Where were they when we needed them? I will talk about why we did not see them then and we see them now.

But the moral issue is, do you deny protection to millions of people because you can't give it to millions plus several hundred thousands? It's not the numbers that counted. More is always better; and, again, the notion that we shouldn't have helped blacks until we could help women, as somebody pointed out in an editorial, I think it was in the Washington Blade, constitutionally black men got the vote long before white women.

Now, I wish everybody had gotten the vote back at that time. There were suffragettes back then, but wouldn't it be fair to say we are not giving anybody the additional right to vote until everybody can? That's the issue. There are people who can test this and say, oh, if you had really tried, you could have gotten the vote.

They are simply wrong. I will tell them that I and many others, Speaker PELOSI and many others, have tried very hard to get those votes. They weren't there.

It's partly because some of the people who are now lately to this fight weren't there helping us through the lobbying. But even if they were, we probably wouldn't be there yet because we have been later to this game, and we have a deeper hole to fill. I believe we will get it done.

Now, there is one argument, let me actually hit 2 arguments, that people will say as to why we shouldn't go ahead now. One, they say, well, you know what, it's strategic. The President is not going to sign the bill anyway. Why go ahead with sexual orientation now without transgender?

But that argument is not being made honestly, because the argument is not that we shouldn't go ahead and pass the bill that George Bush would veto. The position taken by the various groups that want us to kill the gay rights bill now, because we do not have the votes to include transgender, are people who say to us, never pass the bill, even if you get a Democratic President who would sign it in 2009, and you get a House and Senate majority ready to pass it in early 2009, do not protect millions of people in this country against discrimination based on sexual orientation until you can protect everybody now unprotected.

I don't think that's morally a valid position, but let's be fair. It's not a tactical issue about whether you do it now or then. It's do you ever do it.

One other argument we get is, well, if you pass a sexual orientation, antidiscrimination law, you won't be protecting even gay and lesbian people, because people will then be able to fire gay men on the grounds that they are effeminate, not that they are gay. They will fire lesbians for being too masculine and that will take away the protection.

In fact, many States in this country still have laws that protect only against sexual orientation, including New York State, which passed it a few years ago with the strong support of many of the people who now tell us that Congress dare not do what New York did. How people think we are going to get more votes, we are going to get more votes for a better bill in America than they got only in New York, I don't understand, if they really think that the United States is a more favorable theater for these kinds of rights than New York.

But I have challenged people to give me one case in which in a State which protects only against sexual orientation, and most States had that originally and it was that way in many States for a while and it's still that way in a lot of other States, is there 1 case where a person was fired because of her sexual orientation, and that firing was upheld in the teeth of the law that said you couldn't do that because she was too masculine?

☐ 2145

There are no such cases.

And I asked Lambda Legal which may decide to give me a case. They have the one case that they allude to. They don't give the citation often because it is so clearly not supportive of that position. It's Dawson against Bumble & Bumble. No, that was not out of Dickens. Dawson against Bumble & Bumble is a case from the State of New York. Its cite is 398 F.3d 211. And what the three-judge panel says here affirming a district court judge is very simple. The woman who brought the claim wasn't able to show that she was discriminated against on any ground. In fact, the argument was, you know, you didn't have transgender protection in the New York State law; that's why she was fired. It was mostly a case about title 7 of the federal law, which doesn't even mention sexual orientation, and much of the case comes up with her trying to get sexual orientation into it. But in fact, as the judges point out, let me read what the three-judge court said, and this is a claim from Lambda Legal, that this shows that you could fire a lesbian on the grounds of her being too mannish because she didn't have gender identity protection. Listen to who fired her. The district court found it to be particularly significant that Connie Voines, the manager of the salon and the individual who ultimately decided to terminate Dawson, is a "presurgery male to female transsexual who, at the time of the events in question, was transitioning from appearing male to appearing female." She was fired by a transsexual. How in the world would having sexual gender identification protection have kept her from being fired by a transsexual? She was fired because she was a lousy haircutter. I don't say that negatively about her. I'd be a pretty lousy haircutter. But that's why she was fired. Dawson's performance was erratic. Sometimes she performed well, other times she did not. Over time, her performance and the educational program declined until it was unacceptable.

Now, she does say with regard to New York State law, the Federal law doesn't even have sexual orientation in it, so it's totally irrelevant. Under New York State law, which has only sexual orientation, she did say that, yes, it was a problem because a couple of people had made remarks to her about being a dyke. You know what the Court found? That they didn't fire her; that the people who insulted her had no power to fire anybody. She was fired, this woman, in a place that was about 50 percent gay and lesbian, by the way. The notion that this was a pretext for getting rid of gays and lesbians, it was a hair salon. This wasn't the backfield of the New York Jets. It was a place where most, half the people were themselves openly gay and lesbian, and she was fired by a transsexual. And they say that this shows that a sexual orientation law doesn't mean anything.

It's sad to see a legal organization for which I have respect making that kind of an argument because what they're doing is they are loading the gun against us. Because I will tell you this: If in a future case, anybody fired a gay man and said "Well, I didn't fire him because he was gay; I just fired him because he was too effeminate" in a State which had a sexual orientation law, if someone tried to cite this case as an argument for firing that person, Lambda Legal would say "Of course not; you've misread it." Please don't distort the case now for rhetorical purposes when you may be putting this weapon in. Fortunately, this case is so completely off the point, a woman was fired for being a bad haircutter by a transsexual, and we're told, "Oh, if there was only gender identification protection, this wouldn't have happened." That's not good argument. What people really believe is, and it's not tactical. He's not going to sign it. It is not this principle. Do not pass a law that protects some people until you can protect everybody. Now that's a valid argument. I think it is terribly wrong. I also believe, by the way, from the standpoint of protecting people who are transgender, and as I've said I've listed my comments in favor of inclusion of people who are transgendered. I think I've got as good a record on this as others. And by the way, in listing what I've done on behalf of helping transgender people win, I will cite some of the arguments that people have taken issue with because I have told them how hard it's going to be. Yeah. A lot of people have been yessing people to death. And a lot of people, both in the gay and lesbian community and the broader advocacy community, and here in the Congress, people don't like to say no to people. You know, we Caucasians get all ethnocentric. We impute to people of Asian descent an unwillingness to be unpleasant face to face. Most people don't like to be unpleasant face to face. Most people tend to shade things. They tend to, you know, one of the things you learn here if you're in the whip organization, if you're counting, please discount by a very significant percentage what people say to you because that's a natural human tendency.

And I remember once when I was in high school reading, the New York Times had an article about a Member from the Midwest who was very angry at a New York Member of Congress. He said, you know, "You told me you were going to vote with me and you didn't. You broke your word to me." And he said, "What do you mean? I never told you that." And he said, "Well, I asked you if you were going to vote with me and you said, 'Yeah, yeah.'" And the guy said, "Don't you know that in New York 'yeah, yeah' means no?" I mean, often that's where we are. That's the issue.

So again, there is a central issue here. Do you withhold protection from millions of people who live in States where they are now unprotected from discrimination based on sexual orientation? We had the case of a lesbian who was fired by Cracker Barrel who was a lesbian in the State of Georgia. They don't have a law. I think that's the morally flawed position. I reject the notion that when I want to extend protection to millions of people. And I want to go back. Am I protecting myself? Not anymore. Sure, there was a time when I was vulnerable. I'm now chairman of the Financial Services Committee. I really am very unlikely to be discriminated against. This is not a personal thing with me. But I remember what it was like to be young and gay and worried about the job. I know what it's like today when I talk to young people who are afraid, not in Massachusetts, not in California, not in Wisconsin, not in a lot of the States that have the law, but in many States that don't have the law there are people who are afraid. And again, we are being told by a very strongly motivated group, and it's not don't do it now because he's going to veto it. It's not don't do it for tactical reasons. It is very clear in what they say. Never pass a law that will protect people against discrimination because they are gay or lesbian or bisexual in their employment unless you pass a law that covers people who are transgender as well. My view is that we should try very hard to extend it to people who are transgender. I want to do that. But if I can't do everything, I don't want to be told to do nothing, because that is a way never to do anything.

And by the way, even Martin Luther King understood that. In 1964, the Civil Rights Act covers race, but it didn't cover all subjects. It didn't cover housing, didn't cover voting rights. And we've had people who said don't pass ENDA. It doesn't include everything, doesn't include housing, etc., etc. Well, neither did the 1964 Civil Rights Act. When we voted to protect people in the American Disabilities Act, we, in fact, protected people who had AIDS and people who are HIV positive. But we didn't protect people who weren't. That was a distinction among gay men. If you can show me that by helping some people I am making other people worse, then I won't go forward.

But there's a great concept in economics, there used to be. Maybe they changed it. They changed a lot of things since I studied it. It was called pareto optimality. Pareto Optimality meant, named for the sociologist Vilifredo Pareto, pareto optimality recognized, being sensible people, that you can never make everything better at once. Pareto optimality is if you make some things better and nothing worse. And that, by the way, is considered an unattainable ideal in economics. To be able to make some things better and nothing worse is unattainable. To make everything better and leave nothing behind is unthinkable. It's beyond unattainable. And I think we are at pareto optimality when we say to millions of gay men and lesbians, blue-collar workers, young people, other people who live in the majority of American States where they're not now protected against discrimination, we will protect you. And I wish we could protect people who're transgender.

And by the way, from my standpoint, there are three options now. We could go forward with the bill that included people with transgender. That would lose. I am convinced it would lose. We've looked and worked hard on this. And I'm someone who's been an advocate. The Speaker's been an advocate. Chairman MILLER, the gentleman from California, the Chair of the Committee on Education and Labor, the gentleman from New Jersey (Mr. ANDREWS), advocates who said they were trying. We don't have the votes for it. It is not, in my judgment, in the interest of succeeding ultimately and including people who are transgender in this protection to have them lose by 50 or 60 votes today. And I started to say this before. What will happen is this: They will lose. We know that. And once they've lost, people who were ready to support them will say, you know what, they're losing anyway. I think I'd better not vote for them, because what's the point of taking a hit when it's not going to be of any use.

So we could go forward with the vote and have them lose and maybe lose the whole bill because of procedural maneuvering, or we could let the whole bill die and people say what message are you sending the country if you protect against sexual orientation and not transgender? Well, my view is the message we are sending is we are at a point in our fight against prejudice where we have made these gains but not those gains, and we will consolidate the gains we made and move forward.

And the alternative is, the Democrats took over the House and they have the Speaker from San Francisco and they've got a chairman who's gay and they've got all these other people who tell gay and lesbian people they're friends, and they couldn't even pass a bill to protect people. What message does that send to gay and lesbian people in all those States who are not now protected? So I think we should go forward. Do the best we can.

Now, I said we're going to lose. I hope I'm wrong. After we did our count and found that we didn't have the votes, all of a sudden, the cavalry mounted up. But they're coming from a long distance. I have been pleading with people in the gay and lesbian and bisexual and transgender communities to lobby for us. Instead, they want to strategize, many of them. Some, no. Some have done a very good job. But many of them weren't there. And now they have announced, in the last couple of weeks, and they asked for a postponement. The Speaker correctly said sure, take a couple of weeks. It's hard to do that in a couple of weeks. Maybe they can turn it around. I will say this, Mr. Speaker, if at some point it looks like our count is turned around, I don't expect it to, but I hope it does, and we have the votes to include transgender, I'll be for that vote being taken. But I doubt very much that people will be able to undo months and years of inaction and of talking only to each other and not doing the hard lobbying within a couple of weeks.

So I will say this. If a week from now we've reached a point after this delay that was granted to advocacy groups where we have, as we did before, have the votes to protect millions of currently unprotected people against a form of job discrimination, but not everybody who's being discriminated against, then I say it's immoral not to go forward. And again, I understand that we may not get the bill passed this year. But I understand also that what we're debating this year is a proxy for when we do have the votes to get this passed, because we will be told whenever we are in this situation, and I don't think we're going to turn this around in a year. I wish we could. But if we have a President ready to sign the bill and a majority ready to pass it, we will again be told, no, you may not. You may not protect millions of people against discrimination because they're gay or lesbian or bisexual until you can also protect people with transgender. I have to say to my transgender friends, why would you want to say that? Why would you want to say until you can protect me, don't protect anybody else? I've never said that. I never said don't protect people against racism until you can protect me against homophobia. Don't protect some people against ethnic discrimination until you can protect other people because they're lesbians. That's just not the way we'll get there. We have got to get there working together.

And in fact, the best way to improve is this, there are irrational fears about what will happen if we pass a bill protecting against sexual orientation. You know what's odd? There are people who think the real fight in this world is whether or not we can include transgender. They kind of take for granted that we can pass sexual orientation. The fact that we are on the verge of passing a bill to protect people against discrimination based on sexual orientation is a wonderful breakthrough in this country. We've been fighting for it for over 30 years. A year ago, when we were trying to fend off a right-wing effort to ban same-sex marriage in Massachusetts and retroactively cancel the marriages of thousands of people, I don't think people were confident that we would be on the verge of passing a sexual orientation antidiscrimination bill. That's a wonderful moment as we make advance after advance in civil rights. And I will not allow people without my dissenting to turn that great breakthrough into some mark of weakness.

It's a great thing to be able to go forward, and it's also the prerequisite for going even beyond that, because if we are able to establish in 2009 antidiscrimination protections based on sexual orientation, within a year we will have alleviated many of the fears. We always have excessive fears about antidiscrimination. People always think antidiscrimination measures will cause chaos when they don't. And once we have done that, it will be easier to add people who are transgender rather than to say we're never going to do anything until we can do everything. That is not the way legislation has ever worked. That is not the way social advance has ever worked.

Now the question then is, and I think this is worth pondering in my closing minutes here. How did we get to the point, we certainly weren't there a year ago, where an announcement by a Speaker who has spent so much of her life fighting against prejudice, her announcement that she will bring to the floor a bill in which we will get a majority in the United States House of Representatives which would ban in the entire country discrimination based on sexual orientation, how did that get transmogrified in the minds of I believe only a few people, but a few very vigorous people? How did that become a bad thing? How did one of the great advances in civil rights protection since the Civil Rights Act of 1964 get labeled as somehow a sellout? And here's the problem. And it is a problem both parties face, and in some ways, this issue, do we go forward with a bill achieving a decades-long goal of for the first time getting either House to vote to ban sexual orientation discrimination, something gay and lesbian people have been fighting for a long time? And I do suspect there are some people who it's precisely because we're on the verge of victory that they decided they better not think it's such a good idea, because they are vested in the notion that we'll never win and that we must always be fighting.

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But how do we reach the point where this is a negative in the minds of some? Well, here is the problem, and it is a problem, as I said, for both parties. It is how do you relate, those of us who hold positions of responsibility who have been elected by broad majorities and given a responsibility to govern, to govern in pursuit of our values? I'm not here as some neutral administrator. I am here because I have a set of values. I have a set of views about what I want this society to look like. And I'm here to try to move this society in that direction. And I do that as part of a broad coalition, and included in that coalition are some people who are fiercely motivated.

Now, this is the issue: Does a political party say to its most militant, committed, ideologically driven believers in purity that they have a veto over what the party does? And I say that procedurally because substantively I agree with them. I have spoken on this floor and in committee for including people of transgender. I have argued that with my colleagues in private. I have argued that with the Democratic Caucus. But I also believe that I have a broader set of responsibilities than to any one group and my job is to advance the moral values that I came here to advance as far and as fast as I can and not voluntarily to withhold an advance because it doesn't meet somebody's view of perfection. And the question is, how do we relate to those people? And it has become an increasing problem for both parties.

Frankly, until recently I have felt that one of the advantages we Democrats have had over our Republican colleagues is that we were more willing to be responsible, less susceptible to the most committed minority of our party having a veto. I think from the days of Terri Schiavo and before and since, the Republican Party has suffered from that. I don't want the Democratic Party to suffer from it. Not because I want to protect the Democratic Party as an end in itself, but because the Democratic Party is the means by which these values I care about are most likely to be advanced.

And let me talk about this ideological faction that we have. There are some characteristics that they have that I think led them to this profoundly mistaken view that the greatest single advance we can make in civil rights in many, many years would somehow be a bad thing because it would only include millions of people and leave some hundreds of thousands out. And I want to include those hundreds of thousands. I have done more to try to include them than many of the people who say we should kill the whole thing, but I don't understand how killing the whole thing advances that.

But here are some of the characteristics: first of all, they tend to talk excessively to each other. One of the things when you are in this body is you talk to people all over the country. You talk to Members of Congress from every State. And I have this with people who can't understand why I am not introducing legislation to impeach the President and the Vice President, and I find that this is a characteristic that these are people who do not know what the majority thinks, who do not understand the depths of disagreement with their positions on some issues. And that doesn't mean a majority that says George Bush is wonderful. That isn't there anymore, but a majority who would be skeptical of impeachment.

But let me get back to this. There are people who talk excessively to each other. They don't know people of other views.

There is another characteristic of these people who are so dedicated. They do not have allies. You can take an elected official who has been with one of these groups day after day for years, but let that individual once disagree, and it's a betrayal. It's a failure of moral will. And lest anyone think I am here being defensive about myself, let me be very clear: I will be running for reelection again. The likelihood that I will be defeated by someone who claims that I am insufficiently dedicated to protecting people from discrimination based on sexual orientation seems to me quite slender. I am not worried about my own situation, and let me also say that I have said that my colleagues suffer sometimes from the unwillingness to tell people bad news. It has been suggested that I may suffer from the opposite direction. It's not that I like telling people bad news, but I do think that you should when you have to.

I am not worried about myself, but here is what I'm worried about: I am worried about people from more vulnerable districts because not only do people talk only to themselves and not understand the differences that exist and not accept anybody's bona fides ever, that they will turn on anybody the first time there is an honest disagreement, but there is also the single-issue nature. That is, there are people who say, okay, you know what, I don't care about your survival to fight for any other issue.

Let me put it this way: There are people who say to me, wait a minute, when you say you don't want to take a vote on transgender because it might lose and it would be politically difficult, you are letting politics enter into it. Let me make a very blanket statement here in the first place for those who want to live in America or France or England or anywhere else. If you want a decision to be made without any regard to politics, do not ask 535 politicians to make it. That's called democracy when you like it; it's called politics when you don't.

But here is the issue: There are people in this Chamber who come from districts much tougher to win in than mine, districts which I could never have won. And I treasure their being here because they help us on the children's health program, on raising the minimum wage, on defending civil liberties and fighting racism, and, hopefully, in getting us out of the war in Iraq. Yes, I do take into account the likelihood that my colleagues with whom I agree on so many issues might be jeopardized in a fight that we are going to lose anyway.

And, by the way, I say to my gay and lesbian friends, there are people here who voted with us against a constitutional amendment that would have retroactively wiped out marriages in Massachusetts. They are ready to vote with us to get rid of the ban on gays in the military when we get a President who will sign that. They voted with us on hate crimes. They are ready to vote with us to ban discrimination based on sexual orientation, which we have cared about for so long. They are ready to do other things that will be helpful to us.

I will not abide by people telling me that I have to totally disregard my interest in their continuing to be here on every single issue, and that's the problem with the single issue. You are willing to disregard progress on any other issue. So to demand 100 percent on the one issue and to scorn people giving 90 percent and to say I don't care whether they win or lose when they are with us on so many other issues, that is irresponsibility.

And I say this is a moment of truth for the Democratic Party. I wish it weren't the case. I apologize to my colleagues. It is awkward for me here. I have been pressing people for years. And, again, I want to stress a bill that bans discrimination and employment based on sexual orientation will be, I believe, the biggest single advance in fighting prejudice in many years, certainly since the American Disabilities Act; maybe since, in numbers, the Civil Rights Act of 1964. And I know that is a tough vote for some people to cast. And I have got people saying, I don't care if it's a tough vote to cast. If they are not also willing to do it for transgender, then they are my enemy and I don't want it to go forward.

I am sure of this, Mr. Speaker: I have been here 27 years, and the longer I get here, the less I know about everything else than what is here. My mind is not expansive enough to do much when the day is over. So I think I know a lot about this place and increasingly little about everything else. What I am sure about this place is this: If we listen to the most dedicated, most zealous believers in purity and kill this bill that would be such a great advance in civil rights, we will be a long time in getting back to anything. People who think that if they are successful in killing this one and in attacking people and demonizing people who want to deliver, as part of a movement, this big advance that they will then be able to get more than that live in Oz, in not only a fantasy world but a nonexistent fantasy world and a dream. It simply will not happen.

Let me close, Mr. Speaker. I am a great believer in free speech. I often am one of only two or three Members voting against telling people they can't read this or say that or look at such and such on the Internet. If I was inclined to ban forms of expression, it wouldn't have much to do with sex. I would make it a misdemeanor to use pragmatism and idealism as if they were opposing views. And that's what we have here. People say, well, you're going to be pragmatic and pass a bill that protects millions of people against discrimination based on sexual orientation, but, me, I am an idealist. I am for no bill at all because if I can't protect everybody, I don't want to protect anybody.

Let me put it to you this way, Mr. Speaker: Of course you should start with ideals. You don't belong in this line of work making rules that other people have to abide by unless you are motivated by a genuine idealism about how the world should be. But the more committed you are to your ideals, the more you are morally obligated to be pragmatic about achieving them. What good are your ideals if they're never achieved and all they do is make you feel pure?

If we kill the gay rights bill this year and set back for some time to come the possibility of going after any of these forms of discrimination, there will be people who will be very proud of themselves. See, I didn't let those politicians compromise. I didn't let those politicians settle not for half a loaf but for about 85, 90 percent of a loaf. I insisted on absolute solidarity and absolute purity, and I feel much better about it.

And they probably will. But millions of people will be worse off because they will have been denied by this preference for purity a real legal protection.

Mr. Speaker, I filed a bill in 1972, in December, and my former colleague Jim Segel here who was with me as one of the few supporters of that, and we pushed for that. My colleague, the gentleman from Massachusetts (Mr. MARKEY), was one as well. We pushed for that. For 35 years I have been trying very hard to protect people against discrimination, and the people who are the victims of discrimination, they tend to be the most vulnerable people in places where there is the most hostility. And we are on the verge in winning in the House of Representatives an extraordinary historic victory, the passage of a bill banning discrimination based on sexual orientation. And people say don't do that because you can't protect everybody.

I should add, Mr. Speaker, I talk a lot to gay people, gay men and lesbians. I find the view that we should not do anything until we can do everything very much in the minority. I understand the passion of those who are in organizational positions. But, you know, we talk about politics here. There are politics in organizations too. There are people who I have privately discussed this with who have said, yes, we wish you would go ahead, but I can't say that. I can't stand up against this organizational consensus.

Well, idealism by itself is going to be pretty fruitless, and idealism that is empowered by pragmatism is the way in which we make progress, and that is what we are called upon to do here. And so I am asking my colleagues, Democratic and Republican because there is bipartisan support for this, please do not be dissuaded by those who say do nothing until you can do everything. Look at the history of civil rights. Look at the fact that we helped one group here, we dealt with a certain form of discrimination there.

Even here, by the way, we are talking about employment discrimination. We are not talking about marriage here. There was an effort to try to put civil unions and partner benefits in the bill. It was a mistake. We'd get rid of it or it would kill the whole bill.

I do not believe that the majority of gay men and lesbians in this country want to take the position that nothing shall be done to enhance legal protection against the prejudice from which they suffer until we can do the job perfectly. I also believe that from the standpoint of including people who are transgender, for which I have and will continue to work, we will not accomplish that nearly as quickly. Maybe in 50 years it will all get done. I'll be dead; so tell me anything. I won't be able to argue with you.

But in the interim, we will get there much more quickly if we continue to follow the sensible strategy of working with allies, of accepting support that is overwhelming but not complete, of understanding political reality, of moving forward, of alleviating some fears by taking some partial steps. We are a lot likelier to get there.

So we have 2 choices today: We can say until we are able to do everything, we are going to abandon this effort; and I believe the consequences of that will be profoundly negative for any effort to revive this. People will say, wait a minute, those are the people who tell me not to do that. God knows what they're going to ask me for the next time. For 30 years they told me they wanted this. Now when I want to give them this, no, that's not good enough. They want that. I can't go through this again.

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Or, we can take one of the biggest steps forward in the anti-discrimination march, in the march to make the American Constitution's wonderful principles fully applicable with everybody, we can take a major step forward on that issue. And having done that, we will be, in my judgment, better able to take the next step. That is the choice. And I hope, both for the substance, and for giving people a lesson in responsible governance in defense and in advancement of our values, my colleagues, especially on this side, but in the whole House, will opt for sensible and real progress that serves the interests of the majority and rejects the counsel of those who say that, absent perfection, we should leave everything as it was.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BEAN (at the request of Mr. HOYER) for today and October 10.

Ms. BORDALLO (at the request of Mr. HOYER) for today and until 3 p.m. on October 10 on account of official business in the district.

Mr. HODES (at the request of Mr. HOYER) for today on account of travel problems.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and October 10 on account of a family emergency.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and October 10 on account of illness.

Mr. REICHERT (at the request of Mr. BOEHNER) for today and October 10 on account of personal reasons.

Mr. WAMP (at the request of Mr. BOEHNER) for today on account of a family commitment.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. KNOLLENBERG (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family health reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 15 and 16.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and October 10.

Mr. JONES of North Carolina, for 5 minutes, October 15 and 16.

Ms. FOXX, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), pursuant to House Resolution 717, the House adjourned until tomorrow, Wednesday, October 10, 2007, at 10 a.m., as a further mark of respect to the memory of the late Honorable JO ANN DAVIS of Virginia.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KENNETH A. KRAFT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 8 AND AUG. 10, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kenneth A. Kraft	8/7	8/10	France		1,367.00						1,367.00
Committee total					1,367.00						1,367.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KENNETH A. KRAFT, Sept. 18, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENT ARIAN ASSEMBLY SPRING MEETING IN MADEIRA, PORTUGAL; FOLLOWED BY BILATERAL MEETINGS IN LISBON, PORTUGAL, TUNIS, TUNISIA, AND RABAT, MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED MAY 24 AND JUNE 3, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Tanner	5/25	5/30	Protugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Paul Gillmor	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. John Boozman	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Ben Chandler	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Jo Ann Emerson	5/28	5/30	Portugal		304.00		[3] 3,517.61				4,713.51
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/7	Morocco		593.90		(3)				
Hon. Baron Hill	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Kendrick Meek	5/25	5/30	Portugal		667.00		[3] 3,665.08				4,481.08
	5/30	5/31	Tunisia		149.00		[3] 3,665.08				
Hon. Charlie Melancon	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Dennis Moore	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Ralph Regula	5/25	5/27	Portugal		242.00		[3] 4,475.91				4,717.91
Hon. John Shimkus	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Thomas Tancredo	5/25	5/30	Portugal		667.00		[3] 4,853.87				5,520.87
Hon. Ellen Tauscher	5/25	5/30	Portugal		667.00		[3] 4,754.00				5,421.00
Hon. Melissa Adamson	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Kathy Becker	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Hon. Paul Gallis	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Gene Gurevich	5/25	5/30	Portugal		515.00		[3] 5,159.38				5,674.38
Marilyn Owen	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Patrick Stephenson	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Mark Wellman	5/25	5/30	Portugal		667.00		(3)				1,558.90
	5/30	6/1	Tunisia		298.00		(3)				
	6/1	6/3	Morocco		593.90		(3)				
Delegation Expenses:											
Representational Functions									13,426.42		13,426.42
Miscellaneous									362.00		362.00
Committee total					25,927.50		26,425.85		13,788.42		66,141.77

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOHN S. TANNER, Chairman, Sept. 21, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EGYPT, LEBANON, ISRAEL, LIBERIA AND SENEGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 3, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Price	5/25	5/30	Egypt, Lebanon, Israel, Liberia		2,331.00		9,551.00				11,882.00
Hon. Nick Rahall	5/25	5/30	Egypt, Lebanon		683.00		2,871.00				3,554.00
Hon. Jeff Fortenberry	5/25	6/3	Egypt, Lebanon, Israel, Liberia		2,331.00		9,551.00				11,882.00
Hon. Gwen Moore	5/25	6/3	Egypt, Lebanon, Israel, Liberia		2,331.00		9,259.00				11,590.00
John Lis	5/25	6/3	Egypt, Lebanon, Israel, Liberia		2,331.00		9,551.00				11,882.00
Tommy Ross	5/25	6/3	Egypt, Lebanon, Israel, Liberia		2,331.00		9,551.00				11,882.00
Rachael Leman	5/25	6/3	Egypt, Lebanon, Israel, Liberia		2,331.00		9,551.00				11,882.00
	5/26	5/28	Egypt						954.00		954.00
	5/28	5/29	Lebanon						10,768.00		10,768.00
	5/29	5/31	Israel						2,125.00		2,125.00
	5/31	6/2	Liberia						7,275.00		7,275.00
	6/2	6/3	Senegal				708.00		1,708.00		2,416.00
Committee total					14,669.00		60,593.00		22,830.00		98,092.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID E. PRICE, Chairman, Sept. 13, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MONGOLIA, INDONESIA, PAPUA, NEW GUINEA, AND FIJI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 29 AND JULY 10, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Donald Payne	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Hon. David Dreier	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Hon. James Moran	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Hon. Jeff Miller	7/1	7/9	Mongolia		545.00		5,991.00				6,536.00
Hon. Mazie Hirono	7/4	7/9	Mongolia		545.00		4,089.00				4,634.00
John Lis	7/1	7/4	Mongolia, Indonesia, PN		1,442.00						1,442.00
Tommy Ross	7/1	7/4	Mongolia, Indonesia, PN		1,442.00						1,442.00
Rachael Leman	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Brad Smith	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Joe Stivers	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
Nkechi Mbanu	7/1	7/9	Mongolia, Indonesia, PN		1,442.00						1,442.00
	7/1	7/9	Mongolia						8,692.00		8,692.00
	7/4	7/4	Indonesia						18,583.00		18,583.00
	7/7	7/8	Papua New Guinea						3,977.00		3,977.00
	7/8	7/9	Fiji						19,623.00		19,623.00
Committee total					14,068.00		10,080.00		50,875.00		75,023.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD M. PAYNE, Chairman, Sept. 25, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ICELAND, UKRAINE, AND THE NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 19 AND AUG. 26, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James E. Clyburn	8/19	8/21	Iceland		1,128.00		([3])				1,128.00
Hon. James E. Clyburn	8/21	8/23	Ukraine		692.00		([3])				692.00
Hon. James E. Clyburn	8/23	8/26	Netherlands		1,251.00		([3])				1,251.00
Committee total											3,071.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES E. CLYBURN, Chairman, Sept. 26, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO AND COLOMBIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 20 AND AUG. 23, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Roy Blunt	8/20	8/21	Mexico		145.00		1,507.10		155.00		1,807.10
Brian Diffell	8/20	8/21	Mexico		145.00		1,507.10		155.00		1,807.10
Hon. Roy Blunt	8/21	8/23	Columbia		750.00		1,507.10				2,257.10
Brian Diffell	8/21	8/23	Columbia		750.00		1,507.10				2,257.10
Committee total					1,790.00		86,048.40		8,310.00		8,148.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, Sept. 24, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jean Schmidt	5/27	5/29	Kuwait		371.00						371.00
Hon. Jean Schmidt	5/29	5/31	Pakistan		578.00						578.00
Hon. Jean Schmidt	5/31	5/31	Iraq								
Hon. Jean Schmidt	5/31	6/1	Afghanistan		25.00		9,055.53				9,080.53
Hon. Jean Schmidt	6/1	6/3	Panama		598.00						598.00
Hon. Jean Schmidt	6/3	6/5	Colombia		512.00		2,004.76				2,516.76
Hon. Earl Pomeroy	6/6	6/11	Mali		757.00		9,201.47				9,958.47
Committee total					2,841.00		20,261.76				23,102.76

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

COLLIN C. PETERSON, Chairman, Aug. 24, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donna Christensen [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Henry Cuellar [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.90
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Al Green [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Sheila Jackson Lee [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Dan Lungren [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Eleanor Holmes Norton [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Bill Pascrell [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Mike Rogers [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Bennie G. Thompson [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Mandy Bowers [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Todd Gee [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Denise Krepp [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Todd Levett [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Robert O'Connor [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Alison Rosso [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Michael Russell [4]	4/10	4/11	Mexico		295.00		(3)		50.00		345.00
	4/11	4/12	Honduras		173.00		(3)		50.00		223.00
	4/12	4/12	BVI				60.00				60.00
Hon. Yvette Clarke	4/13	4/15	Grenada		832.00		(3)				832.00
Hon. Loretta Sanchez	5/26	5/29	Italy		717.00		8,751.22				9,468.22
	5/30	5/31	UK		544.00						544.00
Committee total					9,581.00		9,711.22				20,892.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Please note that the $50 other expenditure had not been authorized by the Committee but was instead a clerical error resolved at the State Department.

BENNIE G. THOMPSON, Chairman, Sept. 24, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 19 AND JULY 23, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kevin W. Fitzpatrick	7/20	7/20	Serbia		914.00						914.00
			Bosnia		417.58						417.58
			Croatia		81.63						81.63
									[3] – 414.79		
Committee Total											1,413.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused (Returned).

NYDIA M. VELÁZQUEZ, Chairwoman, Aug. 27, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3656. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerance [EPA-HQ-OPP-2006-0191; FRL-8149-5] received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3657. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerance [EPA-HQ-OPP-2007-0106; FRL-8147-8] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3658. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8126-5] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3659. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amitraz; Atrazone; Ethephon, Ferbam, Lindane, Propachlor, and Simazine; Tolerance Actions [EPA-HQ-OPP-2007-0187; FRL-8147-5] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3660. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chloroneb, Cypermethrin, Methidathion, Nitrapyrin, Oxyfluoren, Pirimiphos-methyl, Sulfosate, Tebuthiuron, Thiabendazole, Thidiazuron, and Tribuphos; Tolerance Actions [EPA-HQ-OPP-2007-0036; FRL-81432] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3661. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Desmedipham; Pesticide Tolerance [EPA-HQ-OPP-2006-0297; FRL-8146-8] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3662. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2007-0539; FRL-8147-3] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3663. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact [EPA-HQ-OPP-2003-0090; FRL-8469-8] (RIN: 2060-AO05) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3664. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Open Burning Regulation [EPA-R03-OAR-2007-0450 FRL-8469-4] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3665. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List [EPA-HQ-SFUND-2007-0072] (RIN: 2050-AD75) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3666. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Manufacturing (Import) Exemption [EPA-HQ-OPPT-2005-0042; FRL-8143-4] (RIN: 2070-AB20) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3667. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2006-0898; FRL-8135-8] (RIN: 2070-AB27) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3668. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Requirements for Expanded Definition of Byproduct Material (RIN: 3150-AH84) received September 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3669. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 20075-017, Requirement to Purchase Approved Authentication Products and Services [FAC 2005-19; FAR Case 2005-017; Item IV; Docket 2006-0020; Sequence 6] (RIN: 9000-AK53) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3670. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-012, Combating Trafficking in Persons (Revised Interim Rule) [FAC 2005-19; FAR Case 2005-012; Item V; Docket 2006-0020; Sequence 1] (RIN: 9000-AK31) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3671. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-038, Emergency Acquisitions [FAC 2005-19; FAR Case 2005-038; Item VI; Docket 2006-0020; Sequence 5] (RIN: 9000-AK50) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3672. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2004-017, Small Business Credit for Alaska Native Corporations and Indian Tribes [FAC 2005-19; FAR Case 2004-017; Item VII; Docket 2007-001; Sequence 6] (RIN: 9000-AK18) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3673. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status for 15 Freshwater Mussels, 1 Freshwater Snail, and 5 Fishes in the Lower French Broad River and in the Lower Holston River, Tennessee (RIN: 1018-AU01) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2474. A bill to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act; with an amendment (Rept. 110–364). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1721. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes; with an amendment (Rept. 110–365). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1699. A bill to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; with an amendment (Rept. 110–366). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 814. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; with an amendment (Rept. 110–367). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 719. Resolution providing for consideration of the bill (H.R. 3056) to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes (Rept. 110–368). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 720. Resolution providing for consideration of the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families (Rept. 110-369). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. REYES, Mr. NADLER, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Ms. HOOLEY, Mrs. CHRISTENSEN, and Mr. RODRIGUEZ):

H.R. 3773. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. KUCINICH, Ms. NORTON, Mr. CUMMINGS, Mr. CLAY, Mr. LYNCH, Mr. SARBANES, and Mr. GONZALEZ):

H.R. 3774. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON:

H.R. 3775. A bill to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness; to the Committee on Science and Technology.

By Mr. GORDON:

H.R. 3776. A bill to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution; to the Committee on Science and Technology.

By Ms. BEAN (for herself and Mr. NEUGEBAUER):

H.R. 3777. A bill to temporarily raise the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, prime loans, to preserve liquidity in the mortgage lending markets, and for other purposes; to the Committee on Financial Services.

By Mr. CHABOT:

H.R. 3778. A bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. FORBES, and Mr. PEARCE):

H.R. 3779. A bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates; to the Committee on House Administration.

By Mr. EDWARDS (for himself, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. ELLISON, Mr. ETHERIDGE, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, and Mr. MCHUGH):

H.R. 3780. A bill to amend the Higher Education Act of 1965 to require a State to charge in-State tuition rates to active-duty members of the Armed Forces domiciled or stationed on active duty in that State and to the dependents of such members; to the Committee on Education and Labor.

By Mr. HILL (for himself, Mr. SHIMKUS, Ms. VELÁZQUEZ, Mr. HULSHOF, Ms. HERSETH SANDLIN, Mr. GRAVES, Mr. BRALEY of Iowa, Mr. PETERSON of Minnesota, Mr. BOSWELL, and Mr. CLEAVER):

H.R. 3781. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Mr. TIERNEY, Ms. SCHAKOWSKY, Ms. WATSON, and Mr. NADLER):

H.R. 3782. A bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3783. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when such content is less than 0.5 gram; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 3784. A bill to amend title XVIII of the Social Security Act to improve the quality of care in skilled nursing facilities under the Medicare Program through requiring the reporting of expenditures for nursing; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. OBERSTAR, and Mr. BURTON of Indiana):

H.R. 3785. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. FRANK of Massachusetts, Mr. BERRY, Mr. GORDON, Mr. SPRATT, and Mr. BRADY of Pennsylvania):

H.R. 3786. A bill to amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders; to the Committee on Veterans' Affairs.

By Mr. MCHUGH (for himself and Mr. ARCURI):

H.R. 3787. A bill to require that the Secretary of the Interior hold at least one public hearing in the surrounding community where land requested to be taken into trust for an Indian tribe is located in order to ascertain the needs and interests of that surrounding community; to the Committee on Natural Resources.

By Mrs. MYRICK:

H.R. 3788. A bill to ensure that no Federal law shall prevent the Tuscarora Nation of Indians of the Carolinas from seeking Federal recognition as an Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. POE:

H.R. 3789. A bill to amend title 18, United States Code, to prohibit certain disclosures of cell phone numbers; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. SAXTON, Mr. GILCHREST, Mr. FARR, Mr. ALLEN, and Mr. BROWN of South Carolina):

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that the United States should seek a review of compliance by all nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendations for Atlantic bluefin tuna and other species, and should pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and for other purposes; to the Committee on Natural Resources.

By Mr. LANGEVIN (for himself, Mr. MCCAUL of Texas, Mr. WU, Mr. GINGREY, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. GORDON, and Mr. HALL of Texas):

H. Res. 716. A resolution expressing the sense of Congress with respect raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Science and Technology.

By Mr. WOLF:

H. Res. 717. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Jo Ann Davis, a Representative of the Commonwealth of Virginia; considered and agreed to.

By Ms. SCHAKOWSKY (for herself, Ms. BALDWIN, Ms. BORDALLO, Mr. GRIJALVA, Mr. MCNULTY, Mr. UPTON, Mr. MARKEY, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Mr. MATHESON, and Mr. YARMUTH):

H. Res. 718. A resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week, recognizing the importance to the United States of residents of long-term care facilities, including senior citizens and individuals living with disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. HINOJOSA, Mr. BECERRA, Mr. GRIJALVA, Mr. SERRANO, Mr. BACA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. PASTOR, Ms. VELÁZQUEZ, and Mr. WU):

H. Res. 721. A resolution recognizing the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools, and for other purposes;; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 3790) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mrs. MALONEY of New York.

H.R. 25: Mr. LAMBORN.

H.R. 138: Mr. HALL of Texas and Mr. WESTMORELAND.

H.R. 154: Mr. FERGUSON.

H.R. 507: Mr. ANDREWS.

H.R. 522: Mr. LYNCH.

H.R. 676: Mr. LYNCH.

H.R. 721: Mr. SULLIVAN.

H.R. 729: Mr. ISRAEL.

H.R. 758: Mr. ORTIZ and Mr. WALSH of New York.

H.R. 871: Mr. DAVIS of Alabama and Mr. GRIJALVA.

H.R. 891: Ms. SHEA-PORTER and Mr. COURTNEY.

H.R. 1023: Mr. CARDOZA, Mr. JONES of North Carolina, Mr. CARTER, Mr. SHIMKUS, Mr. CANTOR, and Mr. PETERSON of Minnesota.

H.R. 1076: Mr. DEAL of Georgia and Ms. BERKLEY.

H.R. 1077: Ms. ROS-LEHTINEN.

H.R. 1110: Mr. MANZULLO and Mrs. GILLIBRAND.

H.R. 1134: Mr. KLEIN of Florida and Mr. WALSH of New York.

H.R. 1188: Mr. NADLER.

H.R. 1222: Mr. PICKERING.

H.R. 1223: Mr. PICKERING.

H.R. 1248: Mr. BISHOP of New York.

H.R. 1261: Mr. SULLIVAN.

H.R. 1267: Mr. HOLDEN.

H.R. 1293: Mr. UPTON and Ms. SCHWARTZ.

H.R. 1346: Ms. CLARKE.

H.R. 1357: Mr. WEINER and Mr. UPTON.

H.R. 1394: Mr. JINDAL.

H.R. 1439: Mr. VAN HOLLEN.

H.R. 1474: Mr. NEUGEBAUER, Mr. ENGEL, Ms. NORTON, Mr. MEEK of Florida, Mr. HASTINGS of Washington, Mr. AL GREEN of Texas, Mr. RUPPERSBERGER, Mr. BUYER, Mr. KUHL of New York, and Ms. WASSERMAN SCHULTZ.

H.R. 1524: Mr. BERMAN.

H.R. 1537: Ms. CLARKE and Mr. VAN HOLLEN.

H.R. 1539: Mr. DANIEL E. LUNGREN of California.

H.R. 1540: Mr. RYAN of Ohio.

H.R. 1589: Mr. HOLT, Mr. SMITH of Washington, Mr. TIERNEY, and Mr. CARTER.

H.R. 1596: Mr. TERRY.

H.R. 1609: Mr. ACKERMAN, Mr. BACA, Mr. BERMAN, Mr. BOSWELL, Mr. CARDOZA, Mr. CLAY, Mr. COSTELLO, Mr. DELAHUNT, Ms. DELAURO, Mr. GONZALEZ, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mrs. NAPOLITANO, Ms. SLAUGHTER, Mr. TIERNEY, Mr. THOMPSON of California, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WYNN, Mr. HONDA, Mr. DICKS, Mr. COBLE, and Mr. CALVERT.

H.R. 1621: Mr. HASTINGS of Florida, Mr. DEAL of Georgia, and Mrs. MCCARTHY of New York.

H.R. 1721: Mr. BURGESS and Mr. DELAHUNT.

H.R. 1738: Mr. SHAYS.

H.R. 1783: Mr. KIRK and Mr. JEFFERSON.

H.R. 1843: Mr. HODES.

H.R. 1921: Mrs. CHRISTENSEN.

H.R. 1927: Ms. KILPATRICK, Mr. PETERSON of Minnesota, and Mr. MICHAUD.

H.R. 1971: Mr. PASCRELL.

H.R. 1983: Mr. ARCURI.

H.R. 2160: Mrs. LOWEY.

H.R. 2169: Ms. JACKSON-LEE of Texas, Ms. SHEA-PORTER, and Mr. LYNCH.

H.R. 2188: Mr. HASTINGS of Florida.

H.R. 2262: Mr. UDALL of New Mexico, Mr. COURTNEY, Ms. ESHOO, Mr. KENNEDY, and Ms. CORRINE BROWN of Florida.

H.R. 2266: Mr. ORTIZ and Mr. HINCHEY.

H.R. 2303: Mr. FILNER.

H.R. 2332: Mr. BROWN of South Carolina, Mr. PLATTS, Mr. KNOLLENBERG, and Mr. DAVIS of Illinois.

H.R. 2353: Mrs. BOYDA of Kansas.

H.R. 2376: Mr. FORBES and Mr. COBLE.

H.R. 2406: Mr. GINGREY and Mr. LIPINSKI.

H.R. 2464: Mr. KUHL of New York, Mr. BISHOP of Utah, and Ms. BORDALLO.

H.R. 2510: Mr. CONAWAY.

H.R. 2677: Mr. DEFAZIO.

H.R. 2758: Ms. CORRINE BROWN of Florida.

H.R. 2820: Ms. BERKLEY.

H.R. 2827: Mr. SPACE, Mr. KING of Iowa, and Mrs. EMERSON.

H.R. 2878: Mr. ORTIZ and Mr. ISSA.

H.R. 2915: Mr. RUSH, Mrs. BOYDA of Kansas, Mr. FILNER, Mr. COHEN, Mr. FARR, Mr. THOMPSON of Mississippi, Mr. SNYDER, and Mr. GRIJALVA.

H.R. 2930: Mr. BACA.

H.R. 2942: Mr. HOLDEN, Mr. WALSH of New York, and Mr. KAGEN.

H.R. 3005: Mr. MCNULTY and Ms. VELÁZQUEZ.

H.R. 3033: Ms. ZOE LOFGREN of California.

H.R. 3058: Mr. ALEXANDER, Mr. WALDEN of Oregon, Mr. LARSEN of Washington, and Mr. BOUCHER.

H.R. 3099: Mr. CONYERS.

H.R. 3115: Mr. STARK.

H.R. 3140: Mr. JINDAL, Mr. HOLDEN, and Ms. MCCOLLUM of Minnesota.

H.R. 3175: Mr. JACKSON of Illinois and Mr. PASTOR.

H.R. 3189: Mr. HONDA.

H.R. 3251: Mr. HOEKSTRA.

H.R. 3327: Mrs. CAPPS and Mr. PRICE of North Carolina.

H.R. 3330: Mr. SPACE.

H.R. 3339: Mr. DAVIS of Illinois, Mrs. MALONEY of New York, and Mr. MCCOTTER.

H.R. 3357: Mr. BOSWELL, Mr. UDALL of Colorado, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLAY, and Mr. ROSS.

H.R. 3378: Mr. BISHOP of Georgia, Mr. MCGOVERN, and Ms. LEE.

H.R. 3393: Mr. JOHNSON of Georgia, Mrs. BOYDA of Kansas, and Mr. FILNER.

H.R. 3397: Mr. STARK, Mr. HASTINGS of Florida, Ms. CLARKE, Ms. MCCOLLUM of Minnesota, and Mr. GRIJALVA.

H.R. 3404: Mr. HOLDEN and Ms. BERKLEY.

H.R. 3414: Mr. OBERSTAR and Mr. BISHOP of Utah.

H.R. 3416: Mr. BLUMENAUER.

H.R. 3429: Mr. SHIMKUS.

H.R. 3448: Ms. SHEA-PORTER.

H.R. 3452: Mr. MILLER of Florida.

H.R. 3457: Mr. SAM JOHNSON of Texas, Mr. CRAMER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BEAN, Mr. CAPUANO, Mr. MANZULLO, Mr. BUTTERFIELD, and Mr. KIND.

H.R. 3480: Mr. CALVERT, Mr. GONZALEZ, and Mr. FORTENBERRY.

H.R. 3494: Mr. FORTENBERRY.

H.R. 3512: Mrs. CHRISTENSEN.

H.R. 3533: Mrs. JONES of Ohio and Mr. EMANUEL.

H.R. 3543: Mr. SIRES.

H.R. 3544: Mr. TIERNEY, Ms. HOOLEY, Mr. LINCOLN DAVIS of Tennessee, Ms. CORRINE BROWN of Florida, and Mr. ROTHMAN.

H.R. 3558: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3585: Mr. RUSH.

H.R. 3605: Ms. CARSON.

H.R. 3630: Mr. PAUL.

H.R. 3639: Mr. HONDA.

H.R. 3650: Mr. SAXTON, Mr. KUHL of New York, Mr. MCCOTTER, Mr. LAMBORN, Mr. WAMP, and Mr. BROWN of South Carolina.

H.R. 3652: Mr. AL GREEN of Texas.

H.R. 3654: Mr. ISRAEL, Mr. MORAN of Virginia, and Mr. COBLE.

H.R. 3662: Mr. TIERNEY.

H.R. 3757: Mr. EMANUEL.

H. Con. Res. 122: Mr. SALAZAR, Mr. HALL of New York, and Mr. MURTHA.

H. Con. Res. 218: Mr. LAMBORN, Mr. DAVIS of Kentucky, and Mr. TANCREDO.

H. Con. Res. 223: Mr. KILDEE.

H. Con. Res. 224: Mr. TOM DAVIS of Virginia.

H. Res. 111: Mr. BUTTERFIELD, Mr. WELDON of Florida, Ms. HOOLEY, and Ms. KAPTUR.

H. Res. 231: Mrs. WILSON of New Mexico.

H. Res. 237: Mr. ELLISON, Ms. HOOLEY, and Ms. BERKLEY.

H. Res. 245: Mr. HONDA, Mr. FALEOMAVAEGA, Ms. LEE, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mrs. MALONEY of New York, Mr. BERMAN, Mr. ACKERMAN, Mrs. CHRISTENSEN, and Ms. CLARKE.

H. Res. 282: Mr. CALVERT and Mr. PETRI.

H. Res. 310: Mr. SCOTT of Georgia.

H. Res. 356: Mr. HODES, Mr. LEVIN, and Mr. TOM DAVIS of Virginia.

H. Res. 448: Mr. CARNEY, Mr. WEINER, Ms. SOLIS, and Mr. COSTA.

H. Res. 499: Mr. SHADEGG, Mr. LATHAM, and Mr. LINDER.

H. Res. 542: Mr. CARTER, Mr. WILSON of South Carolina, Mr. HAYES, Mr. MILLER of Florida, and Mr. SAXTON.

H. Res. 556: Mr. MCCOTTER, Mr. SKELTON, Mrs. EMERSON, Mr. BLUNT, and Mr. FORTUÑO.

H. Res. 573: Mr. GRIJALVA and Ms. DELAURO.

H. Res. 576: Mr. THORNBERRY.

H. Res. 618: Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. SHAYS, Ms. NORTON, Ms. ZOE LOFGREN of California, and Mr. WEXLER.

H. Res. 620: Mr. WEINER, Mr. COURTNEY, and Ms. ROS-LEHTINEN.

H. Res. 684: Ms. BALDWIN, Mr. MOORE of Kansas, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY.

H. Res. 689: Mr. MILLER of North Carolina.

H. Res. 693: Mr. CROWLEY, Mr. SHERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BERRY, Mr. CARDOZA, Ms. CLARKE, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. EMANUEL, Mr. GORDON, Mr. HARE, Mr. ISRAEL, Ms. KAPTUR, Mr. KENNEDY, Mr. LANTOS, Mr. MEEKS of New York, Mr. NADLER, Mr. PALLONE, Mr. RANGEL, Mr. REGULA, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Ms. CORRINE BROWN of Florida.

H. Res. 700: Mr. MELANCON, Mrs. BLACKBURN, Mr. WAMP, and Mr. GORDON.

H. Res. 709: Mr. MCCAUL of Texas, Mr. EDWARDS, Mr. GOHMERT, Mr. PAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. LAMPSON, and Mr. SMITH of Texas.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts, or a designee, to H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. CUELLAR.

EXTENSIONS OF REMARKS

RECOGNIZING AARON PAUL GOTZON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Paul Gotzon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and in earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many Scout activities. Over the many years Aaron has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Paul Gotzon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF MELVIN BELL LANE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. FARR. Madam Speaker, I rise today to honor the memory of a remarkable citizen, Mr. Melvin Bell Lane, who passed away in July at the age of 85. Mel and his brother Bill helped define Western living with their publications "Sunset" magazine and Sunset books. Mel was also well known as a philanthropist and was one of California's most prominent conservation leaders.

Mel Lane was born in Iowa, where his father sold advertising for "Better Homes and Gardens" magazine. When Mel was 6 years old, his family moved to California, where his father bought the 30-year-old "Sunset" magazine. It was then the on-board tourist magazine for the Southern Pacific Railroad's Sunset Limited.

During World War II, Mel and Bill both served in the Navy. After the war, the brothers went to work for the magazine, eventually becoming co-owners. Under their direction, "Sunset" magazine and its books on food, gardening, travel, and do-it-yourself became standards of the industry. It was said that "Sunset's Western Garden Book" was the most revered of its many publications, with well-thumbed copies found in nearly every nursery in the State.

In 1965, California Governor Pat Brown appointed Mel to be the first chairman of the newly created San Francisco Bay Conservation and Development Commission. This agency was successful in stopping developers from filling in the bay and paving over the wetlands. Later, Governor Ronald Reagan named him to be the first chairman of the California Coastal Commission, and Governor Jerry Brown re-appointed him. His attitude was that a healthy environment was crucial to a healthy economy. "As soon as business tightens up, not only do we drop environmental controls but as a shot to the economy we drill for more oil and cut down trees," he said. "These are a rip-off of the environment that can't be done indefinitely, so it's poor business."

When Ronald Reagan was elected President, he asked Mel to come to Washington to direct the U.S. Environmental Protection Agency, but Mel was not one who enjoyed being in the public eye, and he declined. Mel also cofounded the Peninsula Open Space Trust, preserving nearly 60,000 acres to expand State and local parks.

Mel graduated from Stanford University in 1944, and as a trustee from 1981 to 1991, he was a strong supporter of the humanities and creative writing, and of course for environmental research and teaching. Following the Loma Prieta earthquake of 1989, he worked to restore the damage that had been done to the campus, especially to the Memorial Church.

He is survived by his wife of 54 years, Joan Fletcher Lane; daughters Whitney Miller and Julie Lane Gay; his brother, L.W. "Bill" Lane; and 4 grandchildren.

Madam Speaker, I had the great pleasure of knowing Melvin Lane when he and my father worked together on the California Coastal Commission. He was a smart businessman, a dedicated environmentalist, well known yet humble; a man who always said "Make my speech shorter." He had that unique ability to inspire confidence and loyalty from people with opposite points of view. He will be sorely missed.

CONGRATULATING WILLIAM BRUCE ORR

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mrs. CAPITO. Madam Speaker, I rise today to extend congratulations to William Bruce Orr, who recently accomplished the highest rank in Boy Scouting, becoming an Eagle Scout on October 14, 2007. He is a member of Boy Scout Troop 142, Mannhoac District, located in Leetown, West Virginia.

William helped improve one of America's recreational treasures, the Appalachian Trail. He constructed a tent pad along the trail at the Rod Hollow site in northern Virginia. He and others carried lumber and tools from the base of the trail to the top of the mountain where the site is located. His tent pad structure will provide hikers with shelter for years to come.

Jeremiah was home schooled in Jefferson County and was a 2007 recipient of the Promise Scholarship. He is currently a freshman at Shepherd University.

I am proud to recognize William Bruce Orr for achieving the high honor of the Eagle Scout. Jefferson County and the State of West Virginia are fortunate to have him as a leader and a volunteer in his community.

CELEBRATING THE 10TH ANNIVERSARY OF PRIDE—PERSONAL RESPONSIBILITY IN A DESIRABLE ENVIRONMENT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. ROGERS of Kentucky. Madam Speaker, the Appalachian Mountains, the Cumberland Lake and River, and red bud trees are just some of the natural assets that make southern and eastern Kentucky one of the most special places in the world. For many years, however, people who visited here could not say it was very special because what they saw were dumps, trash, litter, and filthy water.

These problems, which emerged over decades, were largely due to inadequate infrastructure for handling ever-growing amounts of solid waste and wastewater. And we had to do something about this problem, or else there would be no hope of ever having a clean environment or growing the economy.

In the summer of 1997, the region's elected officials gathered to face these problems including a key State official—the late General James E. Bickford, the former secretary of Kentucky's environmental department. They presented a battle plan for declaring "war against pollution" in the region. Their vision was to encourage citizens to take responsibility for protecting their environment and provide the education and resources needed to do so. Their campaign would promote PRIDE, or "Personal Responsibility in a Desirable Environment."

PRIDE has 10 years under its belt and now is a good time to remember why this initiative is essential to moving our region forward. People understand these days that a clean environment goes hand-in-hand with a healthy, vibrant economy.

Our region's religious, civic and elected leaders look for ways to leverage what makes us special—whether that is our mountain heritage, red-bud trees, scenic highways, or our pristine rivers. Our region will sell itself as long as we continue to show the world what makes us special. There is nothing special about trash and pollution. No matter how nice a place is, nobody wants to visit places that are polluted and littered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

First impressions count. When people see a natural area or town square for the first time, what makes a real impact is how clean a place is. For too long, the first impression people had in our area was empty bottles and fast food wrappers strewn along the highway, or in some cases—abandoned appliances, automobiles, and junk in an otherwise pristine natural setting.

For those of us who live here, we don't want to live among trash and pollution. Our region has turned the corner. We left behind the southern and eastern Kentucky of the past—one with stagnant economic growth and net outflow of people. We turned it into a region for the future—one where business opens its doors and people move in. Simply cleaning up a place invites people to stay.

PRIDE has produced great benefits to the environment. With modern wastewater treatment systems, there is no excuse anymore to dump raw sewage into our creeks and rivers. PRIDE's sweeping efforts to install modern treatment systems enabled our waterways to thrive with plant and animal life again. No longer do we have open sewers moving through our mountains.

What I like best about PRIDE is the spirit of volunteerism behind it. People caused this litter and pollution problem and now people are fixing it. It is an amazing thing to watch what happens when a community pulls together towards a common purpose. Ten years ago there were skeptics and doubters. Today, many statistics clearly show PRIDE's progress over the last 10 years.

Theodore Roosevelt understood the need to protect our natural resources and a short sentence he once said sums up so well the spirit of PRIDE today: "Believe you can and you're halfway there."

What a legacy we have built. There are now 27,907 homes with access to sanitary wastewater treatment. Nearly 2,500 illegal dumps have been eliminated and 500,000 bags of trash have been collected. And the hard work of 238,000 volunteers made this happen.

When we look back 10 years hence, we will see even more progress—a region of the country that is free of the pollution and trash that held it back. On this 10-year anniversary, we remember the PRIDE volunteers and community leaders who believed we could.

IN HONOR OF JOAN AND BOB RECHNITZ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor Joan and Bob Rechnitz's contributions to the arts. This generous couple founded the Two River Theater Company providing the New Jersey community a place to experience the joys of theater.

Bob and Joan Rechnitz share a love for the theater. In 1994, the couple saw the opportunity to provide a home for Monmouth County's first professional regional theater in 30 years. After performing in different venues, in 2005, the Two River Theater Company opened a new, state of the art play house. The theater today provides an intimate space for 350 people to enjoy many fine performances.

Mr. Rechnitz serves as executive producer of the Two River Theater Company. He directs numerous plays including True West, A View from a Bridge, and The Glass Menagerie. Mr. Rechnitz was also nominated Best Director of a Comedy for the Curse of the Starving Class by Newark, New Jersey's Star Ledger newspaper.

After 13 seasons, New Jersey residents have benefited from the theater's diverse and stimulating array of performances and educational programs. In 2006, the Two River Theater was named Theater of the Year by the Star Ledger newspaper. From producing plays by George Bernard Shaw to providing a venue for Bruce Springsteen performances, the Two River Theater has achieved Mr. and Mrs. Rechnitz's vision of a thriving and dynamic community theater company.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating Joan and Bob Rechnitz. Through their cultural and artistic contributions, the Two River Theater Company has become an integral part of the New Jersey community.

RECOGNIZING LEE MICHAEL CARPENTER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Lee Michael Carpenter, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and in earning the most prestigious award of Eagle Scout.

Lee has been very active with his troop, participating in many Scout activities. Over the many years Lee has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Lee Michael Carpenter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF SAN BENITO COUNTY COUNCIL #2890

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. FARR. Madam Speaker, I rise today to congratulate San Benito County Council #2890 of the League of United Latin American Citizens, or LULAC, on its 20th anniversary. LULAC is the largest and oldest Latino national membership organization in the United States. This chapter was formed on October 17, 1987, and was the first Latino civil rights organization in San Benito County.

Since its formation, San Benito County LULAC has encouraged its membership to uphold and defend the rights of the Latino community, and serves as a circle of community influence and support. It promotes voter participation by encouraging the Latino community to register to vote, to participate in the electoral process, and to defend their voting rights against violations. The chapter encourages and supports San Benito County agencies and government bodies, ensuring that the Latino population has a voice that represents their needs and concerns.

San Benito County LULAC formed a Youth Council on October 5, 1989. It encourages youth participation in community and educational opportunities and has provided scholarship grants to over 140 students totaling $136,000. They also formed a young adult council on February 10, 2000, whose local members attend colleges and universities throughout California. The chapter also served as the home State council for the local State director and State youth president.

LULAC believes that education is the foundation for the cultural growth and development of every community member. It organizes student conferences and retreats for youth development and leadership training. For the past eight years, this chapter has sponsored the after school Young Readers Program at the former Fremont School and Ladd Lane School, enabling over 240 first through third grade students and their parents to develop strong reading habits.

Madam Speaker, I commend San Benito County LULAC on its many accomplishments. Its exemplary record of civic involvement and extended support to the residents of this community personifies the very best of community involvement. I congratulate them on the 20th anniversary of their chapter's founding and invite all citizens of the county to celebrate their accomplishments.

HONORING ENERGY CORPORATION OF AMERICA

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor the Energy Corporation of America for implementing one of the Nation's most successful employee health and wellness programs.

Energy Corporation of America, with operations in the Kanawha Valley, is being honored by the Wellness Council of America as the recipient of the Platinum Well Workplace Award. Already an honoree of the Gold Well Workplace award, the company had to undergo rigorous requirements and an extensive application process to be considered. Since its inception in 2001, only 21 organizations in the Nation have received the Platinum Well Workplace Award.

The corporation's unique approach to its employees and their well-being serves as a model for other organizations to follow. Compared to the national average, only 30 percent of wellness initiatives are met by employees and the ECA has 95 percent participation from both employees and their spouses. They participate in an annual health screening and health risk appraisal, and then meet with a health coach who outlines an annual regimen with many resources to guide them with their yearly health and wellness goals. Employees and their spouses receive an annual bonus as an extra incentive to meet their fitness goals.

The success of this program is most evident in the health and well-being of Energy Corporation of America's employees and the unprecedented success of the company's ability to contain its healthcare cost since the early 1990's. In a state and in a nation where the health of its citizens is constantly under criticism, it is my privilege to recognize the Energy Corporation of America, which serves as a model of success for the implementation of a health and wellness program for its employees.

I am honored to recognize the Energy Corporation of America for the Platinum Well Workplace Award. It is an honor to serve a company in West Virginia's Second Congressional District whose health and well-being of its employees is its top priority.

CELEBRATING THE 35TH ANNIVERSARY OF OUTDOOR VENTURES CORPORATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I want to pay tribute to a company helping our people here at home, our troops at war, and the community in which they are based.

For decades, companies in my Fifth Congressional District were primarily logging and coal mining. Many still are, and their employees are very hard workers, and these are worthy industries on which our Nation relies. However, after the trees are harvested and the coal is mined, these companies go elsewhere and with them our employment opportunities. So it's not surprising that people over the years packed up and moved to places like Michigan, Ohio, and Indiana in search of a career and a future. I was one of those people.

One of the things we're trying to do in our district is attract companies that don't depend on our natural resources, but rather employ our hard workers and innovate and improve their products so that they can compete anywhere in the world. We could fix all of mankind's problems, and it won't mean a thing if people don't have a place to work. Good companies make good communities.

I want to recognize one such company, Outdoor Ventures Corporation, which this year celebrates its 35th anniversary and is located in Stearns, KY.

Outdoor Ventures Corporation's 180 employees make specialized tents for the military. For our troops overseas, those tents are home. Like most products these days, what sounds simple is not. These tents require precision engineering and manufacturing techniques perfected over 3 decades.

Company President J.C. Egnew's dedication to civic life goes far beyond business, however. In his hometown community he was instrumental in creating its first public park, the first library and expanding our local community college. And, he keeps a tourist attraction going strong—the Big South Fork Scenic Railway, where visitors can take a 16-mile round trip ride on the 100-year-old Kentucky and Tennessee Railway.

I am proud to have this company in my district. And, I'm proud to know, Mr. J.C. Egnew who runs it. His company is built to last and our community is a better place to live as a result.

IN HONOR OF THE DRIFTERS, INC.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor and recognize the services of The Drifters, Inc.

This organization was founded in Texas in 1954 to enhance the universal image of womanhood and serve as role models to women everywhere. The Drifters have chapters in 31 States in the United States. They have continued to provide for the youth and senior citizens within our society.

The Drifters reach out to educational institutions by awarding scholarships to local area high school students. Every year the Drifters choose one university to give scholarship money to promising students. They devote their time and energy during the holidays by delivering gift baskets to the underserved. Amongst the numerous charitable events, the women of the Drifters are actively involved with aiding the homeless and battered women.

Madam Speaker, I hope my colleagues will join me in expressing sincere appreciation to the Drifters. These women work hard to provide for future generations and empower individuals throughout the United States.

RECOGNIZING MATTHEW McEWEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew McEwen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1220, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew McEwen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE SPORTS CAR RACING ASSOCIATION OF THE MONTEREY PENINSULA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. FARR. Madam Speaker, I rise today to celebrate the 50th anniversary of the Sports Car Racing Association of the Monterey Peninsula, or SCRAMP. SCRAMP held its inaugural race on November 10, 1957. For 50 years, the Sports Car Racing Association of the Monterey Peninsula has worked to establish Laguna Seca as one of the premier road racing venues in the world. Unlike the operators at other tracks, SCRAMP is a non-profit volunteer organization. As such, they can make donations to the community, but cannot accept donations. Consequently, the Laguna Seca Raceway Fund was established as a 501(c)(3) to be the fundraising arm of the track. SCRAMP has invested more than $20 million in the Monterey County-owned facility over the last 5 years, part of an ongoing effort to keep the track positioned as one of the world's finest road courses.

SCRAMP presents 5 world class motorsports events each year: the U.S. Sports Car Invitational, the Red Bull U.S. Grand Prix, the Monterey Historic Automobile Races, the AMA Superbike Race, and the Monterey Sports Car Championship. These events bring hundreds of thousands of visitors to Monterey County. The financial impact on the community is significant, estimated at 1 million dollars annually. SCRAMP itself donates hundreds of thousands of dollars of its proceeds each year to civic and charitable organizations that volunteer at events held at the track, a major source of revenue for these organizations.

Mazda became the title sponsor of the venue in 2001 and it was renamed Mazda Raceway Laguna Seca. The new sponsorship is a major contributor in realizing the continuing vision for improving the raceway, making it more beautiful, functional, and safe.

Madam Speaker, I know my colleagues will all join me in offering congratulations and encouragement for this fine organization on their golden anniversary.

HONORING BURKE FEASTER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor Burke Feaster for his 30 years of service and leadership to the Boy Scouts of America.

Burke has been active as a troop master and scoutmaster since the fall of 1977. Over the past 3 decades, Burke has been involved as a leader of Pack 33 sponsored by New

Street United Methodist Church in Shepherdstown, WV. Through his guidance, many Cub Scouts and Boy Scouts have gone on to make the rank of Eagle Scout. During his years of service, Burke has seen 24 young men make the rank of Eagle Scout, which is 3 times the national average for Scout troops.

For his years of dedicated service, Burke has received numerous awards including the prestigious Silver Beaver Award by the Shenandoah Council, the District Award of Merit, Scout Master and Cub Master of the year of the Potomac District, and the Mannahoac Award. His church which sponsors Pack 33 awarded him the United Methodist Cross and Flame Award.

Burke lives in Shepherdstown with his wife, Carole who has also volunteered for many years with the Boy Scouts of America. They have two sons, Burke, Jr., and Shawn who were both former Scouts and later volunteers. Burke and his wife currently reside in Shepherdstown, WV.

It is an honor to recognize Burke Feaster for his 30 years of involvement in one of America's proudest traditions for our youth, the Boy Scouts of America. The Mountain State is proud to call Burke one of our own.

INTRODUCTION OF NATIONAL CYBERSECURITY AWARENESS MONTH

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. LANGEVIN. Madam Speaker, I am pleased to introduce this resolution supporting the goals and ideals of National Cybersecurity Awareness Month.

Each year, the National Cyber Security Division, NCSD, of the Department of Homeland Security, DHS, joins with the National Cyber Security Alliance, NCSA, the Multi-State Information Sharing and Analysis Center, MS–ISAC, and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cyber-crime incidents.

It would be dangerous to believe, however, that simple steps by end users will sufficiently combat the larger threats associated with a growing networked society. As Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held a number of hearings this year on our Nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. Cybersecurity vulnerabilities can significantly impact our national and economic security. This issue has been largely ignored and misunderstood for too long. The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done.

I thank my colleagues for cosponsoring this resolution, and look forward to working with them on these critical issues in the future.

WELCOMEING THE TROOPS BACK HOME

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. COSTA. Madam Speaker, I rise today to recognize the aviators and sailors from Strike Fighter Squadron VFA 14 and VFA 41 along with the Fleet Readiness Center West Sea Detachment Personnel and the staff of the Carrier Air Wing 11, all of Naval Air Station, Lemoore in my district in California who returned home safely this past weekend after a 6-month deployment aboard the USS *Nimitz* in Afghanistan and Iraq. In addition to combat operations in Afghanistan and Iraq, these units participated in Exercises Valiant Shield and Malabar. In all, a total of over 550 sailors from Naval Air Station Lemoore deployed.

Successful deployments depend not only on military skills, but also on support from three important groups; families, employers and the community. The community of Lemoore is extremely proud of its servicemembers and hosted a grand welcome home celebration on base to greet the pilots and sailors. Anxiously, children, spouses, parents, aunts, uncles, and friends all waited for their loved ones to arrive.

It is happy homecomings like this that remind me of how proud I am to represent the 20th Congressional District and remind all of us why we live in a free country. These men and women have made great sacrifices in defending our freedom. Therefore, I am pleased to extend a warm welcome home to these fine men and women from NAS Lemoore and very proud to recognize their dedicated service.

THE INTRODUCTION OF THE RESTORE ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. CONYERS. Madam Speaker, I'm proud, to join with Intelligence Committee Chairman REYES today in introducing legislation that will give our intelligence community needed tools to combat foreign threats while preserving civil liberties. Making sure that surveillance activities protect freedom as well as security is critical to waging an effective fight against terrorism.

The RESTORE Act extends the ability of the Government to acquire communications of persons abroad for the purpose of terrorism and other national security threats. Earlier this year, in the Protect America Act, PAA, amendments were made to the long-standing consensus approach set forth in the Foreign Intelligence Surveillance Act, FISA. Responding to what the administration characterized as pressing concerns, the PAA gave the Government enhanced flexibility to collect foreign intelligence information. But the broad scope of the authority and procedures that allowed the Government to collect this information without up-front court approval raised grave concerns about the need for more safeguards of innocent Americans' communications. The RESTORE Act improves upon the PAA by providing a series of checks and balances while still allowing maximum flexibility. It limits the Government's authority to what the Director of National Intelligence told us he needed—a means to acquire information from telecommunications companies about physical threats to the Nation in which the target is overseas. The RESTORE Act does not require individual warrants when persons reasonably believed to be abroad, but it is firm that a FISA warrant is required to obtain communications of people in the United States. The RESTORE Act settles that FISA is the exclusive means of electronic surveillance, and that no modifications can be made without express statutory authorization. The RESTORE Act will also provide additional resources for the National Security Agency and Department of Justice to ensure that there are no backlogs of critical intelligence gathering.

Congressional oversight and full knowledge about surveillance activities is critical in ensuring the Nation's safety. Both the Judiciary and Intelligence Committees need access to court orders, Presidential authorizations, and details of and legal justifications for past wiretapping efforts. The RESTORE Act provides for audits and congressional reports of surveillance programs past, present, and future. Through these reports and audits, with nonclassified aspects where appropriate, Members of Congress and the public will have the opportunity to assess whether the program works as designed. Chairman REYES and I are committed to vigorous oversight, constant dialogue, and statutory improvements as needed to meet our duty to ensure safety and liberty for all.

The administration has continued to deny us the information that Congress is entitled to and which is necessary for a full understanding of the issues at stake. Nevertheless, I believe this legislation will allow us to move forward and respond to the concerns of the administration. This bill will require that information be made available to us and give the Congress the opportunity to assess these procedures and the program on the basis of a complete record. The RESTORE Act's important audit and reporting provisions are essential for when the program will sunset in 2009. At that time, with a new Congress, a new President, and the results of these provisions, we will again strive to provide additional protections for the rights of Americans. For this is an ongoing responsibility that all of us in Congress are working toward—a foreign intelligence gathering system that is effective and flexible, yet bound by procedure and law.

CONGRATULATING REV. LOUIS S. GARBACIK FOR BEING NAMED "GUEST OF HONOR" BY THE GREATER HAZLETON AREA POLONAISE SOCIETY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to pay tribute to Rev. Louis S. Garbacik, pastor emeritus of St. Stanislaus Roman Catholic Church in Hazleton, Luzerne County, Pennsylvania, who will be the guest of honor at a celebration hosted by the Greater Hazleton Area Polonaise Society on Sunday, October 14, 2007.

Father Garbacik is being honored for his dedication and support of Polish tradition, heritage, and culture during his 53 years in the priesthood.

A son of Polish immigrants, Father Garbacik grew up in a loving home where his mother cared for the family while his father labored in the anthracite mines of northeastern Pennsylvania and also worked as a talented carpenter making and repairing violins.

Throughout his years as a parish priest, Father Garbacik has endeavored to educate his parishioners in the customs and traditions of Poland.

From numerous trips to the country of his ancestors, Father Garbacik has collected a variety of Polish artwork which he proudly displays in his church rectory and shares with all who express an interest.

Father Garbacik was honored when he met with the late Pope John Paul II, himself a native of Poland and the only non-Italian to hold the position of Pope since the 1520s.

Committed to teaching members of his parish about Polish spiritual traditions, Father Garbacik routinely shares with his flock information about Polish worship services rooted in his ancestral homeland.

A humble man who enjoys the love and devotion of his parishioners, Father Garbacik demonstrates through his own life the true meaning of Christian love which leaves those whose lives he touches inspired and comforted.

Madam Speaker, please join me in congratulating Father Louis Garbacik and the Greater Hazleton Area Polonaise Society which has recognized the value of Father Garbacik's ministry.

SUPPORTING THE CARIBBEAN AS ITS WORKFORCE BOOMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce the article, "Caribbean Call Centers Booming," published in New York CARIB News on September 19, 2007. The piece notes that American corporations are increasingly setting up centers in the Caribbean, breathing new life into the region's workforce and diversifying its economy.

A drop in communication costs has ushered in newfound competition, willing the area's island nations to extend tax incentives in search of business—and it's working. For those economies with the smallest populations, it's made a world of positive difference, injecting droves of new workers and reducing rampant unemployment.

CARIBBEAN CALL CENTERS BOOMING

CASTRIES.—In a global search for low-cost customer service, AOL considered call centers in India and other hotspots—then settled on the tiny island of St. Lucia.

In choosing the Caribbean island, AOL, a unit of Time Warner Inc., joined other U.S. companies that have made the region a new global hub for call centers.

Plunging communication costs, workers who relate easily to American customers and the region's famed hospitality are attracting American corporations, boosting the work force in the "nearshore" service industry in the Caribbean.

Jamaica is one of the leaders with about 14,000 employees in the sector. In the Dominican Republic, 18,000 agents, many of them bilingual, are handling calls in English and Spanish. Call centers dedicated to customer service have also opened in Barbados, Trinidad, and Dominica.

According to Robert Goodwin, the AOL manager who chose a call centre in St. Lucia, the islands all seem to be really positive as opposed to the surly attitudes you have in some of the other places. AOL still uses call centers in India and elsewhere for technical support and other services—taking advantage of that country's large numbers of workers with technical and advanced degrees.

But the Caribbean is becoming increasingly competitive in the call centre industry, with island governments offering tax and other incentives to lure companies to their shores.

Jamaica, for example, granted call centers "free zone" status that allows owners to repatriate 100 percent of their earnings tax-free. The Caribbean has taken only a tiny share of the market from still-hot India and the Philippines, but the impact is huge on islands with tiny populations. In Montego Bay; a resort area on Jamaica's north coast that accounts for about half the island's call centre jobs, developers have rapidly built thousands of concrete, single-family homes to accommodate the workers.

The industry owes much of its success to a telecommunications liberalization that began sweeping former British colonies in the Caribbean about six years ago. As new suppliers have challenged the monopoly of Britain-based Cable & Wireless PLC, lower prices allowed the region to compete.

The collections and call-centre firm KM2, which holds the AOL contract in St. Lucia, has opened a site in Barbados and, according to owner David Kreiss, the firm is looking to expand again as new telecoms install fiber optic cable.

The number of people working at Caribbean call centers has increased from 11,300 in 2002 to a current total of 55,000, with an annual economic impact of US$2.5 billion. Large American companies including Verizon, AT&T, Delta Air Lines, AIG and Nortel have used Caribbean call centers, while often keeping operations in Asia or elsewhere. While much of the profits go to U.S.-owned operators, the islands welcome the business to diversify their economies and counter high unemployment.

RECOGNIZING EMERGENCY NURSES WEEK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mrs. CAPPS. Madam Speaker, I rise today to recognize October 7 through October 13 as Emergency Nurses Week.

As a nurse for over 40 years and the cochair of the House Nursing Caucus, I have a longstanding commitment to the work nurses do and to highlight the impact they have on other important issues, such as homeland security preparedness efforts.

There are approximately 100,000 emergency nurses in the United States. Emergency nurses make a difference each day in peoples' lives, both within and beyond the traditional boundaries of the hospital emergency department. Working in areas such as critical care, research, technology, flight and ground transport and injury prevention, emergency nurses combine state-of-the-art skills with heartfelt compassion for those they serve.

Since 1989, the Emergency Nurses Association has celebrated the second Wednesday in October as Emergency Nurses Day, a day set aside to honor emergency nurses for their commitment to patient care. Starting in 2001, because 1 day is simply not enough to recognize all contributions made by emergency nurses, the Emergency Nurses Association expanded the celebration to devote an entire week to honoring emergency nursing.

This week is particularly important as evidenced by a survey conducted by the Emergency Nurses Association last year showing that 86 percent of emergency nurses had been victims of assault on the job at least once in the past 3 years. Nonetheless, a vast majority say they will continue to be emergency nurses in the years to come. This is a noble profession practiced by noble women and men and they deserve our recognition and thanks.

Emergency Nurses Day is Wednesday, October 10, and this year's theme, "Stepping into their lives when they need you the most" reflects the dedication of emergency nurses in the United States and around the world.

I would like to take this opportunity to commend the Emergency Nurses Association for its work to define the future of emergency nursing and emergency care. Founded in 1970, the Emergency Nurses Association serves as the voice of nearly 33,000 members and their patients.

Finally, Madam Speaker, I encourage all of our colleagues to help spread the word about the critical importance of nursing to our Nation's health care system. Also, I ask that my fellow colleagues join me and my cochair, Congressman STEVE LATOURETTE, in the work of the House Nursing Caucus.

I thank my colleagues for their attention to this important public health issue and again am pleased to recognize October 10 as Emergency Nurses Day and this week, October 7 through October 13, as Emergency Nurses Week.

SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE ACT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. DAVIS of Illinois. Madam Speaker, I am pleased that Senator DANIEL AKAKA will be joining me today in introducing the Senior Executive Service Diversity Assurance Act. The act addresses the extremely important issue of diversity in the Senior Executive Service, SES. Senator AKAKA and I plan to continue our collaboration in the future, introducing additional legislation that will make a difference in the lives of Federal employees.

Our introduction of the Senior Executive Service Diversity Assurance Act would not have been possible without the hard work of the African American Federal Executives Association, the National Association of Hispanic Federal Executives, the Asian American Government Executives Network, Federally Employed Women, Blacks in Government, and the Senior Executive Association. I applaud them for not only raising the lack of diversity in the SES as an issue but for devoting their time and energy to work with our subcommittees to rectify it.

The lack of diversity in the SES has been a longstanding concern of mine. As a first step toward doing something about it, I asked the Government Accountability Office, GAO, to investigate the situation. GAO subsequently issued 2 reports—in 2001 and 2003. Both reports documented a poorly diversified SES. The 2003 report was entitled "Senior Executive Service: Enhanced Agency Efforts Needed To Improve Diversity as the Senior Corps Turns Over" (GAO–03–34). As the title suggests, this report revealed that while there will be a large amount of turnover in the SES in the years ahead due to retirements and attrition, it will not result in greater racial diversity. While there are numerous minorities in the pipeline ready to be promoted, to few are being given the opportunity to advance. Well, you might ask, why not, and what can be done about it?

In 2003, I joined then Office of Personnel Management, OPM, Director Kay Cole James in announcing the creation of OPM's SES Candidate Development Program. This program was created to address the lack of minority representation in the SES. Yet last July, when I attended the program's first graduation ceremony and saw few minority graduates, I realized that much more had to be done to effectively change the racial and the gender make up of the SES.

Diversity is valuable because it can bring a wider variety of perspectives and approaches to policy development and implementation. Minorities and women need to be at the table contributing when strategic planning, problem solving and decision making is taking place. Our ideas and talents can help strengthen an organization and lead to the achievement of results. That is not really happening today. What I see as I visit Federal agencies is a senior level workforce that is not reflective of the diverse people we serve.

As chairman of the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I held a hearing in May of this year on diversity in the SES. It was after that hearing that I began to meet with the Federal minority groups represented here to effect change that would help diversify the SES. The subcommittee met extensively with these groups and what we heard was that it was not a lack of training, experience, or minorities in the feeder pool that caused the lack of diversity in the SES. What we heard was that there are flaws in the selection process, and that there is a lack of oversight and accountability when it comes to promoting and hiring minorities in the SES. The Senior Executive Service Diversity Assurance Act aims to fix all of that.

The act establishes SES evaluation panels that are charged with reviewing the qualifications of all candidates for career reserve vacancies. The evaluation panels must be a diverse group consisting of three members. One must be a member of a racial or ethnic group and one member must be a woman. The panel will forward the names of the most qualified candidates to the Executive Resource Board.

In addition, the act establishes the Senior Executive Service Resources Office, SESRO, within OPM. The purpose of the SESRO is to ensure that the Senior Executive Service is reflective of the Nation's diversity and to establish and maintain records, to the extent possible, on the race, ethnicity, gender and disabilities of employees in the SES. This bill aims to create an environment where diversity will flourish. And where it does not, Congress will have the tools and information to hold agencies accountable.

Diversity of gender, ethnicity, age and disability, as well as diversity of education, thinking, and experience are crucial if the Federal workforce is to mirror the communities we live in and serve. To stay competitive in an increasingly global economy and recruit the best and brightest workforce, diversity is an issue that we must pay close attention to. All Americans want to work for organizations where they have the opportunity to use their knowledge and skills, develop their careers and be promoted to the highest levels. The Senior Executive Service Diversity Assurance Act is going to give ethnic minorities and women that opportunity; an opportunity that does not broadly exist today.

Please see the attached Washington Post article dated October 5, 2007, entitled, "Bill Pushes Diversity Among Senior Executives."

(By Stephen Barr)

Legislation to promote diversity in the government's career executive ranks was introduced yesterday by the chairmen of the House and Senate federal workplace subcommittees.

Rep. Danny K. Davis (D-Ill.) and Sen. Daniel K. Akaka (D-Hawaii) said their bill would address the lack of diversity in the Senior Executive Service, the group of about 6,300 career executives who manage the day-to-day operations of the government.

The bill would establish a Senior Executive Service program office in the Office of Personnel Management. The proposed office would collect and maintain data on the race, ethnicity, gender and any disabilities of people who have been certified as qualified to serve in the SES.

The bill also would require federal agencies to establish SES evaluation panels to review the qualifications of applicants for SES jobs. Each panel would have three members. One must be a woman and one other a member of a racial or ethnic minority group.

"We are doing this really to try to bring about some improvement in the management of the Senior Executive Service and to enhance diversity," Akaka said.

Davis said "diversity is valuable because it can bring a wider variety of perspectives and approaches to policy development and implementation. Minorities and women need to be at the table to contribute when strategic planning, problem solving and decision making take place."

Davis added, "What I see as I visit federal agencies is a senior-level workforce that is not reflective of the diverse people we serve."

Reports by the Government Accountability Office show that "the numbers of women and minorities are low in the SES," Akaka said. Davis said the reports "documented a poorly diversified SES."

Of the 6,349 career SES members, the most recent GAO tally counted 325 African American men, 221 African American women, 164 Hispanic men and 65 Hispanic women.

That demographic profile of the SES, which was released in May, also showed there were 90 Asian-Pacific Islander men, 56 Asian-Pacific Islander women, 59 American Indian/Alaska native men and 27 American Indian/Alaska Native women.

The overwhelming majority of SES members were white—3,900 white men and 1,436 white women.

The GAO tally also included 6 as "unspecified."

Davis, an African American who represents a Chicago district, and Akaka, a Native Hawaiian, said they want the OPM to track the racial, ethnic and gender diversity of the SES because a significant number of federal executives will soon retire. The OPM estimates that 90 percent of federal executives will be eligible to retire over the next 10 years.

However, a GAO analysis in 2003 suggested that the projected turnover in the SES "will not result in greater racial diversity," Davis said. "While there are numerous minorities in the pipeline ready to be promoted, too few are being given the opportunity to advance."

Leaders of employee groups were on hand for yesterday's announcement to show support for the legislation.

They included William A. Brown Sr., president of the African American Federal Executives Association; Jose Osegueda, president of the National Association of Hispanic Federal Executives; Carson K. Eoyang, executive director of the Asian American Government Executives Network; Rhonda Trent, president of Federally Employed Women; and Darlene H. Young, president of Blacks in Government.

Carol A. Bonosaro, president of the Senior Executives Association, issued a statement in support of increasing diversity in the SES. Bonosaro, who was attending the funeral of a SES member, said her group was pleased to see the bill consolidates policy and program management of the SES at OPM.

An OPM spokeswoman said the administration is reviewing the Davis-Akaka proposal.

HONORING THE RETIREMENT OF JEANIE BELL WINSLOW

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mrs. Jeanie Bell Winslow on the occasion of her retirement after 40 years of dedicated public service to the Federal Government.

Mrs. Winslow began her career in federal service as a travel agent for the United States

Army Audit Agency, where she was responsible for arranging official passenger travel, both domestic and international. In 1981, she spent 2 years at the Military Traffic Management Command (MTMC) learning about all modes of transportation as an intern for the Department of Army. After her internship, she was assigned to the Directorate of Personal Property at the MTMC for whom she managed military/industry symposiums and councils, and played a key role in responding to White House and congressional inquiries. While at the MTMC, Mrs. Winslow was also responsible for managing standard agreements with airline, air taxi and rental car companies who provide service to the Department of Defense. She managed the Federal Government's rental car program and represented the MTMS on various General Services Administration panels that sought to evaluate bids for the city-pair contract.

Since joining the Surface Deployment and Distribution Command (SDDC), Mrs. Winslow has managed their annual training symposium and Quality Award and Excellence in Transportation Awards Program, as well as legislative affairs and trade publications. As a result of her efforts, the SDDC's award-winning Translog magazine has doubled in issue size to 44 pages. Mrs. Winslow will retire as the Acting Director of the Command Affairs Office at the SDDC.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Jeanie Bell Winslow for her years of service and dedication to the Federal Government. I ask my colleagues to join me in congratulating Mrs. Winslow on her retirement and wishing her the best of luck in all future endeavors.

RECOGNIZING ANNE ARUNDEL COMMUNITY COLLEGE FOR ITS ASSISTANCE TO MILITARY FAMILIES

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Anne Arundel Community College and its efforts to assist the men and women of the United States Armed Forces and their families as they return from combat overseas.

Anne Arundel Community College is now offering free counseling for military families in a four week course entitled "Reunited: Family Life After Deployment." The purpose of this course is to assist the men and women returning from service overseas reintegrate into their family and civilian life. These 4, 2-hour classes, which will be offered free to all service personnel thanks to the Friends of The Parenting Center scholarship program, will help participants identify the signs and symptoms of post-traumatic stress disorder (PTSD). It will also help returnees learn how to deal with the emotional responses that arise from separation during service, how to adjust parenting styles, and to balance disciplinary roles within the family.

This course is the most recent example of how Anne Arundel Community College, and its President, Dr. Smith, continually strive to embrace the community that surrounds the campus. Outreach like this does not just happen by itself; it takes the time and energy of concerned individuals who hear of a community need and take the initiative to make a difference. Individuals like Dr. Lou Aymard and his staff at the Parenting Center who made this course a reality, as well as Bruce Turnquist, Psy.D., a clinical psychologist who will be leading the class discussion, are to be commended. To these individuals, and those at Fort Meade and the United States Naval Academy who shared their insight, I offer my sincere gratitude on behalf of all the returning men and women in the U.S. Armed Forces.

Since 2001, over 1.5 million soldiers have been deployed in Iraq or Afghanistan. A 2004 Army survey found that nearly 20 percent of soldiers returning home suffered from clinical anxiety, depression, or PTSD. More recent surveys show that 27 percent of those who serve longer deployments or multiple deployments have some form of mental illness or PTSD. I have heard first hand during hearings in the Oversight and Government Reform Committee and meetings with veterans' groups about how these conditions can often lead to alcohol and drug abuse, divorce, and financial and legal problems. It is tragic and wrong that these treatable conditions continue to have such a devastating impact upon the families of these veterans.

The sad fact is that almost 80 percent of these returning veterans who need assistance to deal with these mental illnesses are not referred to treatment. Because of this phenomenon, I have joined as a cosponsor of the Lane Evans Veterans Health and Benefits Improvement Act of 2007, which would require that all veterans who serve on active duty during a period of war receive mental health screening and, when necessary, mental health treatment and family counseling. We have already passed significant legislation during this Congress to improve the Department of Defense and the Department of Veterans Affairs health care delivery system and I hope that we will soon be able to take up and pass this legislation as well. This initiative by AACC represents how much can be done if we simply take advantage of the resources and opportunities within our communities to address this problem and to assist a population that has sacrificed so much.

Madam Speaker, I want to again thank all those at Anne Arundel Community College involved in the "Reunited: Family Life After Deployment" program. Anne Arundel Community College is a first-class institution and they have truly stepped up to support our Nation's veterans.

HONORING THE LIFE OF FELIX SPARKS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor the life and mourn the passing of a great Coloradan, Brigadier General and Supreme Court Associate Justice, Felix Sparks, who passed away on Monday, September 24th, 2007.

Although Felix Sparks was not originally from Colorado, his roots in the West and his commitment to public service in make him an indelible part of Colorado history. Born in Texas and raised in Arizona during the Great Depression, Felix Sparks epitomizes the "Greatest Generation." Felix joined the service before the World War II, and assigned to the 157th Infantry Regiment of the 45th Division, where he attained the rank of Lieutenant Colonel, leading soldiers in the European Theater.

In addition to his brave service in combat, Felix also bore witness to the Holocaust. Lt. Col. Sparks was in command of the unit dispatched to liberate and secure the Nazi concentration camp at Dachau. In the aftermath of that experience, Felix Sparks struggled to contain the outrage of his men, some of whom took it upon themselves to execute German soldiers in an episode that remains controversial to this day. After the war, Felix Sparks often spoke about the Holocaust and reminded younger generations that we have a moral obligation to prevent such offenses in the future. His service during the war also earned him many commendations, including a Silver Star and a Purple Heart.

Returning to the United States, Felix Sparks moved to Colorado and joined the Colorado National Guard in 1947. This began a long and distinguished career in the Guard, ending thirty years later after Felix had risen through the ranks to become Brigadier General and commanding officer of the Colorado National Guard. His legacy was so important to the Colorado Guard that the Guard's Centennial Armory is named in his honor.

In addition to his numerous achievements in the military, Felix Sparks will be well regarded for his work as a lawyer. He earned his degree from the University of Colorado law school in 1948 and moved to Delta, serving there as District Attorney. He was appointed as the youngest-ever associate justice of the Colorado Supreme Court in 1956. Unfortunately, he left the court at the end of the year because Colorado then elected our judges and he lost his campaign to keep the seat.

Poor luck at the polls inured to the benefit of Colorado's environment, however, because in 1958 Felix accepted a position as the director of the Colorado Water Conservation Board, where he was instrumental in crafting an environmentally sustainable and sensible water policy. For his work on the board he was awarded the Outstanding Civilian Service Medal by Governor Lamm in 1979.

As both a civilian and a soldier, Felix Sparks became an icon to all Coloradans. He was not only committed to the ideal of public service, he excelled at it.

I can think of no higher tribute than to simply say that Felix Sparks was a great American.

Colorado has lost a favorite son. America and the ideals we cherish were embodied in his life of public service.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. HIGGINS. Madam Speaker, I missed several rollcall votes on Monday, October 1, 2007, Tuesday October 2, 2007 and Wednesday October 3, 2007, to attend funeral services for a dear family friend. I would like to enter into the record how I intended to vote on these rollcall votes:

On Roll No. 924, to suspend the rules and agree to the resolution H. Con. Res. 185, I would have voted "yes."

On Roll No. 925, to suspend the rules and pass H.R. 2276, I would have voted "yes."

On Roll No. 926, to suspend the rules and pass H.R. 3325, I would have voted "yes."

On Roll No. 927, to suspend the rules and pass H.R. 3087, I would have voted "yes."

On Roll No. 928, to suspend the rules and agree to H. Res. 635, I would have voted "yes."

On Roll No. 929, to suspend the rules and agree to H. Con. Res. 203, I would have voted "yes."

On Roll No. 930, to suspend the rules and pass H.R. 2828, I would have voted "yes."

On Roll No. 931, to suspend the rules and agree to H. Con. Res. 200, I would have voted "yes."

On Roll No. 932, to order the previous question on H. Res. 701, I would have voted "yes."

On Roll No. 933, to order the previous question on H. Res. 702, I would have voted "yes."

On Roll No. 934, agreeing to the resolution H. Res. 702, I would have voted "yes."

On Roll No. 935, the Conyers amendment H.R. 928, I would have voted "yes."

On Roll No. 936, to recommit with instructions H.R. 928, I would have voted "no."

On Roll No. 937, passage H.R. 928, I would have voted "yes."

RECOGNIZING THE CAREER AND ACHIEVEMENTS OF RICK DIEGEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the tremendous service to the working man and woman of America by a true friend, Rick Diegel. Rick recently retired after working for the International Brotherhood of Electrical Workers (IBEW) in a distinguished career that spanned 38 years.

After a stint in the U.S. Air Force, Rick's IBEW career began in 1969 when he joined Corpus Christi Local 278 in his native Texas. Always active in politics, Rick also served three terms as mayor protem in the city of Ingleside in the early and mid-1970's. Rick was elected business manager for Local 278 in 1977, and he arrived upon the Washington political scene in 1983 when he was appointed IBEW's Political Director, the same year I was elected to Congress. Then, in 1998, he became director of the IBEW's combined Political/Legislative Department, the position he held until his retirement October 1st, 2007.

Upon Rick's arrival in Washington, Rick Diegel immediately made an impact on public policy on behalf of the IBEW and its members. Through the support given to IBEW-endorsed candidates in local, state, and federal elections, the IBEW has been able to influence the agenda on vital kitchen-table issues such as job security, the minimum wage, healthcare, working conditions and safety, retirement, and trade. Rick became a major figure in the modern labor movement and helped lead the transformation of the IBEW into the 21st Century.

Madam Speaker, I want to commend Rick's tireless dedication to the members of the IBEW and the labor movement as a whole over his almost 4-decade career. He will be truly missed by me and the IBEW.

Rick will be returning to Texas, where he will be able to have more time with his wife Theresa, his 7 children, and 4 grandchildren. Fortunately, Rick isn't completely leaving the political arena though—he has promised to be available to aid HILLARY CLINTON's Presidential campaign, so we won't be losing him entirely.

Madam Speaker, I ask all my colleagues to join me in thanking Rick Diegel for all of his hard work and dedication as IBEW's lead political architect for over 20 years and in wishing him and his family the best of luck in his retirement.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. KIND. Madam Speaker, on Monday, October 1, 2007, I was detained in my district and was unable to have my votes recorded on the House floor for H. Con. Res. 185 (Roll No. 924), H.R. 2276 (Roll No. 925), and H.R. 3325 (Roll No. 926). Had I been present, I would have voted in favor of these measures.

COMMEMORATING THE 20TH ANNIVERSARY OF GRAPEVINE OPRY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. MARCHANT. Madam Speaker, today I rise to recognize Grapevine Opry in Grapevine, Texas on the occasion of its 20th Anniversary of continuous family entertainment.

Originally built as Grapevine's Palace Theatre in November 21, 1940, this historic building was reopened in 1974 by a Grapevine dance instructor, Chisai Childs, for dance recitals. Its use evolved into a musical revue stage show and was dubbed "Grapevine Opry".

After many failed business partnerships, Grapevine Opry doors closed in 1984 and its fate seemed doomed forever. However, one year later, a new owner began renovation of the theater only to see the stage, roof and building partially destroyed by fire due to contractor negligence. But renovations began anew and on November 14, 1987, Grapevine Opry reopened with Mr. Rocky Gribble as the new producer and bandleader. In 1990, ownership sold the property to a local attorney's company, Grapevine Opry, Inc.

Bad times almost fell again on the Opry when in 1991, the Grapevine Opry, Inc. filed for bankruptcy. The show was in danger of closing and the future of the theater was in doubt, even to the point of demolition. However, the City Council of Grapevine, along with the overwhelming support of the Grapevine Opry Association members, voted to acquire the property if the anchor tenant, the Grapevine Opry, would continue to operate in the theater. A long-term agreement was forged with the city and Yellow Rose Productions, Inc. to operate the Grapevine Opry and the Grapevine Heritage Foundation was formed to manage the property. Due to the foresight of Yellow Rose Productions, Inc., Grapevine civic leaders and residents, the future of the Palace Theatre was preserved.

In 1999, the Grapevine Opry underwent its most recent renovation and celebrated a grand reopening/homecoming show on June 2, 2001. The show continues to be a mainstay of family entertainment not only in North Texas but across the region and beyond. Many music industry performers attribute their success to experience gained on this landmark stage. Some of the best up-and-coming performers in country music can be found performing each weekend at Grapevine Opry.

Madam Speaker, I am honored to commemorate the 20th Anniversary of Grapevine Opry's on November 10, 2007. This beautiful and historic building, whose preservation is secure, is an important local landmark in Grapevine, Texas and surrounding areas. I sincerely wish the Grapevine Opry many more successful years of continuous family entertainment.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. PICKERING. Madam Speaker, I was unable to be present for Rollcall vote 948 to H.R. 3648. I would have voted "yes." My vote would not have changed the result, but I want this record to reflect my intention.

ENTERGY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. POE. Madam Speaker, on September 13, 2007 the first hurricane to make landfall in the United States since 2005 hit Southeast Texas. Hurricane Humberto took only 16 hours to form, making it the fastest growing storm on record and leaving area residents and businesses little time to prepare. Entergy Texas, our local electricity provider was ready and quickly took action

Hurricane Humberto left 118,000 without electricity as they waited for the water to rescind to begin cleaning up debris left in the storms wake, Thursday morning. While local residents were busy taking care of their family and property Joe Domino, President and CEO of Entergy Texas, and his employees began "turning the lights on" across our area. The utility company, which serves parts of Texas, Mississippi, Louisiana, and Arkansas, brought in around 3,000 employees and additional contractors, to relieve their customers from the smoldering Texas heat that is very much a part of our Septembers. The streets of Jefferson County were bustling with Entergy trucks throughout the weekend as workers effectively traveled from project to project. Though the initial estimates warned that power would not be restored for 6 days, dedicated employees working into the night and through the weekend were able to restore all 118,000 consumers in just 4 days.

I would like to commend all Entergy Texas employees for their hard work and dedication during the aftermath of Hurricane Humberto. Companies like Entergy Texas that care about the community they serve make Southeast Texas such a special place.

And that's just the way it is.

ON THE OCCASION OF TAIWAN'S NATIONAL DAY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. BUTTERFIELD. Madam Speaker, on the occasion of Taiwan's National Day, I would like to join my colleagues in wishing Taiwan and its people many happy returns and especially an early return to the United Nations.

In recent decades, Taiwan has impressed the world with its economic development and progress in the areas of human rights and political freedom. Taiwan has also been a partner with the United States in our global war against terror.

Best wishes to Taiwan President Chen Shui-bian and Taiwan Representative in Washington, Dr. Joseph Wu. Representative Wu has impressed everyone on the Hill with his knowledge, industry and professional demeanor.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. PICKERING. Madam Speaker, I was unable to be present for rollcall vote 946 to H.R. 3246. I would have voted "yes." My vote would not have changed the result, but I want this record to reflect my intention.

KEVIN EVERETT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. POE. Madam Speaker, southeast Texas has a rich and proud tradition when it comes to football. There have been numerous State championships won from the neighboring high school teams who play to capacity crowds on Friday night. The area has produced superstars that have gone on to Hall of Fame careers in both the college and professional game. But for all the championships and awards, the greatest victory a southeast Texan has achieved might be against a doctor's prognosis

Kevin Everett was an All State tight end at Port Arthur's Thomas Jefferson High School. He moved on to Kilgore Junior College, where he twice received first-team All-Southwest Conference honors. Due to his exceptional speed and size, he was rated the second-best junior college player in the Nation. He then transferred to college football national powerhouse the University of Miami. After 2 solid years as a Hurricane, he was selected 86th overall in the 2005 NFL Draft by the Buffalo Bills.

Despite being so far away from home, Kevin Everett had a mountain of support from his hometown fans. He never could have imagined how much he would need that support until September 9 of this year. Kevin's Bills were playing in week 1 when he went to make a tackle and went down with a severe spinal injury. Doctors originally believed that Kevin would sustain permanent neurological damage and used words like "bleak" and "dismal" to describe his chances of walking again. Then, only 2 short days later, Kevin was voluntarily moving his arms and legs. Over the next few weeks, Kevin made vast improvements in his physical condition, leading doctors to believe that he will eventually walk again and possibly make a full recovery.

Kevin is now home in Houston with his family, beginning a long rehabilitation period. The grim prognosis once given to him is now but a distant memory. Thanks to his positive attitude, mental toughness, and motivation to work hard, Kevin has shown that anything is possible. He has earned his place amongst other southeast Texas football greats and always be remembered as a champion of the human spirit.

And that's just the way it is.

COMMENDING SOROPTIMIST INTERNATIONAL OF THE MARIANAS AND SOROPTIMIST INTERNATIONAL OF GUAM FOR THEIR EFFORTS ON BEHALF OF WOMEN AND CHILDREN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Ms. BORDALLO. Madam Speaker, I rise today to commend the work of Soroptimist International of the Marianas and Soroptimist International of Guam, for their service to our community and thank them for various projects to assist and improve the lives of women and children in Guam and the Northern Marianas.

Soroptimist International of Guam, which was chartered on March 8, 1978, produces a weekly hour-long show, "Women Making a Difference," on Guam's public radio station, KPRG. The show addresses issues of importance to women. SIG also sponsors health fairs and, in conjunction with the Superior Court of Guam, the annual Silent Witness program, which focuses public attention on domestic violence, as well as an annual women's art show, "A Mosaic of Culture, Uniting Women and Girls Through Art, Friendship and Service."

Soroptimist International of the Marianas, chartered on February 9, 1986, sponsors a scholarship program to the University of Guam and Guam Community College, as well as Grandparent's Day at St. Dominic's Senior Care Home, Mother's Day with Alee Shelter, the Women in Business Conference, the University of Guam Sigma Club, and the John F. Kennedy High School S Club; and in 1997, Soroptimist International of the Marianas and Soroptimist International of Guam co-founded and adopted as their long term project "Erica's House—A Family Visitation Center," a support service for parents and children in need of visitation and exchange services. Both chapters also jointly participate in the Women's Opportunity Awards, the Violet Richardson Awards, and Women of Distinction project, as well as in the activities and projects of the Guam Council of Women's Clubs, Women United Against Cancer and the Relay for Life.

Soroptimist International is the world's largest volunteer service organization for women in business, management, and in various professions. On October 27 and 28, 2007, SIM and SIG will jointly host the Soroptimist International of the Americas Founder Region District VI Annual Meeting on Guam with the theme, "Share the Passion, Share the Magic." And on behalf of all the women of Guam and the Marianas, I would like to take this opportunity to welcome SIA Regional Governor Sue Finch; Governor-elect Amelia Benko; Secretary Linda Sue Hansen; Fellowship President Dion C. Weaver, and District VI Director Judy Lee, and to offer my best wishes for a fruitful and productive meeting.

TRIBUTE TO DR. JAKE LIPPERT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Dr. Jake Lippert. Dr. Lippert has served as the Executive Director for the Missouri Dental Association since 1998, who now ends his tenure.

Dr. Lippert earned an undergraduate degree from St. Louis University before completing its Dental School program in 1959. He then honorably served as a Lieutenant in the U.S.

Navy until 1961. Dr. Lippert has been a member of the American Dental Association since 1959 and a member of the Missouri Dental Association since 1961. During his career, Dr. Lippert has been awarded numerous professional honors, including being named the Missouri Dental Association's Dentist of the Year in 1998.

Beyond his private practice, Jake Lippert has been extremely involved in his community. He has served as an Instructor for East Central College, the President of the Union School Board, an assistant scout master for a local Boy Scout troop, and a certified high school football referee. Dr. Lippert is highly regarded for his generosity and hard work.

As Executive Director of the Missouri Dental Association, Dr. Lippert was instrumental in increasing legislative involvement, creating additional continuing education programs, and shaping a vision for the future of the organization. I'm certain that Members of the House will join me in thanking Jake Lippert for his exceptional leadership and dedication.

PHILADELPHIA'S RENAISSANCE MAN, FORGOTTEN NO LONGER

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. FATTAH. Madam Speaker, I rise today to share the good news that a great Philadelphian of another time, whose life, accomplishments and even his burial site have been lost in obscurity for too long, is finally being restored to prominence.

Octavius Valentine Catto, a champion of African American empowerment, civil rights and civil disobedience before those terms were even in use, was assassinated by a political thug on October 10, 1871, during a Philadelphia municipal election. Catto was walking between his South Street home and a nearby polling place on a riot-torn day during which he had been organizing African Americans to exercise their newfound franchise and throw out a corrupt local political machine.

Catto has been called a renaissance man for all that he undertook and accomplished in his short life (1839–1871). He was a classically trained student and then professor at the Institute for Colored Youth in Philadelphia, the forerunner of Cheyney University; an officer in an all-black unit of the Pennsylvania National Guard during the Civil War who insisted on a meaningful role for his soldiers; and even manager-second baseman for the Pythian Baseball Club, a renowned and pioneering all-black team. In the 1860s Catto, along with another prominent Philadelphian, the black abolitionist William Still, organized a civil disobedience campaign that led to laws desegregating Philadelphia's trolley car system.

Catto's assassination led to a massive public funeral and an outcry for justice. But gradually his deeds and memory faded from view. His remains were relocated from Lebanon Cemetery in Southwest Philadelphia to Eden Cemetery in Delaware County in 1903, but contemporary admirers haven't even known where to find his resting place.

On the anniversary of O.V. Catto's assassination, October 10, 1871, a group of Philadelphians led by Philadelphia City Council member Jim Kenney are changing all that. At a ceremony that includes representatives of the Philadelphia Union League, to which Catto belonged, Cheyney University; the O.V. Catto Elks Lodge and others, a temporary marker is being installed and dedicated at Eden Cemetery, 1434 Springfield Road, Collingdale, Pennsylvania. Significantly, his modest burial site is not far from the tomb of William Still. A permanent and appropriate headstone for Catto soon will follow.

That's not all. A site has been designated on the plaza outside Philadelphia City Hall for the construction of a statue of Catto. A design competition and fundraising effort are being launched by the O.V. Catto Memorial Fund under the leadership of Carol Clark Lawrence, the Fund's Chair, and Jim Straw, the Co-Chair. The Fund will also develop an educational program to assure that future generations will be well aware of the contributions of this outstanding Philadelphian.

Octavius V. Catto is an inspiration to Philadelphians of all races. The telling of his story is long overdue. And now it begins.

HONORING THE MEMORY OF WILLIAM E. "SONNY" MOTTERN

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute William E. "Sonny" Mottern who was a true patriot and friend of the First District of Tennessee. He passed away recently at the age of 87.

He was born June 24, 1920 and married his high school sweetheart, Eulah "Sweetie" Shepherd on October 17, 1941. From December 1943 thru December 1945, "Sonny" served on active duty with the 15th Infantry–3rd Division in France where he received a battle field promotion to S/Sgt. He was captured December 19, 1944, near the Rhine River in France and was held in 4 German prisoner camps, being moved by box car and forced marches. He was liberated on April 29, 1945 by General George Patton.

"Sonny" was discharged December 7, 1945 and awarded the Bronze Star, 1 Bronze Star Cluster, Purple Heart, Good Conduct Medal, American European-African Campaign Medal, World War II Victory Medal, Combat Infantry's Badge, Honorable Service Medal and the POW Medal. He was called again to serve his country as Chairman of the Carter County Draft Board during the Vietnam Conflict.

On April 19, 1996 he was named by the Governor of Tennessee as a Colonel, Aid-De-Camp for Valor and Dedication in the Performance of his duties in service to the ExPOWs and all Veterans of the state of Tennessee. He also served on the Military and Veterans Advisory Board for Tennessee. On April 19, 1997 he was appointed by the Governor of Tennessee as Tennessee Ambassador of Goodwill. He was a National Service Organization Representative for the Department of Veteran Affairs and was currently serving as Treasurer of the Military Ex-Prisoners of War Foundation.

Mr. Mottern's community involvement and leadership included: Elder in the Brick Christian Church; member of the Chamber of Commerce; past Master of the Masonic Lodge, and Life Member of the VFW, DAV, Purple Heart, the American Legion and the American Ex-Prisoners of War. He was a previous owner of the Dixie Battery Company in Elizabethton and was a member of the Board of Directors of the Watauga Volunteer Fire Department.

Madam Speaker, I ask you and my fellow members to join me in honoring Sonny Mottern, a true servant of his country, whose commitment and unwavering determination continue to make a lasting impact all throughout East Tennessee. He will be missed greatly throughout our region as we have lost a true American hero.

INTRODUCTION OF THE LAND-IN-TRUST PUBLIC HEARING ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. MCHUGH. Madam Speaker, I rise today to introduce the Land-In-Trust Public Hearing Act, which would require the Secretary of the U.S. Department of the Interior to conduct at least one public hearing in the surrounding community before taking land into trust for an Indian tribe.

In April 2005, the Oneida Indian Nation (OIN) applied to the U.S. Department of the Interior's Bureau of Indian Affairs (BIA) to have 17,310 acres in Central New York taken into trust. These lands are located in Madison and Oneida counties, which I represent together with the gentleman from New York, Mr. ARCURI. In fact, I originally introduced similar legislation in the 109th Congress as H.R. 4634 with Mr. ARCURI's predecessor, Mr. Boehlert.

The land-in-trust process is complex and time-consuming. Moreover, its potential impacts on regulatory jurisdiction, property taxes, and special assessments are immense. However, current regulations do not require that the Department of the Interior conduct a public hearing in the area that would be most impacted by the loss of the jurisdiction over the land in question.

This is unfortunate, particularly given the potential consequences of a decision to take land into trust. Thus, very simply, this bill is designed to ensure that the hard-working men and women of areas, like my constituents in Madison and Oneida counties that are the subject to land-in-trust applications have an opportunity and forum to directly and personally provide their comments. It also would require the Department of the Interior to consider the input and statements received at that hearing in its decision-making process. While providing such an opportunity would certainly further the interests of justice and equity, it also would enhance the quality of the Department's decisions on land-in-trust applications.

RECOGNIZING KARL GSCHNEIDNER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize a distinguished professor of materials science and engineering, a senior metallurgist at Ames Lab, Karl Gschneidner.

It was just recently announced that Karl will be awarded the prestigious Acta Materialia Gold Medal in March of 2008 based on his demonstrated ability and leadership in materials research.

Karl has been working with rare earth metals including research into their magnetic and electrical properties for over 50 years. Karl's most noble work has been in magnetic refrigeration. Magnetic refrigeration is a cooling method that uses considerably less energy than the majority of common cooling methods used today. The new knowledge Karl is developing will advance existing materials and will lead to new and better materials, which will ensure the success of magnetic refrigeration as a viable energy-saving and environmentally safe technology in the next century.

Karl's research is vital in this period of our country. Our Nation's dependence on foreign oil and demands for energy has potential for great strain on our economy, security and supply of natural resources.

I commend Karl Gschneidner for his dedication to science and to materials engineering research. And, I know that all of my colleagues in the United States Congress will join me in congratulating him on his gold medal recognition.

HOUSE OF REPRESENTATIVES—*Wednesday, October 10, 2007*

The House met at 10 a.m.

His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, Holy Etchmiadzin, Republic of Armenia, offered the following prayer:

Lord, we thank You for bestowing us with the grace to pray today for the leaders of this Nation who labor in the universal cause of liberty and justice. Increase their wisdom and resolution. Their actions grant inspiration and fulfillment to the desire for justice that lives in every heart. Our Father in heaven, render guidance to all nations, including the Republic of Armenia, our homeland and center of our faith, the Mother See of Holy Etchmiadzin.

With a solemn burden of history, we remember the victims of the genocide of the Armenians, the consequences of which are still felt by the entire world in new manifestations of genocide. Grant rest to the souls of all victims of crimes against humanity and bestow peace and justice on their descendants. Give pause to those who trample life, liberty, and the pursuit of happiness.

Lord, bless this land and people. Grant peace and safety to America's sons and daughters who serve their Nation abroad. May the United States continue her mission as a great beacon of hope. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

SCHIP

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, when the House tried to reauthorize the children's health care bill, the President of the United States called SCHIP "a welfare benefit" for "middle-class households."

Maybe there is some confusion at the other end of Pennsylvania Avenue. Our bill provides health care for 10 million children whose parents work every day but can't afford to buy health care. They earn a paycheck, not a welfare check. They are parents like Dolores Sweeney.

Dolores lives in my district. She works for an insurance company that doesn't provide health care. She has three children, and they would like to buy private health care for their children but can't afford it. Her children were on SCHIP, and without the SCHIP program, they would have gone without health care.

Our bill does right by the Sweeney children and 10 million other children from working families. But the President says it's too expensive and calls it welfare for the middle class. At the same time, the President is eager to spend $680 billion in Iraq. We have spent $400 billion in 4 years in the war in Iraq, and for 40 days for the cost of the war, 10 million children in America will get health care for a year.

So the President can call the children's health insurance "excessive spending" and he can call SCHIP "welfare," but for Dolores Sweeney, it is peace of mind.

URGING MEMBERS TO SIGN ON TO KIRK-CARNEY-POE-BERMAN-HARMAN LETTER REGARDING ARMS SALES TO SAUDI ARABIA

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, it is sad when another country turns its arms against the United States or our allies, but it is a tragedy when those arms were made by Americans.

Many of us remember when advanced F–14 Tomcat fighters were provided to the Kingdom of Iran only to see these airplanes become the backbone of the ayatollah's air force.

Newspapers indicate that the United States will now offer a large arms sales package to the Saudi Kingdom. And while much of what is proposed looks useful against Iran, patrol craft and warning radars, satellite-guided bombs pose a particular danger if used in the wrong hands.

These satellite-guided bombs, called Joint Direct Attack Munitions, or JDAMs, are particularly lethal in battle, and if misused against American forces or our allies in Israel, their effect could be not just devastating but tragic.

We should not provide such weapons without ironclad, written guarantees to the Congress that such munitions could not pose a danger to future Americans or our allies. I urge Members to sign the Kirk-Carney-Poe-Berman-Harman letter to block this sale unless guarantees are made.

NATIONAL AFFORDABLE HOUSING TRUST FUND ACT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today in strong support of the National Affordable Housing Trust Fund Act, which the House will consider today.

This bill would create a national affordable housing trust fund to be administered by HUD, the Housing and Urban Development Department. The trust would increase the supply of decent quality affordable housing, especially for low-income families.

Owning a home is an American value, but many are not able to acquire that dream. With rising housing costs throughout the country, affordable housing for low-income Americans has become nearly impossible.

For example, in 2006 Los Angeles County residents needed to make at least $50,000 a year to afford a two-bedroom apartment. That income is significantly more than what social workers, preschool teachers, and in-home health care aides earn on average. The gap between wages and housing costs in Los Angeles County and nationwide has skyrocketed.

I urge my colleagues today to vote for the final passage of H.R. 2895 so we can help all our constituents realize the American Dream.

U.S. ECONOMY AND TAXES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, America's economy is increasingly complex. While we hear reports of uncertainty, we also see many fundamental signs of health in the economy.

The latest good news is the recent jobs report that found the economy added 110,000 jobs in September and 89,000 jobs in August, a massive turnaround from the previously reported loss of 4,000 jobs in August.

With 200,000 new jobs added to the economy in the last 2 months, we once again have proof that Republican economic policies of cutting taxes to spur growth are still working. But we cannot keep our economy thriving on the tax cuts of yesterday. Congress must work to keep taxes low for America's working families.

We have already seen a Democratic budget that assumes a tax increase of nearly $400 billion. If there are signs of uncertainty about the future of our economy, such a financial hit to American taxpayers would undoubtedly undermine the positive steps Republicans took to ensure economic growth and stability.

Everyone wants a strong U.S. economy. Let's keep it that way by preserving low taxes and not preying on the wallets of the families that work hard to keep this economy humming.

□ 1015

IN SUPPORT OF SCHIP

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, I rise to speak in support of the SCHIP bill, which will provide health insurance for 4 million uninsured children, expanded dental care, and, for the first time, treating mental disabilities and mental illness on a par with physical disability. The bill also contains premium assistance subsidies, so that at least 70 percent of these children's parents remain in employer-based private health insurance plans. But I rise most because of what I saw when my 4-year-old daughter was given 3 to 9 months to live and we lived on a cancer ward in the city. And this Nation, because of my military service, gave me the best health care possible for her to have an opportunity, her roommate was a young 2½-year-old boy diagnosed with acute leukemia whose parents did not have health insurance and social workers had to discuss whether that boy would, with my daughter, have an opportunity to live into life.

I rise in support of this bill for that young boy.

STOP OVERTAXATION AND OVERSPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to say that Democrats remain ready to tax and spend as much as they can. Whether it's a war tax, an Internet tax, or a cigarette tax that will overly burden low-income families, the first Democrat solution seems to be to tax hard-working Americans.

And when they are not trying to raise taxes on American workers, they are spending their hard-earned money at reckless levels. The $23 billion in new domestic spending this majority has proposed is just another sign that they feel they know better how to spend your own money.

We must restore fiscal sanity to government, but we should do that by making the necessary decisions here in Washington to save taxpayer money and spend wisely. Both parties need to pass fiscally responsible appropriations legislation rather than wait until we are forced to vote on a giant omnibus spending bill that will be full of earmarks. Let's stop asking Americans to pay for government's inability to get the job done.

In conclusion, God bless our troops, and we will never forget September the 11th.

IRAQIS MUST RESOLVE THEIR DIFFERENCES

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I just had the opportunity to travel in a bipartisan codel to the Middle East, particularly to Baghdad.

Robin Williams had an album at one time, "Reality, What a Concept." I thought about it while I was there. I saw a lot of reality. I saw our soldiers in life-and-death situations and doing it in a heroic fashion. They told me about their need to be redeployed over there not every 15 months, but every 12 months because the pressure is wearing on them and on their personal lives. The divorce rate is high, and it really takes a toll on their lives. They see the people working for the private companies over there making so much more money than them, the contractors, and they say, why should we re-enlist. But they do it because they're proud Americans.

But then we met with Prime Minister Maliki, and he said the sectarian war was over. Well, Prime Minister Maliki, it's not, and until the Iraqis deal with reality and deal with the Sunni and Shia differences, there won't be peace in Iraq and our soldiers will be working for a group that doesn't understand the problem, which is their own internal politics. The Iraqis must resolve their differences.

MORATORIUM ON EARMARKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, earlier this year, new earmark reforms required that Members' names be attached to their earmarks. Unfortunately, transparency alone has done little but air our dirty laundry without cleaning it. Transparency is not a substitute for oversight. Earmarks have names next to them now, but little else has changed. The House has approved thousands and thousands and thousands of earmarks so far this year, and more are likely to be added in the conference committees. However, we know full well that not all of these earmarks were given the scrutiny that Federal expenditures deserve.

Every week, I highlight an earmark by making an admittedly lame joke about it, but we need a process that inspires confidence, not jokes or humor. And, unfortunately, transparency alone has not gotten us there.

Until this body has a process that can trusted, Mr. Speaker, I believe the taxpayers would be best served by a moratorium on earmarks, and I will soon introduce legislation to impose such a moratorium.

OVERRIDE THE PRESIDENT'S VETO OF SCHIP LEGISLATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, it was important to allow our Republican colleagues an extra 2 weeks for the veto override vote. It's important for them to get the facts right, important for them to listen to their constituents and actually read the bill, not just accept the President's talking points.

It's ironic that one of his arguments is concern about adults who are covered by SCHIP. Yet the States have been encouraged to experiment to help uninsured working families, and the White House, George Bush, has approved those waivers that allowed them that coverage.

The bill he vetoed was actually more restrictive than current law. It would end coverage for adults after a transition period. It would prohibit the Bush administration, or any administration, from approving more waivers for new States, and parents already enrolled with Bush approval would get reduced matching funds.

It's time to stop making phony arguments; to listen to the Governors and the overwhelming majority of our constituents and override this cruel veto of health care for our children.

NATIONAL SAVE FOR RETIREMENT WEEK

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this year National Save for

Retirement Week is going to take place October 21st through the 27th. National Save for Retirement Week is the first congressionally endorsed, formal event publicly urging employers to promote the benefits of saving for retirement, and encourage their employees to take full advantage of employer-sponsored retirement and savings plans. Hopefully this week will make employees more aware of how critical it is to save now for their financial future and learn how to take advantage of free money when saving for retirement by contributing enough to the retirement plan to receive the company match.

To learn more about National Save for Retirement Week, visit choosetosave.org. I urge you to take charge of your retirement now.

CHIP BILL AND BUSH'S VETO, THE PRESIDENT'S RHETORIC VS. REALITY

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, last week, President Bush used his veto pen to strike down a bill that would provide health coverage to 10 million children. In explaining his veto, the President used rhetoric that has no basis in reality. The President claims that the focus of the SCHIP should be on poor children rather than to expand the program. But the fact is this bill does not expand the program, it simply allows for the coverage of more kids who are already eligible. As Republican Senator HATCH pointed out, for those who argue that it's out of control, 92 percent of all the kids who will be covered by this bill will be families under 200 percent of the poverty level.

The President also falsely says that the bill would cover kids in families earning $83,000 per year, but no State covers kids at that level now, and the bill actually reduces Federal support for coverage of children at higher income levels. The President's claims are simply wrong.

Mr. Speaker, the question now for House Republicans is, are they going to stand behind the President's false claims about the children's health bill, or will they join us in overriding the President's veto?

CHRISTIAN BLIND MISSION

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS of South Carolina. Mr. Speaker, I rise today in recognition of World Sight Day and the tireless leadership of organizations like the Christian Blind Mission headquartered in Greenville, South Carolina.

Christian Blind Mission is an international aid organization that specializes in improving the quality of life for the blind in the world's poorest countries.

Each year, organizations like Christian Blind Mission recognize World Sight Day as a time to focus global attention on vision and blindness. This year, World Sight Day will take place tomorrow, October 11, and will emphasize the tragedy of blindness in children. There are an estimated 1.4 million blind children in the world, the majority of whom live in Third World countries. Remarkably, 75 percent of all major blinding conditions are preventable or curable, and the Christian Blind Mission has taken the lead in performing over one-half million cataract surgeries and distributing over one-half million tubes of tetracycline eye ointment to combat trachoma.

Once again, it's an honor to recognize Christian Blind Mission-USA for their humanitarian efforts worldwide. Every day, thousands of children receive the gift of sight because of the hard work and initiative that organizations like the Christian Blind Mission provide.

SCHIP OVERRIDE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. It's time, Mr. Speaker, for truth in advertising to correct some of the misinformation being used to justify President Bush's inexplicable veto of the children's health care bill.

The bipartisan Children's Health Care Program reauthorization does not expand the Children's Health Insurance Program; it maintains current law. The agreement is targeted towards State needs. Responsible spending to cover low-income children is incentivized in the bill.

The belief that SCHIP will lead to socialized medicine is nothing more than a red herring. The fact is that the bipartisan compromise combines the best of public and private approaches to provide health coverage for children.

Now for the biggest lie: Those siding with President Bush's claim that the agreement provides health coverage to illegal immigrant children are also wrong. Undocumented immigrants, illegal immigrants, have never been eligible for Medicaid or SCHIP. Read the bill. Read the law.

The bipartisan agreement requires proof of citizenship before enrollment in SCHIP, similar to requirements for the Medicare program. Get it right, tell the truth to the American people, and get on with it.

OPPOSING ARMENIAN GENOCIDE RESOLUTION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, I rise today to oppose a nonbinding resolution that will have serious negative consequences to our national security.

H. Res. 106, the Armenian Genocide resolution, is a dangerously shortsighted and controversial resolution that is being marked up in the Foreign Affairs Committee today. This resolution will jeopardize our relationship with a strong NATO ally, Turkey, and hinder our ability to combat the global war on terror. This resolution makes assertions about facts that historians to this date still debate.

I might add that every living former Secretary of State, both Democrat and Republican, recently sent a letter to the Speaker stating that passage of this resolution would "strain our relations with Turkey, endanger our national security interests, including the safety of our troops in Iraq and Afghanistan."

I would also point out that in today's Washington Post in an editorial, it said that "passage of the Armenian Genocide resolution would be dangerous and grossly irresponsible." I hope the Foreign Affairs Committee today will reject this resolution.

UNIVERSAL ACCESS TO AFFORDABLE CARE

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, we must begin to think differently in America and begin to work together to guarantee universal access to affordable care for every citizen everywhere in these United States, and, without question, to all of our Nation's children on whose future we all depend.

Every day until we vote to override President Bush's morally unacceptable veto of the bipartisan State Children's Health Insurance Program, I will be here to share with you here in the people's House views of ordinary people from Wisconsin, people like Dan from Crivitz, who writes, "We want health care like you have in Congress." And Stephanie, who says, "Insurance is number one on my list. My current employer can't afford to give us health insurance, and I can't get independent coverage. Help, please."

I look forward to sharing the views of ordinary people later this evening with you. And now more than ever we must work together to guarantee access to care for everyone and build a better Nation for all of us.

COAL-TO-LIQUID AS AN ALTERNATIVE ENERGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, according to the Energy Information Agency, the United States currently imports about 60 percent of its oil, and that number is expected to rise to 75 percent in the coming decades.

As a country, we need to reduce our dependency on foreign fuel sources and start implementing alternative energy sources that can be found domestically here in the United States.

Imported fuels such as crude oil and natural gas are costing the country billions of dollars a year, accounting for about one-third of the United States trade deficit. At $45 a barrel, liquid coal fuel is a desirable alternative to the $60 plus or more per barrel of oil we're paying today. Not only does this innovative fuel source cost less, but also coal is one of the most abundant natural resources in the United States. As Congress continues to explore the use of alternative energy sources, we need to look closely at the enormous benefits of coal-to-liquid technology.

□ 1030

HOUSE REPUBLICANS NEED TO REALIZE THAT BUSH'S VETOES HAVE BEEN BAD FOR AMERICA

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, over the last 7 years, President Bush has only vetoed four bills. The President's first two vetoes involved legislation that would expand Federal funding of embryonic stem cell research, which has the potential to unlock the doors to cures for diseases like diabetes and Alzheimer's. Two times, congressional Republicans sided with the President enabling his veto to stand and thereby denying hope to millions of American families.

The President's third veto came on the war funding bill that finally included a deadline to bring our troops home from Iraq. Again, Republicans sided with the President, and our troops continue to be bogged down in a war that the President himself says could continue for another decade. Then, last week, the President vetoed a fourth bill that would provide private health insurance to 10 million low-income children. It received strong bipartisan support in Congress, and there are enough votes in the Senate to override the President's veto.

The question now is will House Republicans once again side with the President or will they stand with the 10 million children who need and deserve health care.

MAY THIS CONGRESS ALWAYS REMEMBER THE SERVICE OF CONGRESSWOMAN JO ANN DAVIS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Saturday, Congresswoman Jo Ann Davis passed into eternity after a long and courageous struggle with cancer. The gentlewoman from Virginia was elected in 2000, the same year I arrived in Washington, D.C., and we became fast friends. From the start, Jo Ann Davis stood out. Her commitment to her family, her devotion to God, and her commitment to a strong defense and traditional values were inspiring.

On the day I met Jo Ann, she said to me very simply, "MIKE, the Lord put me here. I am going to serve Him every day that I am here." Representative Jo Ann Davis kept her word.

May our Savior, hers and mine, comfort her and Chuck and the boys with the words, "Well done, good and faithful servant." May this Congress always remember the service of Congresswoman Jo Ann Davis.

THE COST OF THE WAR IN IRAQ COMPARED TO HELPING CHILDREN WITH THEIR HEALTH CARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Mr. Speaker, last week President Bush vetoed a bipartisan bill enacted pursuant to the authority vested in Congress by article I of the Constitution that would provide private health insurance to 10 million low-income children here in America. His reason, the bill was too big.

While the President refuses to fund health care for our Nation's low-income children, he has no problem sending billions of dollars to Iraq with absolutely no questions asked. Today alone, the President will spend $300 million funding the occupation of Iraq. With that money, we could insure 246,000 low-income kids. Over the next month, the President will spend a whopping $9 billion in Iraq, which would allow us to insure 7.4 million kids.

Mr. Speaker, time and time again, congressional Republicans have approved blank checks for the President to send billions to Iraq, and now they are concerned about $35 billion for improving the lives of 10 million low-income children? It is time they reevaluate their priorities and join us next week in overriding President Bush's veto.

PROVIDING FOR CONSIDERATION OF H.R. 3056, TAX COLLECTION RESPONSIBILITY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 719 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 719

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3056) to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3056 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 719.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 719 provides for consideration of H.R. 3056, the Tax Collection Responsibility Act of 2007 under the traditional closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the bill before us today, H.R. 3056, implements several measures to protect the interest of taxpayers and the integrity of our tax system. First, it would once and for all repeal the

IRS's authority to contract with private debt collection companies. The collection of Federal income taxes is inherently a governmental function and at the crux of what governmental responsibilities should be. This was stated as early as 1819 by Chief Justice Marshall. It was reaffirmed by Congress in 1874, when the Ways and Means Committee said that "any system of farming the collection of any portion of the revenue of the government is fundamentally wrong."

Tax farming, giving a private entity the right to collect taxes on a commission basis, has created modern-day bounty hunters who have no regard for the taxpayer, only regard for their company's bottom line.

Taxpayers are heavily pressured to reveal their Social Security numbers, last known address, date of birth, and other confidential information over the telephone to private contractors working on commissions of up to 25 percent of their take.

In this modern day and age where identity theft runs rampant, why would we want to turn over people's Social Security numbers and who knows what other confidential information to someone who is only out to protect their own bottom line? Noted Princeton economist Paul Krugman recently penned in the New York Times, "Tax farming went out with the French Revolution; now the tax farmers are back." How right he is.

The irony is that we tried this private tax collection scheme in 1996 and promptly abandoned it. Why? Because the IRS's Inspector General found that private contractors regularly violated our own Fair Debt Collection Practices Act, threatened the confidentiality of taxpayers' personal information, and on top of all that, cost the government a net revenue loss of $17 million.

Despite this past history, the Republican Congress renewed this authority in 2004. What has happened since that renewal? Well, the Federal Government has spent an additional $71 million of taxpayers' hard-earned money and they have collected a grand total of $20 million in tax revenue. That is right, Mr. Speaker; we have lost another $50 million on an inefficient program that experts readily admit does not work. Even more absurd is that had the IRS been given that money, the $71 million, instead, it would have collected almost $1.5 billion.

The House has long recognized that this program simply does not work. In fact, language to stop private debt collection has passed on a strong bipartisan basis twice but has not made it into law. But don't just take my word for it. The National Taxpayer Advocate, appointed by the Treasury Secretary, reported to Congress that "the money spent on the IRS Private Debt Collection initiative is an inefficient use of government dollars." Even past and present IRS Commissioners have repeatedly admitted before Congress that IRS employees could perform this task at far less cost than the private agencies.

I firmly believe that when the government actually does something better than the private sector, cheaper and more efficiently than the private sector, then the government should do that job. The reality, Mr. Speaker, is that IRS employees are better trained, better equipped and better prepared to handle these important responsibilities. They also protect American citizens' privacy.

H.R. 3056 recognizes this reality and restores this fundamental responsibility to the Federal Government, as our Founding Fathers intended. Second, H.R. 3056 includes language based on legislation introduced by my friend and colleague from Florida (Mr. MEEK), which provides tax relief to small businesses and administrative relief to local jurisdictions by delaying implementation of an onerous tax burden.

Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005, passed by the then-Republican Congress to raise revenue, requires tax withholding of 3 percent on payments to vendors providing property or services to the government beginning in January of 2011. The 3 percent withholding requirement presents a number of administrative and practical challenges for businesses, including reducing the cash flow they need to meet operating expenses, pay suppliers or subcontractors, or meet payroll. They also present several problems for governments, including how State and local governments will be able to comply with this law, much less how the IRS will be able to afford and administer such a requirement.

H.R. 3056 takes a commonsense approach to this issue and delays the implementation of the 3 percent withholding requirement for 1 year. It further calls on the Department of the Treasury to study the compliance issues confronting businesses and government and report the findings to Congress. This measure is supported by State and local governments and a broad array of business organizations, including the United States Chamber of Commerce, the Financial Services Roundtable, the American Bankers Association, the American Farm Bureau Federation, the National Association of Manufacturers, the National Federation of Independent Business, among others.

H.R. 3056 also clarifies that U.S. citizens who claim to be bona fide residents of the U.S. Virgin Islands receive the same procedural and administrative rights afforded to other U.S. taxpayers.

Finally, Mr. Speaker, H.R. 3056 strictly adheres to the House PAYGO rule. This bill is paid for primarily by eliminating a tax loophole that currently allows wealthy individuals to avoid paying U.S. taxes simply by renouncing their citizenship or terminating their U.S. residency. Despite what you may hear today, let me be clear, closing this loophole has broad, bipartisan support and has been supported by my Republican colleagues.

I would like to thank Chairman RANGEL, Mr. VAN HOLLEN, Mr. MEEK, and the Ways and Means Committee members for their hard work in bringing this legislation to the floor today.

Mr. Speaker, this commonsense bill protects taxpayers, preserves the integrity of our tax system, and makes our tax system fairer for all. It deserves strong support of all the Members of this House floor today.

Mr. Speaker, I reserve the balance of my time.

☐ 1045

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not sure that there is anything even left to say about the depths to which the House has sunk under the "broken promise" Democrat majority. Today, once again, the American people are being forced to endure the results of yet another evening spent in the "broken promise" Democrat Rules Committee, with nothing to show for it except for yet another closed rule, which was referred to today as a "traditionally closed rule" on the floor of the United States House of Representatives.

Mr. Speaker, I rise today in strong opposition to this completely closed rule, which denies the minority even with a basic substitute amendment in this process, and to the fiscally irresponsible underlying legislation.

I also rise with great regret to report to the American people that, once again, as I have been forced to report on multiple occasions over the course of this year, the Democrat leadership is bringing legislation to the House floor which stacks the deck in favor of big labor bosses at someone else's expense. Today, that expense is on the American taxpayer, who is being targeted on behalf of big public sector union bosses to the tune of $2.2 billion, to be exact.

I would like to take a few minutes to discuss a number of the myths that will be discussed surrounding this legislation and provide my colleagues and the American people who are tuning in on C-SPAN with some of the facts about the real effect of this special interest legislation and what it would mean to the taxpayer.

In 2004, Congress gave the IRS the ability to utilize the best practices and advantages created by the private sector to address its growing backlog of unpaid debt. Today, it is estimated that $345 billion of these unpaid taxes exist. That means that every year the average taxpayer who plays by the rules must pay an extra $2,700 to cover taxes not being paid by those who should legally be paying their taxes.

This new program, which began as a small pilot program that grows as it continues to succeed, is estimated to bring in about $2.2 billion in its first 10 years. And under this agreement, the IRS would get the first 25 cents of every single new dollar to hire new collections professionals, a provision that would have a positive, compound effect by helping to bring in even greater amounts of this uncollected revenue for the government into the future.

The program, even in its beginning stages and despite numerous attempts by the Democrat majority to kill it before it could succeed, has been hugely successful, bringing in over $30 million worth of unpaid taxes. It has received a 98 percent rating from the IRS for regulatory and procurement accuracy, as well a 100 percent rating for professionalism. Additionally, less than 1 percent of the taxpayers contacted by these private agencies have filed complaints with the IRS, none which have ever been validated.

Despite this program's track record of success on behalf of taxpayers who do play by the rules and pay their designated share, not to mention the increased revenue that it brings in to fund the Democrats' other new, big-spending legislation, there are many opponents on the other side of the aisle that want to prevent it from continuing to work, supposedly to protect the dues of the big government union bosses.

They have claimed, despite the fact that 40 out of the 50 States in America already use these same contract services, that this is something that only the government can do. You don't have to take my word for it that this is untrue. Even the nonpartisan Government Accountability Office, the GAO, has found that "the IRS may benefit from using private collectors, and it is reasonable to assume that the IRS could learn from their best practices as it works to resolve long-standing problems with its debt collection activities."

Opponents have also incorrectly claimed that private debt collectors do not follow the same rules as IRS collectors. Well, this one is partially true, because these private collection agencies are subject to both Federal and State laws that are collectively more restrictive than the laws that Federal employees must follow. Private collectors follow the same privacy protections, undergo the same background checks and are subject to the same penalties if they violate any of these laws.

Opponents have also claimed that allowing for private debt collection would cost untold union jobs, a statement which is also based in an alternate reality. The private collection agencies working in this program did not and do not replace a single IRS worker.

As of this past July, over 51,667 "cold cases" that the IRS was incapable of collecting were given to private agencies, resulting in over 5,300 full repayments to the Treasury and almost 2,000 agreements to repay these debts incrementally. This means that the government received over $24 million of gross revenue that it would not have received otherwise, of which only about one in eight went to pay for these otherwise nonexistent services. In fact, the IRS has publicly stated that no government employee will lose his or her job as a result of this highly effective private contracting. Instead, they will benefit from the opportunity to focus their talent, expertise and resources on high priority, more complex cases.

Mr. Speaker, I encourage all of my colleagues to understand all of the facts regarding this legislation before they are influenced by the scare tactics of a few Members who are determined to kill this highly-effective program that has already proven to be cost-effective in closing the "tax gap" of unpaid, hard-to collect taxes.

I wish I could say they would have plenty of time to learn all the facts surrounding this legislation that is being rushed to the floor today under a completely closed process. Unfortunately, last night in the "Graveyard of Good Ideas in the House of Representatives," the majority Rules Committee Democrats voted 3 times along party lines to prevent any amendment authored by a Republican from being considered today. Despite numerous campaign promises by the highest ranking Democrats in the House to run the most "transparent, open and honest" House in history, this Democrat majority once again has provided the House with something which is a rule that is none of the above, which is the historical tradition. Instead, we have what is referred to as a closed rule. I wish I could say I am surprised by the Democrat leadership allowing politics to triumph over policy or fair procedure. Unfortunately, this is precisely what we have come to expect from the new "broken promise" Democrat majority.

Mr. Speaker, I oppose this ill-conceived and costly legislation, and I encourage all my colleagues on both sides of the aisle to stand up for taxpayers by voting against this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we said in our opening statement, tax bills are traditionally closed due to their complexity. Under Democrats, before 1994, they were closed. Under Mr. DREIER's administration in the House Rules Committee under the Republican leadership, they were traditionally closed. Now we continue to maintain that practice. Because tax laws are so complex, late amendments that have not been fully vetted and analyzed are simply too complex to insert into the Tax Code without knowing their full ramifications.

Secondly, Mr. Speaker, Mr. SESSIONS, my colleague from Texas, mentioned that the McCrery substitute was not made in order. He is correct about that. It was not made in order because it violates the PAYGO provisions of our House rules. I have a copy of it right here. It simply does not meet the PAYGO statutory requirements of the House rules.

Finally, the Republican privatization bill that had passed in a prior Congress, when it was implemented it spent $71 million to collect $20 million. That is a loss of $50 million. Even with the creative accounting of the Republican "voodoo math," I cannot believe that they are advocating continuation of this program that has lost money.

Further, the use of private contractors to collect Federal taxes violates a confidential and fundamental relationship between American taxpayers and the Federal Government. IRS employees have access to a taxpayer's complete tax history, including personal information that is ready identifiable. That should be restricted only to IRS employees. By prohibiting the IRS from hiring private debt collectors, this bill will ensure that the privacy rights of Americans and other confidential information of taxpayers is protected from bounty hunters working on commissions of up to 25 percent.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we continue to hear arguments from my good friends about how this just won't work. But for 10 years it has worked very well, with a 99 percent accuracy, in providing billions of dollars to the taxpayer.

The bottom line is that Treasury simply focuses their activities on major accounts, and the others on smaller accounts, which is who have been handling these accounts and been very good at it, which is what we are asking to continue today. What is happening is that we found out the unions simply don't like that. They don't like somebody else perhaps getting something that they in fact never wanted to work on themselves.

So we are trying to say to the American people today, don't take away this stream of revenue. Don't take away this opportunity. Because the private sector is working on these accounts. They are not given any advantage. The people who really end up winning is not only the Treasury Department, but, more specifically, the taxpayer.

Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas for yielding, and I want to buttress his argument, which is a very clear one. Obviously, we want to ensure that every American pays their fair share of taxes.

We have had a dramatic increase in collection success by virtue of this program, and here we are gutting it because a very small group of people seems to oppose it. It happens to be union opposition.

As a taxpayer, I pay my fair share of taxes. I want to make sure that every other American pays their fair share of taxes, and that is exactly what this 10-year-old program has done, and has done with success.

Mr. Speaker, I really am very, very puzzled as we begin today with the debate on two rules that will lead to legislation being considered here on the House floor. The reason I am perplexed is we are dealing with two very important issues.

The majority leadership clearly has its right and its responsibility to move their agenda. They want to do what they are planning to do now on this issue of private sector collection of taxes, and they want to dramatically expand housing programs. Those are the two things that the majority is planning to move to the floor today. But I just don't understand, Mr. Speaker. I just don't understand why it is that we are doing what we are doing.

My friend from California, Mr. CARDOZA, just described how the Rules Committee was run when I had the privilege of serving as chairman of the committee. He said we have what is a customary closed rule, I think is the term that he used. Is that the term? I would be happy to yield to my friend.

Mr. CARDOZA. I called it traditional.

Mr. DREIER. I thank my friend for clarifying that. He described it as a traditional closed rule.

I will say that it is true that on tax bills both parties recognize that the notion of completely opening up a Tax Code measure in the Ways and Means Committee is not the wisest thing to do, so neither party has done that.

But I will tell you this, Mr. Speaker: We, when we were in the majority, regularly ensured that the ranking minority member, Mr. RANGEL, had a substitute that he could offer. In fact, on numerous occasions we offered Mr. RANGEL the chance to propose a sight-unseen substitute to measures that were coming forward, and I will admit, I will admit that on occasion, but a very rare occasion, we did not provide that substitute to Mr. RANGEL.

Mr. Speaker, I will say when that happened, Mr. RANGEL clearly let us know how unhappy he was that he did not have a substitute.

We all know that at the beginning of this Congress we had this document put forward by the new majority called "a New Direction for America." In this document, the item titled "Regular Order For Legislation" under "A Congress Working For All Americans," paragraph 2 reads as follows, Mr. Speaker. It says, "Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the rights to offer its alternatives, including a substitute." This is the commitment that was made to the American people under "A New Direction for America."

Mr. Speaker, I recognize that having a completely open rule on a measure that emerges from the Ways and Means Committee is not the wisest thing for us to do. But, Mr. Speaker, what we are doing here today on this rule is absolutely outrageous and a complete violation of this commitment that was made at the beginning of this Congress for a new era of openness, transparency and accountability.

☐ 1100

Mr. Speaker, in fact, as I said last night in the Rules Committee, we have now almost completed the first session of the 110th Congress. Our target adjournment date is October 26, just a couple of weeks away. On not one occasion in this entire session of Congress has the distinguished ranking minority member of the Ways and Means Committee, the gentleman from Louisiana (Mr. MCCRERY), been offered the chance to propose a substitute to any measure that has emerged from the Ways and Means Committee.

I will say, Mr. Speaker, as we regularly get criticized for when we were in the majority, we never did anything close to that.

Now, I am saddened greatly by the fact that we are not only doing this on this rule, Mr. Speaker, but on the next measure that we are about to bring up. It is going to be another item that will have come from the Committee on Financial Services. It's a plan to dramatically increase housing.

Last week we had a measure that came from the Committee on Financial Services and it was a flood insurance bill. Not a terribly partisan issue, a measure that has impacted Democrats and Republicans on the gulf coast, Florida, along the eastern seaboard and other parts of our country. Democrats and Republicans.

As we all know, last week in the measure that emerged from the Committee on Financial Services, the Rules Committee had a wide range of amendments that were proposed by both Democrats and Republicans. In fact, the chairman of the Committee on Financial Services talked about a commitment that had been made to allow a number of Republican amendments to be considered, so those Members withdrew their amendments when they were debating this in the Committee on Financial Services on flood insurance.

The day before the committee reported that out, we happened to have unveiled, as Members of the minority, our report providing an assessment of basically the first 9 months of the Pelosi Speakership and the way the Speaker's Rules Committee has been run. This report, very brief, lots of graphs in it, 10 pages long, I would commend it to my colleagues. They can get a copy by going to rules-Republicans.house.gov. I would recommend that they look at this, Mr. Speaker, and the reason is, if you compare this performance, whether it is denying Members a chance to even submit amendments to the Rules Committee, which is something we would have never comprehended, to having double the number of closed rules as we did at this point in the 109th Congress, you will see, Mr. Speaker, that this report shows that the performance of the first session of the 110th Congress has been 180 degrees from what was promised the American people.

So last week when we had this flood insurance measure that came forward, as I said, an agreement had been struck between the chairman of the Committee on Financial Services and a number of Republicans on that committee to have their amendments considered. And what happened? There were 13 amendments made in order, Mr. Speaker. Not one single Republican amendment was made in order. Not one single Republican amendment was made in order. This is not just a party thing; this is the American people who are not allowed to be heard because these representatives represent people along the eastern seaboard, the gulf coast, Florida, areas impacted by floods and hurricanes. We have flooding in California and all across the country.

Here is what happened. The American people whose representatives had thoughtful proposals, and the chairman of the committee thought those proposals should be heard, were denied by this Rules Committee, and it just happened the day after this report which we hoped would lead the new majority to help keep the promises made in a new direction for America. And what happened? They did even worse.

And so where do we stand today, Mr. Speaker. Well, Mr. SESSIONS has just pointed out what has happened in this rule. Again, not one chance in this entire Congress for the ranking minority member of the Ways and Means Committee to offer a proposal.

And in the next bill we will have before us, unfortunately, there is not a single Republican amendment made in order. Yes, there is a substitute, the Neugebauer substitute; but not 1 Republican amendment made in order, and all seven of the amendments that the Democrats proposed have been made in order.

Now, I had an exchange with the chairman of the Committee on Financial Services, and while he did not support most or any of these amendments that I know of, unfortunately what happened was, when the committee chairman said we ought to consider some of these, the committee chose to completely shut out Members of the minority from having an opportunity other than the Neugebauer substitute.

Mr. Speaker, let me say I am puzzled and I am saddened, both, as I look at this performance. When we are promised a new direction for America and greater transparency, disclosure and accountability, and generally a full and open debate, including a substitute, which is the exact wording that Speaker PELOSI had in this new direction for America, and here we are doing the exact opposite.

Now, on this measure itself, I hope very much we will defeat the previous question so the very thoughtful work Mr. ENGLISH has done dealing with relief for the American people from the onerous burden of the alternative minimum tax can be addressed. Unfortunately, that is not allowed. But I do believe if we defeat the previous question, we can allow the American people to have a chance to have some kind of relief from the onerous alternative minimum tax.

Mr. Speaker, I thank my friend for yielding me so much time, but I felt compelled to make these arguments on this bill and the next bill that will be coming forward. I hope, and I am very sincere about this, as an institutionalist, I hope and pray that we will do better for the American people when it comes to structuring and allowing full and fair and free debate on the House floor.

Mr. CARDOZA. Mr. Speaker, my colleague from California is a very skilled orator, and I appreciate his speaking ability. I will tell you, however, one of the great tools that people use when they are as talented as Mr. DREIER is, when they don't want to talk about the bill at hand, they talk about everything else around it.

The reality is that the bill at hand, the rule that we are trying to move forward to bring a bill to the House floor today, eliminates privatization of tax collection.

Now, my Republican colleagues on the other side of the aisle love privatization. They love it in Iraq where it has not worked and our military is struggling under the burden of having privatization and contractors, war contractors not doing what they should be doing and charging four times what they should be charging to do it. We see all of the problems that have happened there.

We have seen the same thing happen here in the United States where Federal contracts have been let. Mr. WAXMAN's committee has done incredible work rooting out waste, fraud and abuse in the private contractor system.

And then they want to turn over the collection system of the IRS to private hands, putting at risk all Americans' private information and documents. They like privatization; they just don't like protecting your privacy.

The gentleman from California talked about all kinds of issues but he didn't talk about the root problem that we are trying to address here, and that is stopping bounty hunters from harassing American taxpayers.

Finally, Mr. DREIER talked at great length about the McCrery substitute and the fact that Mr. McCRERY has not gotten a substitute this year.

Mr. Speaker, this is the second time this year that I have managed a rule where the Republican substitute has violated the House rules. I am a member of the Blue Dog Coalition as well as being a member of the Rules Committee. I am very proud that for the whole time I have been here as a member of the Blue Dog Coalition, we advocated for advancement of the PAYGO rule. We believe in fiscal responsibility. We believe we need to pay our debts. So we got, when we took over the majority, inserted into the House rules a clause that says we have to pay as we go. We have to do it like every American taxpayer has to run their own home. We have to run this House in a fiscally responsible way. And so we mandated the PAYGO rules.

The substitute put forward by the Republicans, for the second time that I have managed a rule anyway, has violated those PAYGO rules. When you don't follow the House rules, you can't expect your amendment to be made in order, Mr. Speaker. I encourage my colleagues to abide by those rules and honor the process.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I don't know if this is a blatant attempt to mislead Members or not, but the gentleman, Mr. ENGLISH, his bill is compliant with PAYGO rules. And to suggest on this floor that the Republican Party presented the bill, the amendment——

Mr. CARDOZA. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from California.

Mr. CARDOZA. I wasn't referring to Mr. ENGLISH's bill.

Mr. SESSIONS. Which one were you referencing, sir?

Mr. CARDOZA. I was referring to Mr. McCRERY's substitute.

Mr. SESSIONS. Reclaiming my time, and I will continue this dialogue, you know that we asked to have made in order one that would be in compliance with the PAYGO rules, and you and your colleagues turned that down. You specifically stated: We want an amendment that would be in compliance with the PAYGO rules; will you please give it to us. And we were turned down by the Rules Committee. I would engage the gentleman on that issue.

It was my amendment that I made, and I know how the gentleman voted, along with all of his colleagues. And to stand up on this floor and to say, Well, we would if they would abide by the rules, but they have to abide by the rules, is a blatant, blatant miscalculation and I think untrue and insincere. When we asked for that in the Rules Committee, we were turned down.

When we said, Give us an amendment we will make sure that the Parliamentarian and others say is compliant, we were turned down.

The gentleman, Mr. ENGLISH, and I am getting ready to allow him to speak on this floor, he is in compliance with PAYGO rules. So there was not an opportunity that was given by the Rules Committee to allow us to do that. And then you stand up and say, Well, if Republicans played by the same rules as we do, then they would find them in order, that is not true.

Mr. Speaker, at this time I yield 4 minutes to the co-chairman of the Zero AMT Caucus, the distinguished gentleman who has an amendment that would be compliant, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me and certifying in the process that I am PAYGO compliant, something that will come as a source of great relief to my wife, among others.

Mr. Speaker, I rise in strong opposition to the rule before us today. Very simply, it puts protecting deadbeat taxpayers ahead of shielding unsuspecting citizens from additional taxes and penalties resulting from the majority's inaction on the AMT.

Yesterday, I offered an amendment in the nature of a substitute to the underlying bill. My amendment would have addressed the severe consequences to middle-class taxpayers come next April as a result of the majority's inaction on the alternative minimum tax. As has been noted here, this amendment was fully compliant with PAYGO rules of the House, but it was dismissed out of hand by the majority. As a result, I am here today to strongly urge my colleagues to defeat the previous question on the rule so it can be amended to incorporate consideration of the English substitute.

The fact remains that the clock is ticking, and without a minimum amount of effort by this majority in Congress, millions of taxpayers will not only be socked with an unsuspected bill from the tax man in the form of the AMT, they will also be slapped with punitive penalties by the IRS for not withholding enough as AMT taxpayers.

My amendment would have created a safe harbor for those taxpayers and not penalized them for something that they did not know they would be subjected to; and, frankly, something they never should have been subject to in the first place.

☐ 1115

Let's put this in more concrete terms, Mr. Speaker. There are now less than 30 legislative days left in this Congress. So far a bill has yet to be introduced by the majority to spare 23 million American taxpayers from unintentionally being subject to the alternative minimum tax.

Now, after having 10 months of the year to deal with this impending explosion of increased taxes on working families, the majority has done absolutely nothing.

This is the longest period of time the AMT has been pushed aside, and it is incomprehensible that we're not addressing the fallout from this inaction today, even as forms are being prepared to send out to taxpayers.

Working families should not have to pay the price for the majority's inaction on the AMT. In fact, Mr. Speaker, they can't afford to.

I oppose this rule because it embraces the misplaced priorities of the majority to chase phantasms rather than deliver real and meaningful legislation to spare working families from a huge tax increase that was never intended for them.

My substitute would strike the repeal of the private debt collection program and put in place a safe harbor for unsuspecting taxpayers about to be clobbered by the AMT and then again by penalties. Otherwise, my substitute would leave the bill unchanged.

Mr. Speaker, we have to come to grips with the fact that we have to address the AMT. We must do it now. I urge my colleagues to defeat the previous question and bring a rule to the floor that addresses the immediate and pressing needs of working families in this country.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

I wish to commend my colleague Mr. ENGLISH. He is a very thoughtful individual and a very good legislator, and I would just say that while his amendment was PAYGO compliant, we were not aware of that until this morning when the tax tables were submitted to the Ways and Means Committee. So last night when the Rules Committee was dealing with this issue, we had no way of knowing whether his substitute was, in fact, PAYGO compliant or not.

With regard to Mr. McCRERY's substitute, I have it here with me. The substitute that was submitted by Mr. McCRERY was, in fact, not PAYGO compliant. Now, Mr. SESSIONS says that he made the motion to allow it to be PAYGO compliant, but the bill before us at that point in the Rules Committee was not.

I would like to say, also, that Mr. ENGLISH's substitute doesn't deal with the base bill, which is to stop the privatization of tax collection, and that is what the majority is trying to get at today.

Now, certainly there are other issues that are worthy of consideration in this institution. AMT is certainly one of them. But in this provision today, the majority wants to bring forward a bill that would stop American taxpayers from being harassed by private bounty hunters. That's the issue before us today. And all the other issues that people are trying to discuss one way or another, they have nothing to do with this base bill and really don't apply to the debate we want to have in the next hour.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. I would like to inquire upon the time remaining on both sides, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas has 4 minutes, and the gentleman from California has 15 minutes.

Mr. SESSIONS. Mr. Speaker, let's go to the heart of this.

$30 million worth of uncollected taxes that, by the IRS's own admission, never would have been collected because they were accounts they did not want to or were not working, which are the only accounts that ever go to private debt collectors, who as private collectors receive a 98 percent rating from the IRS for regulatory procedural accuracy, as well as a 100 percent rating for professionalism, and less than 1 percent of those accounts have any sort of complaints that are filed with the IRS, and none which have been validated. That's the substance of the case. That's why we oppose this bill and this rule. It makes no sense unless you're simply trying to do what union bosses ask you to do, which is evidently what this bill is doing.

I would also like to point out that what's very interesting is that this bill is supported by the chairman of the Ways and Means Committee and has a whopping nine cosponsors, a whopping nine cosponsors, and we're bringing that to the floor of the House today. Utterly amazing.

Mr. Speaker, I insert into the RECORD at this time the Statement of Administration Policy by the President, which this White House says that they will veto.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3056—To amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes

The Administration strongly opposes House passage of H.R. 3056. The bill is not consistent with the Administration's commitment to a balanced approach toward improving taxpayer compliance and collecting outstanding tax liabilities. If H.R. 3056 were presented to the President, his senior advisors would recommend that he veto the bill.

The Administration strongly opposes the provisions of the bill that would repeal the current statutory authorization for the Internal Revenue Service, IRS, private debt collection program. Terminating this program would result in a loss of significant revenue over the next 10 years. These are tax dollars that are legally owed to the Government and that are otherwise not likely to be collected by the IRS. It is a disservice to all taxpayers who properly pay their taxes to terminate this program that is efficiently recovering a portion of the extra burden they shoulder from the "tax gap" caused by those who do not pay their taxes. Moreover, the Government Accountability Office, GAO, recently reported that the IRS has made "major progress" in addressing critical success factors for the private debt collection program, including ensuring that both taxpayer rights and the security of taxpayer information are protected.

The Administration also has concerns with the provision of the bill that would impose additional tax rules on individuals relinquishing U.S. citizenship or terminating long-term residency. The Administration strongly supports efforts to ensure that individuals renouncing their U.S. citizenship pay their fair share of U.S. taxes. The bill's "mark-to-market" approach to valuation of expatriates' property for taxation purposes, however, overrides existing tax treaties and raises concerns about tax complexity.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. I would like to inquire from my colleague if he has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for asking. In fact, I do not have additional speakers at this time.

Mr. CARDOZA. Would the gentleman like to close?

Mr. SESSIONS. I would be very pleased to do that. I would like to ask the question back, does the gentleman have any additional speakers?

Mr. CARDOZA. I do not.

Mr. SESSIONS. Mr. Speaker, we have had a good debate here on the floor. We talked about from the Republican perspective, we're trying to follow the rules, not only of the House, but also the statements that have been made by our new Speaker, the Honorable NANCY PELOSI, who said she would have the most honest, open and ethical House in history and that that would also extend to processes of amendments.

We are here on the floor of the House saying today, that's not happening, has not happened all year, and I would predict to say today probably is not about to happen. Still on the Web site for the Speaker it says this. The American people are waiting for this promise to be made.

Today, we are debating a rule and a bill that would say to the American taxpayer that the IRS and their ability to collect taxes on behalf of the American people is going to be changed, changed from accounts that the IRS has no reasonable reason to believe that they will be chasing after or trying to collect. And that's why in the first place we said from doing audits, you've got all these accounts, please pass them to someone who will do it on behalf of the taxpayer. Because if you're not trying to collect these bills, it means that people will never pay.

The result has been over $30 million worth of uncollected taxes that never would have been collected, not by the IRS, and they're done by someone, these private collection agencies, that receive a 98 percent rating by the IRS for regulatory and procedural accuracy, as well as a 100 percent rating for professionalism and less than a 1 percent complaint rate of which not one has turned out to be validated.

Mr. Speaker, this is an assault on not just the taxpayer. This is an assault on really good and effective and proper government, where the IRS utilizes best practice. They're utilized by over 40 State governments today to have help in collecting money that is owed not just to the government but to the taxpayers of this Nation. And today, despite the success, overwhelming success, that is occurring, the Democrat majority, with nine cosponsors plus the chairman, is interested in taking away this opportunity for the taxpayers, I will assume, because the taxpayer union of the Treasury Department does not like this happening.

Mr. Speaker, we need to have best practices. The President is right. He will veto this bill. This is a valiant effort by this Democrat majority to pay back AFL–CIO and the labor unions for their support, but it is not in the best interests of not only the taxpayer but of good and proper government.

The Republican Party is here on the floor of the House today saying that what has happened with best practices that is happening today should continue. We should have these private services that work in concert with the IRS. We should continue to give the IRS and those particular departments that do go after this money to receive directly more money that is collected that would help them hire more tax collectors, but we should not stop this process dead in its tracks because not only is it successful, but it is working as a best practice would for other people to see how important a public/private partnership is.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material to appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, the bill before us today, the Tax Collection Responsibility Act of 2007, stops wasting taxpayer money on programs that cost too much, gives away confidential taxpayer information, and results in taxpayer harassment by bounty hunters and simply never has and never will work. It didn't work in the early 1800s, it didn't work in the late 1800s, and it doesn't work in the year 2007.

Mr. SESSIONS mentioned that there are these Republican best practices that would enhance our collection methods. Well, let's talk about that.

The Republican bill spent $71 million to collect $20 million, resulting in a $51 million loss. If Mr. SESSIONS wants to claim those as Republican best practices, he can do that. However, if the Federal Government employees, the traditional men and women who have served our country honorably, if they had had the ability to use that same $71 million, they would have collected $1.5 billion in taxes owed to this Treasury, $1.5 billion that could be used to, well, maybe fund SCHIP so that our poor young children could get the health care they deserve.

Mr. SESSIONS talks about that this bill only has 11 cosponsors. Well, this bill is a compilation of bills that was put together in the last few weeks, and, in fact, the base bills that this bill is based upon, Mr. VAN HOLLEN's bill has 156 coauthors and Mr. MEEK of Florida's bill has over 100. So there is wide support for this bill. The public should not believe that there are just a few folks thinking this is a good idea. This has wide support. It has had a number of hearings in the Ways and Means Committee, and there has been great testimony with regard to the fact that the current program put in by the Republicans in the last few years has not and will not work and should not continue to be allowed as the law of the land.

H.R. 3056 does something very fundamental. It protects taxpayers and ensures their privacy. It addresses withholding concerns raised by business and local government. It cracks down on yet another tax loophole for the wealthy that has been left open under the prior Congresses for far too long, and, most importantly, it continues to make our taxes fair for all.

Mr. Speaker, this is a good bill. It deserves this House's strong support. I urge a "yes" vote on the rule and on the previous question.

Mr. HERGER Mr. Speaker, I rise in opposition to the Rule on H.R. 3056, the Tax Collection Responsibility Act. This rule, on legislation to halt collection of previously uncollected tax debts, wrongly prohibits any Republican amendments. An Amendment in the Nature of a Substitute by Ways and Means Ranking Member JIM MCCRERY, would have allowed for consideration of full repeal of the 3 percent withholding burden, which is so important to thousands of U.S. businesses. This was rejected by the Rules Committee on Tuesday evening. This rule stifles debate and is counter-productive to the bipartisanship we've worked for this year on the 3 percent withholding repeal. I urge my colleagues to reject the rule.

Mr. WELCH of Vermont. Mr. Speaker, I want to thank the gentleman from New York, Mr. RANGEL, for his work in bringing H.R. 3056 to the House floor. I have received feedback from Vermont citizens and members of the National Treasury Employees Union (NTEU), both in Vermont and nationwide, strongly urging the repeal of the IRS authority to use private debt collectors. There has been much concern for this practice of using "private bounty hunters." National NTEU employees expressed deep concern for outsourcing of inherently governmental jobs.

In January, 2007, the National Taxpayer Advocate, who is appointed by the Treasury Secretary, sent a strong message to Congress urging repeal of this authority as a burden and cost to taxpayers. Taxpayers have faced overzealous intimidation and abuse by private collectors as well as the loss of privacy and confidential information. The Taxpayer Advocate reported to Congress that "the money spent on the IRS Private Debt Collection initiative is an inefficient use of government dollars." The National Taxpayer Advocate Service has testified that IRS employees bring in $20 for every dollar IRS spends, whereas private debt collectors bring in only 4.

This bill will reverse these inefficiencies and abuses on the American taxpayer.

I have also heard from other Vermont organizations, including many Builders Associations and other federal, state, and local government contractors, voicing strong support for the delay in implementation of certain tax withholding provisions provided in this bill. H.R. 3056 postpones for one year, until December 31, 2011, the application of a three-percent withholding requirement on the payments of goods and services made by the U.S. Government, States, and local governments. This delay allows the Treasury Secretary the time to study issues associated with the 3-percent withholding, including the burdens to small businesses as well as the application of the tax to small expenditures for goods and services by governments.

I strongly urge my colleagues to support passage of this rule and the underlying bill.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 719 OFFERED BY MR. SESSIONS OF TEXAS

Strike all after the resolved clause and insert the following: That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3056) to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in section 3 of this resolution, if offered by Representative English of Pennsylvania or his designee, which shall be in order without intervention of any point of order except those arising under clause 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3056 pursuant to this resolution; notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The further amendment referred to in section 1 of this resolution, to be offered by Representative English of Pennsylvania or his designee, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Collection Responsibility Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Estimated tax safe harbor for increase in 2007 alternative minimum tax liability.
Sec. 3. Delay of application of withholding requirement on certain governmental payments for goods and services.
Sec. 4. Clarification of entitlement of Virgin Islands residents to protections of limitations on assessment and collection of tax.
Sec. 5. Revision of tax rules on expatriation.
Sec. 6. Repeal of suspension of certain penalties and interest.
Sec. 7. Increase in information return penalties.
Sec. 8. Time for payment of corporate estimated taxes.

SEC. 2. ESTIMATED TAX SAFE HARBOR FOR INCREASE IN 2007 ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 6654 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) 2007 AMT LIABILITY INCREASE.—

"(1) IN GENERAL.—In the case of any taxable year beginning in 2007—

"(A) any required payment under subsection (d)(1),

"(B) any annualized income installment under subsection (d)(2), and

"(C) any tax under subsection (e)(1),

shall be determined without regard to any 2007 AMT liability increase.

"(2) 2007 AMT LIABILITY INCREASE.—For purposes of paragraph (1), the term '2007 AMT liability increase' means the excess (if any) of—

"(A) the tax imposed by section 55 for the first taxable year beginning in 2007, over

"(B) the tax imposed by section 55 for the first taxable year beginning in 2006.

"(3) LIMITATION.—Under guidance prescribed by the Secretary, the excess determined under paragraph (2) shall be reduced (but not below zero) by an amount determined by the Secretary to result, when added to all other revenue amounts forgone by reason of paragraph (1), in the total amount forgone under paragraph (1) being equal to $1,000,000,000.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

SEC. 4. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to avoid tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

SEC. 5. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exeeeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SEC. 6. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 7. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$600,000".

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$25".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking "$75,000" and inserting "$200,000".

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$60".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking "$150,000" and inserting "$400,000".

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$250,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$75,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$150,000".

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$600,000".

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$600,000".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 8. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "115 percent" and inserting "115.50 percent".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 720 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 720

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2895 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS).

All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 720.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 720 provides for consideration of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007.

As the Clerk read, the rule provides for 1 hour of general debate controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI.

The rule makes in order the Financial Services reported substitute. The rule makes in order eight amendments, including a complete Republican substitute. The amendments are each debatable for 10 minutes, except for the Neugebauer substitute, which is debatable for 20 minutes. The amendments are not amendable or divisible.

All points of order are waived against the amendments, except for clauses 9 and 10 of rule XXI. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, so many American families today are facing a critical housing crunch. The cost of an apartment or a home is out of reach for so many, but there is good news. Many of us in this Congress understand and will keep fighting for a new direction for America and more affordable housing.

Today we will create a landmark affordable housing trust fund under H.R. 2895 in this rule, which will provide over 1.5 million new affordable homes for hard-working folks across America over the next decade. I would like to thank Chairman BARNEY FRANK and Chairwoman MAXINE WATERS for their dedication to American families in their efforts to make housing affordable and available to those who could use a helping hand.

They pledged at the beginning of this new Congress that they would focus on affordable housing, and they have stayed true to their word.

Four other bills in addition to this one that will be considered today expand American homeownership and provide relief to our neighbors, many of whom have been subjected to foreclosure due to predatory lending in the subprime loan crisis.

This new affordable housing trust fund will focus on construction, rehabilitation and preservation of affordable housing in our hometowns and communities across America. The trust fund will pool monies, together with State, local and private housing initiatives to target housing to families with the greatest economic need.

The innovative, dedicated funding mechanism for this new trust fund comes at no new cost to taxpayers. Our efforts come at a critical time. Federal money for affordable housing has largely disappeared under this current administration. Health care costs are out of sight, the cost of living is higher, and many of our neighbors have not received raises that keep up with these rising costs.

We have heard from so many Americans across this country. For example, in south St. Petersburg, just recently, I was talking with a police officer that works for the City of St. Petersburg. He said it was his dream to have his young son move into his neighborhood nearby. Unfortunately, affordable housing in that neighborhood is all but gone, and he will just not be able to swing it.

In addition, local housing agencies across America have thousands upon thousands of Americans on waiting lists for affordable housing. In my hometown of Tampa, Florida, during a 1-week open enrollment session, more than 10,000 seniors, families and veterans indicated a need for affordable housing. But there is just no inventory.

Instead of receiving housing, they are placed on a waiting list. That waiting list takes 4 years, and it makes affordable housing completely unreachable for the other people that simply never made that call for help.

The number of American households paying more than half of their incomes on housing increased to 17 million in the year 2005, with 1 in 7 U.S. households being severely housing-cost burdened. This imbalance is very troubling, and when combined with predatory subprime loans, it has caused many homeowners to lose their homes. In the Tampa Bay area alone, in the first 6 months of this year, over 10,000 of my neighbors have found that their homes have fallen into foreclosure.

This new affordable housing trust fund will provide for the new construction, preservation of existing housing and homeownership, assistance, emergency housing repairs and housing-related services. Help is on the way.

H.R. 2895 is a positive step in a new direction to ensure that more families are able to find clean, safe, stable and affordable places to live. I am proud to support this bill and this rule, and I urge the Congress to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I thank the gentlelady from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This rule provides for the consideration of a bill to establish a national affordable housing trust fund. Members of this House share in the commitment to meet the housing needs of lower-income Americans. However, we differ on how to best achieve this goal.

The bill that will be before us today creates a new, a new national housing trust fund, and, with it, a whole new level of Federal bureaucracy. There are already over 30 separate Federal programs designed to promote affordable housing. The new trust fund, created by the underlying bill, is modeled in large part on one of those existing programs, the HOME Investment Partnerships Program.

Why create a new level of Federal bureaucracy to administer essentially the same program that is already being successfully administered by State and local governments closest to the problem? It seems to me that ought to be a big subject of the debate that we have today.

Mr. Speaker, I am pleased that this rule makes in order a substitute amendment offered by Mr. NEUGEBAUER of Texas that would establish a national affordable housing grant fund program within the current HOME program. This proposal would meet the need and meet the goal of expanding rental and home ownership opportunities for low-income families without adding new layers of red tape. While I support the Neugebauer amendment being made in order, I am troubled that this is the only Republican amendment allowed to be considered under this restrictive rule.

A total of 15 amendments were submitted to the Rules Committee by the 10 a.m. deadline yesterday. One amendment offered by Representative CAPUANO of Massachusetts to change the short title of the bill to the "Barney Frank National Affordable Housing Trust Fund Act of 2007" was withdrawn. Out of the remaining 14 amendments, seven were submitted by Democrats and seven were submitted by Republicans. This rule makes all seven amendments offered by Democrats made in order, but just 1 Republican amendment. If this rule is adopted, many thoughtful ideas will be denied the opportunity to be considered on the House floor today.

Unfortunately, shutting out amendments offered by Republicans has become the norm for the Democrat Rules Committee.

Americans want to see Members on both sides of the aisle work together to address the problems our Nation faces. Unfortunately, with this restrictive rule, the Democrat majority has chosen to deny millions of Americans a voice on several significant issues related to meeting the affordable housing challenges that lower-income Americans face. Therefore, I must urge my colleagues to vote against House Resolution 720.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I will inquire of my colleague from Washington if he has any additional speakers. Otherwise, he can proceed to close.

Mr. HASTINGS of Washington. Mr. Speaker, I had requests from two Members, but I see they are not here. If the gentlelady has no more speakers, I will be prepared to close on my side.

Ms. CASTOR. That's correct, we have no speakers. We have requests as well, but they are not here in attendance, so I think it's safe to proceed to close.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

House Republicans believe that every earmark should be debatable on the House floor and that the House earmark rules are flawed when it comes to the enforceability of earmarks.

Earlier this year, Republican Leader BOEHNER introduced a measure to close loopholes in the rules and allow the House to debate openly and honestly earmarks contained in all bills. Currently, 196 Republicans have signed a petition to bring this proposal to the floor for immediate consideration.

Unfortunately, we need 22 more Members in order to get real earmark reform before this can be considered by the House. The House cannot delay action on this any longer. Each day we put off closing loopholes in the House earmark rules, American taxpayers are left to wonder what hidden earmarks are contained in bills before the House. It is time we act to prove to American taxpayers this House is serious about earmark transparency and enforceability.

I will be asking my colleagues to vote "no" on the previous question, so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER. By defeating the previous question, the House will still be able to consider the National Affordable Housing Trust Fund Act today, but we will also be able to address the earmark enforceability in order to restore the credibility of this House.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my colleagues to oppose the previous question and the restrictive rule which denies debate on several significant issues related to increasing the availability of affordable housing with the most efficient and effective use of government resources.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, despite the threatened veto by the White House, we will continue to stand on the side of America's hardworking families today and pass this landmark affordable housing trust fund bill. This will help our States and our communities achieve over 1 million new affordable homes for our neighbors over the coming years.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 720 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1145

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on postponed questions, in the following order:

ordering the previous question on H. Res. 720, de novo;

adoption of H. Res. 720, if ordered;

ordering the previous question on H. Res. 719, de novo; and

adoption of H. Res. 719, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question on ordering the previous question on House Resolution 720, which the Chair will put de novo.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 13, as follows:

[Roll No. 951]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bean
Boren
Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
King (NY)
Maloney (NY)
Miller, Gary
Reichert
Rogers (KY)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1216

Mr. KINGSTON and Ms. FOXX changed their vote from "yea" to "nay."

Mr. ALTMIRE changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SKELTON was allowed to speak out of order.)

THE HOUSE WELCOMES JANNA LOU BOREN

Mr. SKELTON. In the State of Oklahoma yesterday, weighing in at 6 lbs, 12 ounces, Janna Lou Boren was born to Andrea Boren and our colleague, DAN BOREN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 194, not voting 13, as follows:

[Roll No. 952]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bean
Boren
Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
King (NY)
Maloney (NY)
Miller, Gary
Reichert
Rogers (KY)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining on this vote.

☐ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE JOE D. WAGGONER, JR., FORMER MEMBER OF CONGRESS

(Mr. McCRERY asked and was given permission to address the House for 1 minute.)

Mr. McCRERY. Mr. Speaker, it's my sad duty to inform the House of the death of former Member Joe D. Waggoner, Jr., from Louisiana. Congressman Waggoner served this House with distinction on the Ways and Means Committee, as a subcommittee chairman on the Ways and Means, served in the House for nearly 18 years, and Congressman Waggoner passed away this weekend.

So, Mr. Speaker, I would ask, in memory of Congressman Waggoner, for the House to please rise and have a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3056, TAX COLLECTION RESPONSIBILITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question on ordering the previous question on House Resolution 719, which the Chair will put de novo.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 198, not voting 13, as follows:

[Roll No. 953]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett

Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bean
Boren
Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
King (NY)
Maloney (NY)
Miller, Gary
Reichert
Rogers (KY)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR) (during the vote). There are 2 minutes remaining in this vote.

□ 1235

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 198, not voting 16, as follows:

[Roll No. 954]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers

Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Boren
Carson
Castor
Cubin
Ellison
Jindal
Johnson (IL)
Johnson, E. B.
King (NY)
Maloney (NY)
Miller, Gary
Neal (MA)
Reichert
Rogers (KY)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1242

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately this morning, October 10, 2007, I was unable to cast my votes on Ordering the Previous Question on H. Res. 720, H. Res. 720, Ordering the Previous Question on H. Res. 719 and H. Res. 719 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 951 on Ordering the Previous Question on H. Res. 720, Providing for consideration of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 952 on passing H. Res. 720, Providing for consideration of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, I would have voted "No."

Had I been present for rollcall No. 953 on Ordering the Previous Question on H. Res. 719, Providing for consideration of H.R. 3056, the Tax Collection Responsibility Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 954 on H. Res. 719, Providing for consideration of H.R. 3056, the Tax Collection Responsibility Act of 2007, I would have voted "nay."

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution (H. Res. 722) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 722

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Lamborn.

COMMITTEE ON FOREIGN AFFAIRS: Mr. Blunt, to rank after Mr. Chabot.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2895.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 720 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2895.

☐ 1243

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is an historic day. This is an important piece of legislation, broadly and eagerly supported by virtually every organization in this country seeking to expand the supply of affordable housing for low-income people, and also from the leading business groups that understand the need for an increase in the housing supply. So from the Low Income Housing Coalition and all the homeless groups, over to the National Association of Homebuilders and the National Association of Realtors, this is a day they have long waited for; and I submit the following for the RECORD:

NATIONAL ASSOCIATION
OF REALTORS,
Washington, DC, October 9, 2007.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the NATIONAL ASSOCIATION OF REALTORS®, I urge your support of H.R. 2895, the "National Affordable Housing Trust Fund Act of 2007". The number of families facing critical housing needs is significant and growing. Today, one in seven U.S. households—both owners and renters—spend over 50% of their household income on housing. A dedicated fund to produce, rehabilitate, and preserve affordable housing could make great strides towards addressing this crisis.

NAR has consistently maintained that homeownership serves as a cornerstone of our democratic system of government. We believe that homeownership continues to be a strong personal and social priority for most Americans. Living in one's own home is a measure of security and success in life. The homeownership rate fell slightly during the recent housing market slowdown. Despite modestly lower home prices in many regions of the country, many deserving American families continue to face obstacles in their quest to own a home.

NAR has equally and forcefully maintained that rental housing has an immediate and beneficial effect on the prosperity of a community. Rental housing provides a range of housing options that not only attract top employers but also generate local taxes, fees and income that benefit local economies. Sadly, the stock of affordable and available rental units is declining. As a result, approximately 25% of renters spend more than half of their household income on housing costs. Perhaps even more sobering, there is no location in the country where a household headed by a single minimum-wage worker can afford a two-bedroom rental apartment.

The NATIONAL ASSOCIATION OF REALTORS® recognizes that accessibility to safe, decent and affordable housing at all levels must be one of our nation's highest priorities. NAR strongly endorses H.R. 2895 and urges your support of this important legislation.

Sincerely,
PAT V. COMBS,
2007 President, National Association of Realtors.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, October 9, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to urge your support for H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, which provides grants and other assistance in support of the production, rehabilitation and preservation of affordable housing.

NAHB's members are acutely aware of the significant and urgent unmet housing needs throughout the country, and welcome this initiative to marshal additional resources to improve housing opportunities and conditions in America's communities. In conjunction with efforts to revitalize the Federal Housing Administration, we believe that the National Affordable Housing Trust Fund can improve housing opportunities for those that need it most. As H.R. 2895 moves forward in the legislative process, NAHB looks forward to working with Congress to ensure that the new Affordable Housing Trust Fund has income targeting requirements that allow grantees and grant recipients to meet the fullest range of critical housing needs.

Again, NAHB believes this legislation is an opportunity to help the increasing need for affordable housing, and urges your support for H.R. 2895 when it comes to the floor this week.

Thank you for your attention to our views.

Sincerely,

JOSEPH M. STANTON,
Senior Staff Vice President.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS), the chair of the Subcommittee on Housing, with whom I have been very pleased to work all year in trying to advance the important goal of providing affordable housing for America, one of our greatest social and economic needs.

Ms. WATERS. Mr. Chairman, the Chair of the Financial Services Committee, Chairman FRANK, who just spoke, is absolutely correct. This is a very exciting day, a day that so many housing advocates and working people and poor people have been waiting for. They get a chance to see their government responding to one of the most critical needs in our society.

Mr. Chairman, I rise in support of H.R. 2895, the Affordable Housing Trust Fund Act of 2007, and I sincerely thank Chairman FRANK for his unrelenting efforts to get the Federal Government back in the affordable housing production business.

I am so proud to be part of this committee, to be a cosponsor of this bill and to work with Chairman FRANK in not only producing housing under this National Affordable Housing Trust Fund, but for all the other work that has been coming out of this committee under his leadership.

The need for this bill could not be more urgent. Mr. Chairman, last week you joined me when I chaired a hearing in the Housing and Community Opportunity Subcommittee that demonstrated that when affordable housing is not produced, homelessness is. The stark bottom line that emerged from the hearing, focused narrowly on reauthorizing the McKinney-Vento Homeless Assistance Act of 1987, is that, nationwide, we haven't made demonstrable progress in reducing the number of households experiencing homelessness in the past 2 decades. While some homeless people face personal challenges that require social services or other support, every homeless individual and family shares one common need: Housing they can afford. And there simply is not enough of it.

For example, there are 9 million renter households who earn less than 30 percent of area median income, but only 6.2 million units affordable to them. This leaves an absolute deficit of 2.8 affordable rental housing units for our poorest families. This kind of math leads inevitably to widespread homelessness. But I want to emphasize that the National Housing Trust Fund addresses the affordable housing crisis as it affects every level of society.

Right now, housing costs are outstripping wages for more households than ever before in recent memory. According to the "Harvard University Study on the State of the Nation's Housing in 2007," 17 million renters and homeowners are paying more than half their incomes in housing costs.

Working is simply no longer a guarantee of being able to afford housing. In Los Angeles, for example, it takes an hourly wage of over $22 an hour to afford a moderately priced 2-bedroom apartment, when the minimum wage in California is only $7.50 an hour. Put another way, a 2-parent family with both parents working full-time at minimum-wage jobs puts that family less than two-thirds of the way to being able to afford decent housing.

Finally, as a recent Center for Housing Policy study "Paycheck to Paycheck" dramatically shows, many of our Nation's essential workers cannot afford to live in or near the communities where they work. In high-cost communities like Los Angeles where the median home price is $523,000, the income needed to afford a home is far higher than that earned by teachers, police, firefighters, nurses and other key occupations studied. The National Affordable Housing Trust Fund addresses this full range of housing crises, providing relief to overburdened renters and homeowners, while targeting funds where the need is greatest.

Mr. Chairman, I want to emphasize that H.R. 2895 does so at no additional cost to taxpayers. It is a trust fund in the truest sense, a dedicated source of revenue, separate and apart from the annual appropriations process, reflecting the need for the Federal Government to make a long overdue commitment to affordable housing production.

We have clearly demonstrated that the fund will be drawn from moneys from the affordable housing fund proposed as part of the GSE reform bill, H.R. 1427, from Federal Housing Administration savings and other existing revenue streams. I am prepared to debate with my colleagues on the other side of the aisle whether such revenues should be diverted to uses other than addressing the housing needs of America's working families and poorest, disabled individuals. I do not think there is any better use for them, particularly since both GSE and FHA revenues derive from housing activities that the Federal Government and government-sponsored enterprises engage in, at significant profit to both, I might add.

In conclusion, Mr. Chairman, it has been 17 years since the Federal Government last enacted a major affordable housing production program, spearheaded in 1990 by, Mr. Chairman, your predecessor, Chairman GONZALEZ. The time has long since passed to enact another one.

I am so proud of this legislation. I am so thankful, Chairman FRANK, for your leadership. And I am so proud and pleased to have the opportunity at this time in my career not only to work on the committee with you and to chair this subcommittee, but to be able to stand here today and see something about to happen that has been needed for so long.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we start this discussion or debate about this new program, the National Affordable Housing Trust Fund program, I think it is important to distinguish between what we disagree on and what we agree on.

The first thing that we agree on is that Chairman FRANK and the members of the majority have a sincere commitment to meeting the housing needs of low-income Americans, to make housing more affordable for low-income Americans, and we share that need. What we debated in committee, what we have debated on the floor of this House on two previous occasions and now, is how we meet those needs.

What this legislation does is it creates a new National Affordable Housing Trust Fund. This is a new Federal program. In fact, Chairman FRANK has said this is the largest expansion of a housing program I think in the last 30 years.

Mr. Chairman, this is a multi-billion dollar program. We say that this is not the way to do it. If we are to address the unmet needs of low-income Americans for affordable housing, this is not the way to go.

Why do we say that? Because presently there are over 30 Federal programs addressing affordable housing for low-income Americans. In addition to those 30-something programs at HUD, we have FHA and we have the GSEs, Fannie Mae and Freddie Mac. What this legislation proposes to do is not reform any of those programs. What it proposes to do is take money from FHA and from the GSEs, Fannie and Freddie, and transfer that money into a new program.

So we end up with all the programs we presently have, which it ought to be obvious to everyone apparently are not working. You are talking about the majority of the $35 billion. And when I say "not working," let me say this to the chairman: They are not meeting the needs, or we wouldn't need to create a new program.

But what we are saying is if there is something wrong with the existing program, if there is something wrong with the $35 billion we are presently committing under the HUD programs, if FHA or the GSEs are not doing their job, why come along and create another program? And then if FHA and the GSEs are doing their job, why take money from FHA and the GSEs, particularly because at the same time we are saying to those programs, we want you to play a larger role in the mortgage crisis, the subprime mortgage crisis in America, but at the same time we are taking money from those programs.

So that is what we are debating. We are debating whether or not with all these programs, with the large Federal role in creating low-income affordable housing, why it is necessary to create another large program. As Chairman FRANK actually says, this is one of the most significant expansions of Federal programs for low-income Americans.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman.

Mr. Chairman, I rise to oppose the creation of the National Affordable Housing Trust Fund. While I share Chairman FRANK's goal of increasing the amount of available affordable housing, I do not think that H.R. 2895 is the right way to do it. I will make three quick points to explain why.

First, let's look at how the trust fund is financed. Thanks to self-defeating provisions in both the GSE reform and the FHA reauthorization bills, low- and middle-income Americans, including the elderly, are going to pay for it.

How will it work? It is estimated that Fannie Mae and Freddie Mac, two entities that purchase or securitize almost 80 percent of American families' mortgages, will be taxed at more than $3 billion over a 5-year period to pay for the trust fund. Where will they get the money? As publicly traded companies, accountable to their shareholders, Fannie Mae and Freddie Mac will inevitably pass along these new assessments to their customers. America's low- and middle-income homeowners will be footing the bill. That is not a good plan. It amounts to a mortgage tax on these hard-working, low- and middle-income Americans seeking to secure, maintain or refinance their home mortgages. In short, it is robbing Peter to house Paul.

What is worse, the Congressional Budget Office has estimated that the FHA trust fund provision could include a $370 million surplus in 2008 and a $2.1 billion surplus over the 2008 to 2012 period. Where does this come from? Well, the majority of FHA's surplus would come from reverse mortgage premiums that are paid for by our seniors, suggesting that they have been overcharged. I have supported ideas aimed at giving this surplus back to our seniors in the form of reduced premiums, which the Financial Services Committee rejected.

I would agree with the chairman that the funds for this trust fund should not be used for other purposes that have nothing to do with housing. But here with the FHA funds, in fact, I think that the money should stay in FHA, period.

Second, why are we creating yet another Federal housing program, when we have so many housing programs already in existence, over 100? The National Low Income Housing Coalition cites that nearly 600 housing trust funds have been created in the cities, counties and States in this country, generating more than $1.6 billion per year to support housing needs.

Third, to the extent that the State programs fall short in some way, I must point to the existing federally administered program designed to serve the housing needs of low-income Americans, the HOME Investment Partnership Program. This program already has the personnel, systems and regulatory oversight in place to accomplish the same objective as the National Housing Trust Fund. Instead of creating a Federal bureaucracy, let's improve on the home loan program.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

My friend from Alabama said that there are 30 programs that this would duplicate. I know of one program which helps build family affordable housing. That is what this does. I would yield to the gentleman. Would he name some of the other programs?

The question is, what are the 30 programs that help construct, not Fannie Mae and Freddie Mac and FHA, he said there were 30 HUD programs that help build affordable family housing.

I would yield to the gentleman if he would tell me what they are.

☐ 1300

Mr. BACHUS. Let me say this to the chairman.

Mr. FRANK of Massachusetts. I'm sorry, Mr. Chairman, I take back my time. I yielded for a specific purpose. He has as much time as I do. I asked him, and he has had time to get the list from people: What is the list of programs that build affordable family housing? Construction.

And I will yield.

Mr. BACHUS. CDBG, those programs under HUD, designate money to all of the States, to many local governments, and to our different territories.

In addition to that, you have the HOME program. You have patterned this bill, if you look at it——

Mr. FRANK of Massachusetts. Mr. Chairman, I take back my time. I think the gentleman doesn't have 30; he doesn't have three.

Would the gentleman please abide by the rules.

He made a statement, and I am yielding my time. He has equal time. I don't think there are 30 programs. I don't think they can come up with them.

The HOME program, I agree, there are reasons why this must be in addition to the HOME program.

Community Development Block Grants are not supposed to be primarily a construction program. Mayors and city council members and others all over the country will be appalled to be told that they are supposed to put CDBG primarily in housing construction; they aren't. It is for a whole variety of programs. People know that.

We do have programs to build housing for the elderly and for the disabled, but there is simply not a list for housing construction.

Secondly, the gentleman from Alabama says, Why don't we fix these programs? Of course, the Republican Party was in control of both Houses of Congress and the Department of Housing and Urban Development for 6 years. Apparently, they didn't do anything.

He then says, Why don't we fix FHA and GSE? Well, I was surprised by that, Mr. Chairman. The gentleman knows that this House has, in fact, passed bills that do make reforms in both the FHA and the GSE. For him to say why don't we fix FHA and GSE when he knows we have passed bills to do it seems, to me, strange because we have done that.

Here is the point. We do have the HOME program. It is subject to annual appropriations. And we do have local housing trust funds. It is the local housing trust funds that want this bill. The gentlewoman from Illinois mentioned the Low Income Housing Coalition. They are the major driver behind this bill because they understand its importance.

We want to supplement the funds. What is the problem with the one program that builds affordable housing, the HOME program, there is not enough money. It competes with other appropriated funds.

By the way, the argument that somehow we are being unfair to the elderly, in this bill, unlike what happened during the Republican rule, we limit the fees that can be charged to the elderly under the HOME equity mortgage program. We do that. They didn't. We limit what the FHA can charge for mortgage insurance. OMB ordered HUD to raise the fees so they would make even more of a profit. We said you can't do that. We authorized some additional activity. We have limited the fee increases, and we have taken some of the money from the additional activity, not from fee increases.

The fact is this: The Republican Party has opposed any funding for affordable housing construction. They inherited the HOME program. They haven't been very good to it in the appropriations process. This says we need to get back in the business in a major way of helping build affordable housing. There is no 30 programs that build affordable housing for low-income people. That is not what CDBG is intended to do, and it is not what CDBG largely does. Most of the money goes for other things.

This list of 30 programs is mythical. I await its reality, but I don't have any high expectations.

Mr. Chairman, I yield to the gentleman from Virginia for a colloquy.

Mr. MORAN of Virginia. Mr. Chairman, the fact is that Americans are in a crisis in terms of affordable housing today. This is the most programmatically rational and fiscally responsible way to address that crisis.

I strongly support Mr. FRANK's bill, and I appreciate him offering this opportunity for the Congress as a whole to show that we really can make a positive difference in people's lives.

I would appreciate some clarification on one aspect of the bill, however. Within the bill, at least 75 percent of the funds are set aside for families whose incomes are no more than 30 percent of the area median income, and at least 10 percent is for people whose income is more than 50 percent of the area median income. That only leaves about 15 percent of the trust fund available to be flexibly used by localities.

I represent the Washington suburbs where housing is extraordinarily high, not dissimilar from the Boston suburbs that the chairman represents. Many of these families and governments are concerned that there will not be the opportunity to address the crisis that their middle-class families are facing in housing. In fact, there are more than 50,000 families in northern Virginia who are paying over 30 percent of their income for housing but who are at about 100 percent of the area median income.

What I would like to ask the chairman to do is to clarify how we can address that affordable housing need within this bill's parameters.

Mr. FRANK of Massachusetts. First, there was allusion by the gentleman from Alabama to Fannie Mae and Freddie Mac. In fact, Fannie Mae and Freddie Mac in the bill we passed, which we did do some reforms in, we did say that they should in their secondary mortgage activity be supportive of people at 80 percent of median. We have given them the affordable housing goals, and people who understand this issue understand that there is a distinction, as the gentleman from Virginia understands. Fannie Mae and Freddie Mac have primarily and historically been aimed at helping people in the more moderate income range. We have actually lowered it to 80 percent of median. This gets to people much below that in general, which is why there is no overlap between Fannie Mae and Freddie Mac and this program.

Secondly, to the gentleman's argument, what we want to do here is give as much flexibility as we can to the local communities. That is why, yes, we are not creating a Federal bureaucracy here. The Federal Government will largely be passing this money through to the State and local housing trust funds who can focus on the needs of their own community. They would have the ability, with the 15 percent, to spend it where they think best. If they thought it was needed for the lowest income people, they could do that. But if they felt, as in the gentleman's area, this needs to go to people at 60 percent of median, and ultimately when we get the fund up to 80 percent of median, they would have the ability to do that. So the 15 percent is within the discretion of the local communities.

Mr. MORAN of Virginia. That is very helpful.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I rise today in favor of greater housing opportunities for working families. I also rise today against adding yet another new Federal Government housing program on top of the roughly 80-plus programs that HUD already administers, and I hold the list in my hand. And since it is called "HUD," ostensibly, these programs have something to do with either affordable housing or urban development.

Mr. Chairman, what we have in front of us again is another classic liberal let's take money away from working families, send it to Washington, and then somehow throw a little bit back at the people. Throw money at the problem.

I might add, as the chairman brought out as a beneficial feature of this, that the money goes to the States. The last I looked, all but four or five are running a surplus. Unfortunately, there is still a deficit in the Nation's Capital.

Now, I appreciate the chairman's commitment to affordable housing. I agree with him, there is a need for greater affordable housing. He is very sincere in his passion, and I respect that. But I note that he and other Members on that side of the aisle, unfortunately, constantly vote against affordable housing. The greatest determinant in how affordable your housing is is a paycheck. It's a paycheck, Mr. Chairman.

And almost all the Democrats voted against the Economic Growth and Tax Relief Act of 2001 and the Jobs and Growth Reconciliation Act of 2003, which created 8.2 million jobs and helped lead to one of the largest rates of homeownership in the entire history of our Nation.

The next biggest determinant in the affordability of housing is once you have that paycheck, how much of it does Uncle Sam take? What is your tax bite? Yet we know, Mr. Chairman, in the budget passed by the Democrat majority, it contains the single largest tax increase in history. We are talking about an average of $3,000 per year on every American family when it is imposed.

And I hear from some of these families. I hear from people like the Stephens family in Mesquite who wrote to me: "Dear Congressman, I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount," talking about the taxes, "would break me. I would be at risk of losing my home with this type of tax increase." So much for making housing more affordable.

Also, many of our friends on the other side of the aisle do not support increased opportunities for trade. They want to put tariffs on the Canadian lumber or the Mexican concrete which leads to homes being less affordable.

Finally, there is the regulatory burden. Mr. Chairman, they almost all supported Davis-Bacon provisions which increases the cost of public housing by artificially raising wages. At almost every juncture, the Democrat majority is voting against affordable housing, and those are the facts.

So it really comes down to a choice: Do we want more opportunity housing or do we want more government housing? We should support opportunity.

Mr. BACHUS. Mr. Chairman, I yield to myself because I would like to make one statement.

Mr. Chairman, as I said at the start of this debate, the trust fund will be the largest expansion in Federal housing programs in decades. That is what we are debating.

Also at this time I would like to introduce, and I asked back in July for HUD to produce the list of programs which today promote affordable housing. They sent me a list, and it has actually 34 programs which in some way assist low-income Americans with their housing needs. That is not my list; that is their list.

But let's again focus on, we have all of these programs. Do we rehabilitate these programs or do we shift money from one program to another? And if we are shifting money from one program to another, I don't see how this is the largest expansion of Federal housing programs in decades, or as the gentlewoman from California said, the most significant new program in over 11 years.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to underline an important distinction that appears to have escaped the gentleman from Alabama: There is a difference between a section 8 voucher program which gives people money to pay their rent on a year-by-year basis and does not encourage the construction of any housing, there is a difference between that and a program to help people build affordable housing. The gentleman now has disclaimed the list to some extent. He says it is not his list; it was when he first mentioned it, it seems to me. Now it is HUD's list.

It is a list that he very carefully reworded, the phraseology, I think. It is a list that assists people who are poor with housing. Yes, it builds shelters for the homeless. That is probably one or two of the programs. It gives section 8 vouchers.

The HOME program is the only one of that list that helps build affordable housing. It helps build it. So the gentleman's list, and he doesn't want to read it, and I understand why. He mentioned Community Development Block Grants. No one familiar with Community Development Block Grants think they are primarily for housing construction. That is not what it does. There are programs that help build housing for the disabled and the elderly. But other than the HOME program, there aren't programs that help build affordable housing.

Fannie Mae and Freddie Mac are now aimed at helping people at 100 percent of median and above. We say that should be dropped to 80 percent of median, not 100, but it doesn't help people in the lower income categories. There are no such programs. And so that's the answer to what the gentleman said.

He keeps talking about, Well, we should fix the programs. Of course for 6 years with a Republican President and a Republican-led Congress, they didn't do much.

There are fixes this year. The House did try last year on the FHA. We have repeated that. So we do improve the FHA program. We improve the GSE program, and we also take additional nontax dollars and make them available.

Again, I await this list of programs that help the construction of affordable rental housing. I think I will wait a very long time.

The only other point I make is that I regret we have limited time. I was sorry that the Ways and Means Committee didn't yield time to the gentleman from Texas (Mr. HENSARLING) since he talked about trade and taxes, none of which have anything to do with this bill. So maybe Ways and Means owes us a few minutes, and when their bill comes up later, maybe I will come talk about housing to offset the gentleman from Texas talking about trade and taxes.

I now yield 4 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Chairman FRANK, let me commend you for the excellent leadership you have provided on this issue.

Mr. Chairman, never before in the history of this country, the United States of America, have we had as great a need for affordable housing as we need right now.

□ 1315

We have just come out of perhaps the most devastating storm and natural disaster in the history of our country and the greatest need in that area, not just in the gulf area, but rippling throughout this country as a result of that is affordable housing.

And, Mr. Chairman, one in seven households now spend more than 50 percent of their income on housing, and on any given night in America, across the width and breadth of this country, nearly 1 million of our people are homeless, including men, women, and children, and nowhere is it targeted to the elderly and the low income.

So what are we doing with this affordable housing trust fund? We're responding to the hue and the cry of the American people, for we need to make sure that we have affordable housing.

Now, yes, we have the HOME program. And there may be coming an amendment on here to strike what we're doing and make it a part of the HOME program. And the HOME program has done some good things, but it does not do the most important things that this country needs now, building and constructing new homes. The HOME program doesn't target that, nor does the HOME program target those in most basic need, the lower income and the disabled.

Now, let me just explain for my remaining time because I want to show precisely and explain how this trust fund is funded. This is very important. We've had a lot of things said today. This is how it is funded.

It's funded with moneys from the proposed GSE affordable housing fund, H.R. 1427, which we passed. It also funds it from the Federal Housing Administration, FHA, savings that result from the enactment of the expanding of the American homeownership program. And it does not go or cost any money. It's pay-as-you-go and does not add to the Federal deficit.

The estimated numbers from these funding sources will result in an initial allocation of $800 million to $1 billion to the States and local communities for affordable housing funds, with a 60–40 match with the States and the local governments.

Furthermore, not only will these moneys be used for construction, the moneys will be used for rehabilitation. They will be very diverse in usage, acquisition, preservation and operating assistance. These moneys will also be used for both rental housing and for down payments and costs for closing assistance for first-time homebuyers, very, very important considerations.

So we're going to hear a lot from the other side, and I respect my friends on the Republican side, but it is us on the Democratic side that are clearly responding to the needs of the American people here.

We're creating, yes, and we're expanding. Why? Because the problem has expanded. As I said at the outset, 1 million people every night homeless. We've been ratcheted from one end of this country to the other for displaced people from Katrina, and God knows what else is going to happen with the global warming and the global climate changing. There could be more.

No, this is a great program. It's a program that is needed. The timing is right, and the American people are expecting us to respond, and the best way to respond to the American people is to establish this affordable housing trust fund.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague for yielding time.

Mr. Chairman, I want to start by thanking the chairman, Mr. FRANK, for engaging in, as he always does, a really great debate, and I agree with his idea here but I disagree with the principle that he's using to achieve it by expanding and creating a new government program.

The HOME program, the gentleman before me just spoke of, provides a very similar application of funds, $2 billion a year, to help with rental assistance and affordable housing. Rather than fixing this program and improving it, they are creating a whole other program.

And, as I said, I disagree with the principle on the size and scope of government and government's role, but Mr. Chairman, there's a common thread running through the agenda of this new Democrat majority, and that common thread is that there's a massive expansion of government. If government is not needed, they will add a little government intervention, and if there's already too much government intervention, they will just expand it even more.

The bill we're debating falls squarely into the second category. The bill, so far as I can tell, is all about more government control of this process. Rather than using the marketplace to improve the affordability of homes, they're creating another government program which redistributes money, in fact, a tax on every mortgage in this country, and then redistribute it to those through a government program. It makes no sense to create another duplicative program.

As my colleague from Alabama said, there are already over 30 affordable housing programs within the government. Most of those programs do not, in fact, build houses, but they give rental assistance. They give assistance so people can buy their first home. They give assistance in a number of different categories, but the Federal Government doesn't build homes. We have to allow the private sector to do that, which is what I think is most important.

But what is especially true in light of the fact that this bill we're debating today creates a new program that is nearly identical to one already existing, the HOME program, which, as I said earlier, is a $2-billion-a-year program, let's fix that program. Let's look at market-based incentives to allow people to afford housing. Let's allow the marketplace to work rather than create another government program, and that's why we should vote against this bill.

Mr. FRANK of Massachusetts. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts has 9 minutes remaining, and the gentleman from Alabama has 16½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute just to say that the assertion that this is ignoring the private market would be more persuasive to me if it were not for the fact that every organization that is engaged in the private market building of housing disagrees.

The National Association of Realtors and the National Association of Home Builders, neither of which are known for its socialist tendencies, have written letters in support of this bill exactly as it has been presented. They who fully understand the market, and we don't just use boilerplate rhetoric to describe it, understand the importance of interactivity between some public sector participation and the market, and this creates no new government bureaucracies.

This funds existing State and local housing programs. The Federal role will be for HUD by a formula to distribute it. It is a funding mechanism for the State and local authority.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the chairman and the ranking member, but I also thank the subcommittee chairperson, MAXINE WATERS, for the fine, stellar job that she has done with this piece of historic legislation.

Mr. Chairman, this is an historic occasion with historic opportunities. This historic occasion provides the historic opportunity to not only cast an historic vote but to also be on the right side of history.

On July 2, 1964, this House made history when it passed the Civil Rights Act of 1964 which, among other things, outlawed discrimination in public accommodations and encouraged desegregation and education. 289 were on the right side of history. They voted for the Civil Rights Act of 1964.

On August 3, 1965, this House again made history with the passage of the Voting Rights Act of 1965, benefiting millions of minority voters. 328 were on the right side of history. They voted right when they voted to protect voting rights.

On April 10, 1968, this House again made history when it passed the Fair Housing Act, prohibiting discrimination in housing. 250 were on the right side of history. They voted for equality of housing opportunities for all.

Today, we must cast another historic vote, a vote for a National Affordable Housing Trust Fund. For the first time in history, in the history of the United States of America, we will have a fund dedicated to making the American Dream of a place to call home a reality.

And, yes, there are other housing programs, some say 30, some say more than 30. Every one of them is needed. Every one of them, even under a Republican-controlled House, Republican-controlled Senate, Republican-controlled administration, the programs were not eliminated. Every one of them is needed.

There is a need for this affordable housing trust fund as well, and I say to my friends, whether we will make history today with our vote is not the question. The question is what side of history will we be on. Will we be on the side of those who need this affordable housing trust fund or will we be on the side of the rhetoric that is in opposition to a needed program?

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want us to be clear about something. We hear from the majority this is a historic moment, and I will say to the majority I believe that it is. I believe that it is very significant. I don't believe that what we're debating here is insignificant at all. In fact, I want to yield the chairman 15 seconds to respond, but I believe the chairman himself has said, my recollection, that this trust fund would be the largest expansion of a Federal housing program in decades, and I yield to the chairman because when I said that before, he shook his head and I don't know if he was shaking his head at that.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, in decades. I thought the gentleman said 30 years. I would not claim that it was the largest in 30 years, but it certainly has been the largest since the Republicans took power 12 years ago since they tried to kill them all.

Mr. BACHUS. Back in June, when you released your press statement, you said this trust fund would be the largest expansion of Federal housing in decades and that was June 28.

Mr. FRANK of Massachusetts. I would say 20 years.

Mr. BACHUS. What we're doing here is we're taking money to fund this large expansion of Federal housing, we're not taking it from the 30 existing programs that specifically address low-income housing, elderly, disabled, AIDS, senior citizens.

We're taking it from FHA and from the GSEs which actually that money presently today promotes an affordable mortgage for all Americans. So we're taking from low-income, middle-income Americans, we're taking from programs which promote affordable housing for them, and we're transferring it to other Americans.

In doing it, we're not reforming. There are 80-something programs. The gentleman had said how many programs, are there 80 or 30. There's 80 housing programs, 34 of which specifically address low-income Americans.

At this time I would like to yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank the ranking member for yielding me time, even though we happen to disagree on this issue. I would also like to thank the chairman for his dedication to affordable housing.

I rise today in support of the creation of the affordable housing trust fund. Many States and communities across the Nation have already created State housing trust funds.

My home State of West Virginia is one of those, and what we've seen in the creation of that West Virginia housing trust fund is the flexibility in the ability to target certain funds to certain projects, and it becomes a very workable and a very adaptable program.

The creation of a national trust fund will continue the good work of providing low-income folks with rental assistance, new construction, preservation of existing units, homeownership assistance and many other important programs.

This trust fund will provide State and local housing authorities with the funding and flexibility to best address the unique housing needs of their communities. Certainly the needs of communities in my home State of West Virginia are drastically different than those in the larger urban areas. For instance, in West Virginia we have a high homeownership, but we also have a definite question about the quality of the housing that people are living in and the rehabilitation of those homes is extremely important.

We also have an aging population where the different needs and different housing situations change, and I don't think we are addressing those needs, and I think this Federal housing trust fund could help with us with that.

So today I applaud this bill. I applaud the flexibility and adaptability in it, and I'm very much in favor of the ability that this trust fund is going to have to be able to adapt and create housing opportunities for those who need it.

□ 1330

Mr. BACHUS. Mr. Chairman, I would like to yield to another of our Members.

Let me say this about Members. Two Members on our side have spoken in favor of this program. It is very difficult for Members to oppose a program that actually creates or has at its purpose creating affordable housing. You will see that by the two Members who are speaking.

Again, I will say that the majority of our Members believe that if you have 80-something programs and they are not working, you have a program, the HOME Investment Partnerships Program which, actually, this program actually says that if HUD doesn't adopt regulations, just simply adopt the regulations and the distribution of that program. So they almost mirror each other.

If those programs aren't working, why take money from FHA, which is one of the most successful affordable housing programs in America? Why take money away from middle- and low-income Americans to create yet another program? In fact, if you think about that, you are creating two bureaucracies, two programs with all the Federal employees that go into those programs, and you are putting money in one program, and then you are taking it out of that program and you are putting it in another program. That, in itself, involves a cost to the taxpayers.

In fact, when you take from one Federal program and put it in another, as opposed to appropriate money, to me that's the worst of all worlds from an efficiency standpoint.

I yield to the gentleman from Connecticut (Mr. SHAYS) for 3 minutes.

Mr. SHAYS. I appreciate my ranking member, SPENCER BACHUS, who I think is just an outstanding Member of this Congress, for yielding me this time.

Mr. Chairman, I rise in support of this legislation, of which I am an original cosponsor, and am grateful to the ranking member for his understanding about these issues and to Chairman FRANK and to Chairwoman WATERS' outstanding work in bringing this bill to the floor.

I know there are some on my side, obviously, who oppose and are uncomfortable with reinjecting the Federal Government into the construction of new housing. I think it's long overdue.

Here is where I come from on this issue. We have an undeniable and pressing need for high-quality, affordable housing, not just in Connecticut, but around the country. We simply cannot wish the problem away. There are steps that can be taken at a local level, such as requiring affordable units to be included in the construction of new housing. But without the Federal Government's assistance, I am concerned we will have a perpetual problem of families struggling with rent payments that consume 50, 60 or 70 percent of their monthly income.

Low-income families who are committing such a high percentage of their income to meeting rent are suffocating. There is less money for food, less money for new clothes for the kids and less for taking care of one's health. A Harvard study reported the number of American households paying more than half their incomes on housing increased to 17 million in 2005; 8.2 million renters and 5 million homeowners have suffered severe cost burdens. On any given night we can find three-quarters of a million Americans homeless. In these great United States, I believe we can do better.

This legislation addresses the problem in a creative way. The government-sponsored enterprises, Fannie Mae and Freddie Mac, who receive significant special treatment under Federal law by not having to pay State or local taxes and who are able to borrow money at a lower rate because of an implicit government backing, will be required to contribute funds in amounts equal to a percentage of their average mortgage portfolio.

In addition, expected savings from passage of legislation to modernize the Federal Housing Administration will be applied to these funds. These funds will be distributed by formula to the States and localities that will subsequently make funds available under a competitive selection process to qualified recipients for the construction, rehabilitation and preservation of affordable housing, including both rental housing and homeownership. The results will be directly and quickly realized in our communities.

Capital grants and loans for new and rehabilitated housing, land acquisition, homeowners assistance and interest rate buy-downs will be available. The fund targets low-income individuals but also allows localities to address the needs of working-class families. The fund will be adequately flexible but subject to many responsible use restrictions to ensure taxpayers' dollars are well spent.

I am also grateful that among the purposes of this bill is the stated goal of building rental housing in mixed income settings.

As a strong supporter of the HOPE VI program, which requires mixed income reconstruction, I have seen first hand the value of building diverse communities where people of different income levels can live together, learn from one another, and raise their families in a safe and healthy environment.

I urge my colleague to support this legislation and again would like to express my appreciation to my colleagues on the Financial Services Committee who made this excellent idea a reality.

Mr. BACHUS. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from Rhode Island, my neighbor, Mr. KENNEDY.

Mr. KENNEDY. Mr. Chairman, I want to commend the chairman of the committee, Mr. FRANK, for his tireless efforts on behalf of affordable housing and say I am astounded to hear my colleagues on the other side bemoan the fact that there is too much effort being made to provide affordable housing in this country. I don't know where they are living. I don't know who they represent. They are certainly not living anywhere that I have been.

In my district, my business community is saying that they can't get workers because there aren't enough affordable housing spots for those workers to be able to live so they can actually work in the businesses that they are needed.

I don't know how my Republican friends think that they are somehow on the side of the free market, when the free market isn't going to even work if the workers they need can't even afford the housing they need in order to live where they work.

This housing trust fund is a basic concept. I think it's a fantastic idea. It's one that I support wholeheartedly.

I just would say that this notion that government is bad, bad, bad, it's funny, because it reminds me of the story of the elderly woman jumping up at a senior town hall meeting saying, get your government hands off my Medicare. Medicare, by the way, is a government program, in case everyone hasn't forgotten, and one of the most successful programs that there has ever been, but you wouldn't know that by the way Republicans talk, 3 percent overhead on their Medicare. You never hear that when they talk about socialization and government programs.

Finally, I would just say there is a story about the Englishman and the German and the Russian. All have a genie that says "Give us your wish." The Englishman says, "Oh, I will have Wyoming, a big ranch out in Wyoming." The German says, "I will have a Swiss chalet." The Russian says, "Well, you know what? My neighbor has a barn; destroy it."

Sounds like the Republicans kind of have the Russian point of view. It doesn't make any sense. Their neighbors can't have it. That's their attitude.

Mr. BACHUS. Mr. Chairman, I have been in this House for 15 years. I have never asked that a Member's words be taken down, but I will tell you that I came as close to doing that as I have any time in my 15-year career. For a gentleman to get up and say that we Republicans today have said we don't care about low-income Americans and we think too much money is being spent on these programs, no one has said that.

I don't know where he is getting that. I wish he would talk about the merits of the program as opposed to slamming Republicans, going into Medicaid, Medicare, and those. But I didn't do that, but I will tell you that those last remarks did not represent what anyone on this side has said.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. **ROSKAM**. I thank the gentleman for yielding.

You know, the gentleman from Rhode Island said he was astounded, and he was bemoaning, and wondering who people like me represent.

Well, folks that I represent have a very high expectation of this Congress, and the expectation is that it's a Congress that is going to live up to and match the rhetoric of the campaign of 2006. The campaign of 2006, you recall, was a campaign that seemed to focus on living within our means.

I didn't hear, as one speaker on the other side of the aisle, the hue and cry of the American people to come up with a new program. I heard the hue and cry of people within my district to live within the means of government.

I am informed that right now the budget of the Department of Housing and Urban Development is on the order of $35 billion. When I go back to the Sixth District of Illinois, they are not bemoaning, they are not astounded. They have an expectation that we are going to live within our means, that within $35 billion, not $5 billion, not 10, not 15, not 20, not 25, not 30, but $35 billion, that the taxpayers have entrusted to us, that somehow that's not enough, and that the only way that this problem can get solved is by going to create another fund, another fund that somehow isn't going to have new Federal employees, somehow is going to be cut out of whole cloth and, counterintuitively, from my point of view, is going to create a higher cost of housing borrowing on the very people that we are trying to help. Well, the district that I represent has the expectation that we will do the right thing, that we won't get caught up in a demagogy and sound bites and so forth, but that we will look clearly at the bills that are before us.

In this case, with all due respect to the well-intentioned sponsors, this bill falls short, and we can do better.

Mr. **FRANK** of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. **BACHUS**. Mr. Chairman, what we are talking about here today is creating what the chairman of the committee said back in June was the largest expansion of a Federal housing program in decades. How the chairman proposes, and I don't question his motivation, because I know that his motivation is helping low-income Americans. There is a need for low-income affordable housing.

He has disputed my representation that there are 30 some-odd programs that address low-income affordable housing.

Mr. Chairman, I would like to include the response to my inquiry to HUD, which is a list of 34 programs.

HUD PROGRAMS—PROMOTING AFFORDABLE HOUSING OPPORTUNITIES

PROGRAM AREA: COMMUNITY PLANNING & DEVELOPMENT

1. Home Investment Partnerships Program.
2. Supportive Housing Program.
3. Section 8 Moderate Rehabilitation Single Room Occupancy.
4. Rural Housing and Economic Development Program.
5. Self-Help Homeownership Opportunity Program.
6. Housing Opportunities for Persons With AIDS.

PROGRAM AREA: HOUSING

7. One- to Four-Family Home Mortgage Insurance.
8. Mortgage Insurance for Disaster Victims.
9. Rehabilitation Loan Insurance.
10. Loss Mitigation.
11. Mortgage Insurance for Condominium Units.
12. Home Equity Conversion Mortgage Insurance.
13. Good Neighbor Next Door Program.
14. Section 202—Supportive Housing for the Elderly Program.
15. Assisted-Living Conversion Program.
16. Cooperative Housing.
17. Multifamily Rental Housing for Moderate-Income Families Mortgage Insurance.
18. Existing Multifamily Rental Housing (Section 207/223 (f)).
19. Mortgage Insurance for Housing for the Elderly (Section 231).
20. New Construction or Substantial Rehabilitation of Nursing Homes, Intermediate Care Facilities, Board and Care Homes, and Assisted Living Facilities; Purchase or Refinancing of Existing Facilities..
21. Supplemental Loans for Multifamily Projects.
22. Supportive Housing for Persons with Disabilities (Section 811).
23. Multifamily Mortgage Risk-Sharing Program.
24. Mark-to-Market Program.
25. Section 8 Project-Based Rental Assistance.

PROGRAM AREA: PUBLIC & INDIAN HOUSING

26. Housing Choice Voucher Program.
27. Homeownership Voucher Assistance.
28. Project-Based Voucher Program.
29. Revitalization of Severely Distressed Public Housing (HOPE VI).

PROGRAM AREA: FAIR HOUSING AND EQUAL OPPORTUNITY

30. Section 3 Program.

PROGRAM AREA: POLICY DEVELOPMENT & RESEARCH

31. Partnership for Advancing Technologies in Housing (PATH) Initiative.

PROGRAM AREA: GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

32. Ginnie Mae I Mortgage-Backed Securities.
33. Ginnie Mae II Mortgage-Backed Securities.
34. Ginnie Mae Multiclass Securities Program.

You look over those programs and you find HOPE VI, which, I think all Members would agree, supplies low-income housing for America. We have got section 8. We have got programs to rehabilitate nursing homes, to build intermediate care facilities, to establish boarding and care homes, on and on, support for persons with disabilities, persons with AIDS, disaster assistance or homes for those caught in disasters.

As the gentleman from Illinois said, $35 billion is going into those programs. But out of all those programs, this program, if you look at where the money is going to be distributed, it actually says that if HUD does not write regulations that will basically take the HOME investment program, it will be distributed to the same agencies for purposes of low-income housing, which is the exact purpose of the HOME program. If the HOME program isn't working, why wouldn't we appropriate money for the HOME program? If these programs are not working, why would we do that?

Why? Several people have said, the gentleman from Texas on the other side said over 50 percent of Americans today are struggling to meet their housing needs. Most of those, most of those low- and middle-income Americans are homeowners, and they are struggling with making their mortgage payments.

You open the newspapers, you find that foreclosures are at a historic high; yet what is proposed to us today?

What is proposed is that we take money from FHA and from Fannie and Freddie, which are both used. One is, FHA, as we all know, is affordable mortgage for low-income, middle-income Americans.

The GSEs promote mortgage liquidities. I don't see how you can take money from FHA, take money from the GSEs, fund this program without it affecting FHA and the GSEs. Diverting GSE funds to an affordable housing fund is essentially a tax on the GSEs.

Who has to pay that tax? That's a tax on their mortgage business. That ultimately is going to be paid by low-income borrowers. The proposal to take FHA receipts, it's going to mean fewer low-income Americans will have access to affordable FHA mortgages in the long run.

You can't create something from nothing. You can't create a program funded from an established program which supplies Americans with low-income mortgages or supplies liquidity to the mortgage market. You can't take money from those programs without affecting those programs. There are always costs.

You can't, as the chairman said, have the largest expansion of Federal housing programs in decades, take it from FHA and the GSEs, which supply mortgage liquidity. You can't take that kind of money without affecting those programs.

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With all these programs, including the HOME program, which, as I said, mirrors the proposal before us today, we need, in conclusion, let's ask ourselves 2 questions: If all the efforts today, all these programs, 80 programs in all, 30-something programs addressing this, plus FHA and the GSEs, which also have a mission to loan money for mortgages for multifamily units, if those aren't working, why wouldn't we fix those existing programs?

And even if we conclude that we need a new program, a national housing trust fund, why in the world would we go to FHA and the GSEs and ask them to fund those programs at the very time when we're having a subprime mortgage crisis in this country? And we have all asked, we have directed FHA and the GSEs to address this problem, and now we're taking money away from them and ultimately from low- and middle-income Americans.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts has 3 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I regret to say that my colleague from Alabama does not appear to be familiar with the bills. I will say, this argument that, oh, how can we do this and create a housing trust fund at the moment that we have a subprime crisis has no validity, it's purely tactical, because exactly the same arguments were being made before the subprime crisis. There's an ideological objection to getting the Federal Government in the business of helping build affordable housing.

The gentleman finally named some of the programs: Building intermediate nursing home facilities, housing for people with AIDS.

My question to him, repeated and ultimately unanswered was, where are the programs that help build affordable family housing? It is not an annual section 8 voucher program which doesn't help build housing. It's not intermediate nursing home facilities. It's not help for people with AIDS. It's none of those programs. HOPE VI, yes. It exchanges some kind of housing for others. HOPE VI has not resulted in any net addition to housing. We're trying to prevent it from being a net diminution.

He then says, well, you're taking money from the FHA and they won't help low-income people. Totally and completely false, portraying a total misunderstanding of the bill. In fact, it is the bill that we passed, unlike the bill that passed under the Republicans, that prohibits the FHA from raising mortgage insurance premiums on people and give that money to the Treasury. That was the Republican approach. We capped those fees.

Here's where the FHA money comes from. We take the limit that the Republicans allowed to stand for years on the number of home equity mortgages the FHA can insure. We also, unlike the Republicans, limit the amount that the elderly can be charged for the first time under those by the servicers, and we are told by CBO that as we increase the volume of FHA home equity mortgages at a lower price for the elderly than existed under the Republican rule, we will generate money.

Now, if we didn't pass this bill, this administration would take that money and put it into the Treasury so it could go help fund the war in Iraq; it could go help fund highway projects, agricultural subsidies.

That's the choice. Do we, having created an additional revenue stream for the FHA, while limiting fees, let it go to the Treasury for agricultural subsidies and the war in Iraq, or do we put it into affordable housing?

With the GSEs, until we talked about helping build affordable low-income housing, my Republican friends were very critical of the GSEs on the whole. The stockholders were getting too much money and too much return for too little.

Nothing in this bill will increase the amount that people have to pay on the mortgages any iota. What it says is that out of the profits of Fannie Mae and Freddie Mac, we're going to make them divert some of this for these public purposes. So in direct contradiction to what the gentleman says, there are not 34 programs that help build affordable housing. There is 1, now there will be 2, and I hope the bill passes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007. I would like to thank my distinguished colleague, the chairman of the Financial Services Committee, Mr. FRANK, for introducing this legislation, as well as for his leadership in bringing this important issue to the floor.

Mr. Chairman, in recent months we have seen a crisis in subprime mortgage lending, which has threatened the stability of the housing market and the livelihoods of large numbers of Americans. This Democratic Congress is committed to strengthening the housing market and stabilizing the economy, and this legislation is an important step toward these important goals.

Because of the lack of regulation by the Federal Government, many loans were accompanied by fraud, inadequate information and other failures of responsible marketing. With exceptionally high (and rising) foreclosure rates across the country, homeowners all over America are losing their homes. Homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. In Iowa, 3,445 families experienced foreclosure last year, up 64 percent from 2005. Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years. I commend the Democratic-led House Financial Services Committee for its work on this issue, toward achieving a balanced solution that helps stabilize the mortgage market, stops abuses, preserves access to credit, and aids stable homeownership.

H.R. 2895 establishes a National Affordable Housing Trust Fund to build or preserve 1.5 million homes or apartments over the next 10 years, and it does so without increasing Government spending or the Federal deficit. This legislation is a fiscally responsible way of expanding affordable housing and mortgage loan opportunities for families at risk of foreclosure, while also strengthening consumer protections against future risky loans. H.R. 2895 initially allocates between $800 million and $1 billion annually, funded through Fannie Mae and Freddie Mac. This funding is given directly to States and local communities, and is targeted to be used for the construction of affordable housing and support for lower income families, who face the greatest housing affordability challenges.

Mr. Chairman, 17 million households, or one in seven, spend more than 50 percent of their income on housing. On any given night, approximately 750,000 men, women, and children are homeless. Constructing more affordable housing is necessary to help families who have lost their homes in the subprime mortgage crisis or due to a family financial crisis, such as illness or job loss. It will also make significant strides toward reducing homelessness and the number of Americans living in unsafe housing conditions.

The National Affordable Housing Trust Fund, established by this legislation, must be used for low- and moderate-income families, or those below 80 percent of State or local median income. At least 75 percent of funds must go to extremely low-income families, who are below 30 percent of median income. This legislation also helps the families of our Nation's nurses, teachers, firefighters, and police officers by reserving 10 percent of trust fund money for families who earn between 50 and 80 percent of the national median income. H.R. 2895 allows these funds to be used for construction, rehabilitation, acquisition, preservation incentives, and operating assistance to facilitate affordability. These funds may be used for both affordable rental housing and for down payment and closing cost assistance by first-time homebuyers.

Mr. Chairman, provisions in this legislation ensure equitable distribution of funds across our Nation. Of these funds, 60 percent will go to participating local jurisdictions, and 40 percent will go to States, Indian Tribes, and insular areas. All grantees will be required to make funds available in rural areas, proportionate to identified need in such areas. Eligible recipients of these funds can be any organization, agency, or other entity that has demonstrated the experience and the capacity to carry out the proposed trust fund activity, including for-profits, nonprofits, and faith-based organizations. Funds may not be used for administrative costs or expenses, political activities, advocacy, lobbying, counseling, travel expenses, and preparation of or advice on tax returns. Grantees are required to develop systems to ensure program compliance and oversight.

In my home district in Houston, homelessness remains a significant problem. Houston's homeless population increased to approximately 14,000 in 2005, before Hurricanes Katrina and Rita, and hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000. Approximately 28 percent of homeless Americans are veterans.

In August, I, in coordination with the Texas Department of Housing and Community Affairs, hosted a workshop on the introductory concepts and considerations in applying for Housing Tax Credits in Texas. This workshop was designed to create new incentives for developers to expand business opportunities in housing development, as well as to generate a significant increase in the availability of low-income and affordable housing for the residents of Houston and Harris County. I believe that an increase in affordable housing and job opportunities will help reduce the high rates of homelessness among Houston residents.

Mr. Chairman, the 110th Congress has already demonstrated its commitment to moving America in a new direction. This includes strengthening the housing market and stabilizing the economy, particularly after the recent subprime mortgage crisis. This legislation is an important step toward expanding affordable housing and mortgage opportunities for American families.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

One in seven households now spends more than half of its income on housing and nearly one million men, women, and children are homeless.

How can we claim to be the leader of the free world yet allow so many of our own to be chained by the bonds of poverty?

Unfortunately, there are no programs to help build housing for low-income households. This bill will construct affordable housing for the poorest among us who need it the most.

It will help families who have lost their homes in the subprime mortgage crisis or due to a family financial crisis, such as ill health or job loss.

It will also help reduce homelessness and the number of Americans living in unsafe housing conditions.

Because of this bill, more nurses, teachers, firefighters, and police officers throughout California will have access to affordable housing.

The bottom line is that no family should have to choose between paying for food and medicine and safe, decent housing.

H.R. 2895 restores our Nation's promise of a decent home for every American family and I urge my colleagues to support it.

Ms. LEE. Mr. Chairman, I rise today in strong support of the rule for H.R. 2895 and the underlying bill, the National Affordable Housing Trust Fund Act.

As a former member of the Financial Services Committee, I helped author—along with our colleague BERNIE SANDERS and others—the first housing trust fund bill. I am so very pleased that our two great champions of housing, Chairwoman WATERS and Chairman FRANK have continued this legacy to bring this proposal before us today.

Quite frankly it's a real shame that in America we have so many people who have found the goal of simply finding shelter for themselves and their families so elusive.

I know that in my district in Oakland, where more than half of all renters are unable to afford the cost of a 2-bedroom apartment, many low-income families often have to choose between food or medicine and housing.

This doesn't have to be the case, Mr. Chairman. That's why this legislation is crucial.

By producing, rehabilitating, and preserving 1.5 million housing units over the next 10 years, this legislation will take steps to end the affordable housing crisis in our country.

By allocating up to $1 billion annually this bill will address one of the most serious social and economic problems facing our Nation.

By passing this bill, 75 percent of all funds will be used to benefit families at the poverty line or 30 percent of local area median income, bringing meaningful assistance to those most at need.

I urge my colleagues to support this important bill that will move our Nation forward in ensuring that all Americans have a decent place to live.

Mr. VAN HOLLEN. Mr. Chairman, first let me thank Chairman FRANK and Subcommittee Chair WATERS for their work on this important, bipartisan bill.

The National Affordable Housing Trust Fund will help provide funding for low-income families who, absent this assistance, may not be able to afford their own home. There are many dedicated Government agencies, non-profits, for-profits and community and faith-based organizations who will seek to participate in this important program.

To ensure that the most productive housing projects are funded—projects dedicated to funding sustainable, successful programs—I am proposing an amendment to introduce a measure of longer term accountability to the trust fund application process.

This bill establishes two levels of applicant-centered accountability:

A trust fund applicant must describe the types of projects he intends to support and must establish performance goals, benchmarks and timetables to help measure the projects' success—later, the applicant must produce a report describing the progress of those projects during that fiscal year.

Because the applicant is only required to report on his projects for that year, this process, despite its commonsense ambitions—effectively breaks the chain of accountability between the grantee and his projects at the end of the fiscal year.

This amendment will maintain that chain of accountability by requiring that any previous grantee who seeks funding from the Affordable Housing Trust Fund provide as part of his application a progress report on the previous projects funded by his organization with funds from this trust fund.

The Affordable Housing Trust Fund will produce billions of dollars worth of grants. HUD does not have the resources to monitor all the projects funded with these funds. The government will therefore have to rely on grantees to shoulder part of the burden. When grantees return for additional assistance each year, they will be required to update HUD on the success of their previous trust-funded projects.

I encourage my colleagues to support my amendment and help ensure that the real beneficiaries of this important program are the low-income families it was created to help.

Mr. RAMSTAD. Mr. Chairman, that great Minnesotan Hubert Humphrey said, "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the disabled."

The National Affordable Housing Trust Fund meets this moral test. It fills a critical need for vulnerable families, children, the elderly and people with disabilities.

The shortage of affordable housing is truly a crisis in our country—and it is not restricted to inner cities.

Virtually all of the suburban cities I represent have long waiting lists for affordable housing. I hear stories every week about families living in their cars, veterans living on the streets, seniors having to choose between medicine and housing.

Several of the communities I represent have sponsored "sleepouts" to raise money and awareness of the problem of homelessness and near-homelessness. They have raised millions of dollars and helped thousands of families.

But the crisis is just too big. The Federal Government has a critical role to play in helping the 14.4 million families with housing needs in our country. The important assistance in this bill can make the difference between stable housing and no housing at all.

Mr. Chairman, by setting aside funds for the production, preservation and rehabilitation of affordable housing, this legislation will help those suffering the ravages of poverty, homelessness and near-homelessness.

I urge all members to support this important legislation to expand affordable housing for all Americans. Everyone deserves to have a place to sleep every night that is stable and warm.

It's time to address the affordable housing crisis in America. It's time to pass the Affordable Housing Trust Fund.

Mr. WELCH of Vermont. Mr. Chairman, I want to thank Chairman FRANK and his Committee staff, particularly Scott Olson, for working with me on this important bill to reach a compromise on issues in the bill affecting small states.

The legislation as a whole creates a national housing trust fund for the construction, rehabilitation, and preservation of an estimated 1.5 million units of affordable housing for low-income families. Along with food, health care, and energy costs, affordable housing can make all the difference in economic survival.

In Vermont, we have a great need for affordable housing. While so many low- and moderate-income households aspire to own their own home, limited supply, rising costs, and other barriers can make this dream out of reach. Beginning in 2005, the new construction of 12,321 owner-occupied homes in Vermont was needed to meet the total demand expected in 2010.

Creating a National Affordable Housing Trust Fund is the brainchild of my predecessor in the House, BERNIE SANDERS, and I thank him for getting the ball rolling.

I am grateful to Chairman FRANK for including two items I recommended into the manager's amendment. The first provision will ensure that each State receive at least one half of one percent of funding. For a State agency, there really is a funding level below which it's incredibly inefficient to administer a Federal program. There are always numerous Federal requirements resulting in a tremendous amount of work to comply. In addition, it's hard to raise the expectations of those who would potentially benefit from the program and then have very little money to deliver.

Furthermore, numerous social programs, including the HOME program to which this trust fund is similar, include small state minimums. For programs that are targeted at a need that is universal, it is a pretty rational argument that a mechanism should be in place to ensure that a portion of funding gets distributed nationwide. In this case, for something like housing, it is a nationwide issue so the appropriations of Congress should be a nationwide effort.

The second provision in the manager's amendment says that within the participating local jurisdictions pool of funding, that each State has at least one local jurisdiction receiving funding. Currently in the bill, for a local jurisdiction set to receive less than $750,000, that amount is reduced to zero. Without this guarantee, many small cities and small States risk receiving no funding under this section of the bill.

I thank the Chairman for his excellent work on this legislation.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of the "National Affordable Housing Trust Fund Act." This legislation does a great deal to expand safe and affordable housing opportunities for millions of American families.

The bill will initially allocate between $800 million to $1 billion annually to States and local communities for affordable housing projects for purposes such as construction and rehabilitation. Funds may also be used for both rental housing and for down payment and closing cost assistance by first-time homebuyers.

It would reach this worthy goal without increasing Government spending or the Federal deficit. The revenue of the fund is supported through fees from Fannie Mae and Freddie Mac and the increase in the number of FHA loans provided for in legislation already passed by the House of Representatives.

This fund is also targeted; it must be used for low- and moderate-income families, below 80 percent of State or local median income. The bill also prohibits funds from being used for administrative costs or expenses, political activities, advocacy, lobbying, counseling, travel expenses, and preparation of or advice on tax returns. Any misuse of funds is required to be reimbursed.

This legislation, now more than ever, is worth supporting to expand affordable housing and mortgage loan opportunities for families at risk. I urge a "yea" vote.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007 because it is just what our country needs to strengthen the housing market, stabilize the economy, expand affordable housing and mortgage opportunities for families at risk of foreclosure and strengthen consumer protections against risky loans in the future.

Mr. Chairman, this bill takes an important step forward in addressing the subprime mortgage crisis, and it also makes way for the construction of more affordable housing and strengthens FHA's efforts to expand homeownership.

The National Affordable Housing Trust Fund Act will build or preserve 1.5 million homes or apartments over the next 10 years without increasing Government spending or the Federal deficit. It will initially allocate $800 million and $1 billion annually directly to States and local communities. It targets funds for the construction of affordable housing and more for lower income families facing the greatest housing affordability challenges.

Mr. Chairman, I am particularly pleased that 40 percent of the funding will go to States, Indian tribes and insular areas, with special requirements for funding in rural areas, many of which face particular challenges.

I urge my colleagues to support this important measure which ensures that the American dream of owning a home can become a reality for yet another generation of Americans.

Mr. LOEBSACK. Mr. Chairman, I rise today in support of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007. I am extremely pleased to see this legislation, which will help thousands of low-income individuals and families, be considered by the House.

I praise the goals of this legislation, and thank Chairman FRANK and his staff for the hard work and advocacy on behalf of the families that will benefit from the funding of clean, safe, and healthy environments in which to live. One of the goals of this legislation to produce, rehabilitate, and preserve 1.5 million affordable housing units over the next 10 years is extremely important to not only those families who will benefit from the improvements, but also to our nation's economy and productivity.

Individuals and families that have adequate housing can focus their efforts on work and raising their families, instead of worrying about the state of disrepair of their house or housing unit. Homeownership exemplifies the American Dream. This dream is increasingly difficult for many to realize, even after years of hard work and strife. The National Affordable Housing Trust Fund Act will assist those individuals who may have believed homeownership to be out of reach by helping them with down payments and other costs associated with first-time home buying.

This legislation is specifically targeted to extremely low and low-income families, meaning those who most need help will receive that assistance and improve upon their current living conditions. The National Affordable Housing Trust Fund also targets funds to the local jurisdictions that have the experience in providing and administering affordable housing, and who work within the community with the actual residents.

While Iowa may not have many "urban" areas in which poverty issues are traditionally highlighted; many rural areas of Iowa have seen good-paying jobs leave our towns at an astonishing rate, devastating our communities. It is estimated there are 305,000 Iowan's living in poverty. Of that 305,000, almost 90,000 are children under the age of 18.

In 1949, The U.S. Housing Act established the admirable goal of "a decent home and a suitable living environment for every American Family." The National Affordable Housing Trust Fund is another step this Congress has taken to ensure we adhere to this goal. I urge my colleagues to vote "yes" on this important legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Affordable Housing Trust Fund Act of 2007".

SEC. 2. NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle G—National Affordable Housing Trust Fund

"SEC. 291. PURPOSES.

"The purposes of this subtitle are—

"(1) to address the national shortage of housing that is affordable to low-income families by creating a permanently appropriated fund, with dedicated sources of funding, to finance additional housing activities, without supplanting existing housing appropriations or existing State and local funding for affordable housing;

"(2) to enable rental housing to be built, for families with the greatest economic need, in mixed-income settings and in areas with the greatest economic opportunities;

"(3) to promote ownership of one-to-four family owner-occupied housing by low-income families; and

"(4) to construct, rehabilitate, and preserve at least 1,500,000 affordable dwelling units over the next decade.

"SEC. 292. TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the National Affordable Housing Trust Fund.

"(b) DEPOSITS TO TRUST FUND.—The Trust Fund shall consist of—

"(1) any amounts of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation transferred to the Trust Fund under title XIII of the Housing and Community Development Act of 1992;

"(2) any amounts appropriated to the Trust Fund pursuant to the authorization in the Expanding American Homeownership Act of 2007,

relating to the use of FHA savings for an affordable housing grant fund; and

"(3) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available to the Secretary of Housing and Urban Development, and are hereby appropriated, for providing assistance under this subtitle.

"(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Trust Fund shall be considered to be Federal financial assistance.

"(e) CONDITIONS ON USE OF FHA SAVINGS.—

"(1) USE.—For each fiscal year, no funds may be made available under paragraph (2) of subsection (b) unless the amount equal to the net increase for such fiscal year in the negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act resulting from the Expanding American Homeownership Act of 2007, and the amendments made by such Act, is first made available for the following purposes in the following amounts:

"(A) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—For each fiscal year, for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of mortgage insurance provided pursuant to section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), the additional amount (not including any costs of such mortgage insurance resulting from this Act or the amendments made by this Act), if any, necessary to ensure that the credit subsidy cost of such mortgage insurance for such fiscal year is $0.

"(B) HOUSING COUNSELING.—For each of fiscal years 2008 through 2012, the amount needed to increase funding, for the housing counseling program under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), in connection with homebuyers and homeowners with mortgages insured under title II of the National Housing Act, from the amount appropriated for the preceding fiscal year to $100,000,000.

"(C) MORTGAGE INSURANCE TECHNOLOGY, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, AND SALARIES.—For each of fiscal years 2008 through 2012, $25,000,000 for increasing funding for the purpose of improving technology, procedures, processes, and program performance, and salaries in connection with the mortgage insurance programs under title II of the National Housing Act.

"(2) EXCLUSION OF EARNINGS FROM THE SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.—No funds under paragraph (2) of subsection (b) for a fiscal year may be derived from the negative credit subsidy cost for such fiscal year, if any, for mortgage insurance provided pursuant to section 203(b) of the National Housing Act.

"(3) CERTIFICATION.—No funds may be made available under paragraph (2) of subsection (b) for any fiscal year unless the Secretary of Housing and Urban Development has, by rule making in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund) and ensure the safety and soundness of the other mortgage insurance funds under such Act, and any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

"(4) LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.—Notwithstanding any other provision of law—

"(A) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

"(B) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

"SEC. 293. ALLOCATIONS FOR STATES, INDIAN TRIBES, INSULAR AREAS, AND PARTICIPATING LOCAL JURISDICTIONS.

"(a) DETERMINATION OF AMOUNT AVAILABLE FOR FISCAL YEAR.—For fiscal year 2008 and for each fiscal year thereafter, the Secretary shall determine the total amount available from the Trust Fund pursuant to section 292(c) for assistance under this subtitle and shall use such amount to provide such assistance for such fiscal year.

"(b) ALLOCATION.—For each such fiscal year, of such total amount available from the Trust Fund, the Secretary shall allocate for use under section 294—

"(1) 40 percent for States, Indian tribes, and insular areas; and

"(2) 60 percent for participating local jurisdictions.

"SEC. 294. ASSISTANCE FROM TRUST FUND.

"(a) AFFORDABLE HOUSING NEEDS FORMULA.—

"(1) ESTABLISHMENT AND FACTORS.—The Secretary shall establish a formula to allocate amounts made available for a fiscal year for assistance under this subtitle among States, all Indian tribes, insular areas, and participating local jurisdictions based on the relative needs of such entities, for funds to increase the supply of decent quality affordable housing. The formula shall be based upon a comparison of the following factors with respect to each State, Indian tribes, each insular area, and each participating local jurisdiction:

"(A) The ratio of the population of the State, Indian tribes, insular area, or participating jurisdiction, to the aggregate population of all States, Indian tribes, insular areas, and participating jurisdictions.

"(B) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that live in substandard housing.

"(C) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that pay more than 50 percent of their annual income for housing costs.

"(D) The percentage of persons in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction having an income at or below the poverty line.

"(E) The cost of constructing or carrying out rehabilitation of housing in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction.

"(F) The percentage of the population of the State, of Indian tribes, or of the insular area or participating jurisdiction that resides in counties having extremely low vacancy rates.

"(G) The percentage of housing stock in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that is extremely old housing.

"(H) For the jurisdiction of a State, of Indian tribes, or of an insular area or participating jurisdiction that has an extremely low percentage of affordable rental housing, the extent to which the State, Indian tribes, or the insular area or participating jurisdiction has in the preceding fiscal year increased the percentage of rental housing within its jurisdiction that is affordable housing.

"(I) Any other factors that the Secretary determines to be appropriate.

"(2) FAILURE TO ESTABLISH.—If, in any fiscal year referred to in section 293(a), the regulations establishing the formula required under paragraph (1) of this subsection have not been issued by the date that the Secretary determines the total amount available from the Trust Fund for assistance under this subtitle for such fiscal year pursuant to section 292(c), or there has been enacted before such date a joint resolution expressly disapproving the use of the formula required under paragraph (1) and submitted to the Congress pursuant to paragraph (3), for purposes of such fiscal year—

"(A) section 293(b), paragraphs (2) and (3) of subsection (b) of this section, and subsection (c) of this section shall not apply;

"(B) the allocation for Indian tribes shall be such amount as the Secretary shall establish; and

"(C) the formula amount for each State, insular area, or participating local jurisdiction shall be determined by applying, for such State, insular area, or participating local jurisdiction, the percentage that is equal to the percentage of the total amounts made available for such fiscal year for allocation under subtitle A of this title (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State, insular area, or participating local jurisdiction, respectively, and the allocation for each State, insular area, or participating jurisdiction, for purposes of subsection (e) shall, except as provided in subsection (d), be the formula amount for the State, insular area, or participating jurisdiction, respectively.

"(3) SUBMISSION TO CONGRESS.—Notwithstanding any other provision of this subtitle, any formula established by the Secretary pursuant to this subsection shall be submitted to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 120 days before application of the formula for purposes of determining formula amounts under subsection (b) for a fiscal year. Such submission shall be accompanied by a detailed explanation of the factors under the formula and anticipated effects of the formula.

"(b) FORMULA AMOUNT.—

"(1) IN GENERAL.—For each fiscal year referred to in section 293(a), the Secretary shall determine the formula amount under this subsection for each State, for Indian tribes, for each insular area, and for each participating local jurisdiction.

"(2) STATES, INDIAN TRIBES, AND INSULAR AREAS.—The formula amount for each State, for Indian tribes, and for each insular area shall be the amount determined for such State, for Indian tribes, or for such insular area by applying the formula under subsection (a) of this section to the total amount allocated under section 293(b)(1) for all States, Indian tribes, and insular areas for the fiscal year.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—The formula amount for each participating local jurisdiction shall be the amount determined for such participating local jurisdiction by applying the formula under subsection (a) of this section to the total amount allocated under section 293(b)(2) for all participating local jurisdictions for the fiscal year.

"(4) NOTICE.—For each fiscal year referred to in section 293(a), not later than 60 days after the date that the Secretary determines the total

amount available from the Trust Fund for such fiscal year pursuant to section 292(c) for assistance under this subtitle, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(c) ALLOCATION BASED ON AFFORDABLE HOUSING NEEDS FORMULA.—The allocation under this subsection for a State, for Indian tribes, for an insular area, or for a local participating jurisdiction for a fiscal year shall be determined as follows:

"(1) STATES.—Subject to subsection (d), the allocation for a State shall be the formula amount for the State.

"(2) INDIAN TRIBES AND INSULAR AREAS.—The allocation for Indian tribes and for each insular area shall be the formula amount for Indian tribes or for the insular area, respectively, determined under subsection (b), as applicable.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—Subject to subsection (d), the allocation for each participating local jurisdiction shall be the formula amount for the jurisdiction determined under subsection (b).

"(d) ALLOCATION EXCEPTION FOR YEARS IN WHICH LESS THAN $2 BILLION IS AVAILABLE.—If, for any fiscal year, the total amount available pursuant to section 293(a) for assistance under this subtitle is less than $2,000,000,000—

"(1) for each participating local jurisdiction having a formula amount of less than $750,000, the allocation shall be $0, except that if the Secretary finds that the jurisdiction has demonstrated a capacity to carry out provisions of this subtitle and the State in which such jurisdiction is located has authorized the Secretary to transfer to the jurisdiction a portion of the State's allocation that is equal to or greater than the difference between the jurisdiction's formula amount and $750,000, or the State or jurisdiction has made available such an amount from the State's or jurisdiction's own sources available for use by the jurisdiction in accordance with this subtitle, the jurisdiction's allocation for a fiscal year shall be the formula amount for the jurisdiction; and

"(2) in the case of any jurisdiction whose allocation is $0 by operation of paragraph (1), the allocation for the State in which such participating local jurisdiction is located shall be increased by the amount of the formula amount for the participating local jurisdiction.

Any adjustments pursuant to paragraphs (1) and (2) shall be made notwithstanding the allocation percentages under section 293(b).

"(e) GRANT AWARDS.—For each fiscal year referred to in section 293(a), using the amounts made available to the Secretary from the Trust Fund for such fiscal year under section 292(c), the Secretary shall, subject to subsection (f), make a grant to each State, insular area, and participating local jurisdiction in the amount of the allocation under subsection (a)(2), (c), or (d), as applicable, for the State, area, or jurisdiction, respectively.

"(f) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Each grantee for a fiscal year shall contribute to eligible activities funded with Trust Fund grant amounts, or require the contribution to such eligible activities by recipients of such Trust Fund grant amounts of, in addition to any such grant amounts, not less than the following amount:

"(A) STATE, LOCAL, OR PRIVATE RESOURCES.—To the extent that such contributed amounts are derived from State, local, or private resources, 12.5 percent of such grant amounts.

"(B) FEDERAL AMOUNTS.—To the extent that such contributed amounts are derived from State- or locally-controlled amounts from Federal assistance, or from amounts made available under the affordable housing program of a Federal Home Loan Bank pursuant to section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)), 25 percent of such grant amounts.

Nothing in this paragraph may be construed to prevent a grantee or recipient from complying with this paragraph only by contributions in accordance with subparagraph (A), only by contributions in accordance with subparagraph (B), or by a combination of such contributions.

"(2) REDUCTION OR WAIVER FOR RECIPIENTS IN FISCAL DISTRESS.—The Secretary may reduce or waive the requirement under paragraph (1) with respect to any grantee that the Secretary determines, pursuant to such demonstration by the recipient as the Secretary shall require, is in fiscal distress. The Secretary shall make determinations regarding fiscal distress for purposes of this paragraph in the same manner, and according to the same criteria, as fiscal distress is determined with respect to jurisdictions under section 220(d) (42 U.S.C. 12750(d)).

"(3) QUALIFICATION OF SERVICES FUNDING FOR MATCH.—For purposes of meeting the requirements of paragraph (1), amounts that a grantee, recipient, or other governmental or private agency or entity commits to contribute to provide services to residents of affordable housing provided using grant amounts under this subtitle, by entering into a binding commitment for such contribution as the Secretary shall require, shall be considered contributions to eligible activities. Amounts to be considered eligible contributions under this paragraph shall not exceed 33 percent of the total cost of the eligible activity.

"(4) REDUCTION OR WAIVER FOR CERTAIN ACTIVITIES.—With respect to Trust Fund grant amounts made available for a fiscal year, the Secretary shall reduce or waive the amount of contributions otherwise required under paragraph (1) to be made with respect to eligible activities to be carried out with such grant amounts and for which any variance from zoning laws or other waiver of regulatory requirements was approved by the local jurisdiction. Such reduction may be implemented in the year following the year in which such activities are funded with Trust Fund grant amounts.

"(5) WAIVER FOR DISASTER AREAS.—In the case of any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Secretary shall, for the fiscal year following such declaration, waive the requirement under paragraph (1) with respect to any eligible activities to be carried out in such area.

"(g) COMPETITIVE GRANTS FOR INDIAN TRIBES.—For each fiscal year referred to in section 293(a), the Secretary shall, using amounts allocated for Indian tribes pursuant to subsection (a)(2)(B) or (c)(2), as applicable, and subject to subsection (f), make grants to Indian tribes on a competitive basis, based upon such criteria as the Secretary shall establish, which shall include the factors specified in section 295(c)(2)(B).

"(h) USE BY STATE OF UNUSED FUNDS OF LOCAL JURISDICTIONS.—If any participating local jurisdiction for which an allocation is made for a fiscal year pursuant to this section notifies the Secretary of an intent not to use all or part of such funds, any such funds that will not be used by the jurisdiction shall be added to the grant award under subsection (e) for the State in which such jurisdiction is located.

"(i) COMPETITIVE GRANTS FOR AREAS WITHOUT ALLOCATION PLANS AND RECIPIENTS WITH INSUFFICIENT MATCHING CONTRIBUTIONS.—

"(1) AVAILABLE AMOUNTS.—For a fiscal year, the following amounts shall be available for grants under this subsection:

"(A) ALLOCATION FOR AREAS NOT SUBMITTING ALLOCATION PLANS.—With respect to each State, insular area, or participating local jurisdiction that has not, before the expiration of the 12-month period beginning upon the date of the publication of the notice of funding availability for such fiscal year under subsection (b)(4), submitted to and had approved by the Secretary an allocation plan for such fiscal year meeting the requirements of section 295, the amount of the allocation for such State, insular area, or participating local jurisdiction for such fiscal year determined under this section.

"(B) UNMATCHED PORTION OF ALLOCATION.—With respect to any grantee for which the Trust Fund grant amount awarded for such fiscal year is reduced from the amount of the allocation determined under this section for the grantee by reason of failure comply with the requirements under subsection (f), the amount by which such allocation for the grantee for the fiscal year exceeds the Trust Fund grant amount for the grantee for the fiscal year.

"(C) UNCOMMITTED AMOUNTS.—Any Trust Fund grant amounts for a fiscal year that are not committed for use for eligible activities before the expiration of the 24-month period beginning upon the date of the publication of the notice of availability of amounts under subsection (b)(4) for such fiscal year.

"(D) UNUSED AMOUNTS.—Any Trust Fund grant amounts for which the grantee notifies the Secretary that such funds will not be used under this subtitle.

"(2) NOTICE.—For each fiscal year, not later than 60 days after the date that the Secretary determines that the amounts described in paragraph (1) shall be available for grants under this subsection, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(3) APPLICATIONS.—The Secretary shall provide for nonprofit and public entities (and consortia thereof, which may include regional consortia of units of local government) to submit applications, during the 9-month period beginning upon publication of a notice of funding availability under paragraph (2) for a fiscal year, for a grant of all or a portion of the amounts referred to in paragraph (1) for such fiscal year. Such an application shall include a certification that the applicant will comply with all requirements of this subtitle applicable to a grantee under this subsection.

"(4) SELECTION CRITERIA.—The Secretary shall, by regulation, establish criteria for selecting applicants that meet the requirements of paragraph (3) for funding under this subsection. Such criteria shall give priority to applications that provide that grant amounts under this subsection will be used for eligible activities relating to affordable housing that is located in the State or insular area, as applicable, for which such grant funds were originally allocated under this section.

"(5) AWARD AND USE OF GRANT ASSISTANCE.—

"(A) AWARD.—Subject only to the absence of applications meeting the requirements of paragraph (3), upon the expiration of the period referred to in such paragraph, the Secretary shall select an applicant or applicants under this subsection to receive the amounts available under paragraph (1) and shall make a grant or grants to such applicant or applicants. The selection shall be based upon the criteria established under paragraph (4).

"(B) USE.—Amounts from a grant under this subsection shall be Trust Fund grant amounts for purposes of this subtitle.

"SEC. 295. ALLOCATION PLANS.

"(a) IN GENERAL.—Each grantee that is a State, insular area, participating local jurisdiction, or grantee under section 294(i) for a fiscal year, shall establish an allocation plan in accordance with this section for the distribution of Trust Fund grant amounts provided to the grantee for such fiscal year, which shall be a plan that—

"(1) provides for use of such amounts in accordance with section 296;

"(2) is based on priority housing needs, including priority housing needs in rural areas, as determined by the grantee; and

"(3) is consistent with the comprehensive housing affordability strategy under section 105 (42 U.S.C. 12705) or any applicable consolidated submission used for purposes of applying for other community planning and development and housing assistance programs administered by the Secretary, for the applicable State, insular area, jurisdiction, or grantee under section 294(i).

"(b) ESTABLISHMENT.—In establishing an allocation plan, a grantee described in subsection (a) shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(c) CONTENTS.—Each allocation plan of a grantee described in subsection (a) shall comply with the following requirements:

"(1) APPLICATION REQUIREMENTS FOR ELIGIBLE RECIPIENTS.—The allocation plan shall set forth the requirements for eligible recipients to apply to the grantee to receive assistance from Trust Fund grant amounts of the grantee for use for eligible activities, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance; and

"(B) a certification by the eligible recipient applying for such assistance that any housing assisted with such grant amounts will comply with—

"(i) all of the requirements under this subtitle, including the targeting requirements under section 296(c) and the affordable housing requirements under section 297;

"(ii) section 808(d) of the Fair Housing Act (relating to the obligation to affirmatively further fair housing); and

"(iii) section 504 of the Rehabilitation Act of 1973 (relating to prohibition of discrimination on the basis of disability).

"(2) SELECTION PROCESS AND CRITERIA FOR ASSISTANCE.—

"(A) SELECTION PROCESS.—The allocation plan shall set forth a process for the grantee to select eligible activities meeting the grantee's priority housing needs for funding with Trust Fund grant amounts of the grantee, which shall comply with requirements for such process as the Secretary shall, by regulation, establish.

"(B) SELECTION CRITERIA.—The allocation plan shall set forth the factors for consideration in selecting among applicants that meet the application requirements established pursuant to paragraph (1), which shall provide for geographic diversity among eligible activities to be assisted with Trust Fund grant amounts of the grantee and shall include—

"(i) the merits of the proposed eligible activity of the applicant, including the extent to which the activity addresses housing needs identified in the allocation plan of the grantee and the applicable comprehensive housing affordability strategy or consolidated submission referred to in subsection (a)(3);

"(ii) the experience of the applicant, including its principals, in carrying out projects similar to the proposed eligible activity;

"(iii) the ability of the applicant to obligate grant amounts for the proposed eligible activities and to undertake such activities in a timely manner;

"(iv) the extent of leveraging of funds by the applicant from private and other non-Federal sources for carrying out the eligible activities to be funded with Trust Fund grant amounts, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project that contains the affordable housing to be assisted with such assistance;

"(v) the extent of local assistance that will be provided in carrying out the eligible activities, including financial assistance;

"(vi) the efficiency of total project fund use as measured by the cost per unit of the proposal, as adjusted by factors which shall include whether the funding with Trust Fund grant amounts is for new construction, rehabilitation, preservation, or homeownership assistance, whether the project involves supportive housing, differences in construction and rehabilitation costs in different areas of the grantee, and other appropriate adjustments;

"(vii) the degree to which the project in which the affordable housing will be located will have residents of various incomes;

"(viii) the extent of employment and other economic opportunities for low-income families in the area in which the housing will be located;

"(ix) the extent to which the applicant demonstrates the ability to maintain dwelling units as affordable housing through the use of assistance made available under this subtitle, assistance leveraged from non-Federal sources, assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources;

"(x) the extent to which the applicant demonstrates that the county in which the housing is to be located is experiencing an extremely low vacancy rate;

"(xi) the extent to which the percentage of the housing located in such county that is extremely old housing exceeds 35 percent;

"(xii) the extent to which the housing assisted with the grant amounts will be accessible to persons with disabilities;

"(xiii) the extent to which the applicant demonstrates that the affordable housing assisted with the grant amounts will be located in proximity to public transportation, job opportunities, child care, and community revitalization projects;

"(xiv) the extent to which the applicant has provided that assistance from grant amounts will be used for eligible activities relating to housing located in census tracts in which the number of families having incomes less than the poverty line is less than 20 percent; and

"(xv) the extent to which the housing assisted with grant amounts will comply with energy efficiency standards and the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as the Secretary shall by regulation provide.

A grantee may allocate a portion of funds under this section for use by such grantee for eligible activities pursuant to the selection process under subparagraph (A).

"(3) PERFORMANCE GOALS, BENCHMARKS, AND TIMETABLES.—The allocation plan shall include performance goals, benchmarks, and timetables for the grantee for the conducting of eligible activities with Trust Fund grant amounts that comply with requirements and standards for such goals, benchmarks, and timetables as the Secretary shall, by regulation, establish.

"(d) REVIEW AND APPROVAL BY SECRETARY.—

"(1) SUBMISSION.—A grantee described in subsection (a) shall submit an allocation plan for the fiscal year for which the grant is made to the Secretary not later than the expiration of the 6-month period beginning upon the notice of funding availability under section 294(b)(4) for such fiscal year amounts.

"(2) REVIEW AND APPROVAL OR DISAPPROVAL.—The Secretary shall review and approve or disapprove an allocation plan not later than the expiration of the 3-month period beginning upon submission of the plan.

"(3) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove an allocation plan only if the plan fails to comply with requirements of this section or section 296.

"(4) RESUBMISSION UPON DISAPPROVAL.—If the Secretary disapproves a plan, the grantee may submit to the Secretary a revised plan for review and approval or disapproval under this subsection.

"(5) TIMING FOR FISCAL YEAR 2008.—With respect only to fiscal year 2008, the Secretary may extend each of the periods referred to in paragraphs (1) and (2), and the period referred to in section 294(i)(1)(A), by not more than 6 months.

"SEC. 296. USE OF ASSISTANCE BY RECIPIENTS.

"(a) DISTRIBUTION TO RECIPIENTS; USE REQUIREMENTS.—Each grantee shall distribute Trust Fund grant amounts of the grantee to eligible recipients for use in accordance with this section. Trust Fund grant amounts of a grantee may be used, or committed for use, only for eligible activities that—

"(1) are conducted in the jurisdiction of the grantee;

"(2) in the case of a grantee that is a State, insular area, participating local jurisdiction, or grantee under section 294(i), comply with the allocation plan of the grantee under section 295;

"(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to section 295(c)(2); and

"(4) comply with the targeting requirements under subsection (c) of this section and the affordable housing requirements under section 297.

"(b) ELIGIBLE RECIPIENTS.—Trust Fund grant amounts of a grantee may be provided only to an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a faith-based organization, a community development financial institution, a community development corporation, and a State or local housing trust fund) that—

"(1) demonstrates the experience, ability, and capacity (including financial capacity) to undertake, comply, and manage the eligible activity;

"(2) demonstrates its familiarity with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(3) makes such assurances to the grantee as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subtitle during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all eligible activities that are engaged in by the recipient and funded with such grant amounts.

"(c) TARGETING REQUIREMENTS.—The targeting requirements under this subsection are as follows:

"(1) REQUIREMENT OF USE OF ALL AMOUNTS FOR AFFORDABLE HOUSING FOR LOW-INCOME FAMILIES.—All Trust Fund grant amounts of a grantee shall be distributed for use only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed 80 percent of the greater of—

"(A) the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

"(B) the median family income for the State or insular area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

"(2) USE OF 75 PERCENT FOR AFFORDABLE HOUSING FOR EXTREMELY LOW-INCOME FAMILIES.—Not less than 75 percent of the Trust

Fund grant amounts of a grantee for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the higher of—

“(A) 30 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

“(B) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved.

“(3) USE OF 30 PERCENT FOR AFFORDABLE HOUSING FOR VERY POOR FAMILIES.—Not less than 30 percent of the Trust Fund grant amounts of a grantee for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the maximum amount of income that an individual or family could have, taking into consideration any income disregards, and remain eligible for benefits under the Supplemental Security Income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

“(4) USE OF 10 PERCENT FOR AFFORDABLE HOUSING FOR FAMILIES ABOVE 50 PERCENT OF AREA MEDIAN INCOME.—Not less than 10 percent of the Trust Fund grant amounts of a grantee for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes exceed 50 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

“(5) LIMITATION FOR YEARS IN WHICH LESS THAN $2 BILLION IS AVAILABLE.—If, for any fiscal year, the total amount available pursuant to section 293(a) for assistance under this subtitle is less than $2,000,000,000, in addition to the other requirements under this subsection, all such amounts shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed 60 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

“(6) REVIEW OF TARGETING REQUIREMENTS.—The Secretary shall assess the need for, and the appropriateness of, the requirements under paragraphs (1) through (4) and shall submit a report to the Congress on the results of the assessment not later than October 1, 2012, and not later than the expiration of the 5-year period beginning upon such date and each successive 5-year period thereafter. In each such report, the Secretary shall identify and make recommendations regarding the continuation or adjustment of the targeting requirements in paragraphs (1) through (4).

“(d) USE FOR RURAL AREAS.—Of the Trust Fund grant amounts for any fiscal year for any grantee that is a State or participating local jurisdiction that includes any rural areas, the State or participating local jurisdiction shall use a portion for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

“(e) COST LIMITS.—The Secretary shall establish limitations on the amount of Trust Fund grant amounts that may be used, on a per unit basis, for eligible activities. Such limitations shall be the same as the per unit cost limits established pursuant to section 212(e) (42 U.S.C. 12742(e)), as adjusted annually, and established by number of bedrooms, market area, and eligible activity.

“(f) FORMS OF ASSISTANCE.—

“(1) IN GENERAL.—Assistance may be distributed pursuant to this section in the form of—

“(A) capital grants, noninterest-bearing or low-interest loans or advances, deferred payment loans, guarantees, and loan loss reserves;

“(B) in the case of assistance for ownership of one- to four-family owner-occupied housing, downpayment assistance, closing cost assistance, and assistance for interest rate buydowns; and

“(C) any other forms of assistance approved by the Secretary.

“(2) REPAYMENTS.—If a grantee awards assistance under this section in the form of a loan or other mechanism by which funds are later repaid to the grantee, any repayments and returns received by the grantee shall be distributed by the grantee in accordance with the allocation plan under section 295 for the grantee for the fiscal year in which such repayments are made or returns are received.

“(g) COORDINATION WITH OTHER ASSISTANCE.—In distributing assistance pursuant to this section, each grantee shall, to the maximum extent practicable, coordinate such distribution with the provision of other Federal, State, tribal, and local housing assistance, including—

“(1) in the case of any State, housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code of 1986;

“(2) assistance made available under subtitles A through F (42 U.S.C. 12721 et seq.) or the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(3) private activity bonds;

“(4) assistance made available under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

“(5) assistance made available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

“(6) assistance made available under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

“(7) assistance made available under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111);

“(8) assistance made available from any State or local housing trust fund established to provide or assist in making available affordable housing; and

“(9) any other housing assistance programs.

“(h) PROHIBITED USES.—The Secretary shall—

“(1) by regulation, set forth prohibited uses of grant amounts under this subtitle, which shall include use for—

“(A) political activities;

“(B) advocacy;

“(C) lobbying, whether directly or through other parties;

“(D) counseling services;

“(E) travel expenses; and

“(F) preparing or providing advice on tax returns;

“(2) by regulation, provide that, except as provided in paragraph (3), grant amounts under this subtitle may not be used for administrative, outreach, or other costs of—

“(A) a grantee; or

“(B) any recipient of such grant amounts; and

“(3) by regulation, limit the amount of any Trust Fund grant amounts for a fiscal year that may be used for administrative costs of the grantee of carrying out the program required under this subtitle to a percentage of such grant amounts of the grantee for such fiscal year, which may not exceed 10 percent.

“(i) LABOR STANDARDS.—Each grantee receiving Trust Fund grant amounts shall ensure that contracts for eligible activities assisted with such amounts comply with the same requirements under section 286 (42 U.S.C. 12836) that are applicable to contracts for construction of affordable housing assisted under subtitles A and D.

“(j) COMPLIANCE WITH OTHER FEDERAL LAWS.—All amounts from the Trust Fund shall be allocated in accordance with, and any eligible activities carried out in whole or in part with grant amounts under this subtitle (including housing provided with such grant amounts) shall comply with and be operated in compliance with, other applicable provisions of Federal law, including—

“(1) laws relating to tenant protections and tenant rights to participate in decision making regarding their residences;

“(2) laws requiring public participation, including laws relating to Consolidated Plans, Qualified Allocation Plans, and Public Housing Agency Plans; and

“(3) fair housing laws and laws regarding accessibility in federally assisted housing, including section 504 of the Rehabilitation Act of 1973.

“SEC. 297. AFFORDABLE HOUSING.

“(a) RENTAL HOUSING.—A rental dwelling unit (which may include a dwelling unit in limited equity cooperative housing, as such term is defined in section 143(k) of the Internal Revenue Code of 1986 (26 U.S.C. 143(k)) or in housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.A. 216(b))), shall be considered affordable housing for purposes of this subtitle only if the dwelling unit is subject to legally binding commitments that ensure that the dwelling unit meets all of the following requirements:

“(1) RENTS.—The dwelling unit bears a rent not greater than the lesser of—

“(A) the existing fair market rental established by the Secretary under section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) for a dwelling unit of the same size in the same market area, or the applicable payment standard for assistance under section 8(o) of such Act, if higher; and

“(B) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the findings of the Secretary that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

“(2) TENANT RENT CONTRIBUTION.—The contribution toward rent by the family residing in the dwelling unit will not exceed 30 percent of the adjusted income of such family.

“(3) NON-DISCRIMINATION AGAINST VOUCHER HOLDERS.—The dwelling unit is located in a project in which all dwelling units are subject to enforceable restrictions that provide that a unit may not be refused for leasing to a holder of a voucher of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as a holder of such voucher.

“(4) MIXED INCOME.—

“(A) IN GENERAL.—The dwelling unit is located in a project in which not more than 50 percent of the rental units in the project that receive assistance under this subtitle and are not previously occupied may be rented initially to families with incomes described in section 296(c)(2), as determined at a reasonable time before occupancy.

“(B) REHABILITATION.—In the case of a dwelling unit in a project for which Trust Fund grant amounts are used for the rehabilitation of the project, the dwelling unit is located in a project in which the percentage of units being rented upon completion of the rehabilitation to families with incomes described in section 296(c)(2) may not exceed the higher of 50 percent

or the percentage of such families occupying the project at the time funds are awarded for such project.

"(C) EXCEPTIONS.—Subparagraph (A) shall not apply in the case of a project having 25 or fewer dwelling units that is—

"(i) located in a census tract in which the number of families having incomes less than the poverty line is less than 20 percent;

"(ii) located in a rural area, as such term is defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490); or

"(iii) specifically made available only for households comprised of elderly families or disabled families.

"(5) VISITABILITY.—To the extent the dwelling unit is not required under Federal law to comply with standards relating to accessibility to persons with disabilities, the dwelling unit complies with such basic visitability standards as the Secretary shall by regulation provide.

"(6) DURATION OF USE.—The dwelling unit will continue to be subject to all requirements under this subsection for not less than 50 years.

"(b) OWNER-OCCUPIED HOUSING.—For purposes of any eligible activity involving one- to four-family owner-occupied housing (which may include housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.A. 216(b))), such a residence shall be considered affordable housing for purposes of this subtitle only if—

"(1) in the case of housing to be made available for purchase—

"(A) the housing is available for purchase only for use as a principal residence by families that qualify as first-time homebuyers, as such term is defined in section 104 (42 U.S.C. 12704), except that any reference in such section to assistance under title II of this Act shall for purposes of this section be considered to refer to assistance from Trust Fund grant amounts;

"(B) the housing has an initial purchase price that meets the requirements of section 215(b)(1); and

"(C) the housing is subject to the same resale restrictions established under section 215(b)(3) and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(2) the housing is made available for purchase only by, or in the case of assistance to a homebuyer pursuant to this subsection, the assistance is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary; except that the Secretary may, at the request of a State, waive the requirements of this paragraph with respect to a geographic area or areas within the State if—

"(A) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this paragraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and

"(B) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, on-line counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Secretary, except that entities providing such counseling shall not discriminate against any particular form of housing.

"(c) PRIORITY FOR FAMILIES ON SECTION 8 OR PUBLIC HOUSING WAITING LIST FOR 12 MONTHS OR LONGER.—A dwelling unit in rental housing or owner-occupied housing shall be considered affordable housing for purposes of this subtitle only if the dwelling unit is subject to such requirements, as the Secretary shall provide, to ensure that priority for occupancy in or, in the case of owner-occupied housing, purchase of, the dwelling unit is provided to families who are eligible for rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or occupancy in public housing assisted under such Act, and have applied to a public housing agency for such assistance or occupancy, as applicable, and been on a waiting list of a public housing agency for such assistance or occupancy, as applicable, for at least 12 consecutive months.

"SEC. 298. OTHER PROVISIONS.

"(a) EFFECT OF ASSISTANCE UNDER PROGRAM.—Notwithstanding any other provision of law, the provision of assistance under this subtitle for a project shall not reduce the amount of assistance for which such project is otherwise eligible under subtitles A through F of this title, if the project does not exceed the cost limits established pursuant to section 296(e).

"(b) ACCOUNTABILITY OF GRANTEES AND RECIPIENTS.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from Trust Fund grant amounts of the grantee uses such amounts in accordance with this subtitle, the regulations issued under this subtitle, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the Trust Fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this subtitle and the regulations under this subtitle; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from Trust Fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this subtitle, the regulations issued under this subtitle, or any requirements or conditions under which such amounts were provided—

"(I) such recipient shall be ineligible for any further assistance from any Trust Fund grant amounts of any grantee during the period that begins upon such determination and ends upon reinstatement by the Secretary of the eligibility of recipient for such assistance, except that the Secretary may reinstate such an ineligible recipient only pursuant to application by the recipient for such reinstatement and the recipient may not apply to the Secretary for such reinstatement during the 12-month period, or the 10-year period in the case of a second or subsequent such determination, beginning upon such determination; and

"(II) the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the Trust Fund grant amounts of the grantee that remain unused or uncommitted for use.

The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Secretary; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(cc) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each grantee receiving Trust Fund grant amounts for a fiscal year to submit a report, for such fiscal year, to the Secretary that—

"(I) describes the activities funded under this subtitle during such year with the Trust Fund grant amounts of the grantee; and

"(II) the manner in which the grantee complied during such fiscal year with the allocation plan established pursuant to section 295 for the grantee.

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this subtitle and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Trust Fund grant amounts which were not used in accordance with this subtitle;

"(ii) require the grantee to repay the Secretary an amount equal to the amount of the Trust Fund grant amounts which were not used in accordance with this subtitle;

"(iii) limit the availability of assistance under this subtitle to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this subtitle to the grantee.

"SEC. 299. DEFINITIONS.

"For purposes of this subtitle, the following definitions shall apply:

"(1) ELIGIBLE ACTIVITIES.—The term 'eligible activities' means activities relating to the construction, preservation, or rehabilitation of affordable rental housing or affordable one- to four-family owner-occupied housing, including—

"(A) the construction of new housing;

"(B) the acquisition of real property;

"(C) site preparation and improvement, including demolition;

"(D) rehabilitation of existing housing;

"(E) use of funds to facilitate affordability for homeless and other extremely low-income households of dwelling units assisted with Trust Fund grant amounts, in a combined amount not to exceed 20 percent of the project grant amount, for—

"(i) project-based rental assistance for not more than 12 months for a project assisted with Trust Fund grant amounts;

"(ii) project operating reserves for use to cover the loss of rental assistance or in conjunction with a project loan; or

"(iii) project operating accounts used to cover net operating income shortfalls for dwelling units assisted with Trust Fund grant amounts;

"(F) providing incentives to maintain existing housing (including manufactured housing) as affordable housing and to establish or extend any low-income affordability restrictions for *such housing, including covering capital expenditures and costs of establishing community land trusts to provide sites for manufactured housing provided such incentives; and*

"(G) in the case of affordable one- to four-family owner-occupied housing, downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an entity that meets the requirements under section 296(b) for receipt of Trust Fund grant amounts of a grantee.

"(3) EXTREMELY LOW VACANCY RATE.—The term 'extremely low vacancy rate' means a housing or rental vacancy rate of 2 percent or less.

"(4) EXTREMELY OLD HOUSING.—The term 'extremely old housing' means housing that is 45 years old or older.

"(5) FAMILIES.—The term 'families' has the meaning given such term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

"(6) FISCAL DISTRESS; SEVERE FISCAL DISTRESS.—The terms 'fiscal distress' and 'severe fiscal distress' have the meanings given such terms in section 220(d).

"(7) GRANTEE.—The term 'grantee' means—

"(A) a State, insular area, or participating local jurisdiction for which a grant is made under section 294(e);

"(B) an Indian tribe for which a grant is made under section 294(g); or

"(C) a nonprofit or public entity for which a grant is made under section 294(i).

"(8) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized Indian tribe.

"(9) INSULAR AREA.—The term 'insular area' has the meaning given such term in section 104.

"(10) PARTICIPATING LOCAL JURISDICTION.—The term 'participating local jurisdiction' means, with respect to a fiscal year—

"(A) any unit of general local government (as such term is defined in section 104 (42 U.S.C. 12704) that qualifies as a participating jurisdiction under section 216 (42 U.S.C. 12746) for such fiscal year; and

"(B) at the option of such a consortium, any consortium of units of general local governments that is designated pursuant to section 216 (42 U.S.C. 12746) as a participating jurisdiction for purposes of title II.

"(11) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

"(12) RECIPIENT.—The term 'recipient' means an entity that receives assistance from a grantee, pursuant to section 296(a), from Trust Fund grant amounts of the grantee.

"(13) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(15) STATE.—The term 'State' has the meaning given such term in section 104.

"(16) TRUST FUND.—The term 'Trust Fund' means the National Affordable Housing Trust Fund established under section 292.

"(17) TRUST FUND GRANT AMOUNTS.—The term 'Trust Fund grant amounts' means amounts from the Trust Fund that are provided to a grantee pursuant to subsection (e), (g), or (i) of section 294.

"SEC. 299A. INAPPLICABILITY OF HOME PROVISIONS.

"Except as specifically provided otherwise in this subtitle, no requirement under, or provision of, title I or subtitles A through F of this title shall apply to assistance provided under this subtitle.

"SEC. 299B. REGULATIONS.

"Not later than 6 months after the date of enactment of the National Affordable Housing Trust Fund Act of 2007, the Secretary of Housing and Urban Development shall promulgate regulations to carry out this subtitle, which shall include regulations establishing the affordable housing needs formula in accordance with section 294(a).".

(b) CONFORMING AMENDMENT.—Section 201 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note) is amended by striking "This title" and inserting "Subtitles A through F of this title".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–369. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–369.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 14, strike lines 14 through 16, and insert the following:

"(1) STATES.—Subject to subsection (d), the allocation for a State shall be as follows:

"(A) MINIMUM AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is less than 0.5 percent of the total amount allocated for such fiscal year under section 293(b)(1), the allocation for the State shall be 0.5 percent of the total amount allocated for such fiscal year under section 293(b)(1).

"(B) FORMULA AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is 0.5 percent or more of the total amount allocated for such fiscal year under section 293(b)(1), the allocation for the State shall be the formula amount for the State, except that—

"(i) the Secretary shall reduce such formula amounts for all States whose allocations are determined under this subparagraph on a pro rata basis, except as provided in clause (ii), by the amount necessary to account for any increases from the formula amount for allocations made under subparagraph (A), so that the total of the allocations for all States pursuant to this paragraph is equal to the aggregate of the formula amounts under subsection (b)(2) for all States; and

"(ii) no reduction pursuant to clause (i) for any State may reduce the formula amount for the State to less than 0.5 percent of such total amount allocated for such fiscal year.".

Page 15, strike lines 8 through 10, and insert the following:

"(1) for each participating local jurisdiction having a formula amount for such fiscal year of less than $750,000, the allocation shall be $0, except that the allocation for such a jurisdiction for such fiscal year shall be the formula amount for the jurisdiction for such fiscal year if—

"(A) the Secretary"

Page 15, strike the comma in line 20 and all that follows through line 22, and insert "; or".

Page 15, after line 22, insert the following:

"(B) the formula amount for such jurisdiction for such fiscal year is an amount that is greater than the formula amount for such fiscal year for any other participating local jurisdiction that is located in the same State; and".

Page 42, strike lines 21 through 25, and insert the following:

"(A) IN GENERAL.—The dwelling unit is located in a project (i) that receives assistance under this subtitle, and (ii) for which not more than 50 percent of the rental units in the project that are not previously occupied may be rented initially only to".

Strike line 15 on page 43 and all that follows through page 44, line 3, and insert the following:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply in the case of a project that—

"(i) has 25 or fewer dwelling units and that is—

"(I) located in a census tract in which the number of families having incomes less than the poverty line is less than 20 percent;

"(II) located in a rural area, as such term is defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490); or

"(III) specifically made available only for households comprised of disabled families; or

"(ii) is specifically made available only for households comprised of elderly families.".

Page 51, line 5, after "that" insert "describes".

Page 51, line 6, strike "describes".

At the end of the bill, insert the following new section:

"SECTION 299C. BENEFITS.

"Nothing in this subtitle allows any payments under this subtitle for any individual or head of household that is not a legal resident."

The CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I don't believe any of these are controversial.

The first thing we do, we had in the committee an adoption of an amount, a minimum amount that would go to each State. Remember, this is largely a distribution to the States. It's not an existing Federal. This would not be administered at the Federal level. It would be sent to the States.

And some of the smaller States raised a question, and the smaller communities that they might be excluded. Indeed, while this is not exactly what the gentleman from Florida (Mr. BILIRAKIS) had wanted to offer, which I thought was perfectly reasonable, it comes close to, it touches on the same area. So this would make sure that no State would go without, and at least one community in every State would get some funding.

Next, we had a provision that really didn't make sense requiring a mixed income requirement in elderly projects. We didn't think that was reasonable, and we take it out.

We have a clarification involving the number of units that go to people who are below 50 percent, and we say that applies to all units.

And finally, in response to concerns in the House, we had language that could be better worded. It was somewhat hastily added at the last minute, and I hope it will be improved as we go forward, which seeks to say that no one who is in the country illegally should be allowed to be a resident of one of these projects.

That's the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, we have no objection to the manager's amendment to H.R. 2895, the National Affordable Housing Trust Fund Act of 2007.

I yield back my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time with gratitude to my colleagues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–369.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

Page 53, after line 20, insert the following:

"(F) use of funds to facilitate affordability for families having incomes described in section 296(c)(3), in a combined amount for a grantee in any fiscal year not to exceed 10 percent of the aggregate Trust Fund grant amounts provided to the grantee for such fiscal year, for project operating accounts used to cover net operating income shortfalls for dwelling units assisted with Trust Fund grant amounts;".

Page 53, line 21, strike "(F)" and insert "(G)".

Page 54, line 4, strike "(G)" and insert "(H)".

The CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentlewoman from California, in consultation with a number of groups, put this forward, and it's to give more flexibility to the recipients.

I yield to the gentlewoman from California who will explain the amendment.

Ms. WATERS. Mr. Chairman, I rise in support of this amendment.

Chairman FRANK, I applaud you for your willingness to modify the trust fund proposal as it has moved through this Chamber to reflect the realities of the housing market while simultaneously keeping your eye on the prize, a significant increase in the production of affordable housing for the very poorest Americans. This amendment continues to maintain such a balance.

Let me share some simple math with my colleagues. The monthly SSI payment in California is $836. As the Brooke amendment established, the Federal Government considers an affordable rent to be 30 percent of that income, or $250 per month. Nobody can operate housing anywhere in California, much less in high-cost areas like Los Angeles, for $250 per unit monthly. It doesn't matter whether you're a nonprofit or for-profit or whether you have significant debt service on loans for the capital, or if someone has just handed you a brand new building for free. As the green eye shade types in the real estate business say, it just "doesn't pencil out."

This need to address the operating cost shortfall in projects targeted to the lowest income folks, especially those at SSI income levels and below, is not news to those of us who have been fighting for a national affordable housing trust fund for over half a decade. Nor, to be clear, does it suggest that there's any shortage of need for plain old low-cost bricks and sticks capital grants which will comprise the vast majority of funding under H.R. 2895, even if this amendment is adopted. What has become clear, though, is that the State and local housing agencies need some flexibility with the trust fund dollars to address the operating shortfall issue in order for the trust fund to generate the greatest number of new units for the poorest, most disabled residents of trust fund projects.

Critically, neither this amendment nor the underlying bill discourages grantees from seeking other sources of operating subsidies or rental assistance. Indeed, it requires as much. Even the full 10 percent of the trust fund in a given year, should States and localities choose to use the maximum permitted to operate accounts, will not come close to providing the total amount of operating subsidy needed to achieve the trust fund's targeting goals. So grantees like my own California Housing Finance Agency or Los Angeles City Housing Department will have no choice but to leverage trust funds with section 8, McKinney-Vento subsidies and State or local rental assistance programs.

But this flexibility will ensure that some projects can move forward that otherwise could not in the current environment, where section 8, for example, has been under attack since the moment the trust fund movement began. That is the essence of the trust fund bill that you have championed, Chairman FRANK, recognizing and overcoming the obstacles to affordable housing production for the poorest people in this country. This amendment is wholly consistent with that goal, and I urge my colleagues to support that.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I do not oppose this amendment. I think some of us had a concern early on that converting any of these monies to operating monies was a precedent we didn't want to move down. I think the purpose of the bill is to build housing. Although I believe this does help some of our very low income families, we would hope that they would not have to use any of that allocation for that. But this amendment does give them the flexibility to do that, and so we will support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–369.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Page 45, line 20, before the semicolon insert the following: "and includes counseling regarding financial literacy, strategies to save money, qualifying for a mortgage loan, methods to avoid predatory lenders and foreclosure, and, where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage".

The CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to H.R. 2895. I commend Chairman FRANK and Subcommittee Chairwoman WATERS and the full committee for their work on this legislation, and particularly the work of Ranking Members BACHUS and BIGGERT as well as those that I have complimented.

The purpose of my amendment is to include flood and disaster specific insurance counseling in the home ownership counseling criteria for beneficiaries of the trust fund.

I know that we're all concerned about the current instability in the housing market, and increasing foreclosure rates around this country, and especially in places like where I live. One of every 50 households in my congressional district have filed for foreclosure already this year. All of us know that that's unacceptable.

Mr. Chairman, the unfortunate truth is that many of these foreclosures have come from a lack of financial literacy and limited understanding of all the costs associated with owning a home. In many regions of our Nation more prone to disasters, appropriate insurance is one of many added costs of homeownership that can push people to the edge.

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And when you are on the edge, staying in your home or returning to your home after a disaster rests on having the right insurance.

I don't even need to point out to the Members the tragedies of withheld insurance from many of the victims in Hurricane Katrina. Knowledge of the specifics and nuances in disaster and flood insurance policies will encourage further financial empowerment and homeownership stability among our Nation's most vulnerable populations.

I urge Members to support the amendment.

Mr. Chairman, my amendment reflects homeownership counseling criteria which I initially included in the Workforce Housing Act of 2006, a bill which I introduced last year.

While my legislation from the 109th Congress focused on developing mortgage downpayment accounts and other development incentives, local and state housing trust funds have also been very effective in providing access to affordable housing. I applaud the approach of the National Affordable Housing Trust Fund Act of 2007, which will take these local successes even further.

Once again, I commend my friends Chairman FRANK and Chairwoman WATERS for shepherding this legislation to the floor and considering my contribution to their fine work.

I urge my colleagues to support this amendment and reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Mr. Chairman, I think anytime that we can make sure that our people involved in housing, homeowners, renters, everybody, has the appropriate counseling is a good strategy, because in many cases what we find is people lose their assets or lose opportunities because they did not take advantage of some of the things that are available to them.

So I thank the gentleman from Florida for introducing that amendment. We support his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–369.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee of the gentleman from Washington (Mr. INSLEE), I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 29, line 16, strike "and".

Page 29, line 24, strike the period and insert "; and".

Page 29, after line 24, insert the following:

"(xvi) the extent to which the design, construction, and operation of the housing assisted with grant amounts reduces utility costs for residents and thereby reduces their total housing cost.".

The CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Washington has been a strong advocate of energy efficiency and reducing excess energy costs. He approached the committee and argued that it would be very useful to have in the bill the language of this amendment, which says that you will take into account, in making the grants, the extent to which the money would reduce utility costs for residents. This would, of course, have the dual advantage of making it less expensive for these low-income residents and also conserving energy. So it seemed to us an entirely reasonable approach, and I was glad to tell the gentleman from Washington that I agree with him and, in fact, to serve as his designee in offering it.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. ROSS). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Mr. Chairman, certainly I think that anytime we are going to be investing Federal dollars in any housing in the future, we need to make the sure the houses are as energy efficient as they possibly can be. And as I understand the gentleman's amendment, this would be about making sure, in consideration for granting funds for that, that the construction, the design, all of the phases of creating housing in this country would take into account the utility costs and, hopefully, the overall operating costs of those projects.

So with that, we support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–369.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee of the gentlewoman from California (Ms. WOOLSEY), I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FRANK of Massachusetts:

Page 30, after line 4, insert the following:

"(3) USE FOR FIRST RESPONDERS AND TEACHERS.—To the extent that Trust Fund grant amounts of a grantee are made available for eligible activities involving one- to four-family owner-occupied housing, the grantee may give preference in the use of such grant amounts to eligible activities relating to affordable housing for first responders, public safety officers, teachers, and other public employees who have family incomes such that such use of the grant amounts complies with the requirements under section 296(c).".

Page 30, line 5, strike "(3)" and insert "(4)".

The Acting CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentlewoman from California, representing a high-cost area, Marin County, especially, in California, confronts the problem that many others confront, but she has it particularly in her district where workers in a municipality can't afford to live in the city in which they work.

So what her amendment does is to propose that with one- to four-family owner-occupied housing, the grantees who receive this money can give preference to public safety officers, teachers, et cetera.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I want to agree with the chairman of the full committee that we do need to make sure that our first responders and teachers and people that we rely on to serve our communities be able to live in the communities that they are working in.

I think this is a good amendment, and we are not opposed to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. WOOLSEY) so that she can speak for herself.

The Acting CHAIRMAN. Without objection, the gentlewoman from California will control the balance of time of the gentleman from Massachusetts (Mr. FRANK).

There was no objection.

Ms. WOOLSEY. Mr. Chairman, the amendment I offer today simply says that the organizations receiving grant money from the trust fund may give consideration to first responders, public safety officers, teachers, other public employees whose incomes have kept them from living in the communities that they serve.

Mr. Chairman, I represent a district where the median income is higher than some others and so is the price of housing. Sometimes public service employees actually require that workers live within a certain distance from their job, and it's simply unfair that when home prices put affordable housing out of reach for these workers, then they cannot participate in that career.

The amendment would not only affect high-cost areas but would benefit every single county or city in our country where public service employees have trouble finding housing.

If these employees meet the income requirements of the bill, grantees would be able to give consideration to them and to their contributions to our communities.

Mr. Chairman, it is time we stand up for these employees. It is time we let them know that we welcome them in our communities.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-369.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee of the gentleman from Rhode Island (Mr. LANGEVIN), I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANK of Massachusetts:

Page 52, after line 15, insert the following:

"(c) GREEN HOUSING CLEARINGHOUSE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a clearinghouse of information relating to green building techniques to provide grantees and recipients of Trust Fund amounts information regarding use of Trust Fund grant amounts in a manner that increases the efficiency of buildings and their use of energy, water, and materials, and reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, including information regarding best practices and technical recommendations.

"(2) ACCESS THROUGH INTERNET.—The Secretary shall make the information of the clearinghouse available by means of the Internet.".

Page 51, line 9, strike "and".

Page 51, line 14, strike the period and insert "; and".

Page 51, after line 14, insert the following:

"(III) certifies the number of total dwelling units of affordable housing that were constructed, preserved, or rehabilitated during such fiscal year with assistance from Trust Funds grant amounts of the grantee comply with widely accepted standards for green building.".

The Acting CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we have in our committee been working hard to try to incorporate pro-environmental, energy-saving measures, measures that would reduce global warming. And this is an amendment offered by the gentleman from Rhode Island that is very much in tune with this.

Mr. Chairman, for further elaboration, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate his leadership in guiding the committee to deal with issues of affordable housing, the crisis that plagues our country dealing with the mortgage crisis.

If we are serious about providing affordable housing for families, then we need to be serious about building that housing in a sustainable fashion. Energy costs are increasing much faster than family incomes. Green homes are often 30 percent more energy efficient; that can cut utility costs by hundreds of dollars a year from the outset and an amount that is going to compound over time. We need to do well by our environment but we also need to save families' hard-earned money.

There is also strong evidence that green homes are also healthier homes. More than 4 million American children have asthma, and it is estimated that had more than 40 percent of diagnosed asthma is due to residential exposure. Green homes use building practices and materials that minimize moisture, that provide proper ventilation, that prevent infestation and avoid toxic materials.

I had the opportunity last night in Portland, OR, to be part of a celebration for our Oregon's architectural foundation, and these folks are zeroing in on practices that make a difference and add value. Many of the advantages of "going green" are based on people just having the fundamental information. There is a great deal of misinformation.

This amendment would provide a "green housing clearinghouse" that will provide fundamental information for people who are involved with the industry. It requires grantees to self-certify how many of the total units they build with the grants were green. This will help keep the grantees accountable. It gives HUD important information on how many affordable housing units are, in fact, green. And I think it's going to be an important step, low cost, high impact, that is going to promote the housing in this arena to be of the highest quality and most sustainable practices.

I strongly urge adoption of the amendment.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Mr. Chairman, I would just say, again, I think we want to make sure that any new housing that's done is energy efficient and also meets as many green criteria.

One of the things I would encourage and would hope that the chairman would work with me in is in the final version of this bill I would hope that, once we conference that, the National Association of Home Builders has been involved in green building for a number of years and has set up a lot of information.

So one of the things that you and I have talked about is we want to try to make this money go as far as we possibly can and avoid as much duplication as we can.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. NEUGEBAUER. I would be glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman is absolutely right. And that same issue, as he knows, is arising in the context of our work on HOPE VI. We want to do the green building standards. We want to do them in a way that will be sensible and reasonable.

Let's be very clear. There aren't enough law enforcement people in the world to make this work if there isn't a willingness on the part of those involved to do it. If people think it is too rigid or inflexible, it's just not going to work as well. I think we have a wide willingness now on the part of the homebuilders and others to be participating in this.

And, yes, we will make this very much a collaborative enterprise. Of course if the gentleman's substitute were to pass, it wouldn't be relevant. But in case it didn't, we will work together.

Mr. NEUGEBAUER. Thank you.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-369.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee of the gentleman from Maryland (Mr. VAN HOLLEN), I offer the amendment that is now in order.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 Offered by Mr. FRANK of Massachusetts:

Page 24, line 24, strike "and".

Page 25, line 15, strike the period and insert "; and".

Page 25, after line 15, insert the following:

"(C) in the case of any recipient who has received assistance from Trust Fund grant amounts in any previous fiscal year, a report on the progress made in carrying out the eligible activities funded with such previous assistance.".

The Acting CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a very reasonable and thoughtful amendment from the gentleman from Maryland. What it says is that we hope this program is established, we hope that there will be entities that will be repeat applicants. We just want to make explicit that if people have gotten a grant and now come back for another one, they be very explicit about what they have done with it. It is, I think, a very useful kind of oversight that's built into the program. It may seem obvious, but we sometimes read about people getting renewed programs when they haven't done a very good job in the last one. This won't make that absolutely impossible, but it will make it less likely. I think it is a very useful amendment by the gentleman from Maryland, and I hope it's adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I seek the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Mr. Chairman, I think this is a very good amendment. Accountability in any government program is always welcome, and I thank the gentleman for offering this.

We need to make sure that, as we are passing out these monies, we want them to go as far as they can, we want them to go to people that can actually deliver what they said in their grant proposals and in their quest in their housing proposals, and so I support it.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-369.

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NEUGEBAUER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Affordable Housing Grant Act of 2007".

SEC. 2. NATIONAL AFFORDABLE HOUSING GRANTS.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle G—National Affordable Housing Grant Program

"SEC. 291. PURPOSES.

"The purposes of this subtitle are—

"(1) to address the national shortage of housing that is affordable to low-income families by making grants to finance additional housing activities, without supplanting existing housing appropriations;

"(2) to enable rental housing to be built, for families with the greatest economic need, in mixed-income settings and in areas with the greatest economic opportunities;

"(3) to promote ownership of one-to-four family owner-occupied housing by low-income families; and

"(4) to construct, rehabilitate, and preserve at least 750,000 affordable dwelling units over the next decade.

"SEC. 292. GRANT AUTHORITY.

"(a) IN GENERAL.—To the extent that amounts are made available to carry out this subtitle, the Secretary of Housing and Urban Development may make grants to participating jurisdictions in accordance with this subtitle.

"(b) FEDERAL ASSISTANCE.—All assistance provided under this subtitle shall be considered to be Federal financial assistance.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this title such sums as may be necessary for each of fiscal years 2008 through 2012.

"SEC. 293. ALLOCATIONS FOR STATES, INDIAN TRIBES, INSULAR AREAS, AND PARTICIPATING LOCAL JURISDICTIONS.

"For fiscal year 2008 and for each fiscal year thereafter, of the total amount available for assistance under this subtitle, the Secretary shall allocate for use under section 294—

"(1) 40 percent for States, Indian tribes, and insular areas; and

"(2) 60 percent for participating local jurisdictions.

"SEC. 294. GRANT ASSISTANCE.

"(a) AFFORDABLE HOUSING NEEDS FORMULA.—

"(1) ESTABLISHMENT AND FACTORS.—The Secretary shall establish a formula to allocate amounts made available for a fiscal year for assistance under this subtitle among States, all Indian tribes, insular areas, and participating local jurisdictions based on the relative needs of such entities, for funds to increase the supply of decent quality affordable housing. The formula shall be based upon a comparison of the following factors with respect to each State, Indian tribes, each insular area, and each participating local jurisdiction:

"(A) The ratio of the population of the State, Indian tribes, insular area, or participating local jurisdiction, to the aggregate population of all States, Indian tribes, insular areas, and participating local jurisdictions.

"(B) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or participating local jurisdiction that live in substandard housing.

"(C) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or that pay more than 50 percent of their annual income for housing costs.

"(D) The percentage of persons in the jurisdiction of the State, of Indian tribes, or of the insular area or participating local jurisdiction having an income at or below the poverty line.

"(E) The cost of constructing or carrying out rehabilitation of housing in the jurisdiction of the State, of Indian tribes, or of the insular area or participating local jurisdiction.

"(F) The percentage of the population of the State, of Indian tribes, or of the insular area or participating local jurisdiction that resides in counties having extremely low vacancy rates.

"(G) The percentage of housing stock in the jurisdiction of the State, of Indian tribes, or of the insular area or participating local jurisdiction that is extremely old housing.

"(H) Any other factors that the Secretary determines to be appropriate.

"(2) FAILURE TO ESTABLISH.—Until such time as the Secretary publishes a notice in the Federal Register implementing regulations establishing the formula required under paragraph (1) of this subsection, for the purpose of allocating assistance under this subtitle—

"(A) section 293, paragraphs (2) and (3) of subsection (b) of this section, and subsection (c) of this section shall not apply;

"(B) the allocation for Indian tribes shall be such amount as the Secretary shall establish; and

"(C) the formula amount for each State, insular area, or participating local jurisdiction shall be determined by applying, for such State, insular area, or participating local jurisdiction, the percentage that is equal to the percentage of the total amounts made available for such fiscal year for allocation under subtitle A of this title (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State, insular area, or participating local jurisdiction, respectively, and the allocation for each State, insular area, or participating local jurisdiction, for purposes of subsection (d) shall be the formula amount for the State, insular area, or participating local jurisdiction, respectively.

"(b) FORMULA AMOUNT.—

"(1) IN GENERAL.—For each fiscal year referred to in section 293, the Secretary shall determine the formula amount under this subsection for each State, for Indian tribes, for each insular area, and for each participating local jurisdiction.

"(2) STATES, INDIAN TRIBES, AND INSULAR AREAS.—The formula amount for each State, for Indian tribes, and for each insular area shall be the amount determined for such State, for Indian tribes, or for such insular area by applying the formula under subsection (a) of this section to the total amount allocated under section 293(1) for all States, Indian tribes, and insular areas for the fiscal year.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—The formula amount for each participating local jurisdiction shall be the amount determined for such participating local jurisdiction by applying the formula under subsection (a) of this section to the total amount allocated under section 293(2) for all participating local jurisdictions for the fiscal year.

"(4) NOTICE.—For each fiscal year referred to in section 293, not later than 60 days after the date that the Secretary determines the total amount available for such fiscal year pursuant to section 292(c) for assistance under this subtitle, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(c) ALLOCATION BASED ON AFFORDABLE HOUSING NEEDS FORMULA.—The allocation under this subsection for a State, for Indian tribes, for an insular area, or for a participating local jurisdiction for a fiscal year shall be determined as follows:

"(1) STATES.—The allocation for a State shall be as follows:

"(A) MINIMUM AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is less than 1 percent of the total amount allocated for such fiscal year under section 293(1), the allocation for the State shall be 1 percent of the total amount allocated for such fiscal year under section 293(1).

"(B) FORMULA AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is 1 percent or more of the total amount allocated for such fiscal year under section 293(1), the allocation for the State shall be the formula amount for the State, except that the Secretary shall reduce such formula amounts for all States whose allocations are determined under this subparagraph on a pro rata basis by the amount necessary to account for any increases from the formula amount for allocations made under subparagraph (A) so that the total of the allocations for all States pursuant to this paragraph is equal to the aggregate of the formula amounts under subsection (b)(2) for all States.

"(2) INDIAN TRIBES AND INSULAR AREAS.—The allocation for Indian tribes and for each insular area shall be the formula amount for Indian tribes or for the insular area, respectively, determined under subsection (b), as applicable.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—The allocation for each participating local jurisdiction shall be the formula amount for the unit determined under subsection (b).

"(d) GRANT AWARDS.—For each fiscal year referred to in section 293, using the amounts made available to the Secretary for assistance under this subtitle for such fiscal year, the Secretary shall, subject to subsection (e), make a grant to each State, insular area, and participating local jurisdiction in the amount of the allocation under subsection (a)(2) or (c), as applicable, for the State, area, or jurisdiction, respectively.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Each participating jurisdiction for a program year shall contribute to eligible activities funded with grant amounts under this subtitle, or require the contribution to such eligible activities by recipients of such grant amounts of, in addition to any such grant amounts, one dollar for every four dollars of such grant amounts.

"(2) REDUCTION OR WAIVER FOR RECIPIENTS IN FISCAL DISTRESS.—The Secretary may reduce or waive the requirement under paragraph (1) with respect to any participating jurisdiction that the Secretary determines, pursuant to such demonstration by the recipient as the Secretary shall require, is in fiscal distress. The Secretary shall make determinations regarding fiscal distress for purposes of this paragraph in the same manner, and according to the same criteria, as fiscal distress is determined with respect to jurisdictions under section 220(d) (42 U.S.C. 12750(d)).

"(3) QUALIFICATION OF SERVICES FUNDING FOR MATCH.—For purposes of meeting the requirements of paragraph (1), amounts that a participating jurisdiction, recipient, or other governmental or private agency or entity commits to contribute to provide services to residents of affordable housing provided using grant amounts under this subtitle, by entering into a binding commitment for such contribution as the Secretary shall require, shall be considered contributions to eligible activities.

"(4) REDUCTION OR WAIVER FOR CERTAIN ACTIVITIES.—With respect to grant amounts under this subtitle made available for a fiscal year, the Secretary shall reduce or waive the amount of contributions otherwise required under paragraph (1) to be made with respect to eligible activities to be carried out with such grant amounts and for which any variance from zoning laws or other waiver of regulatory requirements was approved by the local jurisdiction. Such reduction may be implemented in the year following the year in which such activities are funded with grant amounts under this subtitle.

"(5) WAIVER FOR DISASTER AREAS.—In the case of any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Secretary shall, for the fiscal year following such declaration, waive the requirement under paragraph (1) with respect to any eligible activities to be carried out in such area.

"(f) COMPETITIVE GRANTS FOR INDIAN TRIBES.—For each fiscal year referred to in section 293, the Secretary shall, using amounts allocated for Indian tribes pursuant to subsection (a)(2)(B) or (c)(2), as applicable, and subject to subsection (e), make grants to Indian tribes on a competitive basis, based upon such criteria as the Secretary shall establish, which shall include the factors specified in section 295(c)(2)(B).

"(g) USE BY STATE OF UNUSED FUNDS OF LOCAL JURISDICTIONS.—If any participating local jurisdiction for which an allocation is made for a fiscal year pursuant to this section notifies the Secretary of an intent not to use all or part of such funds, any such funds that will not be used by the jurisdiction shall be added to the grant award under subsection (d) for the State in which such jurisdiction is located.

"(h) COMPETITIVE GRANTS FOR AREAS WITHOUT ALLOCATION PLANS AND RECIPIENTS WITH INSUFFICIENT MATCHING CONTRIBUTIONS.—

"(1) AVAILABLE AMOUNTS.—For a fiscal year, the following amounts shall be available for grants under this subsection:

"(A) ALLOCATION FOR AREAS NOT SUBMITTING ALLOCATION PLANS.—With respect to each State, insular area, or participating local jurisdiction that has not, before the expiration of the 12-month period beginning upon the date of the publication of the notice of funding availability for such fiscal year under subsection (b)(4), submitted to and had approved by the Secretary an allocation plan for such fiscal year meeting the requirements of section 295, the amount of the allocation for such State, insular area, or participating local jurisdiction for such fiscal year determined under this section.

"(B) UNMATCHED PORTION OF ALLOCATION.—With respect to any participating jurisdiction for which the grant amount awarded under this subtitle for such fiscal year is reduced from the amount of the allocation determined under this section for the participating jurisdiction by reason of failure comply with the requirements under subsection (e), the amount by which such allocation for the participating jurisdiction for the fiscal year exceeds the grant amount for the participating jurisdiction for the fiscal year.

"(C) UNUSED AMOUNTS.—Any grant amounts under this subtitle for which the participating jurisdiction notifies the Secretary that such funds will not be used under this subtitle.

"(2) NOTICE.—For each fiscal year, not later than 60 days after the date that the Secretary determines that the amounts described in paragraph (1) shall be available for grants under this subsection, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(3) APPLICATIONS.—The Secretary shall provide for nonprofit and public entities (and consortia thereof, which may include regional consortia of units of local government) to submit applications, during the 9-month period beginning upon publication of a notice of funding availability under paragraph (2) for a fiscal year, for a grant of all or a portion of the amounts referred to in paragraph (1) for such fiscal year. Such an application shall include a certification that the applicant will comply with all requirements of this subtitle applicable to a participating jurisdiction under this subsection.

"(4) SELECTION CRITERIA.—The Secretary shall, by regulation, establish criteria for selecting applicants that meet the requirements of paragraph (3) for funding under this subsection. Such criteria shall give priority to applications that provide that grant amounts under this subsection will be used for eligible activities relating to affordable housing that is located in the State or insular area, as applicable, for which such grant funds were originally allocated under this section.

"(5) AWARD AND USE OF GRANT ASSISTANCE.—

"(A) AWARD.—Subject only to the absence of applications meeting the requirements of paragraph (3), upon the expiration of the period referred to in such paragraph, the Secretary shall select an applicant or applicants under this subsection to receive the amounts available under paragraph (1) and shall make a grant or grants to such applicant or applicants. The selection shall be based upon the criteria established under paragraph (4).

"(B) USE.—Amounts from a grant under this subsection shall be grant amounts for purposes of this subtitle.

"SEC. 295. STATE ALLOCATION PLANS.

"(a) IN GENERAL.—Each State shall establish, in consultation with participation local jurisdictions within the State, an allocation plan in accordance with this section for the distribution grant amounts provided under this subtitle to the State and the participating local jurisdictions. The plan shall—

"(1) provide for use of such amounts in accordance with section 296;

"(2) be based on priority needs within the State; and

"(3) be consistent with the comprehensive housing affordability strategy under section 105 (42 U.S.C. 12705).

"(b) ESTABLISHMENT.—In establishing an allocation plan, after consultation with participating local jurisdictions, the State shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(c) CONTENTS.—Each allocation plan of a State described in subsection (a) shall comply with the following requirements:

"(1) APPLICATION REQUIREMENTS FOR ELIGIBLE RECIPIENTS.—The allocation plan shall set forth the requirements for eligible recipients to apply to the State to receive assistance from grant amounts under this subtitle of the State or participating local jurisdiction for use for eligible activities, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance; and

"(B) a certification by the eligible recipient applying for such assistance that any housing assisted with such grant amounts will comply with—

"(i) all of the requirements under this subtitle, including the targeting requirements under section 296(c) and the affordable housing requirements under section 297;

"(ii) section 808(d) of the Fair Housing Act (relating to the obligation to affirmatively further fair housing); and

"(iii) section 504 of the Rehabilitation Act of 1973 (relating to prohibition of discrimination on the basis of disability).

"(2) SELECTION PROCESS AND CRITERIA FOR ASSISTANCE.—

"(A) SELECTION PROCESS.—The allocation plan shall set forth a process for the State to select eligible activities meeting the State's priority housing needs for funding with grant amounts under this subtitle of the State and local governments, which shall comply with requirements for such process as the Secretary shall, by regulation, establish.

"(B) SELECTION CRITERIA.—The allocation plan shall set forth the factors for consideration in selecting among applicants that meet the application requirements established pursuant to paragraph (1), which shall provide for geographic diversity among eligible activities to be assisted with grant amounts of the State or participating local jurisdictions, and shall include—

"(i) the merits of the proposed eligible activity of the applicant, including the extent to which the activity addresses housing needs identified in the allocation plan of the participating jurisdiction and the applicable comprehensive housing affordability strategy or consolidated submission referred to in subsection (a)(3);

"(ii) the ability of the applicant to obligate grant amounts for the proposed eligible activities and to undertake such activities in a timely manner;

"(iii) the amount of assistance leveraged by the applicant from private and other non-Federal sources for carrying out the eligible activities to be funded with grant amounts under this subtitle, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project that contains the affordable housing to be assisted with such assistance;

"(iv) the extent of local assistance that will be provided in carrying out the eligible activities, including financial assistance;

"(v) the degree to which the project in which the affordable housing will be located will have residents of various incomes;

"(vi) the extent of employment and other economic opportunities for low-income families in the area in which the housing will be located;

"(vii) the extent to which the applicant demonstrates the ability to maintain dwelling units as affordable housing through the use of assistance made available under this subtitle, assistance leveraged from non-Federal sources, assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources;

"(viii) the extent to which the applicant demonstrates that the county in which the housing is to be located is experiencing an extremely low vacancy rate;

"(ix) the extent to which the percentage of the housing located in such county that is extremely old housing exceeds 35 percent;

"(x) the extent to which the housing assisted with the grant amounts will be accessible to persons with disabilities;

"(xi) the extent to which the applicant demonstrates that the affordable housing assisted with the grant amounts will be located in proximity to public transportation, job opportunities, child care, and community revitalization projects;

"(xii) the extent to which the applicant has provided that assistance from grant amounts will be used for eligible activities relating to housing located in census tracts in which the number of families having incomes less than the poverty line is less than 20 percent; and

"(xiii) the extent to which the housing assisted with grant amounts will comply with energy efficiency standards and the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as the Secretary shall by regulation provide.

A State may allocate a portion of funds under this section for use by such State for eligible activities pursuant to the selection process under subparagraph (A).

"(C) APPLICATIONS.—Applications for funding eligible activities from grant amounts of the local government shall be submitted to the local government, and applications received by the local government that are consistent with the priority housing needs of the local government shall be sent by the local government to the State for selection by the State in accordance with the process established by the State.

"(3) PERFORMANCE GOALS, BENCHMARKS, AND TIMETABLES.—The allocation plan shall include performance goals, benchmarks, and timetables for the participating jurisdiction for the conducting of eligible activities with grant amounts under this subtitle that comply with requirements and standards for such goals, benchmarks, and timetables as the Secretary shall, by regulation, establish.

"(d) REVIEW AND APPROVAL BY SECRETARY.—

"(1) SUBMISSION.—A participating jurisdiction described in subsection (a) shall submit an allocation plan for the fiscal year for which the grant is made to the Secretary not later than the expiration of the 6-month period beginning upon the notice of funding availability under section 294(b)(4) for such fiscal year amounts.

"(2) REVIEW AND APPROVAL OR DISAPPROVAL.—The Secretary shall review and approve or disapprove an allocation plan not later than the expiration of the 3-month period beginning upon submission of the plan.

"(3) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove an allocation plan only if the plan fails to comply with requirements of this section or section 296.

"(4) RESUBMISSION UPON DISAPPROVAL.—If the Secretary disapproves a plan, the participating jurisdiction may submit to the Secretary a revised plan for review and approval or disapproval under this subsection.

"(5) TIMING FOR FISCAL YEAR 2008.—With respect only to fiscal year 2008, the Secretary may extend each of the periods referred to in paragraphs (1) and (2), and the period referred to in section 294(h)(1)(A), by not more than 6 months.

“(e) Compliance With Internal Revenue Code.—A State may combine the allocation plan and process under this section with the qualified allocation plan and process required under section 42 of the Internal Revenue Code of 1986.

“SEC. 296. USE OF ASSISTANCE BY RECIPIENTS.

“(a) Distribution to Recipients; Use Requirements.—Each participating jurisdiction shall distribute grant amounts under this subtitle of the participating jurisdiction to eligible recipients for use in accordance with this section. Grant amounts under this subtitle of a participating jurisdiction may be used, or committed for use, only for eligible activities that—

“(1) are conducted in the jurisdiction of the participating jurisdiction;

“(2) in the case of a participating jurisdiction that is a State, insular area, participating local jurisdiction, or participating jurisdiction under section 294(h), comply with the allocation plan of the participating jurisdiction under section 295;

“(3) are selected for funding by the participating jurisdiction in accordance with the process and criteria for such selection established pursuant to section 295(c)(2); and

“(4) comply with the targeting requirements under subsection (c) of this section and the affordable housing requirements under section 297.

“(b) Eligible Recipients.—Grant amounts under this subtitle of a participating jurisdiction may be provided only to an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a faith-based organization, a community development financial institution, a community development corporation, and a State or local housing trust fund) that—

“(1) demonstrates the experience, ability, and capacity (including financial capacity) to undertake, comply, and manage the eligible activity;

“(2) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

“(3) makes such assurances to the participating jurisdiction as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subtitle during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all eligible activities that are engaged in by the recipient and funded with such grant amounts.

“(c) Targeting Requirements.—The targeting requirements under this subsection are as follows:

“(1) Requirement of use of all amounts for affordable housing for low-income families.—All grant amounts under this subtitle of a participating jurisdiction shall be distributed for use only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed 80 percent of the greater of—

“(A) the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

“(B) the median family income for the State or insular area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

“(2) Use of 75 percent for affordable housing for extremely low-income families.—Not less than 75 percent of the grant amounts under this subtitle of a participating jurisdiction for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the higher of—

“(A) 30 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

“(B) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved.

“(3) Use of 30 percent for affordable housing for very poor families.—Not less than 30 percent of the grant amounts under this subtitle of a participating jurisdiction for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the maximum amount of income that an individual or family could have, taking into consideration any income disregards, and remain eligible for benefits under the Supplemental Security Income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

“(d) Use for Rural Areas.—Of the grant amounts under this subtitle for any fiscal year for any participating jurisdiction that is a State or participating jurisdiction that includes any rural areas, the State or participating jurisdiction shall use a portion for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

“(e) Cost Limits.—The Secretary shall establish limitations on the amount of grant amounts under this subtitle that may be used, on a per unit basis, for eligible activities. Such limitations shall be the same as the per unit cost limits established pursuant to section 212(e) (42 U.S.C. 12742(e)), as adjusted annually, and established by number of bedrooms, market area, and eligible activity.

“(f) Forms of Assistance.—

“(1) In general.—Assistance may be distributed pursuant to this section in the form of—

“(A) capital grants, noninterest-bearing or low-interest loans or advances, deferred payment loans, guarantees, and loan loss reserves;

“(B) in the case of assistance for ownership of one- to four-family owner-occupied housing, downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs; and

“(C) any other forms of assistance approved by the Secretary.

“(2) Repayments.—If a participating jurisdiction awards assistance under this section in the form of a loan or other mechanism by which funds are later repaid to the participating jurisdiction, any repayments and returns received by the participating jurisdiction shall be distributed by the participating jurisdiction in accordance with the allocation plan under section 295 for the State for the fiscal year in which such repayments are made or returns are received.

“(g) Coordination With Other Assistance.—In distributing assistance pursuant to this section, each participating jurisdiction shall, to the maximum extent practicable, coordinate such distribution with the provision of other Federal, State, tribal, and local housing assistance, including—

“(1) in the case of any State, housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code of 1986;

“(2) assistance made available under subtitles A through F (42 U.S.C. 12721 et seq.) or the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(3) private activity bonds;

“(4) assistance made available under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

“(5) assistance made available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

“(6) assistance made available under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

“(7) assistance made available under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111);

“(8) assistance made available from any State or local housing trust fund established to provide or assist in making available affordable housing; and

“(9) any other housing assistance programs.

“(h) Prohibited Uses.—The Secretary shall—

“(1) by regulation, set forth prohibited uses of grant amounts under this subtitle, which shall include use for—

“(A) political activities;

“(B) advocacy;

“(C) lobbying, whether directly or through other parties;

“(D) counseling services;

“(E) travel expenses; and

“(F) preparing or providing advice on tax returns;

“(2) by regulation, provide that, except as provided in paragraph (3), grant amounts under this subtitle may not be used for administrative, outreach, or other costs of—

“(A) a participating jurisdiction; or

“(B) any recipient of such grant amounts; and

“(3) by regulation, limit the amount of any grant amounts under this subtitle for a fiscal year that may be used for administrative costs of the participating jurisdiction of carrying out the program required under this subtitle to a percentage of such grant amounts of the participating jurisdiction for such fiscal year, which may not exceed 10 percent.

“(i) Labor Standards.—Each participating jurisdiction receiving grant amounts under this subtitle shall ensure that contracts for eligible activities assisted with such amounts comply with the same requirements under section 286 (42 U.S.C. 12836) that are applicable to contracts for construction of affordable housing assisted under such Act.

“(j) Compliance With Other Federal Laws.—All amounts made available for use under this subtitle shall be allocated in accordance with, and any eligible activities carried out in whole or in part with grant amounts under this subtitle (including housing provided with such grant amounts) shall comply with and be operated in compliance with, other applicable provisions of Federal law, including—

“(1) laws relating to tenant protections and tenant rights to participate in decision making regarding their residences;

“(2) laws requiring public participation, including laws relating to Consolidated Plans, Qualified Allocation Plans, and Public Housing Agency Plans; and

"(3) fair housing laws and laws regarding accessibility in federally assisted housing, including section 504 of the Rehabilitation Act of 1973.

"SEC. 297. AFFORDABLE HOUSING.

"(a) RENTAL HOUSING.—A rental dwelling unit (which may include a dwelling unit in limited equity cooperative housing, as such term is defined in section 143(k) of the Internal Revenue Code of 1986 (26 U.S.C. 143(k)) or in housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.A. 216(b))), shall be considered affordable housing for purposes of this subtitle only if the dwelling unit is subject to legally binding commitments that ensure that the dwelling unit meets all of the following requirements:

"(1) RENTS.—The dwelling unit bears a rent not greater than the lesser of—

"(A) the existing fair market rental established by the Secretary under section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) for a dwelling unit of the same size in the same market area, or the applicable payment standard for assistance under section 8(o) of such Act, if higher; and

"(B) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the findings of the Secretary that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

"(2) TENANT RENT CONTRIBUTION.—The contribution toward rent by the family residing in the dwelling unit will not exceed 30 percent of the adjusted income of such family.

"(3) NON-DISCRIMINATION AGAINST VOUCHER HOLDERS.—The dwelling unit is located in a project in which all dwelling units are subject to enforceable restrictions that provide that a unit may not be refused for leasing to a holder of a voucher of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as a holder of such voucher.

"(4) MIXED INCOME.—

"(A) IN GENERAL.—The dwelling unit is located in a project in which not more than 50 percent of the rental units in the project that receive assistance under this subtitle and are not previously occupied may be rented initially to families with incomes described in section 295(c)(2), as determined at a reasonable time before occupancy.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply in the case of a project having 25 or fewer dwelling units that is—

"(i) located in a census tract in which the number of families having incomes less than the poverty line is less than 20 percent;

"(ii) located in a rural area, as such term is defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490); or

"(iii) specifically made available only for households comprised of elderly families or disabled families.

"(5) VISITABILITY.—To the extent the dwelling unit is not required under Federal law to comply with standards relating to accessibility to persons with disabilities, the dwelling unit complies with such basic visitability standards as the Secretary shall by regulation provide.

"(6) DURATION OF USE.—The dwelling unit will continue to be subject to all requirements under this subsection for not less than 50 years.

"(b) OWNER-OCCUPIED HOUSING.—For purposes of any eligible activity involving one- to four-family owner-occupied housing (which may include housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.A. 216(b))), such a residence shall be considered affordable housing for purposes of this subtitle only if—

"(1) in the case of housing to be made available for purchase—

"(A) the housing is available for purchase only for use as a principal residence by families that qualify as first-time homebuyers, as such term is defined in section 104 (42 U.S.C. 12704), except that any reference in such section to assistance under title II of this Act shall for purposes of this section be considered to refer to assistance from grant amounts under this subtitle;

"(B) the housing has an initial purchase price that meets the requirements of section 215(b)(1); and

"(C) the housing is subject to the same resale restrictions established under section 215(b)(3) and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(2) the housing is made available for purchase only by, or in the case of assistance to a homebuyer pursuant to this subsection, the assistance is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary; except that the Secretary may, at the request of a State, waive the requirements of this paragraph with respect to a geographic area or areas within the State if—

"(A) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this paragraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and

"(B) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, on-line counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Secretary, except that entities providing such counseling shall not discriminate against any particular form of housing; and

"SEC. 298. OTHER PROVISIONS.

"(a) EFFECT OF ASSISTANCE UNDER PROGRAM.—Notwithstanding any other provision of law, the provision of assistance under this subtitle for a project shall not reduce the amount of assistance for which such project is otherwise eligible under subtitles A through F of this title, if the project does not exceed the cost limits established pursuant to section 296(e).

"(b) ACCOUNTABILITY OF PARTICIPATING JURISDICTIONS AND RECIPIENTS.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each participating jurisdiction to develop and maintain a system to ensure that each recipient of assistance from grant amounts under this subtitle of the participating jurisdiction uses such amounts in accordance with this subtitle, the regulations issued under this subtitle, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the participating jurisdiction and recipients, regarding assistance from the grant amounts under this subtitle of the participating jurisdiction, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this subtitle and the regulations under this subtitle; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from grant amounts under this subtitle of a participating jurisdiction is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this subtitle, the regulations issued under this subtitle, or any requirements or conditions under which such amounts were provided, the participating jurisdiction shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the participating jurisdiction for such misused amounts and return to the participating jurisdiction any amounts from the grant amounts under this subtitle of the participating jurisdiction that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Secretary ; or

"(II)(aa) made by the participating jurisdiction;

"(bb) the participating jurisdiction provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(cc) the Secretary does not subsequently reverse the determination.

"(2) PARTICIPATING JURISDICTIONS.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each participating jurisdiction receiving grant amounts under this subtitle for a fiscal year to submit a report, for such fiscal year, to the Secretary that—

"(I) describes the activities funded under this subtitle during such year with the grant amounts under this subtitle of the participating jurisdiction; and

"(II) the manner in which the participating jurisdiction complied during such fiscal year with the allocation plan established pursuant to section 295 for the participating jurisdiction.

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a participating jurisdiction has failed to comply substantially with any provision of this subtitle and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the participating jurisdiction by an amount equal to the amount of grant amounts under this subtitle which were not used in accordance with this subtitle;

"(ii) require the participating jurisdiction to repay the Secretary an amount equal to the amount of the grant amounts under this subtitle which were not used in accordance with this subtitle;

"(iii) limit the availability of assistance under this subtitle to the participating jurisdiction to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this subtitle to the participating jurisdiction.

"(C) UNEXPENDED FUNDS.—Grant amounts under this subtitle that are not committed to projects by the State or participating local jurisdiction before the expiration of the 24-month period beginning the last day of the month in which the Secretary executes the grant agreement with the State or participating local jurisdiction shall be recaptured by the Secretary and added to amounts available in the following fiscal year for formula allocation under section 294.

"SEC. 299. DEFINITIONS.

"For purposes of this subtitle, the following definitions shall apply:

"(1) ELIGIBLE ACTIVITIES.—The term 'eligible activities' means activities relating to the construction, preservation, or rehabilitation of affordable rental housing or affordable one- to four-family owner-occupied housing, including—

"(A) the construction of new housing;

"(B) the acquisition of real property;

"(C) site preparation and improvement, including demolition;

"(D) rehabilitation of existing housing;

"(E) use of funds to facilitate affordability for homeless and other extremely low-income households of dwelling units assisted with grant amounts under this subtitle, in a combined amount not to exceed 20 percent of the project grant amount, for—

"(i) project-based rental assistance for not more than 12 months for a project assisted with grant amounts under this subtitle;

"(ii) project operating reserves for use to cover the loss of rental assistance or in conjunction with a project loan; or

"(iii) project operating accounts used to cover net operating income shortfalls for dwelling units assisted with grant amounts under this subtitle; and

"(F) providing incentives to maintain existing housing (including manufactured housing) as affordable housing and to establish or extend any low-income affordability restrictions for such housing, including covering capital expenditures and costs of establishing community land trusts to provide sites for manufactured housing provided such incentives;

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an entity that meets the requirements under section 296(b) for receipt of grant amounts under this subtitle of a participating jurisdiction.

"(3) EXTREMELY LOW VACANCY RATE.—The term 'extremely low vacancy rate' means a housing or rental vacancy rate of 2 percent or less.

"(4) EXTREMELY OLD HOUSING.—The term 'extremely old housing' means housing that is 45 years old or older.

"(5) FAMILIES.—The term 'families' has the meaning given such term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

"(6) FISCAL DISTRESS; SEVERE FISCAL DISTRESS.—The terms 'fiscal distress' and 'severe fiscal distress' have the meanings given such terms in section 220(d).

"(7) GRANT AMOUNTS.—The term 'grant amounts' means amounts that are provided to a participating jurisdiction pursuant to subsection (d), (f), or (h) of section 294.

"(8) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized Indian tribe.

"(9) INSULAR AREA.—The term 'insular area' has the meaning given such term in section 104.

"(10) PARTICIPATING LOCAL JURISDICTION.—The term 'participating local jurisdiction' means, with respect to a fiscal year—

"(A) any unit of general local government (as such term is defined in section 104 (42 U.S.C. 12704) that qualifies as a participating jurisdiction under section 216 (42 U.S.C. 12746) for such fiscal year; and

"(B) at the option of such a consortium, any consortium of units of general local governments that is designated pursuant to section 216 (42 U.S.C. 12746) as a participating jurisdiction for purposes of title II.

"(11) PARTICIPATING JURISDICTION.—The term 'participating jurisdiction' means—

"(A) a State, insular area, or participating local jurisdiction for which a grant is made under section 294(d);

"(B) an Indian tribe for which a grant is made under section 294(f); or

"(C) a nonprofit or public entity for which a grant is made under section 294(h).

"(12) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

"(13) RECIPIENT.—The term 'recipient' means an entity that receives assistance from a participating jurisdiction, pursuant to section 296(a), from grant amounts under this subtitle of the participating jurisdiction.

"(14) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(16) STATE.—The term 'State' has the meaning given such term in section 104.

"SEC. 300. INAPPLICABILITY OF HOME PROVISIONS.

"Except as specifically provided otherwise in this subtitle, no requirement under, or provision of, subtitles B through D of this title shall apply to assistance provided under this subtitle.

"SEC. 301. REGULATIONS AND REPORTS.

"(a) REGULATIONS.—Not later than 6 months after the date of enactment of the National Affordable Housing Grant Act of 2007, the Secretary of Housing and Urban Development shall promulgate regulations to carry out this subtitle, which shall include regulations establishing the affordable housing needs formula in accordance with section 294(a).

"(b) REPORTS ON HOME PROGRAM STREAMLINING.—Not later than the expiration of the 6-month period referred to in subsection (a), the Secretary of Housing and Urban Development and the Comptroller General of the United States shall each submit to the Congress a report making recommendations for streamlining the various programs for assistance under this title, including the HOME Investment Partnerships program under subtitle A, the Community Housing Partnership program under subtitle B, the Downpayment Assistance Initiative under subtitle E, and the National Affordable Housing Grant Program under this subtitle.".

(b) PROGRAM YEAR FOR MATCHING CONTRIBUTIONS.—Section 220 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750) is amended—

(1) in subsection (a)—

(A) by striking "a fiscal year" and inserting "a program year of the jurisdiction"; and

(B) by striking "such fiscal year" and inserting "such program year"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "fiscal year" and inserting "program year of the jurisdiction";

(B) in paragraph (3), by striking "fiscal year" each place such term appears and inserting "program year"; and

(C) in paragraph (5), by striking "fiscal year" and inserting "program year of the jurisdiction".

The Acting CHAIRMAN. Pursuant to House Resolution 720, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I was really tempted here to let the chairman be my designee on this, with the hopes that I would have the same success on my amendment as he had on those that he was acting as designee on, but since I'm here, I'll act in my own behalf.

Mr. Chairman, one of the things we've heard a lot today about is that there is a need for making sure that we are taking care of our most neediest Americans when it comes to their housing needs. What we've also learned, though, is that there are a lot of programs out there, 70 something housing programs, 30 some odd that may be addressed as some form of housing for our low-income citizens.

One of the things that I think the American people are kind of concerned about is they keep hearing that government solution to all of the problems. If we're not doing a good job with the programs we have, let's add another program, and I think they're getting kind of tired of that. So one of the things that my amendment does is it makes an existing program, it incorporates many of the good ideas, and may I say, Mr. Chairman, there are some good ideas that have come in this particular piece of legislation, updating it. And what I'm talking about is the HOME program. The HOME program currently does a lot of the functions. In fact, when you look at the HOME program in this bill, many of those overlap. And yet we're now going to separate into two different funds an affordable housing fund and a HOME program. Instead of using the combined resources of those two programs to help further the housing situation, we're going to have two different.

When we talk about the fact that we're already spending over $28 billion for affordable housing, low-income housing, and then we're going to take money out of one pocket and put it over to an area separate from that, quite honestly, Congress will not have the opportunity to really sit down and assess, hey, where are the American people, where are the people that are the recipients of low-income money, the people who are benefiting from this housing, where are we getting the best bang for our buck? But instead, we are separating those programs. I don't think that is good policy.

The other issue here is that many communities, almost every State in the Union, and I think like 350 or 360, maybe it's a larger number, I don't have it in front of me, communities are already participating in the HOME program, they already have some familiarity with that program. And so now we're going to take the ramp-up time of having to learn a new program, to write the rules for it, to do all of the things that it takes to get a new program off the ground. We're going to have to form a new branch of government within the Department of Housing to be able to ramp up and have the employees that it needs to do this, another inefficiency of adding additional programs to something that maybe we're not satisfied with. And I would agree, there may be some things that need to happen in the HOME program that would make it more relevant today. But, quite honestly, adding a new program I don't think is in the best interest of the American people. It's not a good, wise use of their taxpayer dollars. And I believe we can create a more efficient delivery system using an existing program.

What my amendment also does is says, look, GAO, go in and analyze what's going on, work with the various housing partnerships, let's determine some of the things that we need to do to the HOME program. Let's make those changes, and then let's make the HOME program a better program incorporating many of the good ideas, even that we've seen in some of the amendments here.

Mr. Chairman, we had, I believe, seven amendments from the Democratic side, unfortunately, and I appreciate the Rules Committee making mine in order, but I think we had some other good ideas from some of my colleagues on my side of the aisle that we could have incorporated into this legislation.

So that's the reason I'm down on the floor today offering this amendment. I'm encouraging my colleagues on both sides of the aisle, if you're really serious about 2 or 3 things, and let's talk about those things; one, are you interested in making sure that we have the most efficient delivery system to our low-income families to make sure that they have housing? If you're interested in that. Secondly, if you want to do that in a way that's a good steward of the American taxpayer's dollars, that's another reason to vote for this amendment. And thirdly, if you believe that we ought to be able to prioritize our spending and not separate into a different fund, separate and aside from what we're already doing for a lot of our low-income housing families, then the Neugebauer amendment is the amendment that you should vote on. It will actually move us more quickly in a direction of being able to implement a lot of the things that I think people on both sides of the aisle want to do, and that is, make sure that we get the money out to these families that need our assistance and help.

And with that, Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, this is an unusual amendment. The actual author offered it, and the Member rising in opposition actually opposes it for the first time today. And I appreciate the cooperation we've had.

I want to say that I appreciate, not just that, but the gentleman from Texas, who has been a very constructive member of the committee. We have some differences. That's why we have different parties. But we have a great deal in agreement. And the gentleman's expertise in the homebuilding field has been very helpful as our committee has gone forward. And here is, perhaps, a philosophical difference between us.

The main difference here is that the gentleman's amendment, recognizing, as he does from his own experience, the value of additional housing construction, would do away with our two funding sources. Now, we chose to go in addition to the HOME program, which is the one program where there is a parallel, for a couple of reasons. First of all, the HOME program is, of course, subject to annual appropriations, and that's appropriate for most government work. But we did want to have in the government a program for housing construction that had a little bit more assurance for people than an annual appropriation. Appropriations get caught up in omnibus issues, CR issues. The trust fund will be outside of the kind of deadlock that we have had in the past and may, we hope not, but may have in the future. If you're trying to build housing, the notion that your funding has been slowed down because there has been a fight over some unrelated issue, like the debate about the Iraq war funding, could slow you down, we want to avoid that, so we keep the HOME program. But we have an additional program, and again, it's for the construction of affordable housing, unlike any other program, except HOME, and we want to give it some assurance to operate in a trust fund. And this is, to some extent, modeled after the highway trust fund. It is a trust fund that will still be subject to work by the Appropriations Committee, but it won't be bogged down as the rest of the government gets bogged down, and that's important when you are doing construction when you have an ongoing situation.

Secondly, we do have two additional funding sources. Now, there is some debate about that. I do want to stress, in the FHA bill, which was already voted on by the House, we say in the first place that if any question arises about the solvency of the fund, if the FHA fund should appear to be in trouble, not a penny can go into the affordable housing fund that year. Only after the HUD Secretary has certified that the money won't be needed to hold down premiums or prevent insolvency will this go forward.

We have said that by the creation of a new funding stream, namely, allowing an unlimited amount of home equity and mortgages, we get a lot of money that CBO made available. And I should note, by the way, that some of that money, as the gentleman from Texas, among others, have suggested, has gone to upgrade the computer system of the FHA. Some of it will go for a great increase in counseling to homeowners, which is, again, supported on both sides. A good chunk will be left over, we're not sure exactly how much, we hope it will be $200 million a year. But it only goes to the housing trust fund if it would otherwise have gone to the Treasury. There is zero chance, the way this bill is written, for it to force that kind of an increase. That, by the way, is why CBO gives us a flat score on this. There is no budget deficit situation here at all.

Similarly, with Fannie Mae and Freddie Mac, and here I have to say some of my Republican colleagues have been a little inconsistent, the administration, some of them, they've been critical of Fannie Mae and Freddie Mac. They've said, you know, we give all these advantages to Fannie Mae and Freddie Mac, a line of credit, some people think they're government-run, there used to be government members on the board, although we will not have that if our bill passes, and here they are, they're making all these profits and they're not doing enough for public purposes. Well, in our Fannie and Freddie bill, we amend that to some extent by increasing the housing goals they have by dropping the credit they get from 100 percent to 80 percent immediately. But we also say, you know what? You've been doing pretty well, you're making a lot of money and your sales are doing well, so without in any way impinging on your mortgage functioning, we are going to take some of the profit you've made and put it in the affordable housing trust fund.

By the way, I find it a little odd that people who have said that we should basically reduce the portfolio of Fannie and Freddie and make them securitize more, which they believe will do more damage to their ability to function than anything else, that now they become very concerned when we talk about a housing trust fund. I should be clear that that does not describe the gentleman from Texas, who understands very well how best to help Fannie and Freddie. And I think we put through a bill that will enhance their ability to function while better regulating them.

So, in other words, we have 800 or $900 million, we hope, in the first year, and we hope it will go up. And this is the main difference between us, it doesn't come from appropriated funds. And I believe we have written it so it will not interfere with either Fannie and Freddie or FHA's ability to function. And we do not create a new bureaucracy. We distribute it to the State and local housing funds. Indeed, many of the amendments that we've adopted here in agreement by both sides, and some that we adopted in committee, I was looking it over, in committee we adopted a number of amendments, more from the Republican side than the Democratic side because I don't have to worry about other people telling me where we are on that. We have, in every one of these amendments, increased the flexibility for the local housing trust funds.

So with that, I hope that the substitute is defeated and that we will continue to improve this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, may I inquire as to how much time is remaining on both sides?

The Acting CHAIRMAN. The gentleman from Texas has 5 minutes remaining; the gentleman from Massachusetts has 4½ minutes remaining.

Mr. NEUGEBAUER. At this time, I would like to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), who is the former ranking member of the Housing Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Neugebauer amendment. I think that we have to look at bureaucracy. And I must say that I think that the existing federally administered program designed to serve the housing needs of low-income Americans, the HOME Investment Partnership Program, is a program that's already in place. It has the personnel system, the regulatory oversight in place to accomplish the same objective as the National Housing Trust Fund. And instead of creating a new Federal bureaucracy to address low-income housing availability, I think we should focus our efforts on improving the HOME program. Mr. NEUGEBAUER's amendment creates a pilot program, and I think we could call it "HOME Lite," within the HOME program. And so instead of reinventing the wheel and establishing another Federal trust fund and a brand new program, I support improving and being creative with an existing program.

If we look at the HOME program, the staff is already participating, they understand the jurisdictions the HOME program will be looking at, and so there is no learning curve for implementation. Revitalizing the HOME program will be more efficient by having less start-up costs, administrative costs, and the funds will be distributed to the project sooner, and not later.

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At the same time, I think the national trust fund would be administered by exactly the same people who will be administering the program in the States and at the local level, so it will be able to allow them to operate under 1 program instead of 2 separate programs with a little different objectives but not much. So they will be doing the same thing twice and having to work with 2 different bureaucracies to establish an affordable housing program. So I think there might be some changes to the HOME program to align it more closely to some of the things that have been spoken about in the trust fund program. But I think that this would be a good compromise and would still have the trust program that will provide the affordable funding but do it through HUD at a program that has already been established.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I just want to close by saying that 50 States, 585 local communities, are already using the HOME program as a model for building and developing low-income housing in their communities. It just makes sense that we take an existing program, make the revisions that have really made, there are some good ideas that have come through this legislation, let's incorporate those ideas into the HOME program. Let's take an existing vehicle. Let's ask the United States Congress to prioritize where they think that we are getting the most bang for our bucks as we deliver low-income housing programs for the American people and for the people that need them so badly. Let's do it right. The right way to do it is to take this existing program and fold into it many of the good ideas that have come from that.

Mr. Chairman, I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–369 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. FRANK of Massachusetts;

Amendment No. 8 by Mr. NEUGEBAUER of Texas.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 2, not voting 16, as follows:

[Roll No. 955]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards

Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—2

Nadler
Weiner

NOT VOTING—16

Bean
Bordallo
Boren
Carson
Cubin
DeGette
Faleomavaega
Jindal
Johnson (IL)
Johnson, E. B.
Maloney (NY)
Miller, Gary
Peterson (PA)
Reichert
Rogers (KY)
Wilson (OH)

☐ 1457

Mr. WEINER changed his vote from "aye" to "no."

Mrs. MYRICK and Messrs. CAMPBELL of California, TANCREDO, MILLER of Florida, TERRY, BRADY of Texas, WILSON of South Carolina and BILIRAKIS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 257, not voting 16, as follows:

[Roll No. 956]

AYES—163

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—257

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Renzi
Reyes
Richardson

Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Bean
Boren
Carson
Cole (OK)
Cubin
Faleomavaega
Jindal
Johnson (IL)
Johnson, E. B.
Maloney (NY)
Miller, Gary
Peterson (PA)
Rangel
Reichert
Rogers (KY)
Wilson (OH)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1505

Ms. BORDALLO changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families, pursuant to House Resolution 720, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MUSGRAVE. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Musgrave of Colorado moves to recommit the bill H.R. 2895 to the Committee on Financial Services with instructions to report the same back to the House promptly with the following amendments:

Page 47, after line 8, insert the following:

"(d) WORK REQUIREMENT FOR RESIDENTS.—

"(1) IN GENERAL.—Except as provided in this subsection and notwithstanding any other provision of this Act, as a condition of residency of a family in any dwelling unit in rental housing or owner-occupied housing for which assistance is or has been provided at any time with any Trust Fund grant amounts, each member of the family who is 18 years of age or older shall perform not fewer than 20 hours of approved work activities (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d))) per month.

"(2) EXEMPTION.—The Secretary of Housing and Urban Development shall provide an exemption from the applicability of paragraph (1) for any individual family member who—

"(A) is 62 years of age or older;

"(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who is unable to comply with this section, or is a primary caretaker of such individual;

"(C) is engaged in a work activity (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), as in effect on and after July 1, 1997));

"(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering rental assistance described in subsection (a) is located, including a State-administered welfare-to-work program;

"(E) is in a family receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering such rental assistance is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program; or

"(F) is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated inability (as determined by the State) to obtain needed child care, for one or more of the following reasons:

"(i) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.

"(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements.

"(iii) Unavailability of appropriate and affordable formal child care arrangements.

"(3) ADMINISTRATION.—A grantee providing assistance with Trust Fund grant amounts may administer the work activities requirement under this subsection directly, through a resident organization, or through a contractor having experience in administering work activities programs within the jurisdiction of the grantee. The Secretary may establish qualifications for such organizations and contractors.".

Mrs. MUSGRAVE (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 5 minutes.

Mrs. MUSGRAVE. Madam Speaker, without question, as we have heard here today, there is need in this country for affordable housing, particularly for the elderly and the disabled. But when government-financed, low-income housing is occupied by able-bodied adults who have chosen not to work, they are displacing these very people who are the most needy; the elderly, the disabled.

In 1996, Congress and President Clinton agreed that able-bodied adults ought to be required to work if they are going to receive government welfare. Today the proposal that I am putting forward to amend this bill is to extend this same commonsense requirement to the new housing financed by this bill.

I just want to make it very clear, Madam Speaker, this proposal does not apply to the elderly or the disabled or single parents of children under 6 years of age who are unable to find appropriate and affordable child care, in addition to many others. But I think we can realize, if you are able-bodied, capable of working or even applying for a job, then American taxpayers expect that in exchange for this taxpayer-financed housing, you will commit to at least 20 hours of work activities per month. That is minimal part-time work. And work activities can include job training, community service programs, and even providing child care. The work activities requirement is taken from the current standard under the Federal welfare reform program.

I fully expect that the most able-bodied adults who occupy housing financed by this bill will already meet the standards laid out in my amendment. This amendment simply guarantees that taxpayer-financed housing isn't going to turn into free housing for able-bodied adults who are unwilling to work or contribute to society.

I believe that we should be in the business of providing low-income Americans who are struggling for stability with a hand up, not a handout.

If you were part of the bipartisan coalition who supported including work requirements in welfare reform, then I strongly urge you to support this proposal as well.

Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise to try to save the bill from this effort to kill it.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. FRANK of Massachusetts. Yes.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First, if this were a serious effort to put on a work program, it might have been offered as an amendment to the bill. It wasn't offered before the Rules Committee.

Secondly, it would have said "report back forthwith," and it would have been voted on and it would have been added. It says "promptly." Now it is true that if we were to adopt a motion to recommit that says "promptly," it would go back to the committee.

Our committee is a fairly busy one. We have the subprime issue before us. We have credit card reform issues. House floor time is fairly busy. I am told there are Members who don't think working here on Friday is the best thing that has ever happened to them. We are getting towards the end of this session. We have the appropriations bills. So the choice of "promptly" rather than "forthwith" is clearly motivated by animus against the bill.

Having failed in several tries to kill the bill as a whole, they now say, let's do it this way. And on its own merits, here is the problem. I have not been a supporter of the work requirement within the public housing area, but at least in public housing you have administered a framework where it can be applied, although I think inappropriately.

Here we are talking about a program whereby the Federal funds will be distributed. And by the way, they are not mostly taxpayer; they are shareholders of Fannie Mae and Freddie Mac dollars in the largest amount. But what we are going to do is distribute this money to hundreds of local housing funds, State and local funds. You talk about unfunded mandates. This says to all of the grantees, the Catholic Church in some places, or B'nai Brith housing or other local housing groups, Habitat for Humanity or any of the others, you must, in addition to building the housing, undertake to administer this kind of volunteer work program. Lest anyone think this is something that they can do easily, read the third page of the recommittal motion.

□ 1515

"Administration. A grantee providing assistance with Trust Fund grant amounts may administer the work activities requirement under this subsection directly, through a resident organization, or through a contractor having experience in administering work activities programs within the jurisdiction of the grantee."

This takes some of the limited amount of money that would be available for housing and creates another new set of contractors. Maybe Blackwater will lay down their guns and come over here now when they get run out of Iraq and so a whole new set of contractors will be dealing with this. And the organizations that get this money, they are religious organizations, they are nonprofits, they are homebuilders. They will now have this new mandate to go and make people work, and it becomes a complicated one.

Here's what it says. For example, if you are "a single custodial parent for a child who has not attained 6 years of age," then you have to go out and do this volunteer work for 20 hours a week, unless you can show that you couldn't get child care. You've got to show that it's unavailable. There are three different kinds of paragraphs. It's a very complicated thing to administer.

So you say to people, you know what, thank you for helping build affordable housing, thank you to the archdiocese, thank you to the Methodists, thank you to Habitat for Humanity, thank you to these charitable groups. Oh, and by the way, you are now in charge of making the parents of small children go to work unless they have first shown to you the unavailability of child care, and you have to go out and hire somebody to administer this for you.

So, even if it were "forthwith," I would be opposed to it, but "promptly" means that the people who are opposed to using funding to help build affordable housing want to at best delay the bill, and maybe if they're lucky enough, because they can combine this with other filibusters, kill it.

This is a very difficult program to administer. It is not one for which there has been any demand. I guarantee you it will be strongly opposed by all of the organizations, the charitable and nonprofit organizations, that will be told to administer this housing. It is an unfair imposition on some of the best-motivated organizations and people. It doesn't give them any money to do it. It gives them this very difficult task. It delays the bill at best, and I hope it is defeated for what it is meant to be, an effort to derail a bill that can't be derailed in a more straightforward fashion.

Madam Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. WESTMORELAND. Madam Speaker, is it not true that if, indeed, this motion passed that this bill could be reported back to the committee or committees to which it has been designated, and then it could be reported back to the whole House tomorrow?

The SPEAKER pro tempore. As the Chair affirmed on May 24, 2000, the adoption of a motion to recommit with instructions to report back promptly sends the bill to committee, whose eventual report, if any, would not be immediately before the House. Unlike the case of a motion to recommit with instructions to report back forthwith, a motion to recommit with "non-forthwith" instructions would not occasion an immediate report on the floor. As the Chair put it on the cited occasion, "at some subsequent time, the committee could meet and report the bill back to the House." But the Chair cannot say what in the rules of the committee might constrain the timing of any action it might take. Neither can the Chair render an advisory opinion whether points of order available under the rules of the House might preclude further proceedings on the floor.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Madam Speaker, is there anything in this recommittal motion that would allow me, as chairman of the committee, to ignore the rule that requires a 3-day notice before there is a markup, which would seem to me to make it impossible for me to report it tomorrow, on the day of a funeral, very sensitive, but is there anything in this amendment that would waive the 3-day requirement for a markup before we could proceed?

The SPEAKER pro tempore. The Chair cannot interpret the text of the motion.

Mr. FRANK of Massachusetts. Well, then, let me ask in general. Does a recommittal motion waive the rules——

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman have a further parliamentary inquiry?

Mr. FRANK of Massachusetts. Further parliamentary inquiry. Is there anything in this process that would allow the chairman of the committee to waive the requirement in the rules that there be at least 3 days before there can be a markup in committee?

The SPEAKER pro tempore. The Chair cannot interpret the rules of a standing committee.

Mr. FRANK of Massachusetts. So much for tomorrow, Madam Speaker.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the short version of your answer that it could be reported back tomorrow, the next legislative day?

The SPEAKER pro tempore. The Chair has responded.

Mr. FRANK of Massachusetts. Madam Speaker, can the standing rules of a committee be waived by actions on the floor?

The SPEAKER pro tempore. The gentleman's question is hypothetical to this case.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MUSGRAVE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 199, noes 218, not voting 14, as follows:

[Roll No. 957]

AYES—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—218

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Baker
Bean
Boren
Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Maloney (NY)
Miller, Gary
Peterson (PA)
Reichert
Rogers (KY)
Wilson (OH)

□ 1540

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. COSTELLO was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE GEORGE EDWARD SANGMEISTER, FORMER MEMBER OF CONGRESS

Mr. COSTELLO. Madam Speaker, I regret to inform our Members that our former Member from Illinois, George Sangmeister, has died.

Congressman Sangmeister served the people of Illinois in the 11th and 4th Congressional Districts from 1989 to 1995, when he retired. George was a wonderful person and served with honor and distinction in this body.

Madam Speaker, I yield to my friend from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Madam Speaker, I want to thank my friend, JERRY COSTELLO, for yielding and join in honoring the life and service of someone who was a friend to many in this Chamber.

My friend and predecessor, George Sangmeister, served in this body for 6 years, representing the district I currently represent, the 11th Congressional District, which was previously numbered as the 4th District of Illinois.

George Sangmeister was born in Frankfurt, Illinois, 76 years ago. He attended Joliet Junior College before entering the military and serving in the Korean War. After returning to private life, he attended Elmhurst College and then earned a law degree from John Marshall Law School.

George Sangmeister had a distinguished service career of 34 years of public service. He began his practice in private law before becoming a magistrate and justice of the peace for Will County in 1961; in 1964, became Will County State's Attorney.

In 1972, George Sangmeister was elected as a Democrat to the Illinois House of Representatives; 1976, after 2 terms in the State house, he was elected to the State senate. George Sangmeister became a respected Democratic leader in the State legislature, and, in 1986, Democratic nominee for Governor, Adlai Stevenson, chose George Sangmeister as his running mate.

In 1988, George Sangmeister was elected to Congress, served on the Veterans' Affairs Committee where he helped to bring the veterans outpatient clinic to Joliet and worked tirelessly to expand health care benefits for veterans. After 3 terms in the House, he declined to seek reelection in 1994. He chose to return to private law practice.

George Sangmeister is survived by his wife, Doris; a son, Kurt; a daughter, Kimberly; and 4 grandchildren.

I join my friend JERRY COSTELLO and members of the Illinois delegation in asking this House to honor and remember the late Congressman George Sangmeister for his 34 years of public service to Illinois and our Nation.

Mr. COSTELLO. Madam Speaker, I ask our colleagues to join us in a moment of silence for our former colleague, George Sangmeister.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 264, nays 148, not voting 19, as follows:

[Roll No. 958]

YEAS—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—148

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Baker
Bean
Boren
Buyer
Carson
Cooper
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
King (IA)
Maloney (NY)
Miller, Gary
Peterson (PA)
Reichert
Rogers (KY)
Sanchez, Loretta
Shuster
Wilson (OH)

☐ 1552

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately today, October 10, 2007, I was unable to cast my votes on the Frank Amendment to H.R. 2895, the Neugebauer Amendment to H.R. 2895, the Motion to Recommit with Instructions on H.R. 2895, and passage of H.R. 2895.

Had I been present for rollcall No. 955 on the Frank Amendment to H.R. 2895, I would have voted "aye."

Had I been present for rollcall No. 956 on the Neugebauer Amendment to H.R. 2895, I would have voted "aye."

Had I been present for rollcall No. 957 on the Motion to Recommit with Instructions on H.R. 2895, I would have voted "aye."

Had I been present for rollcall No. 958 on passage of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2895, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Georgia?

There was no objection.

TAX COLLECTION RESPONSIBILITY ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to H. Res. 719, I call up the bill (H.R. 3056) to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Collection Responsibility Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Repeal of authority to enter into private debt collection contracts.
Sec. 3. Delay of application of withholding requirement on certain governmental payments for goods and services.
Sec. 4. Clarification of entitlement of Virgin Islands residents to protections of limitations on assessment and collection of tax.
Sec. 5. Revision of tax rules on expatriation.
Sec. 6. Repeal of suspension of certain penalties and interest.
Sec. 7. Increase in information return penalties.
Sec. 8. Time for payment of corporate estimated taxes.

SEC. 2. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

SEC. 4. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to avoid tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

SEC. 5. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate were subject to the tax imposed by this chapter. A deferred compensation item referred to in paragraph (4)(D) shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A) an amount equal to the present value of the expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—For purposes of this subsection—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply.

"(B) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on such date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate were subject to the tax imposed by this chapter.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 13 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SEC. 6. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 7. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$600,000".

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$25".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking "$75,000" and inserting "$200,000".

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$60".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking "$150,000" and inserting "$400,000".

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$250,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$75,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$150,000".

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$600,000".

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$600,000".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 8. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "114.75 percent".

The SPEAKER pro tempore. Pursuant to House Resolution 719, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110-368, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Collection Responsibility Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Repeal of authority to enter into private debt collection contracts.
Sec. 3. Delay of application of withholding requirement on certain governmental payments for goods and services.
Sec. 4. Clarification of entitlement of Virgin Islands residents to protections of limitations on assessment and collection of tax.
Sec. 5. Revision of tax rules on expatriation.
Sec. 6. Repeal of suspension of certain penalties and interest.
Sec. 7. Increase in information return penalties.
Sec. 8. Time for payment of corporate estimated taxes.

SEC. 2. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING CONTRACTS, ETC.—The amendments made by this section shall not apply to any contract which was entered into before July 18, 2007, and is not renewed or extended on or after such date.

(3) UNAUTHORIZED CONTRACTS AND EXTENSIONS TREATED AS VOID.—Any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986, as in effect before its repeal) which is entered into on or after July 18, 2007, and any extension or renewal on or after such date of any qualified tax collection contract (as so defined) shall be void.

SEC. 3. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

SEC. 4. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to avoid tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

SEC. 5. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned

on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) Long-term resident.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) Early distribution tax.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) Other Rules.—

"(1) Termination of deferrals, etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) Step-up in basis.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) Coordination with section 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Tax on Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—

(1) In general.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) In General.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) Tax To Be Paid by Recipient.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) Exception for Certain Gifts.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) Tax Reduced by Foreign Gift or Estate Tax.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) Covered Gift or Bequest.—

"(1) In general.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) Transfers in trust.—

"(A) Domestic trusts.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) Foreign trusts.—

"(i) In general.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) Deduction for tax paid by recipient.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) Election to be treated as domestic trust.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) Covered Expatriate.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) Clerical amendment.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"Chapter 15. Gifts and Bequests From Expatriates.".

(c) Definition of Termination of United States Citizenship.—

(1) In general.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) Termination of United States citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) Conforming amendments.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) In general.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) Information Returns.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SEC. 6. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) Effective Date.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 7. INCREASE IN INFORMATION RETURN PENALTIES.

(a) Failure To File Correct Information Returns.—

(1) In general.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) Aggregate annual limitation.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$600,000".

(b) Reduction Where Correction Within 30 Days.—

(1) In general.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$25".

(2) Aggregate annual limitation.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721

are each amended by striking "$75,000" and inserting "$200,000".

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$60".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking "$150,000" and inserting "$400,000".

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$250,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$75,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$150,000".

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$600,000".

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$600,000".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 8. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "115 percent" and inserting "115.25 percent".

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. McCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3056, the Tax Collection Responsibility Act of 2007. The bill has seven provisions and is revenue neutral.

First, the bill will repeal this excursion into private companies collecting the debt for the Internal Revenue Service. We've had many hearings, and the Internal Revenue Service, on more than one occasion, had indicated that, given the resources, they could do a more effective job than having to subcontract out to private firms.

There's nothing magic about privatization. Just saying that it's privatized doesn't mean that it's more effective or that you're doing the right thing. And I think, in this great country of ours, there is a special relationship between the Internal Revenue Service and the taxpayer.

No one would ever like the tax collector, but you do feel a little more secure when you know that a public servant is doing his or her job, rather than this job being sold out or given out to somebody that's income is going to be based on how much taxes they collect today.

No, if you've got to call the office and ask the taxpayer to pay, or call his home, let it not be a ride-by-night firm that is just getting involved in tax collection of Federal indebtedness. Let it be someone that you can trust, let it be a civil servant, and let it be the people that, over the years, have done the job, and no good reason has been given by anybody as to why they should not continue to do this.

The only sad thing that you can say about the collection of taxes by the IRS is that, admittedly, we never gave them the money; we never gave them the resources. But no one can challenge that there's no one better trained to do the job than the Internal Revenue Service.

And then, of course, I want to thank Representative MEEK and Representative HERGER for providing leadership in repealing this provision that would address the 3 percent withholding rate on certain government payments for goods and service. It didn't look good then; it doesn't look good now.

The bill also provides some equity to our citizens in the Virgin Islands to ensure fairness in tax collection there, and eliminates the restrictions on the statute of limitations, which means that their statute of limitations is our statute of limitations, that we're all citizens in this together, and they're not second class in this.

In addition, of course, we want to say that this bill is revenue neutral.

I ask unanimous consent to yield the remainder of my time to the gentleman from North Dakota (Mr. POMEROY) and give him the opportunity to control that time.

The SPEAKER pro tempore (Mr. ROSS). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I might consume.

I'm pleased that the chairman and I have forged a good working relationship. That relationship has allowed us to work together on several important issues, including trade and some tax bills. Just last week, for example, I stood on the floor and joined with the vast majority of Members on both sides of the aisle to approve a bill helping relieve homeowners of the tax burden that comes with having a mortgage written down or foreclosed.

But the chairman and I know that there are times when we will not agree, and today is just such an occasion. The central feature of this bill is a repeal of a program at the Internal Revenue Service that allows the service to contract with private collection agencies, known as PCAs, to secure payment of unpaid taxes from individuals who have admitted they owe the government money, but simply have not actually paid the money.

It's true, as the majority likes to argue, that the IRS's own taxpayer advocate has urged Congress to repeal the PCA program. But some of her reasons are a bit suspect. For example, her report criticized the use of private collection agencies because, by doing so, "the IRS has separated taxpayers from its world class customer service."

And while I agree that IRS employees are competent, hardworking public servants, and I commend them for the job they do, surely the person who wrote that did so with tongue firmly planted in cheek. After all, how many of us, in conversations with our constituents, have heard from them that the IRS is known for their customer service?

More importantly, though, IRS reviews of the PCA program show that customer service satisfaction with those PCA programs is, in fact, very high. In their comments on the taxpayer advocate's report, the IRS noted that "of the nearly 19,000 cases assigned to PCAs, only 108 taxpayers have requested that their accounts be handled by the IRS. There have been 31 reported contractual complaints, all of which have been reviewed in depth. There have been no instances of fraud or misuse of taxpayer information."

That record is not surprising, considering the extensive training PCA employees receive and the limited information they are provided. That, I should point out, stands in sharp contrast to the many documented lapses of the IRS in protecting confidential taxpayer information.

Program opponents often suggest that there is something intrinsic about tax collection that should preclude it being contracted out to the private sector. This argument is hard to reconcile with a few basic facts.

First, the PCAs are not adjudicating tax liability. They are merely helping to ensure the government receives the amounts the individuals have already admitted they owe in taxes but have not paid.

Second, PCAs are used throughout the Federal Government to collect unpaid obligations. According to the IRS, since 1982, PCAs have been used by various branches of the Federal Government, collecting nearly $700 million in fiscal year 2005 alone.

Third, of the 43 States with a personal income tax, the vast majority of those use private agencies to help collect from delinquent taxpayers.

A hearing on this issue showed the members of the committee the skill and patience PCA employees use to avoid disclosing any confidential taxpayer information.

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In fact, Mr. Speaker, I would urge the PCA program be modified to provide these contractors with additional tools that will both improve their recovery rate and reduce the possibility of taxpayer confusion about the purpose of calls and letters from the PCAs.

Even though these agencies lack many of the tools of the IRS, such as lien and levy, they are successfully collecting millions of dollars in unpaid taxes that the IRS has not and very likely would not ever get around to collecting.

The majority will no doubt argue that the cost to the taxpayers would be even less if the IRS went after these obligations. But the fact is they are not, and any such comparisons are apples to oranges. The IRS is currently ill-equipped to engage in the massive outbound call operation the PCAs use to collect these obligations.

In the first year of the program's operation, more than 90,000 cases have been placed with the PCAs. More than 7,300 have resulted in full payment, and more than 2,600 taxpayers have entered into installment agreements. The PCAs have already collected $32 million in gross revenue that would not have been collected otherwise, making this a tax-gap closing program with a proven track record. The Joint Tax Committee estimates that killing this program will result in the loss of over $1 billion in revenue over the coming decade.

Considering the difficulty of meeting the terms of PAYGO, it's rather disappointing that the majority would actually find it necessary to raise taxes elsewhere in order to terminate a program that is helping to close the tax gap. In fact, during committee markup, members of the Ways and Means Committee suggested a number of ways to use the money that the majority is spending today by killing this program, including delaying the implementation of a withholding rule on Federal contractors or providing penalty relief to taxpayers who are underwithholding their 2007 taxes because they are unaware of the coming hit of the AMT, which the majority has yet to pass, but I'm sure that we will get around to that. Unfortunately, those amendments were rejected on party-line votes in the committee, and, of course, we are not being given a chance to vote on those today in this House.

Mr. Speaker, at this time I yield the balance of my time to Mr. BRADY and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. SALAZAR). Without objection, the gentleman from Texas (Mr. BRADY) will control the time.

There was no objection.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on this bill, H.R. 3056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

We are in a time where there is a complete fascination in this administration with contracting out. If you are happy with Blackwater in Iraq, then I expect you are perfectly fine with contracting the debt collection of IRS debt to private bill collectors. But there are some essential facts at issue which should give us pause to reconsider.

First, the start-up costs. We were told, in testimony by the IRS Commissioner, this venture was going to cost about $14 million to get up and running. The tab so far, $70 million, five times the anticipated cost to begin this venture.

Now, you might say, well, okay, start-up costs are a little more than expected, but how are we doing on receipts now that we have got them fully going, collecting these receipts? We don't have a very good story on that one either.

It was anticipated that $46 million to maybe $63 million would be collected. Coming in at about half of that anticipation, $32 million in. It costs five times more to start and bringing in about half as much as advertised.

Well, okay, $32 million. It still sounds like a lot. Well, not really when you consider the fact they have been given 118,000 cases with an unpaid debt of $512 million. For the kind of money we have invested, do you know what we are getting back? We are getting about a 6 percent return from this experiment in private debt collection.

You might be asking yourself, look, there must be some more efficient way to do this. Well, there sure is. Let's fund the IRS, hire, train, manage the debt collection. My gosh, if there is one government responsibility, it ought to be in making certain that the revenue owed is the revenue raised.

And the statistics show by the IRS themselves that for $1 spent on IRS staff collecting debt, you get a 20 to 1 return, $20 back for every $1 spent. Private debt collection, the IRS again projecting, at best, $4 back for every $1 spent. That's $20 if we hire to $1 spent, $4 if we hire to every $1 spent under contracting. And that's their projection.

Look, at $32 million collected and $70 million spent, we are collecting 50 cents for every dollar spent so far. That's pretty bad business. If we had spent the $71 million to hire a Federal collection staff, we would have already collected $1.4 billion. That is the total amount they project over 10 years under this experiment of private debt collection.

I sit on the Ways and Means Committee. And as we considered this notion before it became operative, I thought this is the most expensive way to do this. It reminded me of that $600 toilet seat that the Department of Defense paid for awhile back. I call this a $600 toilet seat of tax collection. Well, when you look at it, they have taken $70 million to build this gold-plated throne and they flushed away $50 million on this foolish experiment.

There are many reasons to end this ill-advised endeavor, and the speakers we present are going to offer those reasons. But the fundamental is it's a matter of dollars and sense, and this don't make sense.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Well, it's appropriate that we talk about a $600 toilet seat because, indeed, this bill smells to high heaven.

The truth of the matter is you will hear a lot of wild claims made on the House floor today, but in truth the Joint Taxation Committee, Congressional Budget Office, and every other independent agency has testified that passing this bill will cost the American taxpayers more than $1 billion. It is a testament that this program is working and will continue to work to save dollars for the American taxpayer by going after those who owe their taxes on behalf of those of us who pay our taxes.

Mr. Speaker, I rise today in strong opposition to H.R. 3056. This bill would eliminate a program that is actually making money for the government: overdue tax bills collected by qualified private companies from people that owe too little for the IRS to use up valuable resources in going after them. To date, the IRS has turned over 90,000 cases worth nearly half a billion dollars. And the dollars add up to the tune of $32 million collected since last month, and there's more to come. As I said, more than $1 billion over the next decade.

This is money that is helping to close the tax gap and is revenue that the Treasury Department can use to hire more employees. Under the program the IRS can retain up to a quarter of the collection to hire additional enforcement workers, and already some $5.7 million has been designated by the IRS for collection activities and $20 million has gone toward deficit reduction. So it is helping reduce the Federal deficit.

Some argue that collection agents have harassed taxpayers. The reality is that these agents are held to the same standards as IRS employees when it comes to protecting taxpayer rights. As a matter of fact, out of 51,000 cases, it was testified at our recent Ways and Means Committee hearing there were no, zero, violations of taxpayer privacy, zero.

These companies do face difficulties in finding the correct person, as the IRS does not provide the collectors with the taxpayers' last known phone numbers. This might be an area to look for reforming, rather than killing, this important program.

Some argue that the IRS could collect the same debts more cheaply if they could hire more employees. But the truth of the matter is these taxpayers have already been contacted four times by the IRS and they have not had luck in collecting them.

A GAO report in 2004, General Accountability Office, says that these private companies can recover $4.60 for every $1 spent while additional IRS employees would recover less, would be less efficient in recovering.

The bottom line is that the program is working, taxpayer rights and privacy are being protected. The program allows IRS to do what they are good at: enforcement of higher profile debts while allowing private collection agents who have to be qualified to collect smaller debts owed by tens of thousands of taxpayers.

And private debt collectors aren't a novel idea. Other Federal agencies and many States, 40 States, and thousands of local government agencies use private agents to collect everything from overdue income taxes, alcohol and cigarette taxes, to local property taxes. It's working, and it would be a disservice to taxpayers who actually pay their taxes on time to discontinue it now.

The bottom line truly, Mr. Speaker, is are we serious about closing the tax gap. Are we serious about collecting the debts that are owed? People here tend to always see things in black and white, and you will hear this in the debate today. You are either for or against the IRS, for or against private debt collectors.

The truth of the matter is our goal is to collect the taxes the most efficient way. It will take a partnership of our IRS employees, who do an excellent job, and private debt collectors, who do an excellent job in the tougher debts, to collect in order for the taxpayers to truly get the dollars that they are owed and this country the dollars that are truly owed.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, the unrefuted data is that IRS collection with IRS staff is five times more efficient in terms of dollars received than contracting out. If we are worrying about IRS efficiency, do it on the staff model.

And I might say that their cost estimate about this bill contemplates that the IRS would hire no staff, would just forget hiring out contractors, hire no staff, and just walk away from them.

No. We have got a very different notion. We want to take the money we are sending to these private bill collectors and hire IRS staff that are going to collect on this five-to-one ratio. We have got a much better, more efficient model to address this issue of unpaid balances owed to the United States.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for yielding.

Mr. Speaker, I rise today in support of H.R. 3056, the Tax Collection Responsibility Act, a bill to eliminate the IRS's private debt collection program.

The private debt collection program is an insult to the American taxpayer and our Federal tax system. The collection of taxes is a core government function. It is the mission of the IRS.

The Ways and Means Committee held a hearing on this program, and we found that it has no business, no place in the collection of taxes. This program violates the public trust.

Taxpayers trust the IRS with their personal information. When taxpayers put information on their tax returns, they expect that the IRS will see that information, and only the IRS. Taxpayers do not expect their personal information could be given to private debt collectors. It should never ever happen.

Taxpayers have been harassed under this program. Thousands of innocent taxpayers are being called on the phone and asked for their Social Security numbers. They are afraid that their identity will be stolen. In some cases, the calls are never-ending. We found that one elderly couple was called 150 times over 30 days. That's not right. That's not fair.

This program targets low-income taxpayers, and these private debt collectors have even gone after nursing home residents and military personnel serving in Iraq.

□ 1615

That is unbelievable. Use of private debt collectors erodes the Federal tax system, the public trust and the Treasury.

I say, Mr. Speaker, enough is enough. We must stand with the taxpayers, and we must stand up for the IRS employees. Pass this bill and end this program.

Mr. BRADY of Texas. Mr. Speaker, I would point out that the General Accountability Office has testified that, in fact, private debt collectors are more efficient per dollars than the IRS employees with these types of debts, which is what we are comparing. And, again, we have IRS employees with the ability to levy liens and fines, they are able to compel certain types of taxpayers to pay efficiently, and they can go after the larger, more complex cases very well. It is this group here that we've had difficulty collecting taxes from in the past that these proven tax collectors across 40 States have done such a good job collecting. And that is the bottom line; are we going to collect the taxes of the American people or not?

With that, I would yield 2 minutes to the ranking member of the Trade Subcommittee, the gentleman from California (Mr. HERGER), who has worked very hard on behalf of American taxpayers.

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the Tax Collection Responsibility Act. This legislation would unwisely eliminate an IRS program which collects otherwise uncollected tax debts, refusing as much as $2.2 billion in Federal revenue. In addition, this partisan measure does a disservice to the overwhelmingly bipartisan effort to repeal the 3 percent withholding burden before it takes effect.

In less than 4 years, 3 percent of all payments made by a government to a business or individual providing goods or services will be unfairly withheld as a prepayment on taxes. This will needlessly reduce cash flows for thousands of small businesses across the U.S. Today's bill merely delays 3 percent withholding implementation for 1 year, but that does not solve this real and pressing problem.

What Congress should do is follow the broader proposal my friend KENDRICK MEEK of Florida and I have introduced, repealing this withholding tax outright. Pairing a scaled-back 1-year delay with the majority's repeal of the private collection agency program wrongly splits the bipartisan, broad-based full repeal initiative.

Mr. Speaker, the Meek-Herger proposal has 219 cosponsors from both parties. Further, the closed rule prohibits a Republican substitute that would have provided for consideration of the full 3 percent withholding repeal alone and on its own merit.

I urge Members to reject this flawed bill.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Make no mistake, we're talking about uncollected taxes that are uncollected because of a systematic effort by this Republican administration and a Republican Congress to undermine the ability of the IRS to do its job, cranking up the audits on the poorest of citizens while stopping the IRS from oversight of those who are more wealthy.

As my good friend from North Dakota pointed out, we're talking about a 6 percent rate of return, when the independent officer, who has been set up within the IRS to give the independent judgment, has pointed out that this same $71 million would collect over 1.4 billion uncollected tax dollars. Independent observers know that investing in the IRS and its employees rather than unaccountable private contractors will get more money and will do so in a more humane fashion.

It was shocking for the committee to listen to some of the phone calls, to the abuse that has been subjected to American taxpayers who are caught in the "Alice in Wonderland" of these private collectors.

I would urge my colleagues, if they have any doubt, to try an experiment. I have done this at home. I have met with CPAs, tax attorneys and with financial advisers. All of them suggest investing more in the IRS infrastructure to improve customer service, and it will collect more money.

I would strongly suggest that it is time to stop this dark chapter of emasculating the IRS, giving money to private contractors, and instead, do a better job for the taxpayer.

I for one support the notion of the 1-year suspension of the 3 percent contractor withholding. I think it makes sense to try and sort this out. I think it needs more examination. I think we can have a better proposal. This got slipped in in the Senate without any House consideration in the last Congress. I think a delay makes sense. I support it. I support the underlying bill, and I urge my colleagues to do the same.

Mr. BRADY of Texas. Mr. Speaker, I would point out that this practice has already generated nearly $6 million for additional IRS agents in collection activities at the agency.

At this time, I would like to yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. Mr. Speaker, I thank Mr. BRADY for yielding, and I rise to oppose H.R. 3056.

Let me start, Mr. Speaker, by saying that I strongly support the right of public and private employees to organize and to work for better working conditions and to improve the quality of life in their workplaces and in their communities, and my record reflects that.

However, I think there is something that we all agree upon, as Democrats, as Republicans, as public employees, private sector employees, and that is that there is a huge tax gap in this Nation, and that tax gap is to the tune of $345 billion. It adds, on the average taxpayer, about $2,700 to its tax bill on an annual basis. These are tax dollars, most of them having been acknowledged by the taxpayer that they owe, but the IRS has not been able to go after them for whatever reason. And so the IRS private debt collection program is putting money back in the pockets of hardworking Americans.

I would like to tell you that the private collection agencies working on this contract do not replace a single IRS worker, and no IRS jobs are lost through this program. To date, this program has recovered about $30 million in delinquent taxes. Through this pilot project, the IRS has turned over about 77,000 cases worth nearly $450 million in unpaid taxes.

Now, I heard some speak about harassment, undue harassment by private collectors. I have to tell you, Mr. Speaker, that this program is closely scrutinized by the IRS. And the IRS program has, according to the Internal Revenue Service itself, received a 98 percent favorable rating from the IRS for regulatory and procedural accuracy, and a 100 percent rating for professionalism.

This program has also received at or above a 96 percent rating for taxpayer satisfaction. Less than 1 percent of those taxpayers collected by the private collection agencies have filed complaints with the IRS, and none of those complaints against the companies currently participating in the program have been validated.

Mr. Speaker, this program is bringing in money to the U.S. Treasury without raising taxes and closing that tax gap, and will be able to close that tax gap if we can keep the programs and improve them, money that otherwise would never be collected. To this end, it would be a very bad message to send that we are not serious about closing the tax gap.

I urge my colleagues to vote down H.R. 3056.

Mr. POMEROY. We had hearing testimony on the survey that was referenced by my friend from Florida. Basically, the GAO testified that the survey was fundamentally flawed. Of 300,000 conversations that have taken place, 1,000 were the subject of the survey for getting taxpayer satisfaction, and the private debt collectors were able to pick which ones got the survey. So a 1,000 survey sample out of a 300,000 universe, with those stakeholders picking the ones that get to say it, was not deemed as credible by the GAO and not deemed as credible by the majority on Ways and Means.

With that, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is a cooked-up survey that was just referred to. In the words of the former IRS Commissioner, Mark Iverson, appointed by President Bush, he testified that the IRS can collect Federal taxes more cheaply, more efficiently than private companies. I rest my case.

I rise in strong support of H.R. 3056. This legislation is designed to protect taxpayers by repealing the authorization for the IRS to use private contractors to collect Federal income taxes.

Few would disagree that the collection of Federal taxes is an inherent government function. We have seen, through multiple hearings in Ways and Means, that privatizing and outsourcing this fundamental role has been a mistake on many levels. We've learned of numerous cases of harassment, not overexaggeration, on the record, abusive calling, violations of the rights of taxpayers. We've discovered that some taxpayers, many of whom were elderly, have had to endure literally hundreds of phone calls from private collectors. We listened to those phone calls. We had them on tape. Tapes are a terrible thing, you know. They don't lie.

Other cases involve people in nursing homes, those who have served in Iraq, and low-income taxpayers facing economic hardships. And as if taxpayer harassment was not enough, we have also seen that the program is inefficient. So far, privatizing tax collection has actually cost us money. Currently, we are $50 million in the hole. The IRS has spent $71 million to collect a net of $20 million. This is just like the postal department with the privatizing of providing mail throughout the United States. Now they're backing off, finally. It has been a disaster.

After paying $5.5 million in commissions to the private debt collectors, they make a commission of $5.5 million, and they can't do the job. This just doesn't make sense.

Mr. Speaker, if $70 million was spent on IRS employees instead of private contractors, statistics project that they would have collected over $1.4 billion. That's quite a difference, indeed. And taxpayers deserve more. They expect to deal with their government when they have a tax problem.

Private debt collection must end, and today we do that. I thank Chairman RANGEL and JOHN LEWIS, chairman of the Ways and Means Oversight. I thank Congressman ROTHMAN from the State of New Jersey for his persistence. I implore all of my colleagues to vote in favor of this legislation.

Mr. BRADY of Texas. Mr. Speaker, I would point out that at the Ways and Means hearings, the Government Accountability Office testified they had looked for but could not find any evidence that the private collection agency selected individuals for the survey based on their perception of what the responses would be. I would point out that the same agency testified that there were zero, no violations of any privacy rights through 51,000, and growing, cases, zero violations. And I do wish that those telephone tapes could be played here on the House floor so members of the public as well as Congress could hear the professionalism of those phone calls as they seek to identify sensitively the individuals who do owe dollars to the American taxpayers.

I will point out, too, that if these debts were so easy to collect by the IRS, why did the IRS already have four opportunities to collect them from each taxpayer before they were turned over to these agencies, who have done such a good job, a solid job of collecting them?

With that, I would yield 6 minutes to the gentleman from New York (Mr. REYNOLDS) who has not only fought on behalf of taxpayers but has a number of women and minority workers and professionals in his district who have done a wonderful job in this arena.

☐ 1630

Mr. REYNOLDS. Mr. Speaker, I rise in strong opposition to the bill before us today. I thank the ranking member of the Ways and Means Committee for his ongoing efforts to defeat this misguided proposal and other members of the Ways and Means Committee who have also carried a strong voice, such as the gentleman from Texas.

For some Members of this body and both sides of the debate, this issue is simply about policy. We understand that. For them, it is an abstract question about whether private collection agencies or so-called PCAs should be able to play a limited, supplementary role in the IRS's efforts to collect delinquent tax debt. But for me and the area I represent in western New York, it is about both policy and much more than that. It is about jobs.

As a Member of Congress who represents rural Wyoming County in western New York, I am actually more familiar than most with the work that PCAs do. After all, the largest single private employer in Wyoming County is Pioneer Credit Recovery. It is one of only 2 companies nationwide that the IRS has selected to help get its important program underway.

Mr. Speaker, Pioneer Credit is a highly respected, local business that has created more than 1,400 high-paying jobs for families living in either my district or neighboring districts around Buffalo and Rochester. As my fellow members of the western New York's congressional delegation know, these jobs have been created in a region that has faced serious economic challenges. As I have listened today to this debate, sometimes you wonder just exactly who might be on that phone. These are highly trained rural folks coming from communities much like the gentleman from North Dakota has in North Dakota. It just happens to be a rural area of a large State of New York. For some people, that is their only income to the household. For some it is a supplement to farm income or manufacturing income. And I have looked at some of these people I have known for years. I have seen some of these people where I have just met them the day they went to work to have a meaningful job, after maybe a manufacturing shop closed down in Wyoming County. Or they weren't able to stay on the family farm.

But they are hardworking, decent people who subscribe to Federal and State laws that this honorable body actually has set forth in the past that deliberated and said, you will function as collectors. I know one thing about the people's House: We have had a lot of people from a lot of different backgrounds, but you know, as a small businessman myself, I promise you the only time I send out, in the days I was in business, to a private collection agency was when I couldn't collect that money for an insurance premium or commissions owed and I had no other recourse but to look in private collection. They professionally got the job done to bring back money that was owed.

As my colleague, Mr. BRADY, has pointed out, the IRS sometimes had four chances to kind of get this money and still didn't come back with it. We looked at an opportunity, could we gain over 10 years over $1 billion in order to increase the revenues or address the tax gap that my colleague from Florida talked about.

So when the IRS contract was allowed to Pioneer Credit to turn an empty warehouse in Perry, New York, into a thriving job center for newly hired employees, it has been a great economic success story for part of western New York that desperately needed it, and it began to produce the results that the Congress and the IRS expected. So as someone who has fought to give the IRS the authority to partner with these private companies in the first place, I am deeply troubled that the new majority is now threatening to deauthorize this important program just as it gets underway. If this program is allowed to continue, Pioneer Credit will be given the opportunity to compete for future IRS contracts that could create many additional jobs in the area I represent. Killing this program, on the other hand, would cost my constituents real jobs at a time when Congress should be working to expand employment opportunities, particularly in hard-hit areas that are struggling economically.

I would also note, Mr. Speaker, that under the Democrats' PAYGO rules, proposals that reduce anticipated Federal revenues must be offset by other provisions that raise revenue. Thus their proposal to eliminate the PCA tax collection program, which is expected to net at least that billion dollars over the next decade, also requires them to raise $1 billion in new taxes somewhere else.

This bill is wrong on policy. It is wrong on job creation. It is wrong on tax hikes. I urge a "no" vote.

Mr. POMEROY. Mr. Speaker, the gentleman has spoken passionately about the jobs in his district, and I look forward to working with him on economic revitalization issues so vitally important to rural areas like the ones he and I both represent. But this is really not a jobs program before us. What is the best way for taxpayers to have collected what they owed? We want to collect what we are owed. We believe for every IRS employee, we are going to collect $20. For every private debt collector, the optimistic projection is you are going to collect $4. The reality has been much less than that. So when we are talking about the issue before us, what is the best way to get the money we are owed? The best way to do it is hire the personnel, train the personnel, run an IRS capable of getting its job done.

I yield 2 minutes to my friend from Nevada, Congresswoman BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Tax Collection Responsibility Act. This bill will prevent the IRS from using private debt collectors to collect Federal income taxes when current contracts have expired.

Private debt collectors have proven to be very poorly equipped for the job. This change is important to protect taxpayers' privacy. Coming from Las Vegas, I have never been a great fan of the IRS. IRS abuse in Las Vegas is legendary. The only thing worse are private debt collectors that have harassed, threatened and intimidated the taxpayers in my district and throughout the United States to collect back taxes and to also collect a hefty fee. The IRS ought to do its job of collecting taxes and Congress ought to do our job by giving them the resources the IRS needs to do its job.

The bill also proposes implementation of a 3 percent withholding requirement on government payments to vendors. This requirement will cause significant administrative and financial burdens on local governments. As a local government that spends more than $100 million per year on vendor products and services, Clark County, Nevada, would be required to withhold 3 percent of payments to businesses. Under the new requirement, companies that contract with local government would be terribly and unfairly penalized. This could result, it will result in cash flow problems for small businesses and ultimately higher prices for all consumers. This bill will postpone the 3 percent withholding requirement to give the Treasury Department time to study the impact of this provision on local governments and taxpayers before it is implemented.

Mr. Speaker, I urge my colleagues to support this important legislation for both reasons that I have stated.

Mr. BRADY of Texas. Mr. Speaker, I would point out that while the claim has been made that our taxpayers have been harassed, IRS itself has testified there is a 97 percent satisfaction rate with the process that is already in place with these private collection agencies. I must point out, too, that while a claim is made that past Congresses starved the IRS, the truth is actually the opposite. The agency last year added over 200 new field collection personnel. This year's budget will add even more agents to the IRS. This program that is being sought to be eliminated has already generated almost $6 million for more IRS agents in a collection agency.

Mr. Speaker, I would like to inquire how much time does each side have remaining.

The SPEAKER pro tempore. The gentleman has 6 minutes remaining; the gentleman from North Dakota has 11½ minutes.

Mr. BRADY of Texas. At this time, I would reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, it is my pleasure to yield 4 minutes to the bill's prime sponsor, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague from North Dakota for his long-time efforts on behalf of fair treatment for taxpayers in this country. I rise in strong support of this legislation, the Tax Collection Responsibility Act of 2007.

In addition to endorsing the practices that this bill provides for better collection and fairer collection for small businesses, I also believe it is high time we repeal an abusive and misguided debt collection program at the IRS. I am pleased to have worked on this issue for a number of years with my colleague from New Jersey (Mr. ROTHMAN) and others.

I think we all know that it is not a new issue to this body. We tried private tax collection in 1996 and promptly abandoned it a year later, after which time the IRS Office of Inspector General found that private contractors regularly violated the Fair Debt Collection Practices Act, jeopardized the confidentiality of taxpayers personal information, and cost the government a net revenue loss of $17 million.

Under the Republican Congress, this program was revived and came to the floor actually in a form that we did not have a chance to vote separately on it, because when the House has had an opportunity over the last 3 years to vote separately on this issue, this body on a bipartisan basis has said no to private debt collection. That bill never made it to the President's desk. But there is a good reason this House has said no to this program. That is because IRS officials themselves have acknowledged that using private debt collectors is much more expensive than having the IRS do the job. Today on the program that we are talking about, the IRS has spent $71 million and collected a net of $20 million. That is a losing proposition on its face.

Moreover, in her testimony before the Ways and Means Committee, the National Taxpayer Advocate, Nina Olson, whose job at the IRS is to look out for the fair treatment of taxpayers, recommended that we end this program and further pointed out, as others have said, that if you took the same amount of money and invested it in allowing IRS agents to collect the revenue, you would collect $1.4 billion instead of the $20 million collected so far in this program.

In addition, and I think this is an important point to make, when this Congress in the 1990s passed the IRS Restructuring and Reform Act, we specifically said that our public employees, our IRS agents, could not receive bonuses, could not receive special rewards for collecting more taxes because we want to avoid an incentive for abuse; yet that is exactly the premise this entire program is based on. It is based on bigger rewards in the sense for more taxes collected. That is what leads in turn to abusive tax practices that we have said we don't want our IRS agents to comply. In addition to the fact, the result is for every dollar collected under the private tax collection, 25 cents goes to a private company; whereas, with IRS agents, that dollar collected goes to the Federal Treasury for debt reduction and for investment in important public purposes. So it is a much better return for the taxpayer.

I would argue, Mr. Speaker, that it is very clear over the years that our repeated experiments in private debt collection have failed. If the IRS needs additional resources to collect uncollected revenues, and I think it does, we have heard from the IRS Commissioners in Republican and Democratic administrations alike, that a much better investment is to put those dollars into our public IRS agents. It results in less abusive practices. It makes sure that you also have the dollars come back where it belongs to the taxpayer and the public benefit.

Mr. BRADY of Texas. I would point out it is difficult to have an abusive program when there is 97 percent customer satisfaction and zero privacy violations and zero Fair Debt Collection Act violations. Zero. I point out as far as efficiency, you don't have to take anyone's word on this floor if this program is working. Attached to this bill is testimony that says eliminating it will cost the U.S. taxpayers $1 billion.

□ 1645

So you don't have to take our word for it. The experts who are independent, who have looked at this issue, know this is an efficient program for the U.S. taxpayers.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, our information is somewhat different from the information just propounded. We believe indeed the record would show there have been 83 complaints. These complaints include taxpayers who have received letters with another taxpayer's information inside. Now, if this isn't a taxpayer privacy violation, I don't know what is. At least one fine has been assessed, and this is in the early going of the program.

Mr. Speaker, I will acknowledge perfection is a pretty hard standard to meet, but they have not met perfection and they have not generated the money in collection that was advertised at the beginning of this endeavor.

With that, I yield 2½ minutes to my friend the gentleman from New Jersey (Mr. ROTHMAN), who has long had concerns about this initiative and worked hard to end it.

Mr. ROTHMAN. I thank the gentleman from North Dakota for all his wonderful work on this. I want to thank Mr. VAN HOLLEN. I want to thank my chairman on the appropriations subcommittee, Mr. SERRANO, and so many people who were so outraged at this private collection of taxpayer money that is owed to the IRS.

Mr. Speaker, here's the problem. About $300 billion is owed to the American taxpayers by those income earners who refuse to pay their taxes. They admit they owe the money, but they refuse to pay. That is about $300 billion. That is the problem.

Now, what is the solution to the problem? Well, the Republicans here say, let's privatize this, give it to private people, private companies who will make a profit on collecting these tax moneys, and they will collect about $4 for every $1 we spend on them. They will collect $4. The other solution is to hire more IRS agents, and for every $1 we invest in them, we will get $20. Not the $4 that goes to the private debt collectors that they produce, but $20. We will collect five times more.

So why would we give away the taxpayers' money by letting private debt collectors collect our debts, just so we can collect five times less? They say, "Well, we don't want to support big government." Well, do they want to waste all those tens or hundreds of billions of dollars by giving it to private debt collectors to collect at five times less effectiveness? It makes no sense. But this is nothing new.

Mr. Speaker, they wanted to privatize Social Security. They privatized the prescription drug program for seniors. They wanted to privatize the collection of our mail. They wanted to privatize, and they did, security contracting in Iraq, There is Halliburton, Blackwater. And they did so at Walter Reed Army Hospital.

So this ideology of the Republican Party and this President that we need to privatize everything doesn't make sense, it wastes taxpayer dollars, and in fact is an opportunity for a very select few in our society to profit at the expense of everybody else. Not only is it un-American, it is wasteful, it is wrong.

Mr. Speaker, we can do better with this solution. That is why I have been fighting for this for years, and I am so proud to support H.R. 3056. If they say the choice is do nothing or something, do it the right way and pass H.R. 3056.

Mr. BRADY of Texas. Mr. Speaker, I would point out that private debt collection is used by 40 different States, whose Governors are Republican and Democrat, and thousands of local government agencies and organizations, again, both Republican and Democrat. This isn't an issue of privatization, it is an issue of efficiency. This partnership between the IRS and private debt collectors for this group of taxpayers who are hard to collect those taxes from will yield an additional $1 billion for the American people.

With that, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, as part of the IRS appropriation, we fund the National Taxpayer Advocate. In her 2006 annual report, she writes, "We are concerned that private collectors are using trickery, device and belated Fair Debt Collection Practices Act warnings to take advantage of taxpayers. We are concerned private collectors are taking advantage of taxpayers." That is from the National Taxpayer Advocate.

With that, I yield 2 minutes to the gentleman from New York (Mr. SERRANO), who has advanced the prohibition of this ill-advised endeavor in the Appropriations Committee.

Mr. SERRANO. I thank the gentleman.

Mr. Speaker, this has to be one of the worst ideas ever put forth. Just think of it: Instead of getting the IRS to collect the tax dollars, we go and tell someone else that they can collect 24 cents on the dollar, instead of hiring more folks to collect what they have been doing for so many years. So we lose 24 cents on every dollar, rather than have someone take care of this.

Now, the IRS has spent $71 million in money we have given them on this program and have collected in return somewhere between $20 and $25 million. The IRS Taxpayer Advocate, as was mentioned by the gentleman, calculated that if this money had been spent by the IRS to collect, they would have collected $1.4 billion.

Mr. Speaker, we have also heard here about the harassment tactics. Now, we can deny it as much as we would like, but when you give me an incentive of 24 cents on the dollar to collect from taxpayers, things can get out of hand. That is why senior citizens have been called 150 times in a month's time, looking for their son. My friends, these kind of tactics would make a great comeback episode for "The Sopranos," and I think one might be in the works.

Mr. Speaker, the IRS can do this work. We tried to do this, as you know, in our committee, and it was defeated, basically with the minority party saying on a point of order they would pull it out of the bill. But it was our intent to do that in our bill. In addition, we put in $400 million in fiscal year 2008. With this funding, the IRS should be able to start working on these cases themselves, without outsourcing.

I know, as Mr. ROTHMAN has said, that there is a madness in this House about taking everything that American workers do and sending it somewhere else, overseas usually, and then what government employees do, they send it to another agency or to somebody else. I can't wait for the day when you decide that the whole Congress should be outsourced overseas and we should have people doing our work.

Mr. Speaker, this is a bad idea. We should pass this bill and stop this program immediately.

The SPEAKER pro tempore. The Chair would advise that the gentleman from North Dakota has 2 minutes and the gentleman from Texas has 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I would remind the Chamber that more than 40 States, not just this administration, more than 40 States, Democrat Governors and Republican Governors, use the exact same type of collection techniques, the same partnerships, to do what is right for the American people.

I would point out that we have heard claims today of literally tens of thousands of people who have been harassed by these private debt collectors, all the abuses. I would simply challenge you to name one. In this debate today, name one. Name the person, name the case where there was a privacy abuse or thousands of harassing phone calls. I would predict there will be no name mentioned.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I would just again read from the National Taxpayer Advocate report: "We are concerned private collectors are taking advantage of taxpayers." I will submit this for the RECORD.

With that, I will yield 1 minute to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I rise in support of this bill for three reasons. First is the cost. As my colleagues have previously said, we should have raised from these private agencies at least $44 million to $63 million to date. In fact, it has only been $25 million, with a sum cost of $51 million.

Second is the more cost-effective way that another agency, the IRS, might do this. We know that they have collected this year alone $5.3 million from the Automated Call Service. Imagine if we had not decreased the number of IRS officers from 8,500 during the nineties down to only 5,200 today and we had put the money into them or into the Automated Call Service. That 20-to-1 return that the government gets far exceeds the 4-to-1 return of private agencies.

Third, however, after 31 years in the military, it pained me to see us outsource our security operations to private agencies in Iraq. At times there is abuse, not dissimilar to what we hear today, such as seniors and those in Iraq being called. In fact, a senior couple was called 150 times, five times a day. Then we learned they had the wrong number.

Mr. Speaker, I therefore rise in support of this bill because of the cost-effectiveness of the IRS and because of the abuses that can occur if it is not within a government agency.

Mr. BRADY of Texas. Mr. Speaker, I would point out that attached to the majority's bill that this House is considering today, according to the majority's bill, the Joint Tax Group testifies and asserts that this program, that is working today, will collect $1 billion more. You can hear every claim you want on this House floor, but their own bill says to the American public that this program will collect $1 billion more than if it were to be eliminated. That is not at dispute today.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, the cost cited assumes that not a nickel is spent on IRS capacity. Indeed, if we spend it on IRS capacity, the unrefuted evidence is that it would be a 5-to-1 return relative to private collectors.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, this won't be the first or last time that debate on the floor comes on disagreements of policy or well-crafted rhetoric that goes to the extreme of bringing forth one's position. But I think that my colleague, Mr. BRADY, and others who have spoken in the aspect that private collection has worked in the portion that has been assigned in their mission as they get underway, that the complexity of collecting taxes of the tax gap, which, if you recognize the tax gap as a challenge of revenue, one that this Congress very quickly and gladly put forth, that $1 billion of collections through private collection agencies would be achieved, and as we now embark on that, we have listened to tough language and rhetoric, and I sat through most of those public hearings, crafting today the reflection of what they thought they heard in those hearings. I think that if we look at results as we move towards the opportunity of seeing private collection, because one thing that has been omitted, if I am not mistaken, regardless of what this body does, the other body will have a serious challenge in seeing legislation passed, and there is a Presidential veto that says that it will not occur.

So as we measure in the future the work that has been done that has been assigned to the PCAs, and we look at the aspect of a goal that all of us would have, that the IRS has tools to do their job so that collection continues, I think we will also see in short time that private collection agencies have done the mission they were asked to do in the pilot out in Iowa and in western New York, and I think as we give that a chance, not only will this legislation not be needed, but it will not see the light of day.

Mr. BRADY of Texas. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. BRADY of Texas. I will be brief, Mr. Speaker.

We hear a lot of claims today about the efficiency of this program. But our agencies, the independent agencies, the Government Accountability Office and Joint Tax, make the point attached to this legislation that this program has worked, is working efficiently, and will save U.S. taxpayers more than $1 billion.

You will hear today about abuses. But the fact of the matter is they can name not one in any independent agency, including the IRS, the Treasury. Examination of the program has showed 97 percent customer satisfaction, zero privacy violations, and zero Fair Debt Collection Act violations, zero, no matter what is talked about.

Mr. Speaker, the truth of the matter is, the question before us today is not about privatization. This is about credibility. This majority has talked about closing the tax gap, what is owed and what is paid. Yet today we will widen that tax gap by over $1 billion. So the question is will we walk the walk, or just talk the talk about the tax gap.

This partnership between the IRS and these private collection agencies is working for the American public. We ought to let it continue to work for the American public, because we can use that $1 billion for health care, for education, for helping our veterans, for a number of important priorities in this budget.

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And we will have some type of a financial standoff here in a few months, yet we let $1 billion escape our grasp. I urge a "no" vote on the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, we believe private debt collection of IRS debt is a terrible idea and an important matter, which is why the majority leader will close for our side. I yield the balance of our time to the majority leader, Mr. HOYER, from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

First, let me respond to a point Mr. BRADY has made a number of times. The point I am referring to is if we did not spend any money on private collection, we would not collect $1 billion. We can accept that as accurate. But the assumption is that we wouldn't spend any money in the public sector to collect that money. But I will read figures that say if we did that, we would geometrically collect more than a billion dollars by a factor of two or three or four or five. I will read that figure, Mr. BRADY. But you keep reading the figure, the assumption of which is we are simply going to drop collection. We are not going to drop collection.

Today, through this important legislation, the Tax Collection Responsibility Act, this House will reiterate that the collection of taxes is a core governmental function that should not be contracted out to private companies.

But no one, no one should be mistaken. Our objection to the private collection of taxes is not simply philosophical; it is practical, as well.

First, there simply is no evidence that private tax collectors are more efficient. In fact, the opposite is true.

IRS Commissioners of both parties repeatedly have testified before Congress that IRS employees could do this work more efficiently. In fact, according to the IRS, the return on investment for IRS employees doing work similar to private collection agencies is 13:1. The private collection agency return is about 4:1, or approximately one-third as effective in the private sector as it is in the public sector. That is what the IRS Commissioners say.

Secondly, with Americans legitimately concerned about the privacy of their personal information and identity theft, I don't believe, and I hope this House does not believe, that it is good policy to turn over Social Security identification numbers and tax information to private collection companies.

Third, the National Taxpayer Advocate has raised concerns about the tactics used by private collection agencies, including intimidation and harassment. The fact is that private tax collectors are keeping 21 to 24 percent of what they collect, and are allowed to keep up to 25 percent under the law. Thus, with the compensation of private collection agencies directly tied to what they collect, they are incentivized to use aggressive tactics. Ironically, however, and let me go back to that figure, they are less effective in collecting, 13-to-1 versus 4-to-1, than the public sector.

Finally, let me say too many of my Republican friends want it both ways. On the one hand, Republican-controlled Congresses have cut the IRS workforce by 20,000 people since 1995. In fact, just this year they offered an amendment to the Financial Services Appropriations bill that would cut IRS funding by 8.9 percent; yet they come to the floor and say we are not aggressively collecting sufficient funds so we have to privatize it, contract it out. That expense, of course, is an additional expense, which, by the way, escalates more rapidly than does the public sector expense.

As I said, they complain that we must allow the government to hire private collection agencies because the IRS does not have the resources to recover all income tax that is owed. So on the one hand, cut their resources, and then come to the floor and say they don't have sufficient resources to do the job so we will contract it out, which will require, of course, contract resources while eliminating salary resources.

I think we all know the most effective solution: We need to provide the IRS with the resources it needs to ensure that all taxpayers pay their fair share under the law, so that no taxpayer has to pay more than their fair share or have rates greater than they need to be, which would be the case if everybody paid their fair share.

Mr. Speaker, this legislation is an important step in that effort. I urge all of my colleagues, Mr. Speaker, to vote for this important bill.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 3056 to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on Government contractors, to revise the tax rules on expatriation, and for other purposes.

I want to begin by thanking the gentleman from New York, the chairman of the Ways and Means Committee, CHARLES RANGEL, for including language to address the question of the statute of limitations for residents of the U.S. Virgin Islands.

As you know Mr. Speaker, residents of the Virgin Islands, as citizens of the United States, are required to pay Federal income tax like any other citizen living outside the United States. However, section 932 of the Internal Revenue Code, "Code", states that bona fide residents of the Virgin Islands are not required filing an income tax return with the IRS. Instead, they are required to file their income tax return with, and pay the applicable tax to, the government of the Virgin Islands. The amount of the liability to the Virgin Islands, determined under the "mirror code" system, in most cases is exactly the same amount that they would otherwise have been required to pay to the Federal Government.

In response to concerns that some U.S. citizens claimed tax benefits who neither lived nor worked in the Territory, Congress tightened the income and residency rules of the Virgin Islands Economic Development Commission, EDC, program as part of the American Jobs Creation Act of 2004.

The U.S. Internal Revenue Service subsequently initiated a comprehensive series of audits not only of individuals who participated in the Territory's EDC program, but also many taxpayers who had moved years earlier to the Virgin Islands and who did not participate in the EDC program as well as taxpayers who were born in the Virgin Islands but who had spent periods of their working life outside the Territory due to the lack of opportunities in the Virgin Islands.

In the course of these audits, the IRS reversed its long-standing administrative practice and published position, and now claims that the statute of limitations never runs for V.I. taxpayers who reasonably and in good faith file their tax returns with, and pay their tax to, the Virgin Islands Bureau of Internal Revenue, "BIR", as the law requires them to do. In a General Counsel Advisory Memorandum, the IRS announced its new position that it has the right to audit the returns of a V.I. taxpayer as far back as they like and, if the IRS determines under the subjective pre-Jobs Act test that the taxpayer was not a bona fide V.I. resident, that it can assess full tax and penalties even if the taxpayer has paid the correct amount to the Virgin Islands. Because the Virgin Islands statute of limitations will have run in many of these circumstances, the taxpayer will be precluded from seeking a refund of tax paid to the Virgin Islands, and thus be subject to double taxation. Moreover, since the IRS position reverses a previously issued IRS advisory memorandum and also ran counter to the general rule that persons can be audited for up to 3 years after filing a return, many taxpayers who are being audited no longer have the records to defend themselves.

The bill before us today would end this heavy handed and unfair practice and treat bona fide U.S. Virgin Islands residents who files a return in the territory in the same manner as if the return were an income tax return filed with the United States.

I urge my colleagues to support adoption of H.R. 3056.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill but must oppose the effort to add a provision dealing with the estate tax.

I have long supported reform of the estate tax, not its complete repeal.

I think we should change it in a way that will strike the right balance, protecting family-owned ranches, farms, and other small businesses while recognizing the need for fiscal responsibility in a time of war.

But the motion to recommit would have simply added to the bill a permanent repeal of the estate tax. I do not support that and cannot vote for it.

However, I can and will vote for the underlying bill, which will repeal the use of private debt collection companies to collect Federal income taxes, delay the application of an onerous 3 percent withholding requirement on Government payments, and discourage individuals who renounce their U.S. citizenship to avoid paying taxes.

I am a cosponsor of H.R. 695, the Taxpayer Abuse and Harassment Prevention Act of 2007. Like the bill now before the House, it would amend the Internal Revenue Code to repeal the authority of the Secretary of the Treasury to enter into contracts with private collection agencies to collect unpaid taxes. I support that because of the numerous instances in which private collection agencies have been guilty of taxpayer harassment, abusive calling, and violations of taxpayer rights, the Fair Debt Collection Act, and taxpayer return disclosure protections. I understand that right now the Federal Trade Commission has 130 complaints likely to involve the private tax debt contractors, and the Taxpayer Advocate has many more.

In addition, H.R. 3056 would delay until December 31, 2011, the application of a recently-enacted provision requiring withholding of 3 percent of the value of government payments to contractors and small businesses for goods and services. Local governments from across Colorado have contacted me to urge that the requirement be repealed—and while this delay falls short of that, it will provide additional time for Congress to consider repeal or drastic revision of the requirement.

Finally, the bill would impose an immediate tax on individuals who renounce their U.S. citizenship in order to avoid paying their taxes and enact a scaled-back version of the Treasury Department's proposal to increase penalties on failures by independent contractors to provide Form 1099 information returns. I think these are reasonable and appropriate provisions that deserve support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3056, the Tax Collection Act of 2007. This legislation will amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on Government contractors, to revise the tax rules on expatriation, and for other purposes. I would like to thank my colleague, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL, for introducing this legislation, as well as for his leadership in bringing this important issue to the floor today.

Mr. Speaker, this legislation strengthens Government accountability and protects taxpayers and confidential tax information. It will repeal the IRS's authority to enter into, renew, or extend contracts with private companies to collect Federal income taxes. Currently, the private debt collection program exposes taxpayers to harassment, wastes tax dollars by paying a bounty of up to 24 percent to debt collectors, and jeopardizes long-term taxpayer compliance. The collection of Federal income taxes is an inherently governmental function that should be restricted to IRS employees. Furthermore, the use of private contractors violates the special and confidential relationship between taxpayers and the Federal Government, and could jeopardize the privacy of taxpayers, possibly undermining long-term taxpayer compliance. In addition, private debt collection is an extremely inefficient way to collect Federal income taxes.

Since the authority to enter into private debt collection contracts was first granted in 2004, the Federal Government has spent $71 million to collect a net of $20 million in tax receipts. If this money was spent hiring IRS employees, the National Taxpayer Advocate estimates the Federal Government could have collected $1.4 billion. This provision is estimated to cost $1.054 billion over 10 years.

In addition, this legislation delays the application of the withholding requirement on certain governmental payments for goods and services. For payments made after December 31, 2010, the Code requires withholding at a 3 percent rate on certain payments to persons providing property or services made by Federal, State, and local governments. The withholding is required regardless of whether the government entity making the payment is the recipient of the property or services, those with less than $100 million in annual expenditures for property or services are exempt. Numerous government entities and taxpayers have raised concerns about the application of this provision. The provision would delay for 1 year, through December 31, 2011, the application of the 3 percent withholding requirement on Government payments for goods and services in order to provide time for the Treasury Department to study the impact of this provision on government entities and other taxpayers.

Mr. Speaker, this legislation stops the tax benefits for expatriates who renounce their citizenship. U.S. citizens and long-term U.S. residents are subject to tax on their worldwide income. Taxpayers can avoid taxes by renouncing their U.S. citizenship or terminating their residence. It would immediately impose a tax on these individuals, strengthening current law to ensure that certain high net-worth taxpayers cannot renounce their U.S. citizenship or terminate U.S. residence in order to avoid paying taxes. Under this provision, high net-worth individuals will be treated as if they sold all of their property for its fair market value on the day before such individual expatriates or terminates their residency. Gain will be recognized to the extent that the aggregate gain recognized exceeds $600,000, which will be adjusted for cost of living in the future.

Finally, H.R. 3056 increases information return penalties. This provision would increase the penalties for failing to file correct returns, failing to furnish correct payee statements, and failing to comply with other information reporting requirements. If a taxpayer fails to file a correct information return before August 1, current law imposes a $50 penalty. This bill would increase this penalty to $100 per information return, with a maximum penalty of $600,000 per calendar year, $250,000 in the case of small businesses. Where a taxpayer files a correct information return after the filing date but before 30 days after the filing date, the current law $15 penalty will be increased to $25, with a maximum penalty of $200,000 per calendar year, $75,000 in the case of small businesses.

Where a taxpayer files a correct information return more than 30 days after the filing date but before August 1, the penalty for information returns will be increased from $30 to $60, with a maximum penalty of $500,000, $150,000 in the case of small businesses. The provision is a scaled-back version of the Treasury Department's proposal to increase penalties on failures to provide information returns.

Mr. Speaker, we can reduce the tax gap and make sure that taxpayers pay their fair share by having the IRS collect unpaid Federal taxes compared to private debt collectors. The American people demanded a new direction for America in the 2006 elections, and I believe that Congress must stand up for the American taxpayer. The current program's practice of giving unaccountable private contractors unfettered access to the personal financial data of American citizens poses an unnecessary and unacceptable risk.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 3056, the Tax Collection Responsibility Act of 2007.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 3056, the Tax Collection Responsibility Act of 2007. Among other provisions, this bill would repeal the authority of the Internal Revenue Service, IRS, to use private debt collection companies to collect overdue taxes.

I would also like to voice my support for an initiative being led by Senator BEN NELSON of Nebraska to provide disabled veterans and persons with disabilities with gainful employment as tax collectors. The Disability Preference Program for Tax Collection Contracts would give an incentive to private collection companies to employ people with disabilities. Despite the pending repeal of these debt collecting contracts by the IRS, I sincerely believe this initiative can provide immediate benefits to people with disabilities and be used as a model program for other services and industries to encourage similar hires.

Even after enactment of H.R. 3056, complete repeal of private debt collection authority would still take a couple of years while the existing private contracts expire. In that time, Sen. NELSON's initiative could provide disabled Americans invaluable training and experience to help continue their careers in similar services, likely with the same debt collecting company or even with the IRS. Since much of the same background scrutiny in hiring and job training are used for both the debt collection companies and the IRS, these disabled Americans would have an advantage for employment in the IRS. Additionally, under current Federal law, the disabled veterans would have right of first refusal to become IRS collectors.

The extraordinarily large number of returning disabled veterans from Iraq and Afghanistan are facing new, unexpected challenges to restoring their lives in America. These disabled veterans face an unemployment rate three times that of the general population. After their personal and their families' sacrifices for their country, it is Congress's responsibility to open doors to the largest number of jobs for the disabled, and these debt collecting jobs are exceptionally suited for people with disabilities. Even multiple amputees returning from Iraq, with only a high school education and expecting their career is over, could easily perform and excel in this profession.

Mr. Speaker, while I do not generally support the privatization of Federal tax collecting, I applaud Senator BEN NELSON's initiative to provide career paths for disabled veterans and people with severe disabilities.

Mr. PASTOR. Mr. Speaker, I rise today to talk about a proposal that would be impacted by the repeal of the Internal Revenue Service, IRS, program to collect unpaid taxes. The Disability Preference Program for Tax Collection Contracts is an initiative championed by the Senator from Nebraska, BEN NELSON. It would give an incentive to private third-party collection companies to hire people with severe disabilities and give them high-paying jobs.

The Disability Preference Program is worth supporting even under the assumption that the IRS contracting law should later be repealed. A closer look at the Disability Preference Program and the repeal of current IRS contracting law clearly shows that the two are not mutually exclusive. Until such time as a repeal is passed, workers with disabilities (including service disabled veterans) employed by contractors are gaining valuable vocational training and work experience on-the-job.

Disabled veterans and other disabled workers would most likely "retain employment" with the contractor through reassignment to another project within the company if the IRS contract were to expire or be terminated. Private sector collection contractors strive to lower attrition and training costs by reassigning exiting staff as projects are gained and lost.

In addition, employees assigned to the IRS contract work at the private collection contractor must pass the same level of scrutiny and background checks as IRS employees, and undergo IRS-approved project training and testing. Therefore, contractor employees will be the "best available applicants for job opportunities with the IRS" when the IRS hires internal collectors to do the work before or after repeal.

Under the Disability Preference Program, disabled workers would receive valuable training, certification, and job experience to seek gainful employment at private sector or government offices performing telephone collection work, and therefore would be much "better qualified and prepared to continue a career" in the collection industry than they otherwise would have been if the program was not available.

Although even for a temporary time period, use of this employment initiative will provide a much needed demonstration to government contracting entities that similar contracting requirements should be used to provide good job opportunities for disabled veterans and other persons with disabilities.

I strongly support enactment of the Disability Preference Program for Tax Collection Contracts.

Mr. MEEK of Florida. Mr. Speaker, I rise today in general support for H.R. 3056, which as a primary mission puts a stop to the harassing nature of private tax collection on a targeted group of American citizens, those least responsible for the ever-growing tax gap problem.

However, I rise to speak in particular about section 3 of the Chairman's mark which delays implementation of the 3 percent withholding requirement made by section of 511 of last year's Tax Increase Prevention and Reconciliation Act of 2005, also known as TIPRA.

Section 511 requires all levels of government with at least $100 million in annual procurements to withhold 3 percent of payment on most procurement contracts.

The Conference Report for the Tax Increase Prevention and Reconciliation Act of 2005 states that section 511 would impose an intergovernmental mandate not previously considered by either the House or the Senate.

The costs of this mandate on government would likely exceed the $64 million threshold established in the Unfunded Mandates Reform Act for public-sector mandates.

The costs of this mandate would also likely exceed the annual $128 million threshold established in the Unfunded Mandates Reform Act for private-sector mandates.

I am concerned this provision will seriously impact small businesses that routinely provide goods and services to the Federal, State and local governments, and those governments themselves.

For example, withholding 3 percent of payments to a primary contractor could hamper cash flows needed to meet operating expenses, pay suppliers or subcontractors, or meet payroll.

Any loss of small business involvement in government contracting is likely to have a negative effect on government costs associated with procurement contracts.

The withholding requirement would also create a new financial burden on the local governments responsible for administering withholding and forwarding these types of payments to the IRS, both in the increased need for new software and manpower, and in the likely increase in contract values as businesses seek to pass the 3 percent on to their government clients.

The 3 percent withholding was originally approved in an effort to narrow the "tax gap." Like most, I believe that Congress should ferret out non-compliance to the best of our ability. Still, efforts to bridge the "tax gap" should be weighed first against the potential for "collateral damage to honest taxpayers and local governments."

Annual procurements by Federal, State, and local governments add up to hundreds of billions of dollars, yet a one year delay, as mandated in the legislation before us, costs only $44 million, hardly the amount that would be expected if there was rampant noncompliance among contractors.

The language also requires the Department of the Treasury to study the negative affects that section 511 would have and report those to Congress.

There are too many questions left unanswered to go forward with the implementation of section 511, questions that we have a pretty good idea of the answers to.

I applaud and thank my Chairman, Congressman RANGEL, for giving this issue a spotlight on a bill that is of high priority to him.

We know that this is a starting point to full repeal of section 511 and with the continued grassroots support from the Government Withholding Coalition of private industry and the many public sector groups like the National Association of Counties, I feel confident that we will find the Ways and the Means to do away with this onerous requirement.

Mr. BOYD of Florida. Mr. Speaker, I rise today to discuss H.R. 3056, the Tax Collection Responsibility Act of 2007. I find myself in the awkward position of opposing the distinguished Chairman of the Committee on Ways and Means, but we are being asked to eliminate the Internal Revenue Service, IRS, program to collect past-due income taxes without an alternative. This program involves the collection of millions of tax dollars, and there are no plans in place to collect this money if the program were to be killed. There are no plans to collect the millions of dollars needed to close the tax gap. Additionally, there is also no alternative to finding employment for the countless disabled veterans and severely disabled Americans.

Before we eliminate this program, there should be an alternative in place. Our colleague in the other body, Senator BEN NELSON of Nebraska, has introduced an initiative that would take the IRS program and use it to create meaningful employment for persons with disabilities and disabled veterans. The Disability Preference Program for Tax Collection Contracts would give an incentive to private third-party collection companies to hire people with severe disabilities and provide them with quality jobs.

Mr. Speaker, one in ten Americans has a disability. While the current unemployment rate in the Nation stood at 4.7 percent in September, the low employment rate of persons with disabilities continues to hover at 70–80 percent. The high number of returning disabled American veterans from Iraq and Afghanistan will only serve to compound this problem.

Currently, there are not enough jobs to provide gainful employment for the severely disabled veterans with only a high school GED. The Disability Preference Program would serve to alleviate the lack of meaningful employment opportunities for these young men and women. Jobs with third-party debt collection agencies can translate to high-paying careers. These jobs pay anywhere from $25,000 to $150,000 including health and 401(k) benefits.

Under the provisions of the Disability Preference Program, an initial hire of 750 persons with disabilities would save the Federal Government close to $350 million over ten years in Supplemental Security Income, SSI, and Disability Insurance, DI, benefits alone. This figure does not include the additional benefits associated with the hiring of people in the $40,000 salary range. This landmark program would not only create well-paying jobs for our severely disabled Americans, it would save the Federal Government millions of dollars at no cost.

This legislation is necessary because the IRS stated that "under existing GSA Federal Supply Schedule, FSS, contracting procedures, it cannot set a specific number of awards aside for contractors employing significant numbers of persons with disabilities," only for the one disabled employer who may never hire another disabled person.

This is an oversight in our law which needs to be corrected. It makes no sense that current law provides an employment opportunity for ONE disabled person, while this initiative would create opportunities for hundreds—if not thousands—of people who are disabled and without a college education.

Mr. Speaker, as I mentioned previously, there is particular concern over the group of young, disabled veterans who have few employment options. Most able-bodied soldiers without formal education, upon leaving service, take positions as bus drivers, cafeteria workers, janitorial services, or security personnel. If the Disability Preference Program is not enacted soon, a viable opportunity will be lost.

This initiative is supported by the Disabled American Veterans, the American Legion, the American Legion Auxiliary, the American Association of People With Disabilities, the One Percent Coalition, and the National Rehabilitation Association. In addition, the language has been passed by the other body on numerous occasions.

I ask my colleagues in the House to join with me in supporting the Disability Preference Program for Tax Collection Contracts. I ask them to join me in providing meaningful employment opportunities for persons with disabilities and for our returning soldiers who have been disabled in the line of duty.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Tax Collection Responsibility Act of 2007. This legislation will put a stop to the use of private debt collection agencies to collect federal income taxes and ensure that this critical government function is performed by public servants on behalf of American taxpayers.

The small proportion of individuals who do not pay their taxes does increase the burden for the rest of the responsible, law-abiding Americans. In 2004 Congress attempted to hold these people accountable by authorizing a pilot private debt collection program for debts owed to the Internal Revenue Service. While this program was intended to be a more efficient way to collect unpaid taxes, it has proven to be a failure.

We have found that some of the private debt collection agencies are nothing short of bounty hunters, who use harassment to collect debts. Our constituents deserve to know that the person contacting them on behalf of the Federal Government is a public-servant, who is held to the highest standards of accountability and confidentiality, not a person whose paycheck depends solely on the number of collections they make.

In addition to the use of heavy-handed and abusive tactics to collect unpaid taxes, private tax collection agencies have also shown themselves to be significantly less efficient than the IRS agents who should be doing this work in the first place. This program has cost the American taxpayers $71 million, but has only collected $20 million, for a net loss of over $50 million. The IRS's National Taxpayer Advocate testified that for the same $71 million investment, the IRS would have collected around $1.4 billion. It simply does not make sense to waste public funds in this manner.

The Republican motion to recommit on this legislation would add to the bill a wholesale repeal of the estate tax. Repealing the estate tax would be fiscally irresponsible and break the promise this Congress made to the American people to work towards a balanced budget. Since its adoption would make the bill violate the House PAYGO rules, this motion is clearly nothing more than a political move to kill the underlying bill. This motion to recommit shows where the Republican Party's priorities are; the estate tax currently affects less than two percent of the wealthiest estates. A full repeal would require that taxes on millions of working Americans be raised and that Social Security and Medicare benefits for American seniors be reduced. I will continue to support a responsible approach to reducing the estate tax that provides relief for families without burdening future generations with additional deficit spending.

Mr. Speaker, it is unacceptable that the IRS outsources a function as central to the Federal Government as tax-collection. I urge my colleagues to join me in supporting H.R. 3056.

Mr. POMEROY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 719, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HULSHOF. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hulshof of Missouri moves to recommit the bill H.R. 3056 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 9. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act or to amendments made by title V of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri is recognized for 5 minutes in support of his motion.

Mr. HULSHOF. Mr. Speaker, I rise to offer this motion to recommit to the underlying bill, the Tax Collection Responsibility Act.

The motion to recommit would actually incorporate H.R. 2380, which is a bill for which I am the original sponsor. It is a bipartisan bill, and I would hope that my colleagues on the other side of the aisle, especially those who have cosponsored the bill, would see fit to support this motion to recommit.

Since I have these few moments, and I see the distinguished chairman of the committee who may be responding, let me anticipate some points or questions perhaps and try to respond to them.

We may hear the question: Why are we doing the death tax repeal now?

Well, three times in the last session of Congress did we have the opportunity to debate this issue and vote on it. Again, this House in a bipartisan fashion voted to completely, permanently repeal the death tax.

I am not certain under the new majority that we will have that opportunity or not. There is a policy rationale for considering this measure now. One is the certainty.

As the Speaker knows, right now there is a $2 million exemption, a 45 percent rate, a very punitive rate. That exemption in 2010 goes up to a complete repeal, and there is lack of certainty, especially those family businesses that are looking to plan on how to dispose of those assets. So I think now is an appropriate time.

We may hear from my good friend, the chairman of the Ways and Means Committee, is this bill paid for. And I would suggest first of all that there is no budgetary impact in fiscal year 2009. We are looking beyond January 1, 2011, before any budgetary impact. And I would quote the chairman of the Ways and Means Committee who at least has been quoted in the paper as saying he is ready to tackle some big, tough issues, like the alternative minimum tax. The permanent death tax repeal is significantly less loss of revenue to the government than repealing the AMT.

He has talked about fairness and equity. I can think of nothing fairer than to get rid of this very punitive tax.

We may hear from the other side, as traditionally we do, this is something that only a handful of individuals face, or that this is for millionaires only. My rejoinder to that is then why is every small business group in America, whether it be the National Federation of Independent Business, whether it be every business group that represents minority interests, the Hispanic Chamber of Commerce, the African American Chamber of Commerce in the past, all have supported complete repeal, final repeal of this very punitive tax.

Let me talk a little bit about the values of this.

This is the land of opportunity, is it not? The old adage is, if you build a better mousetrap, the world will beat a path to your door. The only thing guaranteed, of course, in America is the guarantee of freedom and liberty and the opportunity to achieve whatever it is you dream about.

Let me tell you a very personal story of a dream of a young couple. A young, strapping man left home in 1956 with his new bride in tow. They had $1,000 to their name. That is what his father had given him to go make his way into the world. And so they settled in Mrs. EMERSON's district in southeast Missouri, and they worked very hard to build a farm.

Over the course of those many years, this couple had a son, an only son. That individual is the one the Chair has recognized here today.

They built this family business, a family-owned farm, 500 acres, three tractors, a used combine, the farmhouse where I grew up. And so it was, of course, the unfortunate reality of life, and that is we meet our heavenly reward. My dad passed on the anniversary of John F. Kennedy's death on November 22, 5 years ago this November. Mom survived another 17 months after that.

I am sitting there across the mahogany desk from our old, long-time family accountant who had an old adding machine with a tape in it, and he is plugging in a value for all of these assets that my parents had already been taxed on, whose assets were to help put food on the table. Suddenly I broke out in a cold sweat because I knew when he hit the total button, that figure was going to be above or below an arbitrary line, a line set by this body.

Mr. Speaker, death of a family member should not be a taxable event, and the fact is if Congress fails to do anything with the current regime, virtually every small business in America in 2011 is going to be facing this very punitive tax. I urge an "aye" vote on the motion to recommit.

Mr. POMEROY. Mr. Speaker, I rise to claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, my friend is an articulate and forceful advocate. And we are all moved by the story of his time with the accountant, but they did not owe a tax. And basically, there is a figure missing from the motion to recommit he brings before us today, a very important figure: The cost of what the underlying motion to recommit would require. That figure is $498.8 billion. Now, we are a Nation of $9 trillion of debt, $9 trillion of debt, and they bring forward a proposal that would add another $498.8 billion, and they fail to say anything about how they are going to pay for it in their motion.

Well, obviously serious-minded legislators like my friend would not bring forward a serious proposal about repeal of the estate tax without some means of paying for it, and that is really what the heart of this motion is. It is not a real estate tax motion. This is a kill-the-underlying-bill motion.

The other side has some different priorities. Last week they were against SCHIP, expanding health insurance to uninsured kids. This week they are basically for privatizing debt collection of IRS debt. You like what Blackwater is doing in Iraq; you're going to love sending IRS debt to private bill collectors here.

□ 1715

Because they aren't going to prevail on the debate itself, they want to keep the vote from happening at all, which is what the underlying motion to recommit does, sends it promptly back to the Ways and Means Committee, which means the underlying bill is not before the House for a vote.

Mr. Speaker, to further use the time in our opposition to the motion to recommit, it is my honor to yield to the chairman of the Ways and Means Committee, Mr. RANGEL from New York.

Mr. RANGEL. Mr. Speaker, I came to the floor to hear the gentleman from Missouri (Mr. HULSHOF) who's an outstanding member of the Ways and Means Committee and I appreciate his contribution to the committee. I was moved by his story of the hardship that he felt as a result of the estate tax.

What the heck that has got to do with collecting debts that is owed to the Internal Revenue, I have no idea. If you're suggesting that we kill the bill that eliminates bounty hunters from working on commission and unfairly leaning and putting pressure on people who owe the Federal Government, that's one thing. If you want us to just substitute that and take back to the committee your idea about what we should do with the estate tax, well, you know as well as I do that we have to find out how much money do we lose, where do we raise the money, and do it in a Republican-Democratic fiscal fashion to say, hey, I want to reduce taxes here and raise it someplace else, maybe on the kids, maybe on a little tobacco, maybe whatever makes you feel good, but don't kill something with a parliamentary motion. It's not the right thing to do.

I think the subject matter that you discuss does warrant some discussion, someplace, at some time, but to imply that we should report back promptly, how promptly should we deal with the question of estate tax or estate tax repeal? Where do we get the half a billion dollars? These are things that I think should be in another day and another time.

Right now, we're talking about a great bill that if you kill this bill through a parliamentary procedure, which is all we're talking about, then the small business people that have been collecting government taxes, they're going to get hit. The citizens that we have in the Virgin Islands that are treated unfairly with the statute of limitations, they're going to get hit.

And the people who really believe that if you have to deal with your government, if you have to deal with the Treasury Department, if you have to deal with the Internal Revenue, for God's sake, deal with a civil servant whose mortgage payment is not dependent on how much money he can get out of you. Deal with someone that's been trained by the United States Government to collect money that's owed to the United States Government and not some company that has been created to fill the need because some people believe that the private sector can always but always do it best.

I do hope that when the committee has something to discuss as important as estate tax, why not discuss estate tax when it's time to do it.

Mr. POMEROY. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HULSHOF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 196, nays 212, not voting 23, as follows:

[Roll No. 959]

YEAS—196

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Alexander
Baker
Bean
Boren
Calvert
Carson
Cubin
Cummings
Everett
Hastert
Jindal
Johnson (IL)
Johnson, E. B.
Larsen (WA)
Maloney (NY)
Miller, Gary
Nunes
Peterson (PA)
Reichert
Rogers (KY)
Simpson
Sutton
Wilson (OH)

□ 1742

Messrs. CARNEY, LOEBSACK, MELANCON, MURPHY of Connecticut, ROTHMAN, CUELLAR and Ms. SCHAKOWSKY changed their vote from "yea" to "nay."

Mr. KAGEN and Ms. GIFFORDS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 173, not voting 26, as follows:

[Roll No. 960]

AYES—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder

Solis
Space
Spratt
Stark
Stupak
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—173

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—26

Alexander
Baker
Bean
Boren
Calvert
Cardoza
Carson
Cubin
Cummings
Doggett
Everett
Hastert
Jindal
Johnson (IL)
Johnson, E. B.
Kilpatrick
Larsen (WA)
Maloney (NY)
Miller, Gary
Nunes
Peterson (PA)
Reichert
Rogers (KY)
Simpson
Sutton
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1750

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 949–958 on Tuesday, October 9, through Wednesday, October 10, 2007. Had I been present, I would have voted in the following manner: "yea" on rollcall votes 949, 950, 951, 952, 953, 954, 955, 958, 960; "nay" on rollcall votes 956, 957, 959.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to offical business in the 13th Congressional District of Michigan, I was unable to attend to two votes. Had I been present, I would have voted "nay" on the motion to recommit H.R. 3056, the Tax Collection Responsibility Act of 2007, and "aye" on final passage of H.R. 3056, the Tax Collection Responsibility Act of 2007.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 618

Ms. CLARKE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 618.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–371) on the resolution (H. Res. 724) providing for consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR RULES COMMITTEE CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. WELCH of Vermont. Mr. Speaker, the Rules Committee is expected to meet the week of October 15 to grant a rule which may structure the amendment process for floor consideration of H.R. 2102, the Free Flow of Information Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 4 p.m. on Friday, October 12. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on the Judiciary. A copy of the bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to tell us what the plans are for next week.

Mr. HOYER. I thank the distinguished Republican whip for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business on Friday.

On Tuesday next, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider the President's veto of the Children's Health Program; Foreign Intelligence Surveillance Act legislation; a resolution regarding the withholding of information related to corruption in Iraq; H.R. 2095, the Federal Railroad Safety Improvement Act; and H.R. 2102, the Free Flow of Information Act.

On Friday, there will be no votes in the House.

Mr. BLUNT. I thank the gentleman for that information.

On the President's veto on the SCHIP bill, we expect that vote to come, I believe the gentleman said, on Thursday.

Mr. HOYER. Thursday, the 18th.

Mr. BLUNT. On Thursday, the 18th. I really have two questions about that. One is, what time during the day do we expect that to happen? After the 18th, we will have 5 more weeks before the extension expires, and I'm wondering if we can anticipate any effort to include the minority, if in fact the President's veto is sustained.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman. I don't know exactly what time. I would hope sometime around the middle of the day, noon or thereabouts we would consider the veto, maybe closer to 1 o'clock, but certainly in the middle of the day.

Of course our expectation is that so many of your Members will determine that this policy is absolutely one that ought to be adopted that we will override the veto and that 4 million additional children will be covered. That's certainly our hope. I know that's not your expectation.

So in the event that that does not happen, I think the answer to your question is, I would certainly be prepared to discuss the matter with you. No one has any intention of, frankly, seeing children dropped from the Children's Health Insurance Program.

As you know, the President's proposal, if we adopted the President's proposal, would result in a net reduction of 840,000 children from the current program. We think that's not appropriate and, therefore, we want to move legislation forward, appropriate funding levels, and we would certainly be available to discuss that.

We do anticipate, however, and are very hopeful that the Congress will work its will on this legislation.

Mr. BLUNT. I thank the gentleman for that information and for his attitude about this.

We were concerned this week, many of our Members were concerned, including the Members who had voted with the majority, when the leader on the other side of the building suggested that if this bill wasn't approved there would be no bill. We're not for that. We're for including the children that are covered now. I think that does mean that you have to go beyond the President's proposal, though in fairness to the President's proposal, his proposal would not have taken people off this program without intervening Congresses and intervening budgets, in my view.

But that's not the purpose of the debate here. The purpose of the debate is to try to have a program that works for children. I'm hopeful that we can arrive at a bill that I vote for, that the President signs, that keeps this program going.

I'm very pleased that the gentleman doesn't take the, if it doesn't work out to override the veto, as I believe it won't, that we still need to work together for a program that works well for children. And I appreciate the gentleman's comments on that.

And if we do sustain the veto, I pledge that I'll work hard with you to try to make this program work in the way that the majority of House Members, the majority of House Republicans, feel that it should to continue the current program.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I would love to work with you on this issue just a little before we have the veto override, if perhaps we could convince you to be helpful at that point in time.

But if not, as we have in the past, I want to say something; my friends on my side of the aisle know this. I have always found the gentleman from Missouri, the Republican whip, to be open to discussion and reasonable discussion to see if we can move forward.

I don't know what exactly was said on the other side, but I would reiterate that nobody, I think, in this House, as I said in the debate, closing the debate on the CHIP bill when we passed it through this House very handily, that I believe every Member of this House wants to ensure that children have access to health care. And we need to work on how that can be accomplished. We think the bill we passed does that. But we certainly will be available to make sure that happens however we can get it done.

Mr. BLUNT. I appreciate that. I appreciate my friend's comments. And as many Members, most Members of the House know, we are good friends.

On the bill that the House voted on, as you know, I don't think House Republicans had the opportunity to have input there. I believe Senate Republicans may have. House Republicans did not. And I would like to see us work together to be sure that the priorities and the program are all exactly what the American people think we're talking about and what we hope to be talking about.

As we near that November 16 day, my other concern would be the fact that we apparently are not meeting yet on any appropriations bills. I believe on the four bills that have been sent over from the Senate, that our side is ready to join the Senate, who has already named conferees, and name conferees at any moment, and hope to see that happen.

I wonder, do we have any sense of any effort to get some of these appropriations bills before the House and on the President's desk in the month of October? Or even before November 16? And if we have a plan there, can you give me an idea of what that might be?

We've had four bills now. Some of them we've had for over a month. One, the Homeland Security bill, it is obviously important we continue those efforts; the Military Quality of Life bill.

□ 1800

We have had conferees named by the Senate for over a month now. We're ready to name our conferees, I believe, and I wonder if there is any way we can go ahead and at least start a conference to have a chance to get some of these bills signed into law.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

We are desirous, of course, of passing all 12 appropriation bills out of conference, through both floors, and to the President. We want to do that. We are working towards that end.

I will tell my friend I have talked to Chairman OBEY. There are discussions going on between the House and Senate. He is correct, there hasn't been a conference yet. There are still some issues that need to be resolved. But we are hopeful, in answer to your question, that appropriation bills will be on the floor and will be passed and will be sent to the President prior to the 16th of November. And as I have told my friend before, we have no intention of getting to a place where the government is shut down. The best way to do that is passing our 12 appropriation bills and having the President sign them. We hope we can reach that objective, but obviously at this point in time, much work remains to be done. But we hope to be doing it.

The Senate, as you know, was not in session this week and we are here in an abbreviated session because of the untimely and sad death of our colleague Jo Ann Davis. But we hope to move appropriation bills and we hope to have them on the floor, as the gentleman asked, prior to November 16.

Mr. BLUNT. I would hope so.

Mr. HOYER. If the gentleman will yield.

Mr. BLUNT. I will yield.

Mr. HOYER. I don't want that read as saying I believe that we can get all 12 appropriation bills before November 16 because the Senate has only passed, as you point out, four of the 12 at this point in time. We are hopeful that they will have bills on the floor next week and can get through those bills in a relatively short period of time so that we can move ahead. But I didn't want to leave the impression I thought that all 12 would possibly be moved through by the 16th of November.

Thank you.

Mr. BLUNT. I thank the gentleman for those observations.

Of course, Mr. Speaker, I have been in the job he is doing now and in the whip's job on the majority side, and I do know that waiting for the Senate to pass their bills and taking blame, as we did and as others will in the future, for not getting our work done is a frustrating thing. But if we can move some of these along, I believe it's better.

I also, in response to the gentleman's comments about having the President sign the bills, hope that we are dealing with the reality that the President actually does have to sign those bills, and if he is not willing to sign the bill, we can go through the efforts of a veto and sustaining or overriding and all those sorts of things, but before we can get next year's business started, we actually have to have the President sign a bill. And I hope we are developing a strategy to do that.

On FTA, the Peru FTA has been through the markup phase in the Ways and Means Committee, and I'm wondering when the gentleman expects that, the first of four pending trade agreements, to come to the House floor.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

And I say to him that we had discussions on that today with Chairman RANGEL and we are going to try to move Trade Assistance Adjustment to provide for any dislocations that might occur that Members are concerned about. And I'm hopeful that we can move as well the Peru FTA hopefully by the end of the month, but in no event later than November 16. So it is very much my hope between now and then. But we will certainly pass at least the Peru FTA along with the Trade Assistance Adjustment.

I will say to my friend that Panama is another bill that I think might be possible; however, the gentleman knows there is a problem that has arisen unrelated to the provisions of the trade bill but which are of great concern to many Members on both sides of the aisle.

Mr. BLUNT. I understand that. And, of course, I also understand that up until now, we have always done these trade bills in sequence based on the time they were negotiated, at least under the TPA regimen we have when the House has been involved in trade bills. And Colombia, Panama, South Korea are all out there. I hope we can figure out a way to have the kind of debate those bills deserve.

I would also like to say to my friend I appreciate the accommodation of the House schedule this week based on the loss of our colleague from the First District of Virginia, Jo Ann Davis. She cared about the things this Congress does. She was a great Member of Congress. I think it's fair to say she was particularly focused on the armed services and on Federal employees, both of which she had a real opportunity to impact.

And I would say that I remember her seat over here where she almost always sat, that last week she was able to be here with us, just looking, and it was obvious the great health challenge she was facing and the incredible effort she was making to be here to cast the last week of votes she was able to cast. And for your quick accommodation of the schedule so that we could participate in her memorial service tomorrow and also, frankly, recognize her service by the House not being in session tomorrow, I am grateful to you for that.

I would yield for any comments you might want to make.

Mr. HOYER. I thank my friend for yielding, and I want to join him in commending Jo Ann Davis and sending our sympathies from this side of the aisle to her family.

I had the opportunity of working with her on a number of Federal employee issues. She and I both represented large numbers of Federal employees. She was very conscientious, hard working, focused, obviously very concerned about our national security, represented very substantial defense establishments, Navy establishments in her district. Her district was across the Potomac River from mine, as the gentleman probably knows, and we will miss her. I know that her constituents will miss her. And we were certainly pleased to have the opportunity to make sure that any and all Members who could go and wanted to go would be able to attend the services that will be held for her tomorrow at 1 p.m.

I thank the gentleman for his observations and join him in my commendations to her.

Mr. BLUNT. I appreciate your efforts to do that. She was an example of public service and personal courage.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJOURNMENT TO FRIDAY, OCTOBER 12, 2007

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, October 12, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, October 15, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR EXPENSES OF SELECT COMMITTEE ESTABLISHED UNDER H. RES. 611

Mr. DAVIS of Alabama. Madam Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 723) providing for the expenses of the select committee established under House Resolution 611.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 723

Resolved,

SECTION 1. EXPENSES OF SELECT COMMITTEE.

(a) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House of Representatives not more than $300,000 for the expenses of the select committee established under House Resolution 611, as agreed to August, 3, 2007 (hereafter referred to as the "select committee").

(b) CONSULTANTS.—The select committee shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) VOUCHERS.—Payments under this resolution shall be made on vouchers authorized by the select committee, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

(d) REGULATIONS.—Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRAY FOR THE VICTIMS OF THE CLEVELAND SHOOTING

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Madam Speaker, Members of the House that are still here this afternoon, and people of America, I ask you to join with me in a moment to say prayers for the families of the victims from the Cleveland shooting this afternoon.

It is unfortunate that we as a Nation once again face a shooting in a public schoolhouse. It is unfortunate that we once again face children who have access to guns in an educational environment.

I ask you to pray for the family of the young man who was the shooter. I ask you to pray for the families of the persons who were injured in this shooting.

Day after day we will get all kinds of questions about what happened and how it happened and what we could have done. But today is a day when we should stop and just for a moment say prayers on behalf of all those families.

The city of Cleveland is my home. I grew up there. I currently represent it, and I ask you to hold us in your thoughts and prayers and pray that God will give us the strength and the ability to work through this difficult time.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TODAY MARKS A TRAGIC DAY IN AMERICAN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today marks a sad and tragic day in American history. Today is the fifth anniversary of the House joint resolution which authorized the use of American Armed Forces against Iraq.

I was among the 133 Members of the House who voted "no" on that resolution. But our voices could not be heard over the deafening spin machine of fear and misinformation that came from the administration.

We were told about mushroom clouds, yellow cake, and weapons of mass destruction. They all turned out to be fairytales. But they became the rationale of something America should never, never do: wage a war of choice.

But now the American people know that our involvement in Iraq is folly, and in 2006 they sent us to Congress to end the occupation.

Iraq is not the American people's war; it is the administration's war. And it goes on because the administration has turned a deaf ear to the will of the people. The administration looks to our involvement in South Korea as the model for Iraq. That means a permanent occupation that may last half a century or more.

Who wants this? The American people don't want it. The Iraqi people don't want it. The people of the Middle East don't want it. Our allies don't want it. The world does not want it. Iraq is the symptom of a foreign policy that is fatally flawed. We have turned our backs on the structure of international cooperation and agreement that is the best way to stop terrorism, ensure our national security, and keep the peace.

Our leaders have told us to wait for history to judge the wisdom of our involvement in Iraq, but we don't have to wait; 5 years is long enough to judge. And we already know what the occupation has done; it has shattered the lives of millions through death, injury, and displacement. It has wrecked our moral leadership, it has wrecked our standing in the world. It has distracted us from fighting the poverty and hopelessness that give rise to terrorism, and from working with other nations to dismantle terrorist networks. It has made us foreign occupiers in the eyes of the people of the Middle East, making it virtually impossible for us to be partners for peace in that very volatile region.

The occupation broke faith with our brave troops. We told them they were going to fight America's enemies, and then we left them to police a civil war that has nothing to do with America. The occupation has undermined our commitment to civil liberties and human rights. America should be known as the great champion of democracy; instead, we are known for Abu Ghraib, Guantanamo, illegal wiretapping, and the PATRIOT Act.

The occupation has squandered nearly half a trillion dollars from our Treasury, robbing money from domestic needs. And the occupation has not made our Nation safer. Our intelligence community has warned us that al Qaeda is using the occupation to recruit operatives for attacks on the United States.

So how should we mark this fifth anniversary day? Let us use October 10, 2007 to correct the mistake this House made on October 10, 2002. Let us use this day to commit ourselves to a bold new course of action. Congress must rescind the resolution authorizing the use of force in Iraq. Congress must use its power of the purse to defund the occupation and, instead, fully fund the safe, orderly, and responsible redeployment of our troops and withdrawal of all military contractors now. And Congress must resist the new drumbeat of war, this time against Iran.

The occupation of Iraq represents a failure of national policy. America's true strengths lie in our commitment to moral action, lies in our compassion for the people of the world, and a government based on the rule of law. Let us use this day to return to those values and ensure the safety of our country and our people. And let us be committed to bring our troops home from Iraq.

□ 1815

HOMES FOR OUR TROOPS

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I rise this evening to commend Homes for Our Troops, a nonprofit 501(c)(3) organization, for its remarkable service to military men and women who have returned home with serious disabilities and injuries.

Homes for Our Troops was founded in 2004 to assist severely injured service men and women and their families by raising donations of money, building materials and professional labor, and coordinating the process of building a new home or adapting an existing home for handicap accessibility.

Homes for Our Troops has been awarded the Seal of Excellence by Independent Charities of America, and all services provided by the organization are at no cost to the veteran it serves.

This Saturday, I happened to be fortunate enough to witness firsthand the great work of this organization when U.S. Sergeant Edmundson and his family received keys to their new home in New Bern, North Carolina.

Sergeant Edmundson was severely wounded on October 2, 2005 in an IED attack in Iraq. His injuries include shrapnel wounds to his abdomen and right leg, and fractured vertebrae. Sergeant Edmundson has not been able to walk since the explosion, and he still cannot talk. He has worked very hard the past 2 years to regain quality of life, and just recently returned to his family after a 6-month rehabilitation stay in Chicago.

After Sergeant Edmundson was discharged, he and his family relocated to New Bern, North Carolina. Sergeant Edmundson and his family were selected to receive a new home after they encountered John Gonsalves, the president and founder of Homes for Our Troops. Sergeant Edmundson was at a recovery center in Washington, DC, when he met Mr. Gonsalves.

Thousands of dollars in donations from businesses and members of the Craven County community poured in to support the efforts of Homes for Our Troops to build a home for this hero and his family in New Bern, North Carolina.

This Saturday, my heart was touched so deeply as I saw the joy of Sergeant Edmundson, his wife Stephanie, and his little girl, Gracie, as they were welcomed into their home.

This story is only one example of many individuals and groups across this Nation that are doing God's will for our men and women in uniform. I feel humbled to have met Sergeant Edmundson and his family, and all of those who have formed such a caring support system for them. These contributions and acts of service are what truly shows the goodness and the greatness of America.

Madam Speaker, with that, I close by asking God to continue to bless our men and women in uniform and their families, and ask God to continue to bless America.

FIFTH ANNIVERSARY OF IRAQ AUMF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, I rise this evening to commemorate a sad and very tragic anniversary in our Nation's history. Five years ago today, over my strong objections and the objections of many of my colleagues, Congress voted to authorize the use of force against Iraq.

This campaign of shock and awe was a campaign that shocked us all. It was hard to believe that this administration, based on what little information they had, would move in and bomb and invade Iraq.

I often wonder what would have happened had the House approved the amendment that I offered that would have allowed the United Nations inspectors to finish their jobs. If my amendment had passed, and from what I remember, there were about 72 "yes" votes on that amendment, inspectors would have made it clear what we believed then and what the world knows now, that there were no weapons of mass destruction in Iraq. And how sad it was to see a great general, military man, then Secretary of State, Secretary of State Colin Powell, go to the United Nations and cherry-pick information to present to the world to try to convince the world and to convince this Congress to vote to invade and bomb Iraq.

Five years later, the President's failed policy in Iraq has claimed the lives of more than 3,800 brave service men and women, nearly 30,000 wounded, and countless Iraqi civilians, and yet we heard many years ago that the mission was accomplished.

This has cost us more than $400 billion, nearly a half trillion dollars, with the President poised to ask for $200 billion more, and no end in sight. The invasion and occupation of Iraq has undermined our Nation's security and the security of the world.

Along with Congresswomen LYNN WOOLSEY and MAXINE WATERS, many of our colleagues in the Progressive Caucus and in the Out of Iraq Caucus have indicated that we in Congress have the power, and we know we have the power, it is a constitutional mandate and requirement, to end the President's failed policy in Iraq. And today, we worked together, over the last few weeks, to put together the information so that this morning we could release a poll today that shows that the American people support us in doing this.

The President wants to pretend that Congress's only choice is to provide funds that he has requested unconditionally or cut off funding for our troops. This is a false choice, and we cannot buy into that argument. We can use our constitutionally mandated appropriations power to end his failed policy, to protect our troops and contractors, and to bring them home. We have the power to fully fund redeployment, and that is what we must do.

Our poll found that 70 percent of those surveyed rejected giving the President further funding for Iraq without conditions, and people favored requiring funds be spent on redeployment over providing the administration funds without conditions. And this was by a 2–1 margin. So, with the support of the American people, we will continue to build support in Congress for fully funding redeployment.

We wrote to the President of the United States to indicate that that is the only way he will get our vote for any funds for this very tragic occupation and tragic civil war that we find ourselves in now. Now we have maybe 86, 87 Members who have committed to this strategy because they know that this is the only way we can end this.

The truth is, the President's "stay the course" strategy provides an exit strategy really for him at the expense of our troops. It allows him to run out the clock on his failed policy and to slip out the door, to leave the American people holding the bag.

How many of our troops should die so that the President can save face? How large of a sacrifice must we make of our children's and grandchildren's future so that the President can avoid just admitting that he was wrong?

The President is not going to take responsibility for this failed policy, we've seen that and we know that now, so the Congress must. We must act. And the best way for us to do that is to fully fund the safe, timely, and responsible redeployment of our troops and contractors from Iraq.

So on this somber anniversary, we must remind our colleagues of what happened and how we got to this place; but also we must stand tall and say we will bring our young men and women home, and we will end this occupation soon.

ARMENIAN GENOCIDE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, for more than 90 years, Armenians were denied recognition for the genocide of 1915. We promised in 1945 to never forget the Holocaust, to remember when such atrocities are committed. But the world could well forget the first genocide of the 20th century. In fact, Hitler used the world's denial of the Armenian genocide as the justification for his invasion of Poland and the ensuing murder of Europe's Jewry.

In a speech he gave in 1939, Adolf Hitler stated, "I have placed my death-head formation in readiness, with orders to send to death mercilessly and without compassion, men, women and children of Polish derivation and language. Who, after all, speaks today of the annihilation of the Armenians?"

Unfortunately, Members of Congress, both Republicans and Democrats, are seeking to, once again, bury this to appease Turkey. We remember Turkey well, a formerly strong NATO ally; but in 2003, when the United States Army requested permission to transit this ally's territory, Turkey said no, a decision which cost the lives of American service men and women.

Former U.S. House Majority Leader Dick Gephardt, once an ardent supporter of the Armenian Genocide resolution, is now registered with the Justice Department as a foreign agent of the Turkish Government. Like many other former Members of Congress, he is lobbying against a bill that he cosponsored when he served in this body. As a defender of human rights, our country must formally recognize the genocide that Hitler so easily dismissed.

From 1915 to 1923, the Ottoman Turks systemically annihilated more than 1.5 million ethnic Armenians. There is no other way to describe this organized campaign of murder other than as genocide.

The Armenian Genocide resolution, H. Res. 106, was just approved today by a vote of 27–21 in the House Committee on Foreign Affairs. I urge Speaker PELOSI to bring this important resolution to the floor so that we may finally provide the Armenian community with the recognition that they deserve.

□ 1830

THE FIFTH ANNIVERSARY OF ONE OF THE MOST TRAGIC DECISIONS EVER MADE BY THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, this date, October 10, 2007, marks the fifth anniversary of one of the most tragic decisions ever made by this House of Representatives. It was a decision that was also followed in the same way the following day, October 11, 5 years ago, by the United States Senate. That decision was based upon a request by this Bush administration to authorize the military invasion of the sovereign nation of Iraq. And that request by this administration and the subsequent authorization by this Congress was done based upon false information which was presented by various members of that organization.

After the attack of September 11, 2001, which was carried out by the al Qaeda network, this administration began to press the idea that Iraq was involved in that invasion. They began to try to manipulate the intelligence that was presented by our legitimate intelligence agencies. They began to press various parts of those intelligence operations to try to get them to provide some information upon which they could somehow justify the idea that Iraq was involved in that attack of September 11, 2001. That never really happened. The legitimate aspects of our intelligence agencies never produced that information.

Nevertheless, this administration provided that form of intelligence in an internal way within their own operation, evidence that they used to suggest initially that there was a relationship between Iraq and the attack of September 11th. They then began to make allegations that Iraq was a very dangerous country and we needed to engage them in a military invasion, and that military invasion was necessary based upon their assertion that Iraq possessed substantial amounts of so-called "weapons of mass destruction." They were alleging biological and chemical weapons. Those allegations, of course, were based upon the fact that the first Bush administration and the Reagan administration, back in the 1980s, had, in fact, provided biological and chemical weapons and other forms of weaponry to the Iraqi Government of Saddam Hussein. They believed that perhaps some of those weapons were still in existence in Iraq in spite of the fact that they were told over and over again that that was no longer the case. So they continued to press the idea that we should justify the invasion of Iraq. Unfortunately, the majority of the Members of this House and the Senate apparently bought into that idea and voted to authorize that invasion.

Those of us who voted against it had access to information that everyone should have had access to, I believe that most people did, that there was no connection between Iraq and the attack of September 11; that whatever chemical and biological weapons had been sent into Iraq in the 1980s were no longer there; and that there was no justification for the assertion that was made by many members of this administration, including the President himself, that Iraq was engaged in the production of nuclear weapons.

On October 7, just several days prior to the vote here in the House of Representatives, the President made a speech in Cincinnati, Ohio. That speech, in part, was in response to growing evidence that there were no weapons of mass destruction in Iraq. President Bush, like other members of his administration, Donald Rumsfeld, Vice President CHENEY, and others, used the phrase "mushroom cloud." He said, "You do not want the evidence of weapons of mass destruction to be in the form of a mushroom cloud." That, of course, was designed to create that image in the minds of the American people that we were confronting a nation that was likely to use nuclear weapons against our country and against others, all of which was completely false.

So we know now that all of the justification for that invasion was false, and this Congress now has the responsibility to engage in actions to correct it. We need to set a specific date for the withdrawal of our military forces from Iraq. We also need to take action for a specific provision which will deauthorize that invasion which was authorized on October 10, 2002. We need to do that as soon as possible.

WHAT ABOUT THOSE INDIANS!

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES of Ohio) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I rise today as a proud sports fan from the City of Cleveland, Ohio. Yes, I have said it. What about those Indians? It has been years since Clevelanders can stand up and say they are proud of their professional sports teams and can actually point to success. Yet just this year the Cavaliers made the NBA finals for the first time in franchise history and on the back of our young superstar, Lebron James. After a strong draft in the spring, the Cleveland Browns looked competitive for the first time since the franchise returned in 1999, save one season.

But the main reason I stand today is to congratulate the Cleveland Indians for their first trip to the ALCS since 1998. Cleveland fans have been through a lot of disappointment in our sports history. Two losses for the Browns in the 1980s in the AFC championship by a drive and a fluke fumble. Losses to Michael Jordan's Bulls by the Cavs in the Eastern Conference finals in the early 1990s, and most recently in a heartbreaking loss in Game 7 of the 1997 World Series in the 9th inning to the Florida Marlins.

As a lifelong Clevelander, it has been difficult to live through so many near misses, and it makes you yearn for the days of Jim Brown and Bob Feller. The Indians displayed such a consistent level, failures during the 1960s, 1970s, and 1980s, that the movie "Major League" was made depicting a fictional Indians team that was supposed to be the worst ever in baseball. However, all this disappointment changed in the 1990s when the Indians moved to their current home, Jacobs Field.

It was not so long ago that the Indians were competing for the World Series every year. Throughout the 1990s, the Indians made the World Series twice, in 1995 and 1997, and made the playoffs 5 straight years from 1994 to 1999. After a few bad years, the Indians were rebuilding through the early part of the 2000s, and I must credit General Manager Mark Shapiro for putting together a young, talented team that looks poised to become the class of the AL Central for years to come.

This year, the Indians won the AL Central crown and tied for the best record in baseball with the Boston, what are they called? Boston Red Sox. I must say, this team is exciting to watch. We have a rising star in center fielder Grady Sizemore, the best one-two pitching punch in baseball with CC Sabathia and Fausto Carmona.

I want to give a special shout out to veteran outfielder Kenny Lofton. Kenny is the only player on the roster who played with the Indians during their playoff runs in the 1990s. Kenny has played for 11 teams in his 17-year baseball career, including nine different teams in the last seven seasons. He played nine of those seasons with Cleveland, and I was so happy to see him return during this season. He provides veteran leadership in the Indians lineup, and his performance in the ALDS is one of the main reasons the Indians have moved on to the ALCS. Cleveland is proud to have him back, and hopefully he can help lead the Tribe to the World Series victory he has worked for.

The Indians have been very impressive so far this postseason, defeating the vulnerable—veteran, excuse me, vulnerable now, New York Yankees in four games and closing out the series this past Monday in New York. I can't wait to see them take on the Boston Red Sox this Friday and hopefully win the series to get into the World Series.

It has been a tough few decades for Cleveland sports fans, but this year is providing hope for success in the future. This success is so wonderful and cherished by a community that has experienced so much economic loss. So I am grateful that our sports serve as a beacon of pride for Cleveland. I want to thank the owners, the management, and most of all the hard-working, young players, the Browns, the Cavs and the great Indians. And I want to say they do a good job in representing the City of Cleveland.

Madam Speaker, I want to thank you for the opportunity to speak today, and I just want to close with one more thing. Go Tribe! Go Indians! Go Cleveland!

END THIS ENDLESS WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Madam Speaker, on this unfortunate day 5 years ago, a majority of this House enabled President Bush to proceed with his tragic "go it alone" war. He was dead certain then, and he was dead wrong then. He is dead certain today, and once again dead wrong. As a result of his choices, we approach now some 4,000 Americans whose lives have been lost, perhaps as many as another 30,000 who have been disabled.

Our Treasury, of course, has been disabled of what is scheduled to be probably a trillion or more dollars out of our Treasury that could have been spent right here at home on more causes that would have touched and protected the American people, their health care and economic security.

After this 5 years, I think it is important to look back and realize that despite the position of the Republican leadership, the Republican administration, and most of the Democratic administration, that in this House that day 5 years ago, a substantial majority of House Democrats voted against this war that should never have been launched.

We say today that the best course for this country to pursue is a new course, a change of course, not just more of the same old thing as the President proposed in his escalation, as he has implemented in his escalation, but a genuine change in course.

We need to end this endless war in Iraq. We really already have a blueprint of how to do it, how to implement a safe and orderly redeployment. The United Kingdom, the only one of our allies to offer any substantial help in Iraq, is already redeploying and seems to be indicating that their troops will be out of Iraq next year. We need to join that coalition, the coalition of refocusing on priorities here at home, because what we have done in Iraq has not made our families safer. As one independent study after another has shown, what we have done there has made our families much less safe than had this adventure never been launched.

For the last 5 years, this administration has repeatedly presented us with false choices. Remember, there would be a mushroom cloud, perhaps, if we waited to find the smoking gun to justify the invasion of Iraq to find all these weapons of mass destruction that never existed. Now we hear the same old deadly course is the only alternative to a "precipitous withdrawal." Well, I don't know of anyone who is proposing a precipitous withdrawal. There are other reasonable alternatives. We believe that the better course, a new course, is a safe, orderly, fully funded, phased redeployment. The British already have this underway.

☐ 1845

The British already have this underway. We can follow their example, and we can follow the leadership of the American people reflected in one study after another, that they want that kind of change in course.

The choice to redeploy or not is a decision about priorities. While it is true that the big cost of what we are doing there is measured in the blood of the brave, we are also hemorrhaging some $3 billion in Iraq expenditures right out of our Treasury, week after week, month after month.

The President vetoed the Children's Health Insurance bill, because even too little for our children seems to be too much for him. Half a trillion dollars for a war already that he chose in Iraq, but for the children of America's working poor, he brusquely tells us, they can just go to the emergency room. With millions of children uninsured, it is too soon to declare "mission accomplished" there, just as it was too soon for him to make that declaration years back and many deaths back in Iraq.

In Iraq and with the Children's Health Insurance Program, we believe that the President is on the wrong course and that we cannot afford to wait until he departs office to end this war and to end the indifference that he has shown toward our children.

This fifth anniversary then should be commemorated with thoughtful consideration of alternatives for new courses and new avenues to address the tremendous damage that has been done by this faulty policy of preemptive war. I believe that we need in these next few months to continue to focus on the wrongs that have been committed, the damage that has been done, and bring people together behind a genuinely new course that we have not tried before, and that is a complete but phased, safe and orderly, fully-funded redeployment of our troops that will protect our families, that will assure our Nation's security, and will not continue with the hemorrhaging that we have suffered these last many years.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you so very much, Madam Speaker. It is an honor to be here before the House once again. As you know, the 30-Something Working Group, we come to the floor weekly, if not once, twice, if not twice, three times, to share with the Members the forward progress we are making with a number of pieces of legislation. In some areas we not only need Member help, but we need the American people to stay involved and get involved in certain issues.

As you know, last week we talked quite a bit about the children's health care bill that passed in a bipartisan vote here in Congress. We know that we have given Web sites out to the Members so that they can be able to educate themselves even more and also to the American people. I think it is important, Madam Speaker, that we continue in that light.

There will be a vote, I believe not this Thursday, but next Thursday, to override the President on behalf of children's health care. There are a lot of editorials that have been written, a lot of pressure that has been applied to the President and also mainly to Members on the Republican side of the aisle that we would need to vote in the affirmative to be able to allow us to do that.

I have faith, because I have watched legislation pass. I have watched the President and I have watched Republicans on the other side say that we're not going to increase the minimum wage; we're not going to take part in increasing the minimum wage. And when the American people voted for a new direction, that legislation was one of the first pieces of legislation that came before this House. We voted an overwhelming affirmative, the whole Congress.

The President was kind of stutter-stepping on it, and, all of a sudden, he signed it, even though he said he wouldn't sign it. That is not because of an act of the Members of Congress. That is because the American people were involved in that process and thought it was very, very important. A supermajority of the American people called their Members of Congress and said this is important, we must do this, and it is important for our economy.

The same thing as relates to the student loan interest rate. We cut it in half. The President said he would not sign that bill. It was not just because of the act of the Democratic majority moving in a new direction, it was because the American people got involved in that process and President Bush changed his mind.

I think it is very, very important for us, and I just want to say this to the Members and also to staff, maybe it is important for us to get the time that the President signs these bills late Friday at like 7:30 in the afternoon before he goes to Camp David. If the President signs it in broad daylight or at night, as long as he signs the bill and allows the American people to get what they deserve, a piece of the pie.

I am going to yield right now, because I know that I have a couple of colleagues that are here that want to shed some light on action. We have finished votes.

I just want to say also, Madam Speaker, our colleague, Congresswoman Davis, our hearts go out to her family and also to her constituents and also everyone that she has touched in her lifetime. We served together, I believe on Armed Services, and even though she was on the Republican side of the aisle, we were colleagues here in Congress. She served to the very end, and I am forever grateful to her family for allowing her to serve and be a part of this body, to serve the American people.

I know that over the coming days, tomorrow, I believe, will be her homegoing service, that there will be further reflections on her life.

With that, I would like to yield to Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK, and my condolences go out as well to the Davis family.

Mr. MEEK, I am glad you started where we left off last time, talking about children's health care, because it is still on the table. For a lot us, we still believe that it has hope. This 2-week period in which we postponed a vote on the override will give our friends on the other side of the aisle the opportunity to rethink their position on this issue, to go back to their districts and talk to the millions of families, thousands and thousands of families in each congressional district across this country who are struggling with the real peril associated with trying to get health care in this country.

We are talking about 6 million kids which are going to lose health care if we don't reauthorize the national Federal Children's Health Program, the SCHIP program. We are talking about 4 million new kids that don't have health care now that could have health care.

We are really talking about families that are playing by the rules, who are doing everything we ask of them, working one job, two jobs, maybe even three jobs, but can't get health care through their employers. It just makes sense for us to reach out and try to help those families.

Mr. Speaker, it makes sense not only because it's the right thing to do from a moral standpoint, but we care about our fellow human beings, and we are our brother's keeper. But reaching out a helping hand to a sick child who lies in their bed simply because their parents can't afford a doctor, that is part of our moral obligation as Members of Congress, but it's also the fiscally responsible thing to do. These kids get health care, but they don't get health care until they get so sick that they end up in emergency rooms, and they end up getting the least humane, most expensive health care available to them.

Madam Speaker, this bill, the SCHIP bill, the Children's Health Insurance bill, which we hope we will have enough votes to override the President's veto on next week, this is not just about our moral obligation as a Congress, but it is also about our fiscal obligation. I know Ms. WASSERMAN SCHULTZ will talk about this today.

It is also about choices. This is not about play money, found money or new money. This is about taking funding that we have been sending for far too long into the civil, religious conflict in Iraq. Thirty-seven days worth of funding of that war could insure every child that the SCHIP bill seeks to cover, 10 million kids. In the end, this is just about choices.

Madam Speaker, we have still got time to convince a few folks on the other side of the aisle to join us. You remember, Ms. WASSERMAN SCHULTZ, when this bill first came before the House, there were only a handful of Republicans that supported that. They went back to their districts over the course of August and they came back to take another shot, and, guess what? We had almost three to four times as many Republicans who, after they went back and heard from their constituents on this, decided they were going to stand with us, stand up for children's health.

I think the same thing can happen again next week if families throughout this country, if hardworking Americans who have no health care, go to their Members of Congress and say, listen, it is time to do the right thing for kids, time to do the right thing for families, time to do the right thing for health care. I think we can have a victory.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I also want to add my voice and sorrow that goes out to the Davis family. Mr. MEEK, Mr. MURPHY, this is also Breast Cancer Awareness Month. Since we know that our dear colleague, Mrs. Davis, succumbed to breast cancer after a valiant 2-year battle, I think it is important to note that we are in Breast Cancer Awareness Month.

Breast cancer affects so many women from so many different walks of life, and it strikes every potential family, whether you're a Member of Congress, a maintenance worker, whether you're a scientist or someone from any walk of life. It is important that we focus our research and our effort, our dollars, our passion and our commitment to finding a cure for this horrendous disease. My prayers and thoughts go out to her family as well.

Madam Speaker, that having been said, I do have to tell you that I go back to my district and have talked to lots of different groups at home and in various places around the country, and when I bring up the possibility of the fact that President Bush might, and then did, veto a bill that would expand access to health care to 10 million kids, people really look at me like we must be working with aliens from another planet. Really. The jaws drop open, the puzzled look on people's faces in the audiences that I speak in front of, when I tell them that most of the Republicans and this President are actually opposed to expanding access to children's health care.

Now, they will say they are not. They have been saying, no, no, we support it. But words are pretty hollow when it comes to a mom or a dad whose child is suffering with a fever and they have no health insurance, which means they can't call up a doctor like we can and make an appointment to have a simple checkup or to get some antibiotics, and that they have to wait until their child is so sick, until that temperature climbs to about 104, 105, until you're ready to push the panic button, fly in your car, if you have a car, if you have a way to get yourself to the emergency room, to take your child to the emergency room to use it as your primary health care access.

People get that this is simple: You are either for making sure that kids have health care, or you're not. The lame excuse that they use, Mr. MEEK and Mr. MURPHY, is that they try to tell people that this is covering kids whose parents can afford insurance already, or who are already covered. They actually say that there are people that will drop the health insurance that they are paying for privately now to sign up for SCHIP; that that is exactly what any right-minded parent would do, is drop comprehensive health care coverage that they already have so that they can hopefully qualify for and keep their child qualified for a health insurance program that is really targeted for kids who fall in the gap.

Madam Speaker, not only is that completely wrong, it's a shell game designed to take away the focus that is clearly being shined on them right now, that shows that we are for children and they are not. That is the bottom line. It is very simple.

Our colleagues on the other side of the aisle have a simple choice coming up next Thursday, October 18. They can stand with the kids and make sure that kids who fall in the gap, who don't qualify for Medicaid, whose families aren't poor enough to qualify to get them Medicaid, and whose families can't afford to buy private health insurance, the gap of those kids in the middle, we need to make sure we cover them. It's the bottom line, Mr. MURPHY.

Mr. MURPHY of Connecticut. Let me tell you a story. I know you have heard it, Ms. WASSERMAN SCHULTZ, but it is pretty indicative of how low the other side is prepared to go to try to undermine children's health care.

☐ 1900

There is a family, the Frosts. Their son, Graeme Frost, doesn't have health insurance. He is 13 years old and suffers with severe brain injury as a result of a car crash. The family has been the face of some of this discussion. The father is self-employed. He is a woodworker. The mother has had some parttime jobs on and off. They are not living in destitute poverty, but they are playing by the rules and doing everything we ask them to do. They are paying their taxes and contributing to society.

But because their son has a preexisting condition, they have been turned down for health insurance time and time and time again. And so they have to pay for injuries from a car crash for a 13-year-old boy out of their pockets. This is the kind of family that we are talking about. This is a family that has done everything that we have asked, a family that is getting by, but because their son has an injury that excludes him from most private insurance, he has no other recourse than the SCHIP program, a stopgap solution until the family finds some insurance program that does cover him.

Well, what happened. This family had their whole life uncovered by the right wing that is trying to stop children's health care from going forward. Every tax return, every purchase they have ever made, right down to the type of countertops they have in their kitchen was exposed by the right wing of this city to try to prove that this family is just leaching off the government.

This is a 13-year-old kid with brain injuries and a family that has done everything that they can to try to find insurance and haven't found it.

I was home this past weekend, and on Monday I listened to one of the talk show hosts in my district talk about the fact, he said: I don't understand why people are saying the poor can't get health care insurance. I went onto a Web site for one of the big health insurance companies, and I just plugged in for a family of four to see how much it would cost. He said, it is reasonable. You can get a 80/20 plan, he said, 80 percent covered by the insurer, 20 percent by you, with a $5,000 deductible for only $300 a month. That's a deal. That's a deal.

Madam Speaker, think of that, for a family making a little more than minimum wage, maybe making $22,000 a year, which in Connecticut just to have a roof over their head is paying about $10,000 a year in rent, now has to pay $9,000 a year for insurance.

Ms. WASSERMAN SCHULTZ. Do you happen to know what the average price of a house or of housing in your district is?

Mr. MURPHY of Connecticut. In my district, forget buying a house, if you want to rent an apartment with a couple of bedrooms, it is at least $600, $700 a month. You are talking $10,000 a year when it is all said and done. You add on $9,000 for health care costs, which under that plan that he found on a website, the minimum amount you have to pay before you even have a dime of health care coverage kick in, and you have $2,000 or $3,000 left over to do everything else, to put food on the table and educate your kids and pay for heat. It is mind numbing that people can't see that health care is so expensive that it is prohibitive for families doing the right thing. This is humane and it is right.

The conspiracy that gets thrown out there, and the stats and the numbers, by the right wing on this issue are pretty easy to punch through in the end.

Ms. WASSERMAN SCHULTZ. There are different ways to talk about this issue. As a mom, I like to talk about it from the standpoint when I talk to other parents that there is pretty much nothing more basic, no more guttural reaction that a parent has than wanting to keep their child healthy. Everywhere I go when I talk to people, this is the most basic thing. It is as simple and as black and white and as big a no-brainer as most people have ever come across.

A lot of the issues we deal with up here are complex. They are not black and white necessarily. There is a lot of gray. There is no gray on whether or not, if we can cover 10 million kids, we should. There is no gray for most folks. If that is the case, and I am certain that is the case in my liberal Democratic district, as opposed to conservative Republican districts or moderate Democrat/moderate Republican districts. I don't think there is any tinge of partisanship on the basic instinct that parents want to make sure they provide health care for their kids.

But if that is not the priorities that our colleagues on the other side of the aisle share, what is? Well, I think a glance at this chart will demonstrate what their priorities are.

This chart details 37 days in Iraq and what that would pay for if we were comparing it to what we could pay for to cover children's health care.

One day in Iraq costs $330 million in funds that we appropriate. That would cover, over the 5 years that this children's health insurance program would authorize, 270,222 children.

One week of paying for the war in Iraq costs $2.3 billion, which would cover 1,891,551 kids over the 5 years of this program.

A month of the war in Iraq, which we are now in the sixth year, I believe, costs $10 billion, and that would cover 8,196,721 kids over the 5 years that we would authorize this program.

And finally, over 37 days, which would be about 4½ months' worth of paying for Iraq in the 5-year program, $12.2 billion, it costs us for 37 days in Iraq, that would cover the 10 million kids this program would cover. So 10 million kids times 5.

They have repeatedly voted to blindly follow President Bush, blindly follow President Bush on the war in Iraq, and now, except for 45 brave Republicans who understand that children come first, blindly follow him over a cliff and vote for $12.2 billion over 37 days in a given month and a week for the war in Iraq, and to continue it even though Americans want us to withdraw and refocus our efforts on homeland security here. And on top of that, choose to spend that money on a hopeless war as opposed to funding health care for 10 million kids.

Who is for children and who is just kidding? I think the numbers demonstrate that it is clear. They have an opportunity to right the wrong that the President's veto pen established last week. Next Thursday they can vote to override it, and the American people have been speaking and need to continue to speak to their Members who voted wrong on this bill. We need 15 more Republicans. We are this close, 15 Republicans. Grow some courage, see the wizard, toughen that spine or grow one. Vote to override the President's veto and 10 million children get health care coverage.

Mr. MURPHY of Connecticut. I was going to pick up on that point. We are so close. This has been a bipartisan effort. We have the votes necessary to override the President's veto in the Senate. You have Senator HATCH saying that the SCHIP proposal is an honest compromise that improves a program that works for America's low-income children. You have Senator GRASSLEY saying it is a good bill, it is a good comprise. PAT ROBERTS rises to express his support for the SCHIP bill. So with 45 Members in the House supporting this bill, we are so close.

This is a picture, I believe, from earlier in the year. We have a President standing out in front of his loyal soldiers, the Republican caucus in their winter coats, which suggests it was one of the early meetings the President had to galvanize support for his plan to escalate the war. We have seen, as time goes on, that if the President were to regather this group for a conversation on SCHIP there might not be as many Republicans there.

I think as Members go back to their district and start to hear from constituents about how important this SCHIP bill is, all of those loyal soldiers are going to get a little smaller and fewer every day. As people start to figure out that the President is so far out on a limb on this issue, that not only is he doing damage to America's children, but he is doing damage to the prospects of his colleagues in the House, you are going to find a lot more people seeking that courage and finding that wisdom and coming on board here.

We hope it happens next week. But if it does not happen next week, we are not going away because the 4 million kids out there who are showing up in emergency rooms because they can't get the treatment to try to prevent the mental illness that will cripple them as an adolescent, they can't get the treatment to try to cure that physical ailment that ends them up in the emergency room, those kids aren't going away, so we won't go away. If we fall 15 votes or seven votes or two votes or one vote short, we will be back here next year, we will be back here next summer. If there is anything that is important to us, it is standing up for the kids. If there is anything that should be important to the entire Congress, Republicans and Democrats, it is standing up for the kids. That is our message here tonight. It is not just that we hope that the Republicans go out and find that courage and that wisdom, but they know, and all those children and all those families know, that we are not going to stop until we get a bill that insures kids of families in this country who so desperately need our help.

Ms. WASSERMAN SCHULTZ. Mr. MURPHY, this process we are going through in trying to win over the 15 Republicans kind of reminds me of the lessons my parents taught me when I was a little kid. You would struggle, Madam Speaker, with what was really right from wrong and to understand the values that your parents were instilling. I know I did. I would ask my mom on tough questions: How am I going to know I did the right thing? What is the guidepost I should use? That is the kind of lessons parents teach their kids all the time.

I remember so vividly my mom and dad telling me you have to be able to go to sleep at night and wake up in the morning and look at yourself in the mirror and like what you see staring back at you. You have to know that your conscience is not going to gnaw at you.

There are plenty of our colleagues on the other side of the aisle who will thump their chests and use a lot of bravado, false bravado, I would add, and say, I can live with myself. I am doing the right thing. But you know in your heart of hearts when you go to sleep at night and you are the only one in the room with yourself whether or not you have done the right thing.

I am desperately hopeful they will listen to that inner voice, because you know your inner voice has to be telling you, if they truly have the values that they say they have as opposed to the ones that are reflected in many of their votes, that they will do the right thing, at least 15 of them, and vote to override the President's veto.

We all remember the vivid picture that we had when history was made on January 4 this year when Speaker PELOSI was sworn in and handed the gavel with all of those children, the children of our colleagues and grandchildren, surrounding her at the roster. That was a very vivid picture, but that wasn't a photo op. That was a representation of what Speaker PELOSI has staked her speakership on. She dedicated her speakership to our Nation's children, and we are making our entire agenda about improving their lives and affecting and impacting their future.

I mean at the end of the day, like I said a couple of minutes ago, and it bears repeating, this is a black-and-white issue. You vote to override the President's veto, you are for expanding access to health care for 10 million children. If you vote no, you are against it, period. There is no other way to define it.

This is one of those things, Mr. MEEK, the more they have to explain why they are doing what they are doing, the worse it gets for them. Again, I go back to standing in front of your constituents at a town hall meeting, and sometimes you look out at the faces that we represent and you hope you are winning the audience over. But on this issue, those puzzled expressions don't go away the more words that come out of our colleagues' mouths in explanation of why they can't support expanding access to health care for 10 million children.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ and Mr. MURPHY, I can't help but think of the action that we are taking here in Congress, and we know that we have some of our friends on the other side of the aisle that don't necessarily see it our way. But because the American people are involved in what we are doing, because we are moving in a new direction, we are giving the American people what they asked for. That is what is supposed to happen. You run for office and say what you stand for. The people send you to Washington. Some races are closer than others. Or you are reelected to Congress and you come here to represent the people.

I see a pattern. You showed a picture of some of our friends on the other side of the aisle running down to the White House saying we are going to stand with you, Mr. President, not to allow the Congress to override, article I, section 1, of the U.S. Constitution.

□ 1915

I want you to talk about that a little later. There's something blowing through the air conditioning ducts, I guess, here in Congress and in the White House. One would be in disbelief of the fact that we actually have a say in what happens in this government because we appropriate the necessary dollars. We put forth the policy to be able to get the revenue to run the country.

I just want to say that some things that we have done here we can claim victory on, and I think we need to talk about a few of those things. We can claim victory on passing a children's health care bill with a bipartisan vote. This was not just powerful Democrats that voted. There are a number of Republicans that voted in both chambers. We have quotes on the Speaker's Web site. I believe it's, what is it, 45 Republicans over here and 18 Republicans in the Senate. And on www.speaker.gov you can go on the Web site and get the quotes of our Republican colleagues that spoke so very highly about this bipartisan piece of legislation.

You know something, we're putting in the work. We're putting in the work. I mean, the House last week held its 943rd rollcall vote of the year, and I mean of this year, breaking a previous record of 942 votes. That mark was set in 1978, and we're well on our way to taking care of the country's business of heading into a higher number of at least 1,000 votes by the end of this year. People wanted us to go to work. We're working now. We're working now. If it wasn't for the loss we had here in Congress, we would be working tomorrow.

But the bottom line is this, Madam Speaker, is that we have to continue to move down the track of responsibility, and that's the reason why we come to the floor because we want the Members to feel the pressure.

You might have seen me moving around here on the floor because, as Ms. WASSERMAN SCHULTZ can tell you, my good friend from Florida, and Mr. MURPHY can tell you, that we pride ourselves, Madam Speaker, on making sure that we share accurate information with the Members and the American people. That's just where it is. We don't talk about fiction. We just talk about facts.

Now, earlier today we had H.R. 3056. What does that mean? There's a lot of House bills that are around, but this bill was actually a very, very important bill to the U.S. taxpayer. It dealt with the Tax Collection Responsibility Act.

We had tax collectors that the Republican majority put it in power to have the phone numbers of every American taxpayer, and they were so-called to ring in dollars of individuals that are not paying taxes.

Ms. WASSERMAN SCHULTZ. Private.

Mr. MEEK of Florida. Private. I mean, these are private tax collectors that we ended up spending more money paying them than what they collected, and then they turned around and there's an instance of when an elderly couple received 150 calls in the course of 27 days. Now, anyone that knows anything about people calling your home that you don't want calling your home, and they're calling for someone else, they're calling the Murphy household and they're asking for the Johnson family, and you keep telling them that, no, the Johnson family doesn't live here, what we did today was to do the right thing on behalf of the American taxpayer by passing that piece of legislation that repealed the IRS authority to enter into private debt collector contracts. I think that's very, very important.

Also, when you look at it from a fiscal responsibility piece, Madam Speaker, and we're talking about being responsible, you have to look at this whole issue of the study that shows that the IRS employees that are employed by the IRS is 13–1 on what they can collect from what the private collectors are actually able to collect.

Also in that great piece of legislation was something that we all feel very strong about, the 1-year suspension on the 3 percent, 3 percent that is collected from small businesses up front when they contract with local governments, and a number of other issues that were in that bill.

I'm saying all of this to make this point: 210 Democrats voted for it; 22 Republicans voted for it. Now, one can say that's a bipartisan vote, but when you look at 164 Republicans voting against something that, on its surface, you don't have to dig far, the numbers, when we had hearing in Ways and Means on it, the numbers represent the true meaning of what has not happened and contracting with a private company to call the taxpayers of this great country of ours and not doing the job that they set out to do, that they ended up getting a real paycheck at the end of the day, which they didn't even do the work, and then better yet, they're calling individuals' homes that already paid their taxes, because the accountability was not there.

I think it is very, very important. I just want to make sure that it is very important that we highlight these issues and we talk about the success that we're having here in Congress where we need our Republican colleagues to join us, but we're still pushing forward because the good thing about it is the fact that the American people are with the new direction agenda, and it's their agenda. We're just a vehicle to allow it to happen, need it be children's health care, need it be cutting student loan interest rates in half, need it be increasing the minimum wage, need it be what we're doing and what's at the President's desk on the issue of energy.

I mean, we have all these issues. Some were the 6 in '06 that we talked about. Some were ideas we picked up along the way that we thought was very, very important.

As we continue to move down this track, I just want to share with my colleagues on the other side of the aisle that it is not necessarily or if it is something of a Democratic idea, because when you see votes like this, I can't help but think as a legislator going into my 14th year of public service, you have me by 2 years, to see a vote like this vote, that was obviously a good vote to take on behalf of the American people and to go the opposite way, if it was just merely politics, then I would say, well, you know, let's just go back and sit in our office and allow them to continue to take these votes.

But when we start looking at how we are going to deal with the war in Iraq, you called those numbers out of how many children I mean by day, by week, by month, by days that can receive health care, and just like this, $3,316 I think are spent every second in Iraq when children can receive health care.

And so when you look at it, I mean, when we start talking about why and it should work itself out or it's the right thing to do, it's something that's happening around here that we haven't quite uncovered yet. But I don't have a lot of time, Madam Speaker, to try to uncover the problem on the other side of the aisle. I don't.

I'm with the Speaker and I'm with the majority leader and I'm with the majority whip and I'm with the Chair of the caucus and the Vice Chair of the caucus and all of the leadership folks that are running around here in the different caucuses and saying that the American people sent us here to go to work. We've gone to work. We've already broken records. We're on our way to break another record as it relates to what we're doing on behalf of the American people.

But that's something that Members are going to have to explain back home if they're taking these unpopular votes, when one may say the blind leading the blind and two shall fall down in the ditch, that should happen. That's what we used to stay when I was on the football field at Florida A&M.

The real issue here is we should feel good about what we have accomplished. We should feel good that the American people are on board. We're on board with the American people. We're carrying out their agenda, and that's Democrat and Republican, too. I don't want an American that opens their wallet and, you know, look at their voter registration card and say, well, I'm a Republican, Congressman MEEK is not talking to me. I'm talking to you because when you look at fiscal responsibility, when you look at this issue, this is your wallet, too. When we cut interest rates in half, the President didn't want to do it. You wanted it to happen, Republican, independent, nonvoter, Democrat, you wanted it to happen. That was a bill for you, not for the three of us, for you to cut your interest rates in half. So when we look at these issues, we have to look at a functional government, that we have responsibility, and then we have to put the partisanship aside.

One thing I can say, that we have passed major pieces of legislation in a bipartisan way and have allowed Republican input that has not been the case, I know and I can attest, for the 108th and 109th Congress.

I say all of that to say that I think it's important that we continue to paint the picture, especially for our colleagues that are not voting when it's abundantly clear of why you should vote for something. I mean, someone had to say don't vote for it, and then they say, okay, I'm not going to vote for it. There has to be a reason why, when you empower private debt collectors to have private information, you know what I'm talking about because I know you wear that privacy hat, privacy information of your personal information, okay, and they abuse and they fail in the mission of collecting the dollars that they're supposed to collect from individuals that are not paying their taxes. And then to turn around and see numbers of cases of abuse where individuals have been called over 150 times that have been documented over a period of 27 days to an elderly couple and still you come to the floor and vote no? I mean, I just don't understand it.

Ms. WASSERMAN SCHULTZ. I'm so glad that you brought this up, because as a member of the whip team, I was working this debt collection bill that we passed on the House floor today, and I was just equally as shocked as you were about how many of our colleagues on the other side of the aisle voted against this because here are the facts.

Those private debt collection companies were costing us $70 million. We paid them $70 million of government funds to collect $20 million.

Mr. MEEK of Florida. I know we have it for the record, but I just want, when folks open the CONGRESSIONAL RECORD, that they can see that number twice, because that's the point even driven further down the street as it relates to why would you vote against something like this.

Ms. WASSERMAN SCHULTZ. I will be glad to say it again. It's that shocking. We were paying private debt collection companies, instead of paying IRS employees a salary, to collect the debt that is owed in taxes from the people who have not been paying their taxes, $70 million to private debt collection companies to collect $20 million, and if we had spent the same $70 million, the statistics show that the track record of IRS employees paid the same amount of money would have collected $1.6 billion. $1.6 billion would have been collected by government employees working for the IRS who we have to presume are quite a bit more trustworthy with our constituents' private, personal information in this time of stolen identities and stolen funds from our constituents.

The thing that strikes me as the most disturbing about this is that the Republicans talk this good game about being fiscally responsible and being the ones that are the stewards of the public's tax dollars, and then let's go down the list of where our votes and our leadership has been as Democrats under Speaker PELOSI and where theirs have been.

There was this bill today. Do you have the numbers on how many Republicans voted against this bill today? Voted to continue the practice of spending $70 million to collect $20 million. 232 Democrat "yes" votes and 173 Republican "no" votes. Only 22 Republicans voted "yes." I don't understand that. So maybe it's an isolated incident. Maybe it's isolated.

Mr. MEEK of Florida. Let's just engage in a conversation here. I mean, the real issue is this: It's not an isolated incident, and that's the reason why many of our Republican colleagues that were here in the 109th Congress is now reading about what Congress is doing in their hometown paper in an involuntary retirement. It's not like they said, oh, I just don't want to be your Congressman here anymore.

No, they took votes that were unpopular, and when I say unpopular, one person may say, well, leadership, you're supposed to lead, but when you have a bill like the bill that is in question here, H.R. 3056, and I encourage the Members, staff and what have you because maybe there may be another opportunity.

Ms. WASSERMAN SCHULTZ. I believe it's called the Tax Collection Responsibility Act.

Mr. MEEKS of Florida. Yes, that's correct, but they may have the opportunity to do the right thing.

We made the point, because even on the minimum wage bill, we had Republicans. Over my dead body, you know.

□ 1930

That should not happen, especially when something is so good on behalf of the American people. That's the decision that folks have to make. I am not concerned. I am not concerned about decisions they are making. I am saying that we should shed light on what we should celebrate. We should celebrate the fact we are providing the leadership for such a bill to come to the floor. It wouldn't have even been heard in Ways and Means if it was under a Republican Congress.

When we look at it, when I say "Republican" and "Democrat," I just want to make sure the people understand that I am not talking about us versus them; I am talking about fiscal responsibility and doing what government is supposed to do. This is what we are supposed to do.

Ms. WASSERMAN SCHULTZ. Again, for some more examples, Mr. MURPHY, you came in the new freshman class or majority-makers who were committed to this campaign to come here and help move this country in a new direction. The new direction we have been talking about is eliminating the consistent examples of Republicans talking about being fiscally responsible but doing exactly the opposite. The next time we should bring the numbers of the votes to the floor on how many Republicans voted for the PAYGO rules and how many Democrats voted for it, how many Republicans voted against the amendment that closed the tax loophole that allowed American companies to hide how much they were supposed to pay in taxes by headquartering them in a different country even if they were really American companies doing business here.

In that energy bill, we put a provision in that energy bill to make sure we could close that loophole. I would like to see numbers here on how many Republicans voted against it, allowing companies to skirt their responsibility. This is not about increasing taxes. That vote was about collecting the taxes that are due, that these companies owe.

So no on PAYGO, no on closing tax loopholes, no on debt collection responsibility and leaving $50 million on the table. Who is fiscally responsible and who is just kidding?

Mr. MURPHY of Connecticut. It goes to the very subject that we opened with in talking about here, which is the war itself, and we believe that there is a much better way to spend pretty much all of that money, whether it be rebuilding our schools, educating kids, giving health care to children.

But even, even given the vast amount of money that we are spending over there, there has been virtually no check, virtually no oversight by this Congress and this administration. A great example is the Government Oversight Committee, which has done really yeoman's work in trying to make up for the complete absence of oversight during the past several Congresses. The Oversight Committee held a hearing, very well attended, very highly publicized hearing a few weeks back with the CEO of Blackwater, who came before Congress, Blackwater, the private security firm which has basically created a privatized military in Iraq today.

Blackwater came before us, the CEO of Blackwater came before us the other week, and we asked him simply this. We said, tell us how much profit you are making. Tell us how much profit Blackwater is making off of U.S. Government contracts and said, You know what? It's none of your business. I can give you an estimation. I think we are making about $85 million a year in profits off of $850 million in contracts. But, basically, it's none of your business, United States Congress.

There weren't a lot of people on the Republican side of the aisle, on that government Oversight Committee that blinked at that suggestion, because that has been the practice in this Congress over the past several years. That has been de rigueur, as a matter of course here, that we don't ask any questions, that it is okay that Blackwater security, a private military operating in Iraq, can make $85 million in profit off of doing what we know the United States military could do themselves.

So it's endemic when you talk about private tax collectors, it's endemic when you talk about the issues such as PAYGO that Representative WASSERMAN SCHULTZ raised and certainly in spending on the war. Time after time again we have seen no fiscal responsibility here, and time after time this Congress, Mr. MEEK and Ms. WASSERMAN SCHULTZ, is shedding light on that misused taxpayer funds, but passing legislation like the bill that we passed today, which changes the course, and we start spending tax money wisely once again.

Mr. MEEK of Florida. We are going to start closing out here, and this is something we don't ordinarily do. We are going to end up leaving 10 minutes left open. I mean, there is just so much information we want to share, but we know that the House has to continue, but I want to recognize Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. In helping to close us out, I do want to direct people to the charts and the other information that we have talked about here tonight. Our Web site can be reached by going to www.speaker.gov, and you will find the 30-something link right on that Web page, www.speaker.gov. I can only hope that the next time we meet, which will be the day before we cast that children's health insurance vote, to decide who is for kids and who is not, to override the President's veto, that we will be able to report that we have picked up those 15 Republicans who have found their way and would be willing to do right by our Nation's kids. It has been a pleasure to join you here this evening.

Mr. MEEK of Florida. I want to thank the Members for what they have done this far, the majority of the Members in this House, and that is including some of our Republican friends that have voted for a number of these measures that the American people want, Republicans, Democrats, you name it, those that are involved in other parties and those that are thinking about voting. We have to show that we are a functional House and that we can be able to provide the leadership, when necessary, to be able to run the country in a way that it should be operated, especially on appropriations and on the finance and tax hand.

I want to thank the Democratic leadership for allowing us to have the hour.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I appreciate you letting me come to the floor tonight to talk, as I often do, about health care, the state of health care in our country.

This is a unique time in our Nation's history. We are kind of coming up on the 2008 Presidential campaign, and the reality of unfettered election-year politics intersects harshly with the perennial challenge, the perennial challenge we face in this House, how do we refine, transform, transform this Nation's health care system.

The history of health care in America over the last century and the very beginning of this century, it's a fascinating, fascinating subject. Medicine is a very highly structured, highly ordered, scientific-oriented, disciplined, scientific process, the scientific method. And then coupled with a number of governmental policies, we would like to think that they are science driven, we would like to think that they are fact based, but oftentimes they are more emotionally based, and how those policies interact with the scientific basis of the fundamental world of medicine and how, when we enact those policies and what seems like with every good noble intention in the world, how those policies then affect things decades into the future in ways that most people who enacted the policies would have had no idea what became of them.

Now, last century, in the 1940s, really a pivotal year in health care, medical care in America, both from a scientific aspect and from the policy aspect. From the scientific aspect, it was a time of great discovery and great excitement.

Mr. Alexander Fleming, the famed British scientist, isolated penicillin in 1928 in his laboratory, didn't quite know what he had or what to do with it. Certainly the substance produced by this mold in a petri dish inhibited the growth of the microorganism staphylococcus, a known cause of infection. For the first time, mankind had an agent to battle these unseen microscopic entities that plagued mankind for centuries.

Now, 1928 is not exactly 1940, and I referenced 1940. What happened in 1940 was American scientists, American scientists in this country, recognizing the value of this discovery, elucidated a method for mass production of penicillin. Penicillin, which had been a miracle drug before but available in very small quantities only for a very select few was now suddenly available for everyone, and available cheaply.

This affected our soldiers, who landed at Normandy on D-Day in 1944, the wounds that they suffered, which otherwise may have become infected and caused serious disability or even death were now even amenable to therapy with an antibiotic. Therapy with an antibiotic is something we now just take as almost second nature, just for granted. We get sick, we go to the doctor, they write a prescription for an antibiotic, we take it, we get well. In the 1940s, this was almost unheard of. So this was truly a breakthrough in the 1940s in the scientific realm in medicine.

Another discovery, that had actually occurred earlier, the discovery of cortisone. A very potent anti-inflammatory, cortisone was actually taken from the adrenal glands of oxen who were slaughtered. It was a very laborious, labor-intensive process to get small amounts of cortisone, so it really wasn't something that was amenable to treatment.

Then in the 1940s, a scientist that we, in fact, honored in this House during the last Congress, an African American gentleman, Percy Julian, who was a biochemist, not even a physician, a biochemist who worked heavily with soybeans and soybean products elucidated a method to mass produce cortisone, cortisol, which had not been able to be produced other than in very small quantities before, and now suddenly, again, it's available to very large numbers of people at a very reasonable price.

These two entities, antibiotics, anti-inflammatory, introduced in the 1940s changed forever the practice of medicine not just in America, but worldwide. What else happened in the 1940s? Obviously, World War II.

The Supreme Court made a decision in the 1940s that affects us to this day. During the Second World War, President Franklin Roosevelt, in an effort to keep down problems with inflation, it was a wartime economy, and he was worried about inflation taking hold and taking off, said we are going to have to have wage and price controls.

There was a lot of demand for labor in this country. We were producing materiel, things that were needed on the frontlines in the war. Yet the workforce were all off fighting the war, so employers who were lucky enough to have employees to work wanted to keep them and keep them happy. How do you do that? You pay them more money. But the President said we better not do that or we are going to have trouble with the inflation.

Well, employers, being enterprising and ingenuous sorts, said, let's then offer benefits. Let's offer health care benefits, let's offer retirement benefits. A decision by the Supreme Court in the 1940s said, yes, you can do this. It does not violate the spirit of the wage and price controls. Not only that, you can pay these with pretax dollars.

So the era of employer-derived, employer-based health insurance was born, turned out to be enormously popular. People liked the idea, and, for decades into the future, that was the model that was followed in this country.

Then, fast-forward another 20 years and we are in the mid-1960s. What other health care policy happened at that time? Well, it was the institution of the Medicare program by President Lyndon Johnson. The Congress at that time who said, You know what? We are going to provide protection for our seniors.

Now, at that time, they provided protection for the doctors in the hospitals. Prescription drugs came 40 years later in the 108th Congress when we enacted the prescription drug benefit, but think how the interposition of the Medicare policies changed the fundamentals of how health care is paid for in this country.

The Medicare and Medicaid programs of the mid-1960s meant all of a sudden the government is in a position to finance a large portion of health care provided in the United States. Now, prior to the Second World War, most health care was paid for at the time of service and was a cash exchange. With the advent of employer-derived health insurance and the position of a large governmental program, most health care now is administered through some type of third-party arrangement.

That's useful in that it protects the individual who is covered by insurance from large cash outlays, but there is a trade-off. The covered individual is generally unaware of the cost of the care that he or she receives, as well as the provider, who remains insensitive to the cost of the care that that provider orders.

This arrangement has created an environment that permits really rapid growth in almost all sectors of health care and the cost of health care. America's challenge in the early part of the 21st century, America's challenge becomes evident. How do we improve the model of the current hybrid system that involves public and private payment for health care but at the same time anesthetizes most of us as to the true cost of that care?

☐ 1945

It's also perhaps wise to consider that any truly useful attempt to modernize the system, the primary goal really has to be, first off, you protect the patient. You protect the person, not the status quo. And we also need to ask ourselves if the goal is to protect the system of third party payment or to provide Americans with a reasonable way to obtain health care and allow physicians a reasonable way to provide health care for their patients. Sometimes, with some of the legislation that I see come before my committee, Energy and Commerce, I wonder if we don't forget that fundamental rule.

In health care, the basic fundamental unit of production is the interaction that takes place between the medical professional, the doctor and the patient in the treatment room. That fundamental interaction, Madam Speaker, if you will, is the widget. That's what this large health care machine produces. And sometimes that concept also gets lost in the process when we talk about how do we reform health care.

The current situation subsidizes, makes payments to those indirectly involved with the delivery of that widget and, ultimately, that drives up the cost. Now, currently in the United States, about half of every health care dollar that's spent originates here in the United States Congress.

The United States gross domestic product, we spend about 15 percent of that on health care, and half of that expenditure is generated from the Congress. The gross domestic product currently is about $1.6 trillion. Medicare and Medicaid systems pay for or cost about $600 billion in aggregate. You've got the Federal prison system, the Indian Health Service, the VA system, all of the other interactions that the Federal Government has with paying for health care amount to about half.

What's the other half? Is it all private insurance? No, of course it's not. There are a certain number of people who are uninsured.

Private insurance, to be sure, occupies a significant percentage of that half that's not paid for by the government. Some is paid for by the individual. Some of it is self-pay, and I would include health savings accounts, medical savings account in that self-pay group because I think that's an important concept that sometimes gets lost in the discussion.

And finally, let's be honest. There is a good deal of care that is delivered that is simply a charitable offering by doctors, nurses, hospitals, a charitable offering that is given to patients who lack the ability to pay.

Again, the test before us, protect the people, not the special interests. Madam Speaker, we ought to define that which ought to be determined by market principles and that which, of necessity, must be left in the realm of the public provider, the government realm, and how, in all of this process, we preserve individual self-direction instead of establishing supremacy of the state.

Additionally, we must challenge those things that result in distortion of market forces, especially those market forces in health care, and acknowledge that some of that distortion is, in fact, endemic. We'll never be able to subtract it out of the system. Some of it is hidden. We'll never even know that it's there, and since it's hidden, or we can't subtract it out of the system, it's not readily changed. So recognize that and acknowledge that we're not going to change that part, but also recognize that there's part of it that is actually easily amenable to change. And the key here is how to maximize the value at the production level.

Again, I go back to that fundamental unit of production, the doctor-patient interaction in the treatment room. Yes, I know it may be the emergency room, the operating room, but that fundamental unit of interaction, how do we maximize value at the production level?

How do we place a patient who exists on a continuum between health and disease, how do we move that patient more in the direction of health and slow that movement in the direction of disease?

How do we allow physicians an appropriate return on their investment, their investment of time, their skill, their intellectual property? And that opens up a host of questions relating to future physician work force issues.

How do we keep the employer, if the employer is indeed still involved in providing health insurance for an employee, how do we keep the employer to continue to see value in the system? They get a quicker return to work for their injured or ill employee. Perhaps there's increased productivity, better maintenance of a healthy and more satisfied work force. All of these things are of value to the employer, and that ought to be recognized.

In regards to health insurance, how to provide a predictable and managed risk environment, remembering that insurance companies themselves, of necessity, they tend to seek a state of monopoly, and if left unchecked, that's the direction in which they're going to move. If that is a good thing, okay. If that needs to be monitored or regulated, we need to be willing to provide that regulatory expertise as well.

And finally, how do we balance the needs of hospitals, ambulatory surgery centers, long-term care facilities and the needs of the community, as well as the needs of doctors, nurses and administrators?

Now, Madam Speaker, individual legislation, H.R. 2583, H.R. 2584, H.R. 2585 deal specifically with medical work force issues. And as some of the hubbub around the current health care debate dies down, I hope we get a chance to actually articulate and debate those issues.

Another bill, H.R. 2203, that was introduced in the 109th Congress would provide low-income Americans with a direct subsidy to help pay for their health care and many others that would chart a path to true reform in our health care system.

But let's keep in mind some principles when we talk about legislation. And I would say the first principle that Americans, at least in my estimation from 25 years of practicing medicine, what do Americans value in their health care system?

They value that freedom of choice. They want to go see the doctor they want to see. They want to see them when they want to see them, not when the system says they can come in. When hospitalization is required, you know, no one objects to incentives, but freedom of choice must remain central.

Another principle that certainly a number of people talk to me about is a principle of ownership. Madam Speaker, I had a medical savings account before I came to Congress. The whole concept of having what we now call a health savings account or a medical IRA and being allowed to accumulate savings, a nest egg, dollars to offset future medical expenses, is a fundamental desire of many Americans, and I think we should encourage that.

These dollars that are then dedicated to health care should be properly owned by the individual. And guess what? When this individual leaves this life, those dollars stay in that individual's estate and they don't go back to any governmental body upon the death of the individual.

Another principle would be independence, the preservation of autonomy. The patient or the patient's designee should ultimately be responsible for their care or the ability to decline medical intervention.

Another principle that I think we need to keep foremost in our minds is that of high standards. One of the underpinnings of the American medical system has always been high standards of excellence and nothing, in any future change, should undermine that. And, in fact, the pathways to facilitate future growth in excellence should always be encouraged.

Again, it gets back to delivering value for the dollar. Innovative approaches. We Americans pride ourselves on innovative approaches. American medicine has always been characterized as embracing innovation and developing new technologies and treatments. Clearly, this must be preserved.

Madam Speaker, we just came through the FDA reauthorization bill earlier this year. The whole purpose, years ago, with the development of the Prescription Drug User Fee and the Medical Device User Fee Act was to provide additional funding so that inventions and discoveries and intellectual property that was developed, whether it be a pharmaceutical or a medical device, would not sit so long in the approval phase and could be brought, not just to market, but to be able to help patients more quickly.

The difference between practicing medicine in the 1980s, when we had the old system, and the 1990s, under the new system, was phenomenal, and the ability to deliver drugs and devices to the patient public was, in fact, vastly increased. I was grateful to play a small role in the reauthorization of the FDA process when we did that earlier this year.

In fact, Madam Speaker, we heard a lot of talk just a few minutes ago about the SCHIP bill. I would hold out the FDA legislative process as a model which this Congress should follow because that was truly a bipartisan process. The SCHIP bill that came through this House that everyone is now holding their breath waiting to see whether or not the other side has the votes to override a veto, but the reality is that bill came through this Congress in what I consider a very pernicious way that is likely to poison any future attempts at bipartisan cooperation because here was a bill that was simply thrown across the transom, rammed through committee, rammed through the House on a party-line vote. Then we go back to the Senate. Well, we can't really do a conference committee. So what do we do? We take up a brand new bill. But we don't bring it back through the committee. We don't bring it back through the subcommittee. No. We come right to the floor and take it or leave it. That's not the way America wants to see this Congress operate. America wants to see this Congress operate as it is supposed to operate. They want to see my committee, the Committee on Energy and Commerce, have a subcommittee markup on the bill. There might be a good idea out there on the Republican side. There might not, but there might be.

And what reason could anyone in this body give for saying, we're just not going to do that? They say it was in the interest of time.

Madam Speaker, every single Member of this body who stood in this House in January of 2007, raised their right hand and swore an oath to defend the Constitution, knew that at the end of September, what's going to happen? SCHIP expires. It was a 10-year authorization. It started in 1997. Time's up at the end of September. The fiscal year is over. So we all knew this was coming. Why did we leave it till the last minute? And then why did we bring such an imperfect product through and then ram it through at the last minute, without any of the usual consultative advise and consent that goes on at the subcommittee level and the committee level. I frankly don't understand.

If people are watching this process, if people are able to dig beneath the political rhetoric, they ought to be outraged at the way this was handled. But I'm getting off message.

When we talk about principles for health care reform, one of the things that we really have to focus on is timeliness.

Madam Speaker, we always hear about American comparisons to other health care systems around the world. But consider this: Access to a waiting list does not equal access to care. This was the message delivered by the Canadian Supreme Court to its medical system in 2005. We must diligently seek not to duplicate the most sinister type of rationing than that that exists in a system of nationalized health care which prevents citizens from getting care because it just simply takes so long to get to the doctor or get that needed procedure or get that needed hospitalization.

Another principle that really, I think, we ought to spend some time discussing and debating, not everyone agrees with this, but really this ought to be a market-based solution and not an administrative solution. The pricing should be based on what is actually indicated by market conditions, and not that that is assumed by an administrator, either an administrator at a private insurance company or an administrator at a Department of Health and Human Services or Center for Medicare and Medicaid Services.

Madam Speaker, we hear a lot of talk about mandates. Mandates, in general, in my opinion, lead to a restriction of services. State mandates cause more harm than good and impede competition and choice and drive up the cost and limit the availability of health insurance.

Employer mandates. We've heard various reform schemes that have been talked about that deal with employer mandates. That was the crux of the Clinton plan in 1993. Individual mandates, some of the things that have been talked about at some of the State levels. But employer mandates and individual mandates are likewise restrictive. A discussion of mandates should include an accounting of cost and whether those mandates limit the availability of insurance for those who may operate a small business, those who may be self-employed or self-insured. Remember, Medicare part D, the prescription drug program from 2 or 3 years ago, achieved a 90 percent enrollment rate with education, incentives, competition, and not a single mandate. We must not forget that lesson because that's been a highly successful program and one that, in fact, enjoys very high popularity in the population that it serves.

The concept of premium support. Premium support is kind of like a tax credit, kind of like a voucher, but not quite.

Let's be honest. Our Tax Code is complicated enough as it is. We don't need to layer more complexity on the Tax Code. I know that's a topic for a different discussion, but when we're talking about health care reform, I'm not such a big fan of tax credits. But if there is the ability for, whether it be the SCHIP program or the Medicaid program, to help someone buy down the cost of that health insurance premium so they can, in fact, afford an insurance policy, I think the concept of premium support is one that this Congress really ought to investigate. In fact, that was an amendment that I had for the SCHIP process, but, again, we weren't allowed to amend that bill in subcommittee, full committee or here on the House floor.

□ 2000

You know, on the concept of the premium support, one thing that we could think about doing is some individuals receive some additional help to the earned income tax credit. Well, what if we made it not just a good idea but a requirement that people who receive money on the earned income tax credit that some of those dollars are actually earmarked for their health insurance? Maybe an idea worth exploring.

Another principle is that of antitrust enforcement. It has to be balanced. If the Federal Government picks winners and losers, we're going to further distort and make the playing field unlevel, and as a consequence, we are going to thwart our best efforts for health care reform. Creating winners and losers via the antitrust law actually erodes the viability of the American health care system.

Well, what about talking about some of the policies that actually may affect some change? For health care within the public sector model, the transformation after the experience with Medicare part D has been instructive. Six protected classes of medication, which were required of all companies who wish to compete and participate in the system, allowed for greater acceptance by the covered population and greater medical flexibility when treating patients. At the same time, the competitive influences brought to bear in that part of the program, indeed, have managed to control costs. In fact, the projection of the cost of the Medicare part D program is $130 billion less over that moving target we call the 10-year budgetary window. It's solely the result of competition. It is likely we will get some additional benefit, some additional cost relief by more timely treatment of disease and delivering more value for the health care dollar. But those concepts, those savings are going to necessarily appear later in the timeline of that process. But just from competition alone, a substantial amount of dollars savings were achieved under the part D program.

Madam Speaker, one of the most important lessons learned in the Medicare part D program is that coverage can be significant without the use of mandates. Ninety percent of seniors now have some type of prescription drug coverage, and this was achieved how? By mandates? No. But by creating plans that people actually wanted. What a concept. You don't mandate you have to do it. You build something that people want, and they come to it. We ought to follow that model more often when we are talking about health care reform in this country.

Ninety percent of seniors have prescription drug coverage, and providing that coverage means that incentives to sign up in a timely fashion had to be provided. And, indeed, that worked. It emphasized that the personal involvement responsibility was there to maintain some type of credible coverage if it already existed or to buy into credible coverage during the open enrollment period. And, in fact, people accepted that and behaved accordingly.

Employer-derived health insurance I think will be a significant player in the American health care scene. A lot of writers who write about health care insurance say the employer-based model is passe. It's dead and gone, never to return. I don't know that I agree with that. Certainly it is still a very viable presence, a very robust presence in the insurance market today. And while again there are some problems, it is hard for me to see that the day is coming where that will completely fall by the wayside.

I think that's because it adds value. It adds value to the contract between the employer and employee. It rewards loyal employees and builds commitments within the organization. Businesses can spread risk and help drive down cost.

Now, one of the features that is inherent in that model is the proposed associated health plans that the previous Congress and the Congress before that have voted on on several occasions. We have never been able to get that concept to pass in the Senate, but maybe it's time to look at that again. Associated health plans are allowing small businesses of a similar business model to pool together to get the purchasing power of a larger organization. It gives, say, a group of Realtors or a group of doctors' offices the ability to go out and perhaps achieve some of the same kind of discounts that Verizon or AT&T or Wal-Mart get because they are such big employers. This is a very powerful concept to put in the hands of employers.

In fact, it was a concept that was so good it was actually first proposed on the floor of this House by Bill Clinton in 1993 in his September speech to this body when he outlined his proposals for health care reform. Associated health plans were part of that reform package. I don't know what happened to them on the way to the end of the legislative process, but somewhere along the way, people stopped talking about them. But they are a good idea. Again, the concept has passed this House twice, in the 108th Congress and 109th Congress. It's a mystery to me why we don't take it up again. I think that is something the American people would be interested in our doing, and, goodness knows, they would like to see us work on something meaningful when it comes to health care.

Now, regardless of whether the system is public or private, what have we seen in the way that information is transferred and handled? Have there been any changes in the last 100 years? Yes, I think so. Are there going to be changes in the next 25 years? I think you can bet on that. Vast changes in information technology are going to occur whether doctors want them to, whether hospitals want them to, whether insurance companies want them to. Those changes in how information is handled are going to occur, and they need to be facilitated. We are coming up to a time of rapid learning, and because of improvements in health care technology, the ability to manage databases, retrieve data in a timely fashion are going to be critical for the delivery of health care and protection of patients in the future.

Madam Speaker, if I could, let me just share with my colleagues in the House a picture. When I was first elected to Congress in 2002, I have got to say I wasn't a big believer in electronic medical records. They are kind of cumbersome. When you are first learning them, they really slow you down. Your productivity suffers because you have got to learn this system.

But 2 years ago at Charity Hospital in New Orleans, one of the venerable, venerable health care institutions of this country, the whole city of New Orleans was hit with Hurricane Katrina and then the flooding to follow the hurricane. Well, here is a picture from January 2006. So 5 months after the hurricane, the water has been pulled out of the city. Here is the medical records room at Charity Hospital. These records haven't been burned. This black stuff here, that is black mold. You could not send anyone in there to retrieve data off of one of these charts without imposing a significant health risk. I don't know what's contained within there, maybe a bone marrow transplant, childbirth, kidney transplant, heart attack. All of that information lost to the ages because they were contained on paper records.

Again, I wasn't a big believer in electronic medical records, but walking through the records room at Charity Hospital that day, how many hours have I spent in the records room doing my medical records when I was on staff at various hospitals. It looked a lot like our records room at Parkland Hospital back in the 1970s.

These records are lost. This patient's data are now forever irretrievable. And at some point we are going to have to come up with a system that allows that data to be stored in an area where it is not vulnerable to this type of degradation and that it is readily retrievable. And then guess what. If a patient is being seen in New Orleans and treated for a condition but they happen to travel to Fort Worth, Texas, and their medical records are needed, they are accessible online and immediately available to the treating doctors in the destination city.

Another issue that I think we will have to pay some attention to is quality reporting. In my opinion, quality reporting should be voluntary, but it is important. Programs need to be generally available. They have got to be accessible to the medical personnel who desire to participate.

Currently, I think in all 50 States, we have got quality improvement organizations, and they currently do a good job. They provide information, timely information, information back to the provider as to how the care was delivered. Was it delivered in a timely fashion? Was it delivered in a fashion that was utilizable?

There are other ways of establishing quality. Legislation that passed in this House last time to establish a medical home also will result in the accumulation of some quality and some utilization data. I think that data needs to be available to the treating physician. It doesn't have to be widely disseminated publicly, but you make that data available to the physician, and physicians being naturally competitive sorts are going to ask the question, Well, that's interesting. I wonder if I could do better or how have I done in comparison to the people around me? And that will be useful information to provide to physicians and hospitals.

Any of the quality reporting methods that are out there have to be generally available and accessible to all of the physicians practicing in a community. Yes, I would like for it to be voluntary, but if it is not generally available, ultimately it is not going to be useful.

Now, this approach was a component of the Medicare physician update proposal by, at that time, Chairman JOE BARTON of the Energy and Commerce Committee. He offered that late in 2006. I think it is a concept that should be revisited.

Within the individual market, and, again, within the individual market I would include self-pay and also that individual who is the owner of a health savings account, within that portion of the market, transparency of information is critical, and that is another area where we are going to see rapid evolution and rapid change. It is going to require that there is adequacy of the reports that detail the information about cost, price, and quality, and they are not all the same. This information has to be linked to data detailing things like complications and infection rates.

Web-based programs. We have got a good one in my home State of Texas. Web-based programs will begin to build databases and actually build familiarity with the consuming public so that these will become useful in the future. And www.txpricepoint.org is a Web-based program that is up and functioning in Texas. It's just beginning. Some people will look at it and say, well, that information is really pretty rudimentary, but currently it allows patients, say, in my home county of Denton County where there are four hospitals, to compare the costs of treating a fractured femur, episode of childbirth. How do those four hospitals compare in the area? Is there one that is significantly cheaper or one that is significantly more expensive than its counterparts? Maybe if that information is present, then to begin to ask the questions why and for the consumer to begin digging a little deeper and finding out more information about the hospital, whether or not they want to choose that hospital for their care. Again, not for people who have Medicare, Medicaid, SCHIP, or private insurance, but for the individual who is paying out of pocket or the individual who has a health savings account with a high deductible so, again, is probably paying out of pocket for a portion of their care. This is a useful exercise, and, again, I encourage people, particularly people in my home State of Texas, www.txpricepoint.org.

Now, crafting a readily affordable basic package of insurance benefits perhaps modeled after what we already do in the Federally Qualified Health Center program is another important opportunity for reform that this body could look into. Currently, Federally

Qualified Health Centers are required to provide a basic level of primary care. They also provide dental and mental health services. Providing a basic package of benefits along this line that is affordable and available with the option of adding on additional benefits at additional costs, that could be a powerful option for many Americans. This could remove some of the influence of some of the special interest groups, which I talked about earlier, and, again, allows us to focus on the patient and certainly allows a functioning business model to replace some of the draconian institutional standards that are now required.

Providing a truly affordable basic package of benefits, that coverage which insurance companies then would want to market to segments of the uninsured population, you've got to believe that companies like Aetna, United look at 47 million people who are uninsured and say that's a potential market share. If we only had an affordable product that we could deliver to that population, we actually could perhaps provide a good deal of coverage for that population.

Madam Speaker, let's not forget that care that is truly charitable: Organizing and providing a tax credit for donated services by doctors, nurses, even hospitals, I think that is something that is fundamental to the American psyche and something to be readily embraced by the American people.

□ 2015

We could provide additional protection under the Federal Tort Claims Act, perhaps a legal safe harbor from lawsuits where, in good faith, charitable care is provided and, in effect, allow providers who are retired or semiretired to return and fill some of the vacuum for indigent care.

I had an acquaintance whose father is a physician. Hurricane Katrina hit, obviously, the next-door neighbor State of Louisiana, but a lot of people left Louisiana and came to Texas. There were a lot of areas that were strained in their availability to deliver health care in that time 2 years ago.

This acquaintance's dad was a physician. He was a retired physician, no longer carried insurance, and said, well, I'm going to go down to the shelter where these people are being received and offer my services. And my friend was quite concerned about his dad and said, you don't have insurance. If you go down there and something bad happens and you get sued, you have no coverage for that. Maybe we ought to provide a mechanism for providing that coverage for someone who truly, out of the goodness of their heart, wants to respond to a national emergency, wants to respond to their country in a time of need, allow them the opportunity of doing that.

And along those lines, we ought to have a system of emergency credentialing so that when people just show up on a scene of a disaster, whoever is in charge, the first responders in charge will have a way of quickly and rapidly assessing whether this individual, indeed, possesses the credentials that they purport to have. And that would go a long way towards alleviating, frankly, some of the confusion that occurred on the ground in various health care sites, not just in Texas, but back in Louisiana as well.

Madam Speaker, the late President Ronald Reagan used to say, "trust, but verify." Trust the market to make correct decisions, and to the extent that distortions can be removed, remove those distortions, but remember that some guidance from market principles will always be required, whether the system is completely public or completely private.

Finally, as part of this discussion, there must be a rational breakdown of the numbers of the uninsured. We want to talk about, how do we cover the uninsured? We don't have accurate numbers, not for the total number of the uninsured, but who comprises that population? We just say 47 million uninsured. And we're happy to talk about that in a political sense, but we need the data on the breakdown of those numbers so we know how to better craft policies that will provide coverage that's needed for those individuals. Is it just that some people aren't bothering to buy insurance? Maybe we craft a policy that would encourage them to do that.

I don't like mandates. I prefer incentives. Other people may like mandates. But let's have that discussion. But if we don't know how big the population is who just choose not to have health insurance but has the means to pay for it, we will never be able to enter into that discussion because we don't know. We just say 47 million uninsured. We hit each other over the head with it. We go home at the end of the day and feel like we've done a good job, the American people say not so much.

Finally, just a point of contrast. And we've heard it a lot because of our health care discussions this week. My good friends on the other side of the aisle want to expand a culture of dependence on the state, while on my side of the aisle we want to expand the number of individuals who actually own and direct their own care. Which system would you choose? Which system gives you the greater liberty, the greater freedom that we all treasure and cherish as Americans? The answer for me is obvious.

Finally, Madam Speaker, we talked about this a little bit at the beginning of this discussion, but the concept of American exceptionalism. The American health care system has no shortage of critics, critics throughout this body, critics throughout the city, critics throughout the world, but it is the American system that stands at the forefront of innovation and new technology, precisely the types of systemwide changes that are going to be necessary to efficiently and effectively provide care for Americans today and on into the future.

Now, Madam Speaker, I would rather this information not be widely disseminated, but from time to time I pick up and read the New York Times. An article in the New York Times from October 5, 2006, a year ago, by an individual named Tyler Cowlan, he writes, "When it comes to medical innovation, the United States is the world's leader. In the past 10 years, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working in the United States, and seven went to researchers outside this country; 15–7, America, the rest of the world."

He goes on to point out that "five of the six most important medical innovations of the past 25 years have been developed within and because of the American system." Now, comparisons with other countries may be useful, it may be information that we want to go out and seek and consider when crafting health care policy, but it is important to remember that it's the American system that's always reinventing itself and always seeking to improve itself. It is precisely because of the tension inherent in our hybrid system that creates the impetus for change. A system that's fully funded by a payroll tax, well, that's what they've got in Sweden. I think it's 7.1 percent that they pay on their payroll tax, and it funds their health care system. But quite honestly, Madam Speaker, there is no reason for them ever to seek improvement; and as a consequence, a system like that faces stagnation.

And indeed, if such a system, if it becomes necessary to control costs, guess where they look? Doctor, they look at you. They look at the provider. You know this. It's happening in the Medicare system, cuts projected for as far as the eye can see. Make no mistake about it, if the Democrats are successful with this SCHIP system that they are proposing to vastly expand, it's going to drive kids off of private health insurance onto an SCHIP program. The difficulties faced by providers within the Medicare system on an ongoing basis are certainly witness to this.

The fact is, Madam Speaker, the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, physicians and pharmaceuticals. Because our experience is unique and because it's different from other countries, this difference should be acknowledged and embraced when it comes time to talk about reform or transformation, whether it's contemplated in a purely public or private health insurance model within this country.

One final point that's illustrated in a recent news story that was covered by a national Canadian television broadcaster about a Canadian Member of Parliament who sought treatment for cancer within the United States. The story itself is not particularly unique, but the online comments that followed the story I thought were pretty instructive.

To be sure, a number of the respondents felt that it was unfair to draw any conclusion because this was, after all, an individual who was ill and was seeking treatment. No argument with that concept. I hope she got the treatment that she sought, and I certainly pray that she got better. No one could argue this point. But one writer summed it up, "She joins a lengthy list of Canadians who go to the United States to get treated. Unfortunately, the mythology that the state-run medicine is superior to that of the private sector takes precedent over the health of individual Canadians."

A further comment from another individual: "The story here isn't about those who get treatment in the United States. It's about a liberal politician who is part of a political party that espouses the Canadian public system and vows to ensure that no private health care is going to usurp the current system. She is a Member of Parliament for the party that relentlessly attacked conservatives for their "hidden agenda" to privatize health care. The irony and the hypocrisy in that position supports the notion that the rich get health care and the rest of us wait in line. All because liberals' fear-mongering that does not allow for a real debate on the state of the health care system in Canada."

One final note from the online postings, "It's been sort of alluded to, but I hope everyone who is reading this story realizes that, in fact, we do have a two-tiered system in Canada. We have public care in Canada. And for those who have lots of cash, we've got private care in the United States, which is quicker and better."

Well, Madam Speaker, a little over a year ago, maybe now a year and a half ago, Alan Greenspan came and talked to a group of us one morning before he left Capitol Hill. And as it often happens with Chairman Greenspan, the talk came around to entitlements and entitlement spending. And the question got around to Medicare, how are we going to pay for Medicare. And the chairman acknowledged this is going to be a tough problem. But after he thought about it, he also said, "When it comes time, I think that the Congress is going to end up doing the right thing and it will find a way to pay for Medicare." He said, "What concerns me more is, will there be anyone there to actually deliver the services that you want?" That's a pretty profound statement, and one that certainly has stuck with me for the past year and a half or more.

Now, in March of this year, back in my home State of Texas, the official magazine of the Texas Medical Association, Texas Medicine, put out a story. In fact, their cover story that month was, "Running Out of Doctors." I think that's something we need to pay some attention to in this body. With all of our discussion about health care reform, all of our talk about changing the system this way or that way, more public, less public, more private, less private, if we ain't got the docs on the front line, it doesn't matter what we do because the care won't be there for the patients. We see this in the Medicare system. There is probably no other issue that I deal with with more frequency than the program cuts that are going to happen to Medicare physicians, again, literally, as far as the eye can see; 5 percent cut this year, 5 percent cut next year, oh, by the way, we've got to make up that 10 percent cut from last year. The problem is, the formula by which we pay physicians is different from the formula by which we reimburse hospitals, HMOs, drug companies and nursing homes.

Bear with me for just a moment because, wouldn't you know it, I have a poster that illustrates that. And I apologize, this one has gotten a little bit dated. The 2007 number has an asterisk beside it because that was projected, and now we're well into 2007.

This didn't happen because we held it back at zero. So it looks like there is no recording here for physician reimbursement under 2006; in fact, it was held at zero. Again, by a last-minute maneuver last year, we held it at zero for 2007 as well.

2002, pretty big cut. We did some last-minute changes in 2003, 2004 and 2005, which prevented the program cuts. We were unable to come up with any additional money in 2006 and 2007. Now, for 2008 and 2009, move this bar graph over a notch for those 2 years because that, after all, is what we're looking at, Medicare Advantage, hospitals, nursing homes, they're basically reimbursed on a cost of living adjustment, it's called the Medicare Economic Index. Physicians ought to be reimbursed on the Medicare Economic Index, but they're not, and we need to fix that. It's not easy to fix it. It's going to cost some money. The Congressional Budget Office puts a very big number up there. Deep down in my heart I don't believe it's a real number, but nevertheless, we do need to be sensitive to that fact and we do need to fix it.

I would encourage Members to look at H.R. 2585. It is a way to sanely repeal the sustainable growth rate. It doesn't do it next year, waits a couple of years to do it, but because of some adjustments to the baseline, physicians won't, in fact, take a cut for 2008 and 2009. We need to keep them involved. And then in 2010, the SGR is repealed, with savings that are going to occur over the next 2 years. And we know savings are going to occur in the Medicare program over the next 2 years because that's the history that we've seen in the last several years.

The trustees' report that came out just this past June had some good news and some bad news. The bad news was, we're still going broke; but the good news is we're going to go broke a year later than what we told you last year. The reason is because 600,000 hospital beds weren't filled in 2005 that they thought would be filled in 2005. And why weren't they filled? Because the doctors were doing a better job. They were keeping people out of the hospital. Maybe the prescription drug benefit was allowing them for more timely treatment of disease, to treat disease earlier. So we didn't push them on that health disease continuum in the arena of disease, we kept them on the side of health. Things that are done in ambulatory surgery centers that are billed to part B, the physicians' part of Medicare, are actually savings that accrue in part A. Let's take those savings, sequester them, wall them off, a lock box, like we used to talk about back in 2000. Remember that? Put those savings in a lock box and use them to offset the cost of repealing the SGR in 2010.

☐ 2030

That is the type of innovative thinking that is going to be required to get us out of this conundrum. And why is it important? Again, Alan Greenspan said, "What worries me more is not how you pay for it, but is there going to be anyone there at the bedside to provide the service?"

I don't want to make light of what is a very serious situation. Yeah, there will always be someone there at the bedside, but I don't know that you want to look up and find it is Dr. Nick who is delivering your care, Dr. Nick, the famous physician from Springfield, Somewhere, U.S.A. who can do any operation for $199.95. That may be the physician of the future. We don't want to leave that legacy for our children. We need to correct this situation now. We can do it in this Congress if we just have the political will to work together to get this done.

Now, my time is almost up. This discussion on health care is likely to consume the better part of the next 2 years of both dialogue here on the floor of the House, dialogue on the Presidential campaign trail, and indeed dialogue in the general public. The United States is, indeed, at a crossroads. It is incumbent on every one of us here who believes, who believes in the American system of providing health care, that we be educated and we stay involved and we be committed to being at the top of our game every single day, whether we agree on every principle or not. We have to be on the top of our game every single day.

This is one of those rare instances where it is necessary, certainly on my side, to be prepared to win the debate because we don't have the votes to win much of anything in subcommittee, committee or the House floor. But it is an important topic. It is one of that the American people believe that we should be involved in.

If we adhere to the principles that I have outlined here this evening, I think that ultimately we are going to post a win for the health of the American people and for generations yet to come. That is the central task in front of us.

FISCAL RESPONSIBILITY AND THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 60 minutes.

Mr. HODES. Mr. Speaker, I am delighted to be here tonight to talk about a number of issues that are of grave importance to this Congress and to the people of this country. I will be joined by some of my colleagues tonight who represent districts all over this country.

We are going to talk about a number of things tonight. We are going to talk about fiscal responsibility, which means money. It means we are going to talk a little bit about how in this Democratic majority Congress we have now taken a new responsible approach to spending the taxpayers' hard-earned tax dollars, because that is one of the main reasons that the taxpayers of this country sent a new Democratic majority to Congress, because they saw what had happened under previous Congresses. They saw that the Congress had engaged in borrow-and-spend policies that had left us with huge deficits, where before we had big surpluses, now we were running out of balance. And everybody knew that they couldn't run their businesses that way. They couldn't run their homes that way. And so they sent us to Congress to make a change about what we were going to do.

We are also going to move to talk about health care. We are going to talk about health care for kids because that is an issue that is very, very current. The President has vetoed a fiscally responsible, that means responsible with the money of the taxpayers, bill that would provide health care for the neediest kid in the country. He has vetoed that legislation. He said he doesn't want to have health care for our kids by vetoing that legislation.

We are going to be coming up for a vote in not too long about that. So we are going to talk about what it means for kids and for health care, and we are also going to sort of compare that to what is going on with the spending on the war in Iraq because the President and his administration have come and said they want to spend $191 billion more this year on the war in Iraq but they don't want to spend $35 billion to insure our kids.

I will just talk briefly now, and I have got a chart up, that shows you where we were when we started this Congress, what had happened with the mess. It is an example of what we were sent to fix, because this chart shows public borrowing by the administrations and the annual average of what we had to borrow to run our government. What you can see is where we came in to Congress. What we saw was, if you take a look down here in the lower corner, we started with President Carter. That little blue line shows that we were borrowing about $50 billion. Then you can see what happened under Presidents Reagan and Bush. Then you can see over here that under President Clinton we were able to handle the taxpayers' money in a responsible way. In fact, President Clinton, who was a Democrat, handled money so responsibly for the taxpayers of this country that when he left office in the year 2000 we were looking at budget surpluses over the next 10 years in the trillions of dollars. But when the Republicans took control, when President Bush came in, in 2000, he turned that upside down and topsy-turvy, and what we were left with coming into this Congress was the fact that President Bush was borrowing about $300 billion during his first 6 years. He had turned surpluses upside down into huge deficits that left us in the hole as far as the eye could see.

That is what we came in with. We came in with that, and we had to restore fiscal responsibility. Now, "fiscal" is a big word. It just means being responsible with the hard-earned money that the taxpayers of this country send to Washington so that an effective government honors local control but is able to get the projects done and run the programs that the people of this country expect. They expect us to be stewards of the public trust. By that, I mean they expect us to be honest about how we are spending their money. They expect us to use their money wisely. They expect us, just like they do at home and in their businesses, to balance things out and not spend more than we take in. And they want to make sure that we are spending their money wisely.

So what we did in very short order, and then I will throw it over to my good colleague from Wisconsin, was the first thing we did when we came into Congress was we established, reestablished, what are called pay-as-you-go rules. It basically means if you are going to increase spending over here, in order to keep the deficit from getting worse and making sure we are headed towards balance, we have to decrease something over here. So we put in these pay-as-you-go rules. Every bill that is covered by those rules has been a fiscally responsible thing to do. It means that we are using the taxpayers' money wisely as we head towards a balanced budget. Because the other thing we did was in the Democratic budget proposal, we set this country on a new track to be responsible about the taxpayers' money. We said we are going to establish a balanced budget by the year 2012. We are going to do that with the pay-as-you-go rules and making sure that we are restraining Federal spending, that even as we shift priorities towards health care for kids, health care for our veterans, benefits for our wounded warriors, with the greatest rise in spending in veterans' benefits in the 77 years of the Veterans Administration, even while we are spending money on competitiveness, we are headed towards a balanced budget with pay-as-you-go rules because we understand that it is not our money. It is the taxpayers' money. Our job is to spend it wisely and to spend it in a balanced way. We also got rid of something called "fast tracking" in order to make sure that our spending was responsible.

Now, with that as a framework, one of the things we are still facing are huge costs for the war in Iraq. As I said earlier on, the President and the administration has now come and said they want $191 billion more this year for the war in Iraq. We have had a bill that would help insure our kids that would cost about $35 billion. So really, we are faced with a choice in this country. Are we, and are my colleagues across the aisle who are supporting the President, going to decide that it is not worth the investment to invest $35 billion over 5 years in health care for kids, but it is worth the money to invest $191 billion in the war in Iraq? Is that the kind of choice we, as a country, are going to make? Is that something that is sound policy? Does it make sense for our kids? Does it make sense for health care? Does it make sense for the taxpayers? Does it make sense for the country? Those are the kinds of questions that we have to answer.

Now, I would like to turn it over to my good friend from Wisconsin, Dr. STEVE KAGEN, a man who understands what health care is about, who has been in the trenches helping kids get well, helping families stay healthy. He understands things about children's health care. I am going to turn it over to you, my good friend from Wisconsin, Dr. STEVE KAGEN.

Mr. KAGEN. Thank you for yielding, Congressman HODES. It is an extreme pleasure for me to be with you this evening and with our Speaker BRALEY from Iowa. The American people have been posed a number of questions by you this evening. I think the most important question was posed to our generation many years ago by Bobby Kennedy on the evening of the assassination of Martin Luther King when he asked the country this question: What kind of Nation are we? And which direction shall we turn?

We were confronted several days ago with a Presidential veto of children's health care called SCHIP. The State Children Health Insurance Plan, SCHIP, saves lives. SCHIP saves lives for children and for pregnant mothers. We have to do all we can to guarantee access to affordable care for everyone in our country. But first and foremost, what kind of Nation are we if we don't care for our children?

I have here a placard that gives us the SCHIP facts. People may have heard a number of things in the last several days about SCHIP, but these are the facts. SCHIP is a State-run private program. The States get grant money from the Federal Government to run their own programs. It focuses on the poorest working families in America, families that earn just above what would qualify for welfare or Medicaid health care coverage. It also provides $3.50 cost per child per day. Now, if you want to compare what you can do with your hard-earned tax dollars, you can invest $3.50 of your hard-earned tax money into the health care for children who need it most, and on 1 day we are currently spending $330 million to $400 million a day in the sands of Iraq.

Now, where I come from in northeast Wisconsin people are asking me this question: "Doc, how can I get my country back? I want my country back." We need to create jobs here in America, not overseas. SCHIP fact Number 4, who is eligible? The poorest working people in America. People that are three times the Federal poverty rate, which is just under $58,000, $59,000 per year. Also, who is it going to cover? It is going to cover 10 million, 10.8 million, we hope, children who need access to their pediatricians, children who require their family practitioner to guide them and make them healthy.

If our children are not healthy, they can't learn in school. If they are unable to learn in school and progress with their education, what kind of future do they have? Our children, after all, are our own future. Our future depends on the good health of our children.

So these are the SCHIP facts that we are going to be taking about in the next several days. You will see more and more Congressmen and Congresswomen talking about health care for children. But I haven't seen in my medical practice over 30 years a single child in my examination room without a mother, a father, or a caregiver.

So we have to begin to broaden this discussion not just about children's health care, but access to health care for every citizen everywhere in these United States. So SCHIP is a proven program. I hold it against no one that it started out as a Republican program. It is a Republican-inspired private program administered by States with moneys appropriated through the Federal Government. It focuses on working families, the poorest among us, and focuses on putting children first.

It only involves U.S. citizens. If you are not a citizen, you are not a legal resident, you are not going to get these benefits that come with it. It is a private, private-run plan, private doctors, private health care plans, and children up to 19 years of age can be covered.

This is a program that works for kids. In my view, in the view of most people living throughout the United States and especially northeast Wisconsin, the President was being morally unresponsible. It is morally unacceptable to say "no" to our children.

I yield back my time for a few moments, to my good colleague from New Hampshire as we talk more about health care and its relationship to Iraq. Because the way I look at it, Iraq is a health care issue. They are using real bullets, real people are being killed, about 700,000 Iraqi civilians are dead, and they are not coming back. Thousands of our soldiers have given everything, have given their lives as they have served with courage, with honor and with incredible skill. We have done our job in Iraq. We have taken down Saddam. We have done everything the Iraqi Parliament needed us to do for them to help them in their religious civil war.

□ 2045

Mr. HODES. Well, it is really an important point to underscore, and I appreciate your saying it, which we all agree, that there is nobody on whatever side of the debate you're in about Iraq who doesn't understand that our troops have served with extraordinary bravery and courage. They have performed. It is really up to the policymakers. It is up to the administration, who makes the policy. It is up to Congress, who makes the policy, the Senate. It is up to the policymakers, who send our military to do the job to make the right judgments and right decisions about when they should be sent, under what conditions they ought to be sent, and what their mission is.

Mr. Speaker, one of the real sad failings is that the mission here has changed so many times, nobody knows what it is anymore. Seventy percent of the American people now understand that whatever it is that we have tried to do in Iraq hasn't worked. The Iraqi Government has not stood up. We have spent lives, our brave troops have given their lives, thousands and thousands of wounded, at a huge cost, because so far we have spent about half a trillion dollars in direct costs for the war in Iraq. Half a trillion dollars. That has got so many zeroes that I really have trouble figuring out and contemplating wrapping my brain around what half a trillion dollars is. That is $500 billion.

That is an awful lot of money to experience what we have experienced in Iraq, because it's clear now that the war hasn't made us safer and more secure. It's clear that, unfortunately, al Qaeda and the Taliban are still strong and resurgent in the Pakistan-Afghanistan area, and still threatening to us. The region is more unstable.

Mr. Speaker, it is clear we need a new course. But we don't often talk about the costs, because it is not just the $500 billion or half a trillion dollars we have spent in direct costs in Iraq, but we are facing $1 trillion-plus in total costs for the care of all those who have served in Iraq, who are going to come home and need care on an ongoing basis as we go forward. And the costs in lost productivity to society are huge.

When you think about the comparison of the costs between what we have spent in Iraq and what we could spend that money on in terms of providing health care for our kids, as this Democratic Congress in a bipartisan way has proposed, because the SCHIP bill that we sent to the President was a bipartisan bill, we passed a bill in the House and then we sent it over to the Senate. They compromised. We worked with the Senate and we compromised on the bill. The Senate had some different ideas. They sort of reduced things in some areas and sent it back to us. We then sent this compromise bill to the President.

But even though it was a compromise bill, and even though it was supported by 45 Republicans in the House and numbers of Senators on the Republican side in the Senate, and I can talk about some of what they said later on, the President decided that $35 billion was too much to spend on our kids. He decided that $35 billion over 5 years for kids' health care wasn't worth the investment; that $35 billion for American kids who needed health care, American kids at the lowest income levels, struggling families trying to make ends meet, was not something that the President of the United States was willing to invest our money in. This, despite the fact that in previous speeches he had promised that he was going to cover millions of new kids for health care. But for some reason, when the Democratic-controlled Congress sent it to the President, he decided that it was too much. He also decided that he could ask us for $191 billion more for a failed policy in Iraq.

Mr. Speaker, here is how it breaks down. Here are the facts. Here are the figures. They are shown on this chart that I have.

What this shows is that 37 days in Iraq would pay for 10 million children to have health care every year. It shows 37 days in Iraq, 10 million kids with health care. One day in Iraq is costing us $330 million. That money, $330 million in the SCHIP program, would cover more than 270,000 kids. Just stop for a minute and think about those numbers.

Dr. KAGEN, I don't know about you, but where I come from, $330 million is a significant amount of money. That is what we are spending every day in Iraq. It would cover more than a quarter of a million kids for a year of health care. When you get into a week in Iraq, we are spending $2.3 billion, that is billion dollars, $2.3 billion every week, and that amount of money, if we spent it on SCHIP, would cover 1,891,000 kids. That is a huge number of kids, for 1 week of Iraq war spending. And it is hard to say we are spending our money wisely in Iraq.

Let me just tell you a little bit about a hearing that I was on. I have the privilege of sitting on the Oversight and Government Reform Committee, and one of the issues we took up in the past couple of weeks was the issue of the cost of corruption in Iraq.

Now, the Middle East has always been a difficult place when it comes to how governments spend money, how they account or don't account to their citizens, what kind of accounting practices they have, and the issue of corruption has traditionally been one that throughout the Middle East has been a significant problem. So you would think, for instance, that maybe in Iraq, now that we are there in such strength, we have 160,000 of our troops fighting there, we have support personnel, we have a huge number of contractors, another bit of a problem that we ran into. But with all these contractors and all these people and all the American money and all the oversight and all the planning, you would think that maybe after 5 years of the Iraq occupation we would be in a position to do something about the corruption in Iraq, to make sure that money was being spent wisely, because if you are going to spend $2.3 billion in one week in Iraq, which otherwise would cover almost 2 million kids for health care for 1 year, you want to make sure that it is going to be spent well. You would think you would want to make sure.

So at this oversight hearing we had on October 4, we had the chief judge from Iraq who was dealing with corruption and accountability under the new al Maliki government that we have supported come to our hearing. By the way, he is no longer in Iraq, because he fears for his life. So not only is there a problem on the money side, but there is a problem when people try to do something about it. He now fears for his life, so he is over in this country, and he came to testify. His name is Radhi Hamza al Radhi, former head of the Iraqi Commission on Public Integrity.

He took the oath, and testified as follows. He told us that the corruption within the Iraqi Government has cost the Iraqi people $18 billion. So instead of its original purpose, infrastructure, new hospitals, electricity, things that the people need, he told us the money is now being used to finance terrorist militias in Iraq.

Also of note with this government of al Maliki that we are supporting, what the judge said was, when we asked him, why are you here and what happened when you tried to do something about the corruption? What he said was, well, I tried to investigate many cases of corruption within the government of Iraq and with Iraqi officials. It was my job. I was set up. I was supposed to coordinate with the Americans who were overseeing the corruption and coordinate with the Iraqis who were overseeing the corruption. My job was to investigate corruption.

But he ran into a bit of a roadblock. You know what he told us the roadblock was? The roadblock, for example, was Prime Minister Maliki himself, who blocked his attempts to uncover the truth and to deal with corruption. Why did he do it? He did it because the people that the judge was investigating were Shia, so the Prime Minister didn't want those people investigated, or because they were related in some way to the Prime Minister, so those people couldn't be investigated.

So with the money we have poured into Iraq, the money we have poured in for reconstruction and other things, the Iraqi Government is missing $18 billion worth in corruption. That is what we are dealing with in Iraq. That is where our money is going. And instead of covering our kids for health care, we want to spend another $191 billion more in Iraq.

Dr. KAGEN?

Mr. KAGEN. Thank you for yielding. One of the nice things about being in the majority is we have an opportunity now to have oversight, to ask questions seeking the truth about where our hard-earned tax dollars are being spent.

I have always believed and I believe everyone in Wisconsin believes that your family values are reflected in how and where you spend your money. The values of this administration, of this President, will be reflected in how and where he is attempting to direct us to spend our hard-earned dollars.

We have heard from you, Congressman HODES, the voice of the administrator from the new Iraq, the freely elected government of Iraq. I would like to share with you now some of the words of people from my district who have concerns about money and their health and where we are going.

Albert from Crivitz writes, "Without a job that pays a fair wage, I won't have money to pay for health care, gas, a war, Social Security or anything else."

Albert in Crivitz understands. He has to balance his checkbook every month and he can't spend money that he doesn't have.

Lloyd in Wisconsin, who I spoke with this evening before coming down to the floor, he is from Kaukauna, said, "Do something to help your senior citizens for health care and drug programs. Thank you."

When I spoke with him this evening, he went beyond his postcard to me to explain that he has two daughters who are retarded who are dependent upon him. And even though he is trying to retire, he is a retired paper worker in the paper industry and his wife has diabetes, he is having a hard time making it. And without the role of government, what kind of future would he and his daughters have?

From Waupaca, Dianne writes to me, "We know numerous people over 50 who have lost their jobs so companies can cut health care and payroll costs, and cannot find any other work and no longer have health insurance." No health insurance for 4 years.

In speaking with Dianne's husband this evening, Ken, he explained that his son is shipping out on the 26th of this month to Iraq as a member of the Guard. He is a gunner on a Humvee. He is a college graduate, and he is making a sacrifice.

No one in this administration has asked the American people to sacrifice for this poor judgment of entering into the Iraqi civil war. But who is he really asking to pay the price? He is asking us to forgo health care for the poorest among us and for our Nation's children who are near poverty. That is a poor choice. It is poor judgment that got us into Iraq. But we have to stand up in this House, in this, the People's House, expressing citizens' points of view. It is their money, and that is who we represent.

From Appleton, Wisconsin, my hometown, Leroy and Lois: "We are retired, over 80. We need drugs for high cholesterol, but the cost for this drug is extremely high. Also it would be great to have some alternative auto fuel."

These people in Appleton really get it. And they are listening tonight. I called them to tune in on C-SPAN, because we are expressing their views here this evening.

From Fremont, Wisconsin, Larry writes, "My wife and I spend over $900 a month for drugs now. When we hit the doughnut hole, that is when we really will pay." In speaking with him tonight, his wife is in the doughnut hole. That is over a $2,400 hole, and their copay is $600 for their medications.

We have some values that we have to reflect here in the People's House. Where are we going to spend the taxpayers' hard-earned dollars—overseas, or here at home?

□ 2100

Bonnie from Biron, Wisconsin, writes, "We need to start worrying about the people of U.S.A. before we worry about others in the world."

Robert from Green Bay, "Iraq, bringing them home. If taxpayers can't get the same health insurance as Congress, at least get drug costs down to the VA amounts."

My friend, people in Wisconsin understand the deal they are being handed. My honorable friend, Congressman HODES, you point to a chart that shows $330 million a day being spent in Iraq. I can build 10 brand new hospitals in Wisconsin with that amount of money. Each and every day, 10 hospitals in your State, Texas, California, Missouri, everywhere in these United States and that money is gone and it is not coming back.

Mr. HODES. As I hear the stories that you are telling me from the folks back home in your district in Wisconsin, it literally breaks my heart to think, as a Member of Congress, we are having to fight, we are having to fight hard for the people of this country to override a Presidential veto which says we are going to spend money on a failed war instead of spending money on health care for our people. Health care for our people. We would rather spend the money over there on something that isn't working. But questioning whether or not we are being wise about making a basic investment in the health care for kids with a program that has worked well to help lift kids out of poverty and into health, because when kids are healthy, they can learn. When the kids are learning and productive, their families are working better. Those are the kinds of things that the American people expect us to be spending our money on.

They are asking those questions. Why are we spending so much money in the sands of Iraq and with so little to show for it and why aren't we investing for kids at home. And they may not even know where all that money is going because the numbers are so big; $191 billion, what does that mean to anybody? When I carry around a $10 bill in my wallet, I can handle those sums. But $191 billion, what is it going for? What is it paying for? What kind of value are the taxpayers getting for what they are spending?

Mr. KAGEN. That brings up a good point that Linda DePere writes, "I do not want the government involved in health care. The government mismanages money and thinks funds are endless."

We agree with Linda, but we also believe in good government. And I believe good government can make a real difference in people's lives. That's why I left my medical practice to come to Congress to speak up for people who can't pay for their prescriptions.

Mr. HODES. It is a fair thing for the American people to expect competence from their government. They expect us to manage their money well, to manage it wisely, to be smart and be prudent and to be basically competent. That is one of the things that an effective government does.

When you think about some of the ways that our government has unfortunately mismanaged the effort in Iraq, the imagination cannot even keep up with what kinds of things have gone on.

Here are a couple of things. We know that the Bush administration has tragically mismanaged the war. The money we have spent on contracting has just been like throwing it out the window because we have had contracts upon contracts and subcontracts, nobody knows where the money has gone. Somebody is making a lot of money in Iraq. It was a free-for-all from the beginning with no-bid contracts, contractors piled on top of each other, and millions and billions of dollars.

We heard in one of our hearings in the Oversight Committee how we shipped $12 billion in cash over to Iraq during the early days of the occupation. The money was just given away to the ministries in Iraq and spent without any kind of accountability. And there have been how many prosecutions for war profiteering? Very few.

Luckily, our Congress in the past few days has enacted the War Profiteering Act, and we hope that will mean some real accountability. But there are billions unaccounted for. We have spent more than $50 billion on U.S. contractors for relief and reconstruction activities in Iraq alone; yet we heard in our hearings how these contractors who were being paid millions and billions of dollars weren't getting the jobs done. Things were left unfinished. The money was being wasted, and with all that, the Special Inspector General for Iraq Reconstruction had a report recently. He said that the Coalition Provisional Authority in Iraq, that was the government that we set up under Mr. Bremer, who is a good friend of the President, we set up this Coalition Provisional Authority. He said, I am the ruler of everything, I'm running the show. He ran the show. They can't account for $8.8 billion. I will say it again: They can't account for $8.8 billion.

If you look at what that involves, that is about the money to insure over 8 million kids under SCHIP, $8.8 billion. That is about the equivalent that it means. Gone, unaccounted for, can't figure it out. That is not competent management.

Take the issue of Blackwater that we have dealt with in hearings the other day. We found out that this company, Blackwater, which is providing security in Iraq and which now is under question for a terrible incident in which many Iraq civilians seem to have been gunned down, it is now being investigated by the FBI. Well, Blackwater is charging the government $1,222 a day for the services of a private military contractor. Each person they have got, $1,222 a day. That is $445,000 a year for each of these security guards, and that is over six times what we pay an equivalent U.S. soldier.

When we heard that during the hearing, we sat there stunned. We scratched our heads. We brought in the State Department and asked them what they knew about it. They couldn't give us any good answers. They were being guarded by these guys at these exorbitant costs, but they were not willing to talk to us. They weren't able to talk to us and couldn't give us any answers. We wanted to know why shouldn't we have U.S. soldiers perform these duties at a much lower cost.

Now, one of the things that we expect from our government is competent management. We certainly haven't gotten it in this effort in Iraq, and we want to make sure that our kids are covered. We have incompetent management in Iraq, or are we going to cover our kids. Those are the kinds of choices that we are facing. They are pretty basic choices.

Mr. KAGEN. Being a songwriter and a singer yourself, I understand, you remember the song, "There's a Hole in the Bucket." Well, when we came to Congress, we discovered there is a hole in the bucket. We feel, and I will just speak on behalf of myself, I feel just as frustrated as everyone back home that change can't happen fast enough, that we can't plug the leaks as fast as humanly possible.

We have not got the ability. I wasn't elected President; I was elected to be one of the 435 Members of Congress who express the people's view. We are not the administrators. Our job is to do oversight, to legislate, and to fund those things and place our values on the table and put our money where we believe the people best want it spent.

And people watching have to ask themselves: Whose side are we on? Are we on the side of large insurance companies? Are we on the side of no-bid contractors?

I am a Democrat. I am not on their side. I don't sit in the boardrooms. I sit and stand with you on the House floor speaking their voice.

All these issues come together. You cannot solve our situation in Iraq and health care and education and our environment and the safety and security of this Nation without talking about how we are going to spend our hard-earned money. It always requires money, and that's obvious. It is simple. Money is a problem solver. If you have a problem, you throw money at it and the problem should go away. Well, we are throwing money into Iraq and the problem isn't going away.

Here are the words from Tom and Sue from New London: "Number one, 51 million people without health care is a disgrace. Number two, the war in Iraq is like Vietnam all over. Number three, outsourcing is unacceptable and morally wrong." Tom and Sue from New London understand. There is a connection between outsourcing by hiring people offshore, lower wages, lower tax base that we don't have the money to solve our problems here at home.

Vicki from Green Bay writes, "Better medical care for poor seniors."

Well, SCHIP is not focused at seniors. It is focused first at our children who are most at risk, those with lower-income families. Those are the people I think we have to focus on first, and never think for a moment we are going to neglect our seniors, our military veterans and active military people who have served and put their lives on the line. They covered our back. It is time we cover theirs as well.

This is Kathleen from DePere: "It is time for all Americans to have the same health care benefits as their representatives in Washington."

Well, Kathleen, you don't want my coverage because I respectfully declined the health care benefits here until everyone in my district and the State and the country is offered the same cafeteria menu of choices. I felt it was wrong.

Deb from Little Chute in my district. "I want to see lower drug prices for everyone, not just seniors."

People back home get it, Congressman HODES. It is not just about kids, but we have to start somewhere. If we can't stand up and say—what kind of Nation are we, that we would turn our back on those most in need, children from hardworking families, what kind of Nation are we? It is morally unacceptable for the President to have vetoed this bill. This bill is paid for, and it is paid for in a responsible manner. It is a good deal for the American taxpayer. It is a great deal for our future to invest in our children's care.

Mr. HODES. It is extraordinary to stand on the floor of the House of Representatives and have the privilege of representing hardworking families in this country who get it. I believe the people of this country know in their hearts that our kids are important. The kids are not Democrats or Republicans; they are American kids. That is why the SCHIP bill is a bill about American kids. It is not a partisan bill. In fact, it had enormous bipartisan support. That's why 45 Members of the House of Representatives who are Republicans supported the bill. That's why it was supported in the Senate by so many Republican Senators.

Some of the things that were said by Republicans about the SCHIP children's health care bill which our President has now vetoed and which we are trying to override so we can bring health care to the most needy American kids, so we can make the investment that the American people understand is the moral thing to do, the smart thing to do with money, the smart thing to do for our future, they understand our kids are our future. Here is what some Republicans have said about that bill.

Representative REHBERG from Montana said: "I think it is a sensible, reasonable compromise." Sounds right to me. He said that on September 25.

Representative THOMAS PETRI, a Republican from Wisconsin, said: "A lot of hard work has been put into this bill, including the successful efforts of Senators ORRIN HATCH of Utah and CHUCK GRASSLEY of Iowa, both good Republicans and conservatives. So," he said, "I am comfortable that this bill is the right compromise, that it will provide much-needed health insurance for the Nation's low-income children, and do it at a reasonable cost." He said that in the Northwestern in Wisconsin, a paper, on September 25 of 2007, this year.

Representative WAYNE GILCHREST, a Republican from Maryland, says, "This is a compromise version of the bill which has the support of a broad coalition of groups. It focuses on the lowest-income kids, and fixes a lot of problems with the current programs."

Now, these aren't the words of Democrats. These aren't the words of people who some folks might even dismiss as liberals. You know, when you use the word "liberals," just trying to spend people's money, they say.

□ 2115

These are the words of my Republican colleagues who sit here day after day and have come together in a bipartisan coalition, in a bipartisan way, as good Americans to send the President a reasonable compromise that represents the best thinking, the best work that we could produce to cover our kids. Because the children's health care bill that we sent the President is not only good health care for kids, it's good health care, period. And it's done in a responsible way because what we did was we said we'll spend $35 billion over 5 years, we'll fix some of the problems with the current program, we'll not only insure the 6 million kids who are now the beneficiaries of this SCHIP program, but we'll expand it to about 3.8, almost 4 million more kids, but we're going to pay for every penny of that investment. How are we going to pay for every penny of that investment? We're going to frankly ask smokers to pay some more than they're paying now and use that money to pay for our kids.

So there's a trade. We have health care for kids and sound health policy because when we have smokers, we've got secondhand smoke, we've got huge rates of disease. So we're going to be sound fiscally. That means spending the taxpayers' money wisely. We're not going to spend new dollars. We're going to take from over here and pay for our kids over here.

So that's what we proposed, and as I said, all these Republicans, good, good Americans, and our colleagues here decided that it was worth it on a bipartisan basis, and here's what the President proposed. Here was the President's approach to what he wanted to do for America's kids.

Under the President's budget, 840,000 of our kids will lose their SCHIP coverage. Eight hundred forty thousand kids under the President's proposal will lose their health care. That's what he wants to do, and what we proposed, in a bipartisan way, in this Congress, one of the stunning achievements of the 110th Congress was doing what the American people asked us to do, because one of the things I heard when I came to Congress was we want to see you folks get past the bickering. We want to see you folks get past all that gridlock in Congress. We want to see Republicans and Democrats come together, come together and put the interests of Americans first.

And so on this bill, the kids' health bill, that's exactly what happened. Republicans and Democrats came together, sent it to the President, and said, Mr. President, this stunning example of bipartisan cooperation is ready for your signature, pick up the pen and help America's kids, Mr. President.

And what the President did and I personally in my heart of hearts find it not just disappointing but disgraceful, that what he did was he vetoed that bill. And now we're faced with trying to bring some of our Republican colleagues along to help override that veto so our kids, our poorest kids can have health insurance.

I yield to the gentleman.

Mr. KAGEN. Thank you for yielding. One of the lessons I learned when I entered the world of politics and politicians was that it's politicians that determine who will live and who will die. It was, after all, politicians that took us to war based on lies and deceptions, and it's politicians today who are preventing my patients, my constituents and those who are most in need from having access to their health care that they require to survive. It's politicians that are very important.

So our politicians I believe on every level, whether you're a mayor, an alderman, a county board person, a Governor, a President, our elected leaders must now, more than ever, have good judgment, and good judgment will yield good results.

Now, this bill isn't just paid for with SCHIP. It saves money. Instead of a low-income family taking their children with a strep throat to the emergency room, they will get to go to a doctor, and you know, I can share with you a scientific fact you already know, but sometimes people who point out the obvious are called geniuses. You know, a cataract never had a name on it like Republican or Democrat. Strep throat never had a name like Independent or Progressive or Republican. Human disease has no political affiliation. I have not asked my patients what political party they're in before we decide what's best for them. The motto is, the thematic idea is, do what is best for your patients if you're a physician.

Here in Congress we have to have that same mantra, that same idea: do what is best for our constituents. That's our duty. That's our job, but we have to have good judgment.

Now, the other thing I've discovered here, when I served in the Veterans Administration hospitals as a physician during my training days, we had a slogan that said, hey, wait a minute, if it makes sense, don't do it; it's the military. If you served in the Marines or the Army, you might have that same idea, wait a minute, if it makes sense, what are we doing it for?

But we have to now make sense of our judgments, especially with health care for our children. They are the ones most at risk. Early in life, the early development of the human brain, the first 5 years of development are so critical to the future health and psychology of that person. We have to invest in our children's health care. SCHIP is not perfect but it is the best way forward. It just makes too much common sense for many people.

I'm hoping that tonight people watching throughout America will understand, yeah, it does matter who my politician is, who my congressperson is. They should call and write their congressman and congresswoman today. Don't wait till tomorrow. This is far too important.

This is a matter literally of life and death. It's not just your pocketbook. We're talking about your neighbors, the people that live just down the street that don't have access to care that they require.

We can change it. I believe in good government. I know you do as well. I know people listening want good government. This is their opportunity to participate. We have shared their stories here tonight. It's their story, and it's their lives that we're attempting to improve. Their quality of life is on the line on the 18th of October.

This President has failed to listen to ordinary people, people from my district who are asking for access to their doctor, who are asking him to take a new and different direction away from Iraq and back after Osama bin Laden and his followers.

The President, who I believe is a good man, has poor judgment on this one, is listening to some people that are giving him bad advice. We'd like to work with the President.

The third lesson I've learned: One congressperson can't make a tremendous change, but they don't have to give up trying. What really matters here in our government is who's in the White House. I'm convinced, now more than ever, with this recent battle over health care for children that makes sense, that's paid for, that saves money, saves tax dollars, if we can't win over this President and the Republican Party on this argument, they don't deserve to be in the White House for a generation. Their judgment is ill, spoken like a physician, and no joke meant.

I cannot tell you how hard I took it when the President said "no" to our children, to our Nation's children most in need. It's the most unkind act, other than taking us to war based on poor judgment and deception.

Mr. HODES. Well, I hear you loud and clear, and I think the American people do, also.

You know, there's often a mistrust of politicians, and you and I came to Congress not from lives as professional politicians. You and I came to Congress because we saw trouble in our country. We saw priorities that weren't being handled right. We saw policies that weren't working for hardworking American people. We saw a country we loved where the Constitution was treated as a nuisance, where the American people weren't told the truth, where the real needs of hardworking folks in our districts, in our home States, the needs for health care, for good schools, for good jobs, for rational trade policies, for an end to wars that didn't work weren't being answered by the politicians when we ran for office.

You were a doctor. I practiced law for years. I was never in the State legislature. I don't think you were either. We came here to do the most good for most of the people all of the time.

And on this bill in particular, it is such a shame that it has become any kind of political football. We didn't make it that way. What we did on this bill was we reached across the aisle and we said to our Republican colleagues, come on, this is for America; we can at least agree on this, that we're going to get past the gridlock, we're going to help kids because that's what Americans are about.

We're good, decent people who understand that our kids are our future, and whatever political party we're in, our kids are our future. We love them and we want to help them. They shouldn't be sick. The sight of one sick child who otherwise could have been helped with the SCHIP bill, who goes ill, who lies there sick because his family or her family can't afford to take her to the doctor because this President has decided that a war in Iraq is worth spending $191 billion on but our kids aren't worth $35 billion over 5 years is something that I think you and I have a hard time understanding. It has a direct impact.

And for us as politicians here in Washington, sitting in the House of Representatives, it's a great privilege, great honor, great obligation which we take seriously, but ultimately, the way change happens in this country is at the grassroots. It's people around America, and there are probably a lot of folks who are listening to us tonight because this goes out all over the country, and what I'm begging the people of this country to do, what I'm asking is that it's up to them, Mr. Speaker. It's up to the people in this country to say to the President, to say to their representatives, whether they're Republicans or Democrats, who haven't voted for the SCHIP bill and who have got to vote to override this veto, it's up to the people of this country to step up, step forward, use e-mail, use mail, use the telephones. Don't let this go.

We need the people of this country to step up and speak to their representatives and say this veto must not stand. It's not right for America. It's not who we are. It's not the moral thing. It's not the right thing to do monetarily. It's not the right thing for our kids, to send a message loud and clear to the President of the United States that says we're not going to stand down with you, we're going to stand up for our kids.

Because if we don't do it, if the people of this country don't do it, if the House of Representatives, if the Congress won't stand up for kids, we know the President won't, who will? We have the opportunity in the next week or so to come to a vote, and I think it's going to come up to the floor of this House on Monday next week. Maybe I'm off on my date. It will be the 18th of October. There's going to be a vote right here on this floor where you and I are standing of whether or not we are going to override the President's veto, and I want my colleagues and especially those who we need on the other side of the aisle who are thinking about whether or not to support the President or support the kids to hear from the people of this country, because I'm betting, as sure as I'm standing here representing the good people of New Hampshire, I'm betting the people of this country want the President and the Congress to stand up for kids, not to stand down with the discredited President.

That's what I'm betting. That's where I am putting my money. I'm putting my money on the kids, and I'm putting my money on the people of the United States of America. What do you think?

Mr. KAGEN. I appreciate your sentiment, your energy, and I agree with everything that you have been saying, and I would ask another question of the American people, not just what kind of Nation are we, but this essential question that you will recognize. If not now, when? And if not you, then who? This moment does matter.

I am so grateful for our leadership in giving us this opportunity this week to have an ongoing conversation with constituents and voters and parents and children all across the country. We need to have a discussion about what kind of Nation we are and in which direction we're going to turn, shall we invest in the health of our children, those who are most in need, or shall we be unkind and immoral and turn away from them? I think most people would agree with us, that it's a great idea to be healthy and especially to invest in the health of our children.

□ 2130

In the State of Wisconsin, the SCHIP program under BadgerCare, what we call BadgerCare, 16,527 children are covered. We can enhance with this bill up to 37,000 additional children who have access to health care. My friends, if not now, when? And if not you, then who? You must contact your representative to make sure that he or she is speaking the way you want them to speak.

We have been listening to you all throughout our election and all throughout our careers, we will continue. Because a politician is someone who is looking forward to their next election. We are statesmen looking out for our next generation.

Mr. HODES. You know, in my home State, the bill would preserve care for 11,000-plus children, and we could add 8,000 children with our bill. I think, as we have talked tonight with each other and with the American people about what this means for our children, it is clear, certainly, that you and I are here listening to the American people, trying to do the best we can for hard-working families and our kids.

There is nothing as simple. It's a pretty simple proposition we face. Are we going to stand up for our kids, or stand down with a discredited President, and we both said that we need the American people to speak loud and clear, because we are two voices among many. But the American people can speak on this issue with a solid unified voice, send a message to Congress, send a message to the President, that we will stand up together for our kids. It's the least we can do. It's the best we can do. Together, we can make a difference for the kids of this country.

Mr. KAGEN. By working together, we will.

Mr. HODES. Thank you for having a great evening and a great chance to talk together on this important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today after 5 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LEE) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LOEBSACK, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, October 17.

Mr. KIRK, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DOGGETT, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

ADJOURNMENT

Mr. HODES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Friday, October 12, 2007, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3674. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Removal of Quarantined Area [Docket No. APHIS-2007-0051-3] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3675. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID OCC-2007-00014] (RIN: 1557-AD02) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3676. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Undertanding Reached at the June 2007 Australia Group (AG) Plenary Meeting; Addition to the List of States Parties to the Chemical Weapons Convetion (CWC) [Docket No. 070705267-7492-01] (RIN: 0694-AE08) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3677. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Use of Campaign Funds for Donations to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use [Notice 2007-18] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

3678. A letter from the Director, Reg. Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Disclosure of Information to Organ Procurement Organizations (RIN: 2900 AM65) Recived September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3679. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations Governing Practice Before the Internal Revenue Service [TD 9359] (RIN: 1545-BA72) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2102. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; with an amendment (Rept. 110–370). Referred to the Committee on the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 724. Resolution providing for consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes (Rept. 110–371). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAMPSON (for himself and Mr. CHABOT):

H.R. 3791. A bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. WAMP:

H.R. 3792. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limitation on party expenditures on behalf of candidates in general elections; to the Committee on House Administration.

By Mr. ALTMIRE (for himself, Mr. STEARNS, Mr. JONES of North Carolina, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3793. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 3794. A bill to improve the availability of benefits for veterans and the surviving spouses of veterans who were exposed while in military service to ionizing radiation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3795. A bill to amend title 38, United States Code, to provide that veterans of service in the 1991 Persian Gulf War and subsequent conflicts shall be considered to be radiation-exposed veterans for purposes of the service-connection of certain diseases and disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Ms. KAPTUR, Mr. KILDEE, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Ms. SHEA-PORTER, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. GRIJALVA, and Ms. WOOLSEY):

H.R. 3796. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of North Carolina (for himself, Mr. THOMPSON of California, and Mr. UDALL of Colorado):

H.R. 3797. A bill to require the President to seek to institute a regional diplomatic plan for the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HAYES (for himself and Ms. BORDALLO):

H.R. 3798. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

By Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. HOYER, Mr. TOM DAVIS of Virginia, and Mr. GEORGE MILLER of California):

H.R. 3799. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself and Mr. ROGERS of Michigan):

H.R. 3800. A bill to advance the adoption of nationwide interoperable health information technology and to improve health care quality and reduce health care costs in the United States; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mrs. TAUSCHER, Mr. CROWLEY, Mr. KIND, Mr. DAVIS of Alabama, Mr. MOORE of Kansas, Mr. CARNAHAN, Mr. ALTMIRE, Mr. COURTNEY, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. DICKS, Mr. ETHERIDGE, Mr. BAIRD, Ms. BEAN, Mrs. MCCARTHY of New York, Mr. MATHESON, Mr. INSLEE, Mr. GONZALEZ, and Mr. CUELLAR):

H.R. 3801. A bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, Energy and Commerce, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. TERRY, Mr. ENGLISH of Pennsylvania, Mr. FORTENBERRY, and Mr. PETERSON of Pennsylvania):

H.R. 3802. A bill to prohibit the collection of tolls on highways, bridges, and tunnels constructed using Federal funds; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. WATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. MCINTYRE, Mr. SHULER, and Mrs. MYRICK):

H.R. 3803. A bill to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL of California:

H.R. 3804. A bill to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 3805. A bill to amend the Food Stamp Act of 1977 to provide to States an option to provide food assistance to foster community reintegration; to the Committee on Agriculture.

By Mr. FORBES (for himself, Mr. SMITH of Texas, Mr. COBLE, Mr. GALLEGLY, and Mr. WOLF):

H.R. 3806. A bill to amend title 18, with respect to certain crimes affecting national security, and for other purposes; to the Committee on the Judiciary.

By Ms. GIFFORDS (for herself, Mr. VAN HOLLEN, Mr. ELLISON, Mr. BLUMENAUER, Mr. LAMPSON, Mr. PALLONE, Mr. EMANUEL, Mr. POMEROY, Mr. CHANDLER, Mr. UDALL of New Mexico, Mr. ALTMIRE, Ms. BERKLEY, Mr. GRIJALVA, Mr. ISRAEL, Mr. CARNEY, Mr. PASTOR, Mr. EHLERS, Mr. SMITH of Washington, Mr. MCCAUL of Texas, Mr. MITCHELL, Mr. BRALEY of Iowa, Mr. MCNERNEY, Mr. INSLEE, and Mr. MOORE of Kansas):

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to increase and extend certain renewable energy and energy efficiency incentives; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mr. JOHNSON of Georgia, Mr. MURPHY of Connecticut, Mr. MEEK of Florida, Mr. BRADY of Pennsylvania, Mr. ALTMIRE, Ms. BERKLEY, Mr. GRIJALVA, Mr. ISRAEL, Mr. CARNEY, Mr. PASTOR, Mr. MCCAUL of Texas, Mr. MITCHELL, and Mr. HARE):

H.R. 3808. A bill to amend the Internal Revenue Code of 1986 to permanently extend the special rule treating combat pay as earned income for purposes of the earned income credit and to increase the standard deduction for individuals performing service in the uniformed services while on active duty for a period of more than 30 days; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. DENT, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3809. A bill to amend the Delaware and Lehigh National Heritage Corridor Act of 1988 regarding the local coordinating entity of the Delaware and Lehigh National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Mr. KUHL of New York (for himself and Ms. SLAUGHTER):

H.R. 3810. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the 1816 Farmington Quaker Meetinghouse located in Farmington, New York, and the suitability and feasibility of its inclusion in the National Park System as part of Women's Rights National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. CARNEY, and Ms. JACKSON-LEE of Texas):

H.R. 3811. A bill to amend title 18, United States Code, to expressly include State online sexual exploitation investigations in the list of those for which interception of communications is authorized; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. HINCHEY, Mr. RUSH, Mr. HONDA, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Ms. CARSON, Ms. WOOLSEY, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. KUCINICH, Mr. COHEN, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. FATTAH, Mr. BISHOP of Georgia, and Mr. SERRANO):

H.R. 3812. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut:

H.R. 3813. A bill to amend the Truth in Lending Act to prohibit mortgage originators from receiving incentive compensation that varies with the terms of a residential mortgage loan and from steering consumers to residential mortgage loans that are not in the consumers' best interest, and for other purposes X; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 3814. A bill to provide for a "gold standard" for the security of nuclear materials worldwide, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Mississippi, Mr. SHAYS, Mrs. LOWEY, Mr. CARNEY, Mr. RENZI, and Ms. HARMAN):

H.R. 3815. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes; to the Committee on Homeland Security.

By Mr. PERLMUTTER:

H.R. 3816. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the authority for individuals called to active duty to make penalty-free withdrawals from retirement plans and for the use of tax-exempt bonds to finance homes for veterans without regard to the first-time homebuyer requirement; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. KING of Iowa, Mr. BOSWELL, and Mr. HULSHOF):

H.R. 3817. A bill to amend the Internal Revenue Code of 1986 to make improvements to assist young farmers and ranchers; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. HENSARLING, Mr. CAMPBELL of California, Mrs. BACHMANN, Mr. HERGER, Mr. PENCE, Mr. FEENEY, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Ms. FOXX, Mr. PAUL, Mr. KLINE of Minnesota, Mr. SALI, Mr. WILSON of South Carolina, Mr. NEUGEBAUER, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. AKIN, Ms. FALLIN, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. WALBERG, Mr. PITTS, Mr. MCKEON, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mr. ROYCE, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. MARCHANT, Mr. DOOLITTLE, and Mr. ALEXANDER):

H.R. 3818. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 3819. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself, Mr. LEWIS of Kentucky, Mr. SHULER, Mr. LATOURETTE, Mr. DEFAZIO, Mr. LEVIN, Mrs. TAUSCHER, and Mr. ROGERS of Michigan):

H.R. 3820. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SESSIONS, Mr. ROSKAM, Mrs. CAPPS, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, Mr. MACK, Ms. SOLIS, Mr. BILIRAKIS, Mrs. EMERSON, Mrs. CAPITO, Mrs. DRAKE, Ms. GRANGER, Mrs. MYRICK, Mr. BAKER, Mrs. BIGGERT, Ms. BORDALLO, Mr. CANTOR, Mr. MARIO DIAZ-BALART of Florida, Mr. SESTAK, Mr. PLATTS, Mr. BURGESS, Mrs. SCHMIDT, Mr. PEARCE, Ms. FOXX, Mr. BURTON of Indiana, Mr. HINCHEY, Mr. HOLDEN, Mr. REYNOLDS, Mr. YOUNG of Alaska, Mr. DAVIS of Kentucky, Mrs. MCCARTHY of New York, Mr. FEENEY, Mr. BISHOP of Georgia, Mr. SERRANO, Mr. HALL of New York, Mr. LAMPSON, Ms. BERKLEY, Mr. SNYDER, Mr. HULSHOF, Ms. BALDWIN, Ms. PRYCE of Ohio, Mr. KUHL of New York, Mr. MILLER of Florida, Ms. WASSERMAN SCHULTZ, Ms. HOOLEY, Mr. KELLER, Mr. DEAL of Georgia, Mr. GINGREY, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. TIM MURPHY of Pennsylvania, Mr. LANGEVIN, Mr. ROGERS of Alabama, Mr. BONNER, Mr. GARY G. MILLER of California, Mr. LATHAM, Mr. CALVERT, and Mr. FOSSELLA):

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself, Mr. DENT, and Mr. BISHOP of New York):

H. Con. Res. 231. Concurrent resolution expressing the sense of Congress that the Government of the United States should submit to the Government of Iraq a draft bilateral status-of-forces agreement; to the Committee on Foreign Affairs.

By Mr. MARCHANT:

H. Con. Res. 232. Concurrent resolution it is the Sense of the Congress that the confidentiality mandates for minors should be removed from family planning services programs operating under Title X of the Public Health Services Act and Medicaid; to the Committee on Energy and Commerce.

By Mr. ROGERS of Kentucky (for himself, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mr. YARMUTH, Mr. DAVIS of Kentucky, and Mr. CHANDLER):

H. Con. Res. 233. Concurrent resolution commending the Kentucky National Guard for its service to the Commonwealth of Kentucky and the citizens of the United States; to the Committee on Armed Services.

By Mr. PUTNAM:

H. Res. 722. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DELAHUNT (for himself, Mr. PENCE, Mr. DAVIS of Alabama, Mr. LATOURETTE, Ms. HERSETH SANDLIN, and Mr. HULSHOF):

H. Res. 723. A resolution providing for the expenses of the select committee established under House Resolution 611; considered and agreed to.

By Mr. BLUMENAUER (for himself, Mr. DINGELL, Mr. DUNCAN, Mr. EHLERS, Mr. GILCHREST, Mr. HALL of New York, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. OBERSTAR):

H. Res. 725. A resolution recognizing the 35th anniversary of the Clean Water Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, Ms. NORTON, Mr. NADLER, Mr. FORTUÑO, Mr. MCGOVERN, Ms. LEE, Mr. OLVER, Mrs. CAPPS, Mr. SERRANO, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. CHABOT, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. WEXLER, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. GIFFORDS, Mr. HONDA, Ms. SUTTON, Mr. KUCINICH, Mr. DELAHUNT, Ms. MCCOLLUM of Minnesota, Mr. FATTAH, Mr. SHAYS, Mrs. JONES of Ohio, Mr. COHEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. ALLEN, and Mr. CHANDLER):

H. Res. 726. A resolution calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic; to the Committee on Foreign Affairs.

By Mr. FLAKE (for himself and Mr. MORAN of Kansas):

H. Res. 727. A resolution providing for a moratorium on the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, that contains any congressional earmark until a bipartisan panel is established to provide oversight over the congressional earmarking process and that panel reports its recommendations to the House; to the Committee on Rules.

By Mr. JORDAN (for himself, Mr. TIBERI, Ms. SUTTON, Mr. KUCINICH, Ms. KAPTUR, Mr. BOEHNER, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, Mr. SPACE, Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER, Mr. WILSON of Ohio, Mr. HOBSON, and Mrs. JONES of Ohio):

H. Res. 728. A resolution expressing the support and sympathy of the House of Representatives and the people of the United States for the victims of the devastating flooding that occurred across many parts of Ohio in August 2007 and commending the communities, volunteer organizations, churches and emergency response agencies for their continuing work to restore the affected areas across the state; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. REYES, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, and Ms. JACKSON-LEE of Texas):

H. Res. 729. A resolution commending the 1st-149th Attack Reconnaissance Battalion of the Texas Army National Guard for their service to the State of Texas and the United States; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. HOEKSTRA, Mrs. BOYDA of Kansas, Mr. BURTON of Indiana, Mr. CULBERSON, Mr. ROHRABACHER, and Mr. CALVERT):

H. Res. 730. A resolution expressing the sense of the House of Representatives regarding the planned acquisition of a minority interest in 3Com by affiliates of Huawei; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H. Res. 731. A resolution honoring Kelly Pavlik, the undisputed middleweight boxing champion, his trainer Jack Loew, Team Pavlik and Pavlik's fans in Northeast Ohio; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California:

H. Res: 732. A resolution designating the third week of October as "National Estate Planning Awareness Week"; to the Committee on Oversight and Government Reform.

By Mr. WELLER (for himself, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Georgia, and Mrs. BACHMANN):

H. Res. 733. A resolution recognizing the importance of improving the high school graduation rate of foster youth; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Ms. HIRONO.

H.R. 138: Mrs. MYRICK, Mr. SHUSTER, and Mr. BILBRAY.

H.R. 281: Mr. MILLER of North Carolina.

H.R. 371: Mr. MILLER of North Carolina.

H.R. 522: Mr. ENGEL.

H.R. 549: Mr. GOODE and Mr. JACKSON of Illinois.

H.R. 552: Mr. BRADY of Texas and Mr. GONZALEZ.

H.R. 618: Mr. NEUGEBAUER and Mr. EVERETT.

H.R. 621: Mr. POE, Mrs. GILLIBRAND, and Ms. CORRINE BROWN of Florida.

H.R. 627: Mr. JACKSON of Illinois.

H.R. 643: Mr. GOHMERT.

H.R. 648: Mr. EVERETT.

H.R. 728: Ms. WASSERMAN SCHULTZ.

H.R. 743: Mr. CAMP of Michigan.

H.R. 758: Mr. DAVIS of Kentucky, Mr. BOYD of Florida, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. SKELTON, Mr. SALAZAR, Mr. MCNERNEY, Mr. Baird, and Mr. LEWIS of Kentucky.

H.R. 769: Mr. JINDAL.

H.R. 821: Mr. JACKSON of Illinois.

H.R. 882: Ms. BALDWIN.

H.R. 938: Mr. SHAYS and Mr. KLINE of Minnesota.

H.R. 939: Mr. BILBRAY.

H.R. 997: Mr. JINDAL and Mr. HAYES.

H.R. 1000: Mr. PAYNE.

H.R. 1014: Mr. HODES, Mr. SMITH of New Jersey, and Mr. BISHOP of Georgia.

H.R. 1043: Ms. SUTTON.

H.R. 1070: Mr. MILLER of North Carolina.

H.R. 1073: Mrs. DRAKE.

H.R. 1078: Mr. COURTNEY and Mr. BISHOP of Georgia.

H.R. 1091: Mr. ORTIZ.

H.R. 1092: Ms. SUTTON.

H.R. 1110: Mr. DOGGETT.

H.R. 1113: Ms. ESHOO, Mr. BAKER, and Mr. FILNER.

H.R. 1123: Mr. HOLDEN.

H.R. 1147: Mr. BRADY of Texas.

H.R. 1171: Mr. ALTMIRE.

H.R. 1174: Mr. SMITH of New Jersey.

H.R. 1193: Mr. CONYERS, Mr. RUSH, and Mr. BROWN of South Carolina.

H.R. 1232: Mr. MOORE of Kansas and Mr. UPTON.

H.R. 1237: Mr. HINCHEY, Mr. KENNEDY, Mr. LEVIN, Ms. SCHAKOWSKY, and Mr. RADANOVICH.

H.R. 1275: Mr. JACKSON of Illinois.

H.R. 1279: Mr. YARMUTH.

H.R. 1322: Mr. WU.

H.R. 1342: Mr. BILBRAY.

H.R. 1355: Mr. BILBRAY.

H.R. 1363: Ms. SHEA-PORTER.

H.R. 1381: Mr. HONDA.

H.R. 1422: Mr. THOMPSON of Mississippi and Mr. HAYES.

H.R. 1435: Mr. HOLDEN.

H.R. 1461: Mr. CONYERS.

H.R. 1479: Mr. POE.

H.R. 1522: Mr. SCOTT of Virginia.

H.R. 1537: Mr. CAMP of Michigan.

H.R. 1576: Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. ALTMIRE, and Mr. HOLT.

H.R. 1581: Mr. FILNER.

H.R. 1619: Ms. ZOE LOFGREN of California.

H.R. 1711: Mr. JACKSON of Illinois.

H.R. 1727: Ms. PRYCE of Ohio.

H.R. 1738: Mrs. BLACKBURN and Mr. BERMAN.

H.R. 1742: Ms. HARMAN and Mr. HILL.

H.R. 1767: Ms. CLARKE.

H.R. 1791: Mr. YOUNG of Alaska.

H.R. 1843: Mr. TIM MURPHY of Pennsylvania, Mr. ELLISON, Mr. BAKER, Mr. DEAL of Georgia, and Mr. JACKSON of Illinois.

H.R. 1884: Mr. ARCURI.

H.R. 1940: Mr. ROSKAM and Mr. FORTENBERRY.

H.R. 1947: Ms. BORDALLO.

H.R. 1954: Mr. HARE.

H.R. 1957: Mr. SERRANO.

H.R. 1976: Mr. BRADY of Pennsylvania.

H.R. 1992: Mr. BISHOP of Georgia, Ms. SHEA-PORTER, Mr. DONNELLY, Mrs. MALONEY of New York, Mr. PERLMUTTER, and Mr. HALL of New York.

H.R. 2012: Mr. COHEN.

H.R. 2016: Mr. SAXTON.

H.R. 2061: Mr. SESTAK.

H.R. 2075: Mrs. SCHMIDT.

H.R. 2091: Mr. LINDER.

H.R. 2109: Mr. BILBRAY.

H.R. 2134: Mr. TIAHRT.

H.R. 2138: Mr. PERLMUTTER.

H.R. 2167: Ms. ZOE LOFGREN of California.

H.R. 2205: Mr. LAHOOD.

H.R. 2220: Mr. PRICE of North Carolina.

H.R. 2295: Ms. SCHWARTZ.

H.R. 2327: Mr. JACKSON of Illinois.

H.R. 2387: Mr. FEENEY.

H.R. 2417: Ms. SHEA-PORTER.

H.R. 2464: Ms. SHEA-PORTER.

H.R. 2490: Mr. BILBRAY.

H.R. 2508: Mr. BILBRAY.

H.R. 2511: Mr. GONZALEZ, Ms. SCHAKOWSKY, and Ms. BORDALLO.

H.R. 2593: Mr. DOGGETT.

H.R. 2599: Mr. MELANCON.

H.R. 2604: Mr. ISRAEL and Ms. SCHAKOWSKY.

H.R. 2668: Mr. KAGEN.

H.R. 2702: Ms. SUTTON and Ms. SHEA-PORTER.

H.R. 2711: Mr. GALLEGLY and Mr. SHAYS.

H.R. 2714: Mr. WOLF.

H.R. 2744: Mr. MARKEY, Mr. TIM MURPHY of Pennsylvania, Mr. WELCH of Vermont, and Mr. JACKSON of Illinois.

H.R. 2758: Mr. JACKSON of Illinois.

H.R. 2832: Mr. FORTENBERRY.

H.R. 2868: Ms. VELÁZQUEZ and Mr. HIGGINS.

H.R. 2878: Mr. FERGUSON, Mr. DAVID DAVIS of Tennessee, and Mr. HASTINGS of Florida.

H.R. 2885: Mr. MAHONEY of Florida.

H.R. 2902: Mr. WEXLER.

H.R. 2914: Mr. WELLER.

H.R. 2915: Mr. LATHAM.

H.R. 2933: Mr. CAMPBELL of California.

H.R. 2946: Mr. JACKSON of Illinois.

H.R. 2994: Mr. UPTON and Ms. SCHAKOWSKY.

H.R. 3026: Mrs. DAVIS of California.

H.R. 3028: Ms. BORDALLO.

H.R. 3047: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3085: Mr. STARK.

H.R. 3099: Mr. BISHOP of New York and Mr. BLUMENAUER.

H.R. 3119: Mr. MCGOVERN, Ms. SCHAKOWSKY, and Mr. DOGGETT.

H.R. 3142: Mrs. MUSGRAVE.

H.R. 3144: Mrs. MUSGRAVE.

H.R. 3145: Mr. BILBRAY.

H.R. 3150: Mrs. MUSGRAVE.

H.R. 3151: Mr. CHABOT.

H.R. 3168: Mr. JACKSON of Illinois.

H.R. 3176: Mr. WESTMORELAND.

H.R. 3212: Mr. AL GREEN of Texas and Mr. CLAY.

H.R. 3232: Ms. GIFFORDS, Mr. CARDOZA, Mr. FILNER, Mr. SPRATT, and Mr. BROWN of South Carolina.

H.R. 3282: Mr. PRICE of North Carolina, Mr. SHIMKUS, and Mr. BROWN of South Carolina.

H.R. 3298: Mr. LATHAM.

H.R. 3327: Mr. HONDA.

H.R. 3358: Mr. HASTERT and Mr. TIM MURPHY of Pennsylvania.

H.R. 3374: Mr. GRIJALVA.

H.R. 3397: Mr. CONYERS and Mr. HINCHEY.

H.R. 3403: Ms. CARSON and Mrs. CAPPS.

H.R. 3414: Mr. PETERSON of Pennsylvania.

H.R. 3448: Mr. WEINER.

H.R. 3453: Mr. SMITH of New Jersey, Mr. ABERCROMBIE, and Mr. MORAN of Kansas.

H.R. 3461: Mr. COURTNEY.

H.R. 3479: Mr. SESSIONS and Mr. AKIN.

H.R. 3480: Mrs. MUSGRAVE and Ms. SHEA-PORTER.

H.R. 3481: Mr. MCNERNEY, Mr. STUPAK, Mr. RENZI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN, Mrs. DAVIS of California, and Mr. GRIJALVA.

H.R. 3521: Mr. HIGGINS.

H.R. 3533: Mr. OLVER and Ms. RICHARDSON.

H.R. 3569: Ms. SOLIS, Mr. STARK, and Ms. ESHOO.

H.R. 3585: Mr. MCDERMOTT and Mr. COLE of Oklahoma.

H.R. 3609: Mr. AL GREEN of Texas, Ms. CLARKE, Mr. BUTTERFIELD, Ms. BORDALLO, and Ms. SUTTON.

H.R. 3612: Mr. BURTON of Indiana, Mrs. DRAKE, Mr. NEUGEBAUER, Mr. POE, and Mr. BILBRAY.

H.R. 3627: Mr. PETERSON of Minnesota.

H.R. 3629: Mr. TOWNS.

H.R. 3663: Mr. ROTHMAN, Mr. WAXMAN, Mr. SERRANO, Mr. WEXLER, Ms. ESHOO, Mr. GRIJALVA, and Mrs. CAPPS.

H.R. 3689: Ms. SLAUGHTER.

H.R. 3691: Mr. BRADY of Pennsylvania, Mr. EMANUEL, Mr. KIND, Mr. CAPUANO, Mrs. CAPPS, Mr. HARE, Mr. PASCRELL, Ms. KAPTUR, Mr. ANDREWS, Ms. WATSON, Ms. WASSERMAN SCHULTZ, Ms. SLAUGHTER, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. RODRIGUEZ, Ms. WOOLSEY, Ms. SOLIS, Ms. SCHWARTZ, Mr. WEINER, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MR. ACKERMAN, Mr. DOGGETT, Mr. HINCHEY, Ms. MATSUI, and Mr. BERRY.

H.R. 3706: Mr. EMANUEL, Mr. ACKERMAN, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3738: Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PITTS, Mrs. BACHMANN, Mr. SHADEGG, Ms. FALLIN, Mr. BILBRAY, Mr. WALBERG, and Mr. CHABOT.

H.R. 3741: Mr. OBERSTAR.

H.R. 3748: Ms. WOOLSEY.

H.R. 3780: Ms. MCCOLLUM of Minnesota.

H.R. 3782: Ms. LEE, Mr. KUCINICH, and Ms. WOOLSEY.

H.R. 3785: Mr. LAHOOD.

H. Con. Res. 40: Mrs. GILLIBRAND.

H. Con. Res. 81: Mr. MURPHY of Connecticut.

H. Con. Res. 119: Mr. BILBRAY.

H. Con. Res. 122: Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, and Ms. SUTTON.

H. Con. Res. 160: Mr. CUMMINGS.

H. Con. Res. 163: Ms. BORDALLO.

H. Con. Res. 167: Mr. HASTINGS of Florida.

H. Con. Res. 182: Mr. BURGESS, Mrs. WILSON of New Mexico, Mr. MCCOTTER, Mr. KING of Iowa, Mr. TURNER, Mr. WAMP, Mr. REYNOLDS, Mr. BARRETT of South Carolina, and Mr. LATHAM.

H. Con. Res. 197: Ms. MATSUI, Mrs. DAVIS of California, Mr. PASTOR, Ms. SOLIS, and Mr. BECERRA.

H. Con. Res. 198: Mr. COHEN and Mr. JACKSON of Illinois.

H. Con. Res. 204: Mr. BILBRAY.

H. Con. Res. 218: Mr. POE, Mr. CHABOT, Mr. CANTOR, Mr. BRADY of Texas, Mr. PRICE of Georgia, and Mr. BILBRAY.

H. Con. Res. 221: Mr. WU.

H. Res. 111: Mrs. MUSGRAVE, Mr. KIND, and Ms. ZOE LOFGREN of California.

H. Res. 194: Ms. SHEA-PORTER.

H. Res. 237: Mr. PETERSON of Minnesota.

H. Res. 282: Mr. MARKEY.

H. Res. 335: Ms. NORTON, Mr. WOLF, Mr. PETRI, and Mr. WALSH of New York.

H. Res. 351: Mr. BILBRAY.

H. Res. 356: Mr. PERLMUTTER.

H. Res. 415: Ms. SUTTON.

H. Res. 537: Mr. BUTTERFIELD.

H. Res. 573: Mr. ELLISON and Mr. RUSH.

H. Res. 576: Mr. DOOLITTLE.

H. Res. 610: Ms. WATERS.

H. Res. 620: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 649: Mr. ELLISON, Mr. MCCAUL of Texas, and Mr. HASTINGS of Florida.

H. Res. 680: Mr. ALTMIRE, Mr. COBLE, and Ms. BORDALLO.

H. Res. 684: Ms. SLAUGHTER, Ms. MATSUI, Mrs. NAPOLITANO, Ms. DELAURO, Mrs. MALONEY of New York, Ms. BORDALLO, and Ms. NORTON.

H. Res. 690: Mr. ROTHMAN, Mr. KIRK, and Mr. BURTON of Indiana.

H. Res. 713: Mr. LEVIN and Ms. CORRINE BROWN of Florida.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CONYERS, or a designee, to H.R. 2102, the Free Flow of Information Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 618: Ms. CLARKE.

EXTENSIONS OF REMARKS

HONORING VETERANS OF FOREIGN WARS POST 696 IN OWENSBORO, KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize the outstanding work the members of the Veterans of Foreign Wars Post 696 in Owensboro, Kentucky continue to do to improve their community. Post 696 has exemplified the mission of the VFW: Honor the dead by helping the living.

The post has donated over $22,000 to local and State organizations in the past year. Beneficiaries of their generosity have included local schools, the Boy Scouts, shelters, and churches. Their generosity has also been extended to organizations such as the Wendell Foster Center, Shriners Hospitals, the Children's Wish Foundation, the Disabled American Veterans, and JEVCO.

Post 696 recently sponsored a going-away picnic for the members of Ft. Campbell's Alpha Troop and their families being deployed to Iraq. The city of Owensboro adopted Alpha Troop through the Americans Supporting Americans' Adopt-a-Unit-Program. I thank the members of the troop for their service and the city of Owensboro for this commitment to these brave soldiers.

The VFW Post 696 Honor/Color Guard has been busy serving the community as well. Since 2001, they have participated in over 400 veteran funerals and 50 community events in Daviess County.

I want to recognize the leaders of Post 696, Commander Richard "Ike" Eisenmenger, Jr., Ladies Auxiliary President Marilu Goodsell, and Color/Honor Guard Commander Joseph Hayden. They have worked tirelessly to serve veterans and improve their community.

It is my privilege to honor the members of VFW Post 696 today, before the entire United States House of Representatives, for their past service to our country and continued dedication to serving their community.

* * *

RECOGNIZING USO MARINE OF THE YEAR—SGT. JUSTIN CLOUGH

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the military service of Sgt Justin Clough, the most recent recipient of the USO's Marine of the Year award.

Although Justin is only 22, he has demonstrated bravery and leadership beyond his years. Since joining the U.S. Marine Corps, Justin has served 2 tours of duty and led more than 100 combat missions in Iraq as the squad leader of the 2nd Battalion, 8th Marine Regiment. During these missions, his squad was frequently attacked by direct and indirect fire. His dedication to leadership and training would ensure the safety of his fellow marines and ultimately prove to save his own life. On December 26, 2006, Justin was wounded by an insurgent sniper while on a routine patrol in Fallujah. Following the attack, his comrades, which included Justin's twin brother Nathaniel Clough, swiftly brought him to safety.

On September 20, the USO recognized Justin with one of its most prestigious honors, the Marine of the Year award at the 66th annual USO World Gala. In addition to the Marine of the Year award, Justin was chosen as the top marine in his company and battalion, awarded with the Purple Heart, and recommended for the Bronze Star with Combat "V" for valor.

Since returning to Stonington, CT, Justin has balanced physical therapy and volunteer work with the local high school football team. Upon receiving his medical discharge papers, he hopes to attend a university or work on a military base as a civilian.

While his presence will certainly be missed in the 2nd Battalion, 8th Marine Regiment, his leadership will undoubtedly yield success in future academic and work endeavors. I ask my colleagues to join with me and my constituents in saluting Justin's service to the Marines and our Nation.

* * *

PAYING TRIBUTE TO THE DOCUMENTARY FILM, "THE BORINQUENEERS"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. RANGEL. Madam Speaker, I rise today in commemoration of Hispanic Heritage Month to introduce the documentary film "The Borinqueneers." This compelling film chronicles the never-before-told story of the Puerto Rican 65th Infantry Regiment, the only all-Hispanic unit in United States Army history.

El Pozo Productions. in collaboration with Raquel Ortiz, acclaimed producer of "Mi Puerto Rico," released "The Borinqueneers," the first major documentary to chronicle the story of the 65th Infantry Regiment.

Narrated by Hector Elizondo, the documentary explores the fascinating stories of courage, triumph, and struggle of the men of the 65th through rare archival materials and compelling interviews with veterans, commanding officers, and historians.

The 65th Infantry Regiment was created in 1899 by the U.S. Congress as a segregated unit composed primarily of Puerto Ricans with mostly continental officers. It went on to serve meritoriously in three wars: World War I, World War II, and the Korean war. The unit was nicknamed after "Borinquen," the word given to Puerto Rico by its original inhabitants, the Taino Indians, meaning, "land of the brave lord."

When they were finally called to the front lines in the Korean war, the men of the 65th performed impressively, earning praise from General MacArthur. They performed a critical role containing the Chinese advance and supporting the U.S. Marines in the aftermath of the Battle of the Chosin Reservoir. Sent to every corner of the peninsula, they showed outstanding resilience and a legendary fierceness as combatants, even as they faced discrimination within the Army. But in the fall of 1952 the regiment was at the center of a series of dramatic events that would threaten its very existence.

Puerto Ricans occupy a special place in the history of the U.S. Army. Because of the island's commonwealth status, they don't have the right to vote in U.S. elections, and yet they serve in the military and can be drafted. For many of the veterans of the 65th, this paradox became an incentive to be even more patriotic, to prove themselves in battle 200 percent.

Although thousands of Puerto Ricans have served courageously in the Armed Forces since World War I, their contribution and sacrifices have gone largely unnoticed in the silver screen, until now.

As a testament to the legacy of the Borinqueneers, I submit into the RECORD an article from the New York Times-Metro Section regarding the film, that illustrates the rich history of this unique regiment and recognizes the Puerto Rican commitment to the United States Military.

[From the New York Times, Oct. 2, 2007]

BLOODIED IN BATTLE, NOW GETTING THEIR DUE

(By David Gonzalez)

Among the lamps, the religious cards and the knickknacks in Eugenio Quevedo's Upper West Side apartment is a worn and creased Banco Popular envelope. Tucked neatly inside, tiny black-and-white photos taken more than half a century ago show a rifle-toting soldier against a backdrop of hills and mountains.

"Korea was an ocean of mountains," Mr. Quevedo said. "We'd push forward and the enemy pushed us back. It was that kind of war."

He sounded tranquil, which in many ways he is at 81, though his eyes betrayed his emotions. In one corner of his living room, a poster shows the Puerto Rican flag, a nod to where he was born.

"We lost so many," he said. "The American people don't know the sacrifices of so many Puerto Ricans who died in Korea. It was the bloodiest war for Puerto Rico."

It is also a forgotten war for many Americans. Yet in recent months, veterans of a once-storied Puerto Rican regiment, the 65th

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Infantry Regiment—including Mr. Quevedo—have gotten their due in a documentary called "The Borinqueneers," which was first televised in New York over the summer and continues to be broadcast on public television nationally.

In a way, it is a passionate rejoinder to Ken Burns, whose World War II documentary drew sharp criticism from Latino and American Indian groups for initially ignoring their contributions during that war.

Noemi Figueroa Soulet, a New York actress who produced "The Borinqueneers," understands why people were upset with Mr. Burns. But she set her sights on a different battle, in more ways than one.

"Why should we be begging Ken Burns for a few minutes in his series?" she said. "We have other guys we can cover ourselves. I really felt there was enough there to tell our story in a full program."

The idea came to Ms. Figueroa Soulet in the late 1990s, after she saw the film "Saving Private Ryan" and around the time she learned that her husband's uncle had been wounded in Korea.

"I started thinking, what about the Puerto Rican experience?" she said. "I would see a war movie or documentary and I would look for the Latino faces. I always want to see how we are represented. Historically, I knew we served in the military, but you wouldn't know it."

Though she had never made a documentary before, she set out to chronicle the Puerto Rican military experience. In time, she zeroed in on the 65th Infantry's campaigns in Korea.

The regiment, she said, was founded in 1899 as an essentially Puerto Rican unit, including a fair share of island-born officers, led by mainland, or "continental," officers. The group also served in both world wars, though it was in Korea where it was hardest hit.

The regiment's bravery earned the admiration of no less than Gen. Douglas MacArthur, as well as a disproportionate share of casualties when compared with mainland regiments.

One of its continental officers said the unit "got every dirty job that came up," while another said it was so feared by the enemy that "I was very glad the Puerto Ricans were on my side."

But in 1952, scores of soldiers in the regiment were arrested and court-martialed after refusing to fight in battles where untested and poorly led replacement troops were sent to take hills without artillery or medical support. The refusals came after a battle that left hundreds wounded or dead. In another case, they would not follow an officer they knew had no clue where he was trying to lead them.

Some of the men were sentenced to 10 or more years in prison. Outcry over the trials eventually resulted in the Army pardoning them and commuting sentences.

Ms. Figueroa Soulet set out to tell a story that placed the regiment's history in context, rather than let it either be forgotten or reduced to the ignominy of the trials. She said that some Latino organizations that she had thought would be natural allies in her quest to finance and make the film were turned off by the inclusion of the trials and did not support her, while some veterans groups declined to back a project about Puerto Ricans.

She persisted, and was joined by Raquel Ortiz, a producer with many years working in public broadcasting who had produced "Mi Puerto Rico," a well-received documentary on Puerto Rican cultural and political identity.

"Not very many people would have given a first-time producer the amount of time I gave her," Ms. Ortiz said. "I did it because the subject was important to me. She was so committed, too. When I saw the interviews, stock footage and photos, I said' Wow!'"

The film took nine years to complete and involved interviewing 275 veterans. Ms. Figueroa Soulet has had special showings in various cities, often sponsored by local Puerto Rican and veterans organizations, which have helped spread the word despite the lack of an advertising budget.

It has struck a deep chord in men like Jose Cintron, a retired longshoreman and a Vietnam veteran, who was moved to tears when he saw it.

"I was so proud," he said. "For the first time, I did not have to hear about John Wayne. My people took part in this. For once, we get recognized."

Members of the regiment hold on to vivid memories of those who served with them on freezing hillsides, dodging bullets and mortars. Mr. Quevedo still talks about Master Sgt. Angel Ocasio. At the start of an enemy offensive, the sergeant was killed after he had gone around distributing ammunition to Mr. Quevedo and his comrades. Another sergeant—Iglesias was all he could recall—was shot dead when he went searching for Sergeant Ocasio.

"Those two were sent by God," Mr. Quevedo said. "You think of him and the others. They died young. They never had the chance to get married. To be grandfathers. To get to my age. We are the ones who are left."

His friend, Jaime Lopez, sat with him in the living room. He, too, served in the regiment, though they became friends stateside. Mr. Lopez is trim at 77, with a swagger to his step and an unfiltered cigarette in his hand. Mr. Quevedo jokingly calls him "Lee Marvin," which only fuels Mr. Lopez's eagerness to banter.

Mr. Lopez enlisted after high school, saying the military was one of the few options he had as a small-town boy with no money. In Korea, he earned two Bronze Stars, including one for risking his life to wade into a river and rescue wounded comrades while under fire.

He recalled one fierce encounter, when they took a hill, only to find themselves under attack for 12 hours.

"There were dead and wounded everywhere," he said. "Everything was destroyed. Everything. Boy."

He bolted up from his chair, turned away and sobbed. He steadied himself against the dinner table. The only other sound was a clock chiming "Twinkle, Twinkle" at the hour.

"Korea was not easy," was all he said, slowly composing himself.

Since the documentary's completion, the two men have made public appearances together, talking to audiences about their experiences. After years of being footnotes to a forgotten war, they are glad to let others know they were there when they were needed.

"This documentary is something historic," Mr. Lopez said. "You see it from beginning to end and learn that Puerto Ricans fought in World War I, World War II and Korea. The truth is there."

The support of the old veterans, men who came home and settled into uneventful, but blessed, lives is what helped Ms. Figueroa Soulet stick with her project when others would not even return her calls.

"Those guys are my troops," she said. "I look at the long list of organizations who protested the Ken Burns thing and say, 'Gee, none of them contributed to my project.' Some of them would not give me the time of day."

She paused. Being an actress, she knows a thing or two about timing.

"Now," she said, "they're all calling."

IN REMEMBRANCE OF ANTHONY TERESI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Mr. Anthony Teresi, a lifelong public servant of Chautauqua County, New York, and a truly remarkable man. Mr. Teresi is one individual who truly touched the lives of everyone he met. The impact he made in the city of Jamestown and the county of Chautauqua will forever bear his name and legacy. This article found in the Jamestown Post Journal demonstrates what an amazing man Anthony Teresi was. We will forever feel his presence through the lives of his family.

ANTHONY TERESI DEAD AT 84

(By Patrick Fanelli)

OCT. 10, 2007.—Shortly after hearing the news that his old friend Anthony Teresi died early Tuesday at WCA Hospital, County Legislator Joe Trusso Jr. evoked the Marine Corps motto, "Semper Fidelis," or "Always Faithful."

From Teresi's service in the Pacific theater of World War II to his 16-year career on the Chautauqua County Legislature, Trusso remembers his old friend as someone who was always faithful to his loved ones and to the county he called home for nearly all his 84 years of life.

But considering his role as patriarch of the city's most prominent Democratic family and his long career as one of Jamestown's elected representatives on the County Legislature, Teresi for the most part stayed out of the spotlight, Trusso recalls.

"Tony was never in it for the glory," said Trusso, a Democrat who represents District 16 in the city and served beside Teresi for 16 years. "He was in it to serve."

Teresi's health had been deteriorating the last couple years, but it took a turn for the worst in recent days and spent the past week or so at WCA Hospital in and out of the intensive care unit. As of Monday, his son, Mayor Sam Teresi, expressed his concern that his father would not recover as he had done in the past.

"I couldn't believe it," said Trusso, who heard the news during an Audit and Control Committee meeting in Mayville early Tuesday. "I don't know what happened. That's just the way it goes, I guess."

Teresi's death has brought with it a brief pause in his son's re-election campaign against Republican candidate and former city clerk Shirley Sanfilippo, who offered her condolences to the Teresi family Tuesday and canceled a news conference scheduled for today out of respect for their loss.

In addition, the mayor delayed the meeting scheduled for Tuesday at which his 2008 budget proposal was to have been unveiled, though he says he plans to go forward with it today.

A MAN OF CHARACTER

According to County Legislator Fred Croscut, R-Sherman, the elder Teresi can best be remembered as "a man of character" and "a sincere individual." Croscut also remembers him as a politician whose friends and admirers were not limited to members of the Democratic Party to which he belonged.

"He was a man I don't even think planned on getting into politics," said Croscut, who served with Teresi for eight years. "He was a person who was admired on both sides of the aisle."

Teresi had only just retired after a long career managing various local supermarkets when he was chosen in 1989 to run for the seat long held by former legislator Joseph Nalbone. In turn, he held onto that seat for 16 years until he lost the 2005 election against Conservative Party challenger Tina Hallquist.

Democrats differ on why Teresi lost his 2005 re-election bid. James Ventura, a retiring City Council member who is hoping to replace Trusso in District 16, believes Teresi lost because he failed to win the all-important Independence line on the ballot. Trusso believes new district boundaries made it tougher for Teresi to win, and Teresi's inability to go door-to-door like he used to because of his health made it worse. And the younger Teresi believes his father lost in 2005 because he was facing an especially tough challenge from a qualified candidate.

Whatever the reason, Mrs. Hallquist said both she and her former opponent soon became friends.

"I only knew Mr. Teresi for a short time, and was blessed because of it," Mrs. Hallquist said, describing him as a gentle, powerful and inspirational man. "When he said 'thank you' and smiled, it inspired one to run out and accomplish more. To say that he will be greatly missed is the understatement of our community."

Ironically, some say this would probably have been his last term in office since his health had already begun to fail and he would not have been expected to run for reelection again this year. Richard Van Hise, who became friends with the elder Teresi through their work on the county Parks Commission, said his break from politics was well-deserved.

"I felt bad," Van Hise said, "but I talked to Sam (his son) and I said, 'It's just as well. Tony deserves to take a break and relax,' because the legislature was a lot of strain on him. And Sam agreed."

BEHIND THE SCENES

While serving on the Chautauqua County Legislature, Teresi was chairman of the Public Facilities Committee, and he is often credited with taking the politics out of decisions regarding what roads would be repaired at a time when politics reportedly played a big part in that process.

He is also credited with the early days of the proposal to construct a methane-fired power plant at the Chautauqua County Landfill, as well as his work on the project that resulted in the county taking over responsibility for all the bridges from French Creek to Hanover.

"People didn't hear too much about Tony, but he was the driving force in a lot of these projects that people don't know anything about," said Trusso, who frequently ate breakfast with both Teresi and their good friend, the late Fred Cusimano, a former county legislator who died in February 2006.

Teresi was also praised for his dedication to Chautauqua County parks, working on the Parks Commission beside Cusimano and Van Hise even after his legislative career came to a close.

In fact, less than two weeks ago, Van Hise was to preside over a ceremony during which a plaque was to have been dedicated in honor of Cusimano, after whom the Fred Cusimano Westside Overland Trail is named. A rainstorm forced Van Hise to reschedule the event, but Trusso and Teresi didn't get the message. They went out anyway, viewing the plaque by themselves and remembering their old friend.

County Legislator Richard Babbage, R-Bemus Point and another close friend of Teresi's, believes that may have been the last "official" act Teresi carried out.

"I've missed him the last two years," said Babbage, who was the ranking member of the Public Facilities Committee during Teresi's tenure as chairman. "Now that he's gone completely, I'm really going to miss him."

SPIRIT AND DEDICATION

Teresi was born in Sicily and emigrated to the United States with his parents at the age of 4, later graduating from Jamestown High School. In 1942, he hitchhiked to Buffalo and enlisted in the U.S. Marine Corps, soon fighting in the Pacific theater and returning to service during the Korean War, according to Trusso.

"That's the kind of spirit and the kind of dedication he had," said Trusso, himself a U.S. Air Force veteran. "He had public service in his veins. I guess he transferred that to his son."

Speaking with The Post-Journal by telephone late Tuesday, the younger Teresi said that he would never have expected his father to run for office back in 1989, believing his mother, the late Rose Teresi, would have been a better fit for politics.

"He wasn't a politician," the younger Teresi said of his father. "You could have knocked me over with a feather that night when he called me and told me he was going to run for the County Legislature."

After he left the service, the elder Teresi went to work managing various supermarkets like the former Loblaws on East Second Street, and his son says that he was tougher then, better resembling the ex-Marine that he was.

"He made me and a lot of people better because of his high standards and expectations," the younger Teresi said.

But in later years, he could best be described the same way Mrs. Hallquist described him—as "gentle," according to County Legislator Sally Pullano, D-Fredonia.

"He was so very gentle—a gentleman in every sense of the word," she said.

Madam Speaker, Mr. Teresi was a man who fully understood how to live life to its fullest. He knew what the bonds of family meant and how to keep them strong and healthy. Mr. Teresi will be missed by his family and the people of Chautauqua County.

THE CENTENNIAL OF RIVIERA, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. ORTIZ. Madam Speaker, I rise today to ask my colleagues in the House of Representatives to join me in congratulating my constituents in the south Texas area from Riviera, Texas, to Baffin Bay—including Vattmann and Loyola Beach—on their centennial anniversary on November 10, 2007.

Baffin Bay is one of the most celebrated—and secret—fishing spots along the Texas gulf coast. And Riviera is so named for the vision of its founder—Theodore Frederick Koch—who saw in it a similarity to the Riviera of France in the early 20th century.

When the St. Louis, Brownsville and Mexico Railway was completed in 1904, this bit of south Texas land came on the market and caught the eye of Theodore Koch, a visionary land developer, who had immigrated from the Netherlands. The over-20,000 acre parcel of King Ranch land stretching from the railroad to Baffin Bay inspired Koch, who imagined a getaway in South Texas similar to the French Riviera.

Koch's plan was to develop 2 enclaves: Riviera and Riviera Beach. The 2 were first connected by a dirt road, then later by a boulevard from the town site 10 miles to the bay front, modeled after those in Pasadena, California, with the center planted with trees and colorful flower beds. The remnants of the Boulevard still stand today.

By 1910 a new bank building and a telephone system came online in the area. In 1912 Koch had a railroad line extended from Riviera and the futures of both Riviera and Riviera Beach looked bright. The train ran several times per month, bringing prospective land buyers and future residents.

But 1916 would bring both beauty and destruction. That year Riviera Beach had a park designed by a florist. The resort's infrastructure was excellent, but a 7-year drought put a major damper on the area's growth. A hurricane on August 16, 1916, nearly wiped Riviera Beach off the map. They rebuilt, but things were never the same.

Yet, Riviera was populated by survivors—whose ancestors had settled the American West. The families who remained built a future for their children and a legacy for future generations.

Like much of Texas, the soil was rich and artesian wells were plentiful in the area, so crops flourished and an extensive network of agricultural, fishing and vacation areas developed in and around the area.

One of my favorite restaurants, the world famous Kings Inn—where many of my colleagues have joined me for meals over the years—is located at Loyola Beach.

There is no small town in America today that better exemplifies victory of the American spirit over adversity, than Riviera to Baffin Bay, Texas. I ask the House of Representatives to join me in congratulating the communities of Riviera, Riviera Beach, Vattmann and Loyola Beach, as they celebrate their centennial on November 10, 2007.

HONORING 4-H CAMP CLOVERLEAF ON THEIR 50TH ANNIVERSARY CELEBRATION

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to congratulate the 4-H Camp Cloverleaf of Highlands County, Florida, on their 50th anniversary and commend them for all they have done over the past 50 years to educate Florida's children.

Since the camp was dedicated on June 19, 1957, more than 125,000 campers have learned the values of Florida's 4–H Foundation at the camp.

Organized by the Cooperative Extension System under the Institute of Food and Agricultural Sciences at the University of Florida, Florida's 4–H program encourages our youth to become active in their communities and teaches them leadership skills.

Campers at Camp Cloverleaf learn these skills and build lifelong friendships through various activities including team building, plant identification, canoeing, crafts, archery and other exercises and activities.

I would also like to honor the many dedicated volunteers, who have mentored Camp Cloverleafs youth over the past 50 years. Their knowledge and guidance helped make the camp a success.

Madam Speaker, please join me in commending the 4–H Camp Cloverleaf on their 50th anniversary.

SALUTING PFIZER AND ITS EMPLOYEES

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. COURTNEY. Madam Speaker, I rise today to salute the charitable donations of Pfizer and its employees.

A corporate leader in southeastern Connecticut, Pfizer's world research and development headquarters is located in my congressional district in Groton, Connecticut. In the August 23 edition of the Chronicle of Philanthropy, Pfizer was recognized as the largest corporate charitable donor in the United States. The Chronicle's study, which encompassed 150 of the largest U.S. businesses outlined in Fortune magazine, examined the amount of cash and product donations during the past 3 fiscal years.

During this period, Pfizer and its employees donated more than $1.7 billion, with pharmaceutical products composing nearly 95 percent of the total. In 2006, Pfizer donated nearly $800 million to charities abroad, an increase of 92 percent from the previous year. These donations have greatly contributed to emergency and long-term health needs in developing nations.

Corporate citizenship and philanthropy have filled a significant role in assisting needy groups in our society. As a highly educated, compassionate group of people who are devoted to finding cures for disease and ailments, it is not surprising that Pfizer's employees are leading the way nationally in support of charitable causes.

As philanthropy becomes an increasingly integral component of business practices, we must recognize the importance of corporate charitable endeavors and the positive impacts on local, national, and international communities. I ask my colleagues to join with me in recognizing Pfizer's charitable contributions that have supported health and social objectives domestically and abroad.

THE CONTRIBUTIONS OF SIR JOHN COMPTON TO SOCIETY WILL BE REMEMBERED LONG AFTER HIS DEATH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce an article and an editorial written in the New York CARIB News on September 18, 2007 entitled, "A Legend is Gone" and "The Last of the Region's Charismatic Leaders," respectively.

These reports highlight the accomplishments of Sir John Compton, St. Lucia's Prime Minister who died on September 7th, 2007. As a man of greatness he will be missed but even more as a key Caribbean leader.

He started his career, as an independent leader, as Member for Social Affairs on the Executive Council, post he acquired after winning the 2nd election under Adult Suffrage in St. Lucia, in fact, until 1997, he carried the distinction of being the youngest member of the country's parliament. He quickly advances in government and formed the National Labour Movement which eventually became the United Workers Party. Under the leadership of the party he was appointed Chief Minister and, when St. Lucia gains statehood in Britain, he became Premier. Almost a decade later, once independence from Britain is achieved, he was appointed Saint Lucia's first Prime Minister, where he continues to contribute to the formation of the country working actively in the government until he fell ill on April 2007.

He was a man of great conviction and aspirations; his dedication to politics is an example to all leaders. It is a shame he will not be here with us to continue to teach us but his legend will prevail for generations to come.

A LEGEND IS GONE

If St. Lucia's twin tower Pitons Mountains could visibly react, they would whisper tears of joy, echoing the speechless humming of the sulphur springs. Deploying time and eternity to celebrate both a son stolen by death, and a man honored in life, these majestic hills would display the sheer relentlessness and untiring work ethic that Sir John personified.

Placed on high alert, the earth endeared by the greenery carpeting the land, would not hesitate to volunteer the service of rainbow colored thunderclouds. Even these pregnant clouds would be expected to carry signs of groaning patriotism, lavaed by a drive involcano of tribute. A tribute, no doubt that Soufriere's Botanical gardens would give Sir John in the form of scented salutes. Salutes equal to the appropriate sacrifices and unconventional risks he pursued, which were at home with the collective interests of his people.

Although I was born in Antigua and Barbuda, the passing of Sir John particularly touches me, and my sentiments stand revealed for what they are. Besides the fact that my parental lineage is St. Lucian, the many personal interactions I shared with him, and the intense professional relations we had, sponsored insights into the elephantine authenticity of the man.

Since closure brings disclosure, Sir John's death, has not found us feeling that he has died. Through the tranquil gaze of nourning, we see more clearly, how he spun webs of social values and private life into unforgettable last rites of unmatched public service. This man has left us a stubborn legacy that nurtures the courage to live.

SOCIAL VALUES

Loved by friends and embraced by opponents, Sir John knew the distinction between those with whom he had a very different vision of country, and those for whom he was called to serve. But in either case, he never compromised the exemplary leadership of caring for all equally. To Mr. Compton, freedom spelt justice for the poor without eliminating an equal place for the privileged; honor was meant to be faithful to one's values; service was defined by how much it lifted the most unfortunate to real life experiences of decency; and peace was only a positive good if every child were given the opportunity to go to school. Sir John rested calmly, when the wealth of the nation's resources, surrendered to every parent's desire to support their children's dreams.

PRIVATE LIFE

I do not want to evaporate his humanity. It was filled with the antagonisms of greatness and failures. Yet, Sir John will be remembered as a loving grandfather, a caring father, and a special son who made his parents proud. To Lady Jane, he will forever remain, the lover who rang the bell of romantic love within the steeple of her soul. Those who knew him personally remarked that he had the gift of mixing private life with public service. Sir John turned random acts of unparalleled service into a national hero's legacy without straying from the range of the common touch. It could be said that he did meaningful and 'small things with great love' (Mother Teresa),

The Right Honorable Sir John George Melvin Compton was a statesman of an extraordinary texture; incubator of his people's hopes, light bearer of regional cooperation, a firebrand politician with integrity oozing forth from his breathing. He gave supremely of himself with abundance, to every village, town and corner of St. Lucia, and the Caribbean at large.

LAST RITES

Sir John could have stayed in retirement from active politics, but he chose to return as 'Papa' to help the hand that needed assistance. And what a dangerously powerful campaign he showcased—a public good that should be valued for what is really was—a leader's last rites of passage between the cradle and the coffin. Mr. Compton brought his party from the wilderness to the pride of his people's confidence. Some said that he should have known the limits of his health and age, but given his personality and character, there were no limits and certainly no human boundaries that would have kept Sir John away from the love of his life—serving his people selflessly.

STUBBORN LEGACY

The range and scope of his life should not be reduced to 'a do it alone phenomenon.' Sir John's team of leaders, led by Honorable Acting Prime Minister Stephenson King and Honorable Deputy Political Leader Lenard Spider Montoute is just as passionate about good governance as he was. Despite an uneven beginning, the team embodies his vision for the betterment of all St. Lucians in much the same way as Sir John did. The UWP government must competently demonstrate to the world, that Sir John shaped the party leaders, as the party leaders sharpened their deceased leader. It is this mutually intermixing of leadership intelligence that St. Lucians is heir to.

For many of us, Sir John's death will jolt us into deeper civic consciousness blazing in the glory of a wider communal responsibility. His words should continue to challenge us, as his deeds inspire us, not so much to itemize what he did do well or could have done better, but to follow the direction he pointed out, and the path he dared us to journey with him.

St. Lucia is better off for having granted Sir John the honor of several seasons of prosperous leadership, and the Caribbean region would have been worst off, without his strength of character and humble service. His trail of stunting accomplishments and gallant deeds is to be memorialized for countless generations to come. If Rosa Parks were to have been with us, and had the privilege of knowing Sir John, she might have said of him, 'there goes a man who lived his life as a model for others.'

COURAGE TO LIVE

Healing moments of sadness often leaves room for wisdom seen through the prism of serene acceptance. May Sir John's ancestral spirit haunt us until we measure up to the ideals he courageously wanted to attain in his lifetime. When we mirror Sir John in our daily lives, we automatically inherit the courage to live in the wisdom he practiced.

Sir John meant one thing to me, a symbol of unity communicating a sterling message: the affairs of a nation, a people and a region, must be given priority at all times, and in every possible way conceivable. Should the government and the people of St. Lucia, take one slice of memory from Sir John's closet of great achievements, they would make St. Lucia a model Caribbean nation, where intergenerational prosperity and quality of life development, orders the day. Aung San Suu Kyi is right, "the spirit of a man can transcend the flaws of his own nature."

Dr. Isaac Newton-International Leadership and Change Management Consultant and Political Adviser. He specializes in Government and Business Relations, and Sustainable Development Projects. Dr. Newton works extensively, in West Africa, the Caribbean and Latin America and is a graduate of Harvard, Princeton and Columbia. He has published several books on personal development.

THE LAST OF THE REGION'S CHARISMATIC LEADERS

It was a time most people in the Caribbean abhor.

The British Empire stretched from India, Ceylon, Fiji, Malaya to Singapore, Southern Rhodesia, the Gold Coast, Nigeria and Kenya to Trinidad and Tobago, Antigua, the Bahamas, Jamaica, British Guiana, Barbados, St. Lucia and the islands in between. England ruled over almost every aspect of life, from the cradle to the grave, usually with a heavy hand.

Poverty was everywhere and the white minority population ran the affairs of the islands with little regard for the role of the Black majority. Although lynching wasn't a part of the Caribbean picture, Blacks faced an unresponsive social and economic system that stifled creativity. The trade union movement was in its infancy; schools were few and far between; and health care was so inadequate that the Caribbean's life expectancy rate was less than 50 years, at least years shorter than it is today.

That was the world, more specifically the Caribbean into which John George Melvin Compton was born in 1926 in Canouan, a sparsely populated place in the Eastern Caribbean country that is now known at the United Nations and around the world as St. Vincent & the Grenadines in 1926. But by the time the man who rose to become one of the longest serving Prime Ministers in the English-speaking Caribbean died last weekend after a lengthy illness, the area in general and St. Lucia in particular had emerged as a viable sub-region in the Western Hemisphere with an enviable record of human development.

This archipelago of mostly sovereign states within the Commonwealth of Nations, at the UN and its network of specialized agencies, the World Trade Organization and the Organization of American States had demonstrated that they may be small in geography and population and economic size but they were large in intellect and accomplishment, countries to be reckoned with.

Sir John Compton, 81, on his death in his "beloved" St. Lucia contributed immensely to Caribbean development and was in the pilot's seat when St. Lucia took off and became the place that the United Nations ranked as 76th out of 177 states on its Index of human development.

Interestingly, St. Lucia was 12th out of 103 developing countries when it came to measuring human and income poverty, quite an accomplishment.

Sir John, often called the "father of St. Lucia" for his pioneering work in leading the fight against the oppressive nature of British colonialism, the racism that had an impact on almost every aspect of life in his adopted country and against the roadblocks erected to block self-determination was the man with the vision that led to the island's independence from Britain.

This staunch and unrepentant anti-colonialist was at the forefront of the struggle for respect for the masses of Black St. Lucians, dating back to the 1950's. He used his skill and training as a lawyer and as an economist to chart a course that culminated in his island's record of success as the center of the Organization of Eastern Caribbean States, OECS.

Sir John who had moved to St. Lucia as a child, and had entered the legislature in Castries in 1954 at the young age of 24 as an elected independent member served as a cabinet minister for several years after the introduction of the ministerial system of government in the 1950's. And when his United Workers Party won a landmark victory at the polls in 1964, he became the head of government or Chief Minister as it was called.

This visionary kept his eyes on the prize for both St. Lucia and the rest of the Caribbean. After Barbados and its eastern Caribbean neighbors couldn't agree on the formation of the "Little Eight Federation" that was being fashioned to replace the defunct West Indies Federation and Barbados moved onto independence, Sir John and many of his counterparts in the Windward and Leeward chain of islands articulated the need for advanced constitutional status labeled Associated States or States in Association with Britain. It was a step towards the sovereignty, which eventually came in 1979 when the island was granted independence from Britain with Sir John as its first Prime Minister.

It wasn't long before the electorate decided to change governments, turning out his United Workers Party in favor of the St. Lucia Labor Party. But when the Labor government imploded after a prolonged period of public squabbling over who should be Prime Minister, in 1982 St. Lucians turned to the man with whom they had developed a bond based on trust.

He returned to the Prime Minister's office and remained at the helm until 1996 when he stepped down and left politics.

The people turned to him once again last year when they became disillusioned with the Labor Party government of Dr. Kenny Anthony in 2006, seeing Sir John as the person who could rescue them from high unemployment, rising crime and uncertainty about where the country was heading.

This stalwart came out of political retirement to take the SLP into the election and in the process shocked the region with a victory but even at age 80. St. Lucians felt he was the person most capable of taking charge.

He tried to put the issue of his age and fitness for high public office in proper perspective when he told the electorate after his stunning victory "age is not a factor here. I am not here running for the Olympics. Age is really a state of mind. I am giving my experience and my intelligence that God gave to me" to the nation.

Unfortunately, his health didn't allow him to fulfill his promise of serving out his term as Prime Minister. Of the many stars in his political constellation one of the brightest was his championing of the regional cause. He was among such towering regional political leaders as Vere Bird, Prime Minister of Antigua, Forbes Burnham, President of Guyana, Michael Manley, Prime Minister of Jamaica and Errol Barrow of Barbados, who saw regional integration as the way forward for the small islands.

When he was admitted to the Order of the Caribbean Community in 2002, Caricom's highest honor, Sir John was acclaimed as "the liberator of his nation."

The OCC citation also paid tribute to his success in modernizing St. Lucia's utilities, reforming the social landscape and dramatically improving conditions in the urban and rural communities of his country.

That's how the Caribbean and this newspaper will remember him.

"He gave us all and up to his death was giving to St. Lucia and to the Caribbean," said Sonia Leonce-Carryl, a former top St. Lucian diplomat at the United Nations for more than a decade.

That's a fitting epitaph, which can be inscribed in our consciousness as we mourn his passing and the Caribbean's great loss.

EULOGY FOR EDWARD J. MAHONEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HIGGINS. Madam Speaker, Friday September 28, 2007, was a sad day for south Buffalo, where we lost one of our proudest sons—former Erie County Elections Commissioner Edward J. Mahoney. A political and personal contemporary of my father and so many of our friends, Ed Mahoney personified south Buffalo, and personified all that is honest and good about public service. Ed taught many of us many life lessons, and I was proud to call him my friend.

Ed's family honored me by asking that I deliver a eulogy at his funeral mass, which I did proudly on October 3, 2007. Below is the eulogy that I delivered that day. Although mere words cannot truly express the man that Ed Mahoney was to all of us, it is my hope that they can serve as a lasting tribute to Ed's life, his family, his public service and to the great impact his service had on our community and our region as a whole.

EULOGY FOR EDWARD J. MAHONEY

Good Morning. On behalf of Barbara Mahoney, and Eddie's children Debbie, Mary Jo, Kevin, Eileen and Christopher and Robert, thank you all for your extraordinary friendship and generosity over the past several days.

In times of grief and sorrow, you again remind the Mahoney family and all of us that we are a community; a family that supports and loves one other in the most difficult of times.

I really shouldn't be here delivering this eulogy. So many others are more worthy than I. Dennis Dargavel, who shared a most special bond of friendship with Eddie, and Michael Militello, who remains one of Eddie's closest and dearest friends, are two most worthy candidates. I am honored to have been asked, and am humbled by the charge that I have been given.

To Father Greg Dobson, Eddie's loving nephew and devoted priest, thank you for leading us this morning in this celebration of Eddie's life. Your beautiful words of introspection provide context to the meaning of his life and through scripture his new and everlasting life.

Thank you Monsignor Bill Gallagher for welcoming all of us and making us feel at home here at St. John Vianney Church, otherwise known as the southtowns campus of St. Teresa's parish. This is a beautiful and welcoming place of worship, and our hearts are here with you today, as is our hope.

I am convinced that Ed Mahoney would have loved St. John Vianney—because John Vianney was a wonderworker who was loved by the crowds, but who maintained a childlike simplicity. We all know that St. John Vianney experienced great difficulty as a student studying for the priesthood, but through humility and hard work overcame adversity, eventually becoming a priest and the patron saint of parish priests in the Catholic Church. His days were filled with works of love and charity, he became a ward heeler of sorts, and, if you will, a great leader of small democratic institutions.

In fact, I am certain, that had St. John Vianney—no doubt a good Democrat—lived in our time, while studying for the priesthood, he would have worked his way through seminary at the Erie County Board of Elections for Commissioner Ed Mahoney.

A review of Ed's life shows an unparalleled dedication to public service. A decorated veteran of the United States Marine Corps, a Detective Sergeant in the Buffalo Police Department, South District Councilman, Buffalo Recreation Director, membership on the Buffalo Civil Service Commission and 25 years of service as Commissioner of the Erie County Board of Elections. What a record.

Ed served as an active Democratic committeeman for an incredible 54 years, as a city zone leader for 40 years, serving in that capacity with distinction under four Buffalo Mayoral administrations, and serving in other capacities within the administrations of Buffalo's two most recent Mayors, incumbent Mayor Byron W. Brown and the immediate past incumbent, Anthony M. Masiello, both of whom honor Ed with their presence here today. Thank you, Your Honors, for joining us in paying tribute to Ed here this morning.

A proud graduate of South Park High School and Empire State College, Ed Mahoney's life and influence transcended generations, reaching far beyond every conceivable boundary.

Ed loved young people and they loved him. Throughout his career, Ed Mahoney dispensed more patronage and put more young people to work than virtually anyone else.

Kids from South Buffalo's working class families—particularly kids from Seneca Street—would work in the city parks and pools throughout the summer. Ed's influence helped thousands of kids reach their potential and go beyond—helping families pay for school and other expenses that turned their generations into doctors, lawyers, and business leaders that remain active today.

Ed's lifelong friend, retired Assemblyman Dick Keane once speculated that after Mercy Hospital and Sorrento Cheese, Ed Mahoney was the third largest employer in South Buffalo. My father—one of Ed's successors as South District Councilman—would often say publicly that Ed Mahoney helped more young men and women get to and through college than anyone else.

And Ed's willingness to help wasn't confined to kids from South Buffalo. According to his friend, former Erie County Democratic Chairman Joe Crangle, Ed broke the color barrier at the Erie County Board of Elections by hiring its first African American employee—our friend George Campbell. George is here today and he along with dozens of current and former BOE employees join with us to mourn Ed's passing.

Ed Mahoney was many things to many people; a colorful and lively character to be sure. A loving husband to Barbara, Ed was crazy about his kids, his fourteen grandchildren, his brothers and sisters, and many nieces and nephews. But more than anything else, Ed Mahoney was the Commissioner—"The Commish"—always and forever, the Commissioner. This was his public title and what came through his public identity was his great personal qualities, personal qualities that defined the public person. For you see, it wasn't the title of Commissioner that defined Eddie; in reality he would forever define the title.

Our dear friend Assemblyman Mark Schroeder talked often of Ed Mahoney's humility. The word humility is derived from the Latin word, humilis, meaning "from the earth." St. Augustine taught us that humility is the foundation of all other human virtues. Ed knew that well.

Dick Keane's statement over the past several days about Eddie's generosity was the shortest and most defining, most revealing. Dick said that "whatever Eddie had, you had half of it." What a testament to friendship, what a testament to love and loyalty, the characteristics that defined Eddie's life.

Dick Keane and Don Kane—spelled "K-A-N-E"—shared a special friendship and bond with Eddie. Don Kane coached Dick and Eddie in the Catholic Youth Council baseball league many years ago.

The scouting report on Eddie was that he could hit the ball but didn't field very well. So, solid coach that Don Kane was, Don put Ed in right field.

Halfway through the game Eddie missed a couple of fly balls. Sensing a problem, Don Kane went out to right field and suggested that Eddie needed to better position himself. He placed a stick on the ground to show Eddie where approximately he should be standing. Well, sure enough, the next inning comes and a fly ball goes out to right. Eddie misses it.

Don Kane goes back out tells Ed that the pop up was a catchable ball and asks, "Why didn't you go after it?" Eddie looked at him and said, "You're the one who told me to stand next to the stick."

Ed Mahoney loved his friends and they loved him. As kids, his social engagement began on Seneca Street and Mineral Springs with Dick Keane, Don Kane, Jack Fahey, Jimmy Morgan and many others.

At DiTondo's with Dick and his son, Judge Kevin Keane, with Dennis Dargavel, Al Roloff, Jack Fahey and his sons Chris and Mike, Johnny Hannon and a variety of special guests like Ray Gallagher, Alan Lewis, and a cast of many others, depending upon the day.

Eddie Mahoney was all about loyalty and friendship. In the Democratic Party, Eddie stated consistently and clearly that he was with the candidate that the Chairman was supporting. The tone and tenor of his voice made the implication clear: that was where he expected you to be as well.

Asked about a hotly contested neighborhood campaign that took place thirty, forty or fifty years ago, Eddie remembered vividly who was with him and who was against him. Eddie he could be forgiving, but he never forgot.

Ed Mahoney was all about loyalty and friendship, but he was a learned man as well. Eddie knew and loved the great Irish poet William Butler Yeats. It was Yeats who wrote that "The lover pleads with his friends for old friends, though you are in your shining days and voices among the crowd and new friends busy with your praise. Be not unkind or proud, but remember old friends the most. For times bitter flood will rise; your beauty perishes and be lost, for all eyes but these eyes."

Alas, Butler Park in South Buffalo—Seneca Street, of course—situated as it is the shadow of the elms bounded by Pawnee and Roanoke Parkways, was not named for Yeats but was instead named for the family who owned the Buffalo News. But Eddie Mahoney had many friends, and kept the old ones from that historic neighborhood particularly close. Pat and Don Kane, Dick and Mary Keane, Dick and Nancy Kreiger, Jack and Mickey Fahey, and many, many others.

Ed's life was not without tragedy and loss, as we all know. Ed and Clare, the loving and devoted mother of his six children, Debbie, Michael, Timothy, Mary Jo, Kevin and Eileen, suffered the staggering loss of two of their boys, each killed during their teenaged years. That Eddie is now reunited at long last with his sons, Michael and Timmy allows us to accept our loss of him just a bit easier.

As I said, Ed Mahoney was a learned man, and as a good Democrat he had a particular fondness for Robert Kennedy. Eddie campaigned for Bobby Kennedy when he ran for the Senate and for President. They shared a love of politics and they shared the loss of those they each loved dearly.

Triumph and tragedy. The scriptures say that your old men shall dream dreams, and your young men shall see visions. And where there is no vision, life shall perish from the earth.

One of Kennedy's favorite poets—the Greek tragic poet Aeschylus, reminded us that God's law commands that he who learns must suffer. And even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Ed Mahoney knew deep pain and boundless joy. He gave and received joy from family, friends and fellow patriots who loved their community and their country. Rest in peace, Commish. Your work on earth is done but your life and the lessons you taught us will live on.

ROFEH INTERNATIONAL—NEW ENGLAND CHASSIDIC CENTER ANNUAL DINNER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. FRANK of Massachusetts. Madam Speaker, for many years I have had the honor of sharing with our colleagues information about a very important event not just in greater Boston, but from a national perspective. It is the annual dinner of ROFEH International—New England Chassidic Center. Under the leadership of Grand Rabbi Levi Y. Horowitz of the New England Chassidic Center, ROFEH International does extraordinarily important work in the medical field. Rabbi Horowitz is himself a distinguished authority on medical ethics, and plays an important role in helping medical professionals in Boston deal with the ethical issues that modern science encounters. Project ROFEH also plays a very important role in helping provide access to the medical care that is available in Boston to people around the world.

Annually, under the leadership of Rabbi Horowitz, these organizations have a dinner in which leading citizens who have contributed to the work that they do are honored. Without exception they are men and women of great distinction and generosity. This year the awardees are Dr. Kenneth C. Anderson, who receives the ROFEH International Distinguished Service Award, and Keevin Geller, who receives the Man of the Year Award.

Madam Speaker, I was pleased to receive biographies of these two distinguished leaders and I ask that they be printed here along with my congratulations to the people who do the important work of ROFEH International and the New England Chassidic Center, under Rabbi Horowitz's leadership.

KENNETH C. ANDERSON, MD "ROFEH INTERNATIONAL DISTINGUISHED SERVICE AWARD"

Dr. Anderson graduated from Johns Hopkins Medical School, trained in internal medicine at John's Hopkins Hospital, and completed hematology, medical oncology, and tumor immunology training at the Dana-Farber Cancer Institute. He is the Kraft Family Professor of Medicine at Harvard Medical School; and serves as Chief of the Division of Hematologic Neoplasia, Director of the Jerome Lipper Multiple Myeloma Center, and Vice Chair of the Joint Program in Transfusion Medicine at Dana-Farber Cancer Institute.

He serves as chair of the NCCN Multiple Myeloma Clinical Practice Guidelines Committee; as a Cancer and Leukemia Group B Principal Investigator; on the Board of Scientific Advisors of the International Myeloma Foundation; on the Board of Directors and Chair of the Scientific Advisory Board of the Multiple Myeloma Research Foundation; as well as on the Board of Directors and Chair of the Leadership Committee of the Multiple Myeloma Research Consortium. He is a Doris Duke Distinguished Clinical Research Scientist and has had long term RO-1, PO-I, and SPORE NIH funding.

His numerous awards including the 2001 Charles C. Lund Award of the American Red Cross Blood Services, the 2003 Waldenstrom's award for research in plasma cell dyscrasias, the 2004 Johnson & Johnson Focused Giving Award for Setting New Directions in Science and Technology, the 2005 Third Annual International Myeloma Foundation Robert A. Kyle Lifetime Achievement Award, and the 2007 Joseph A. Burchenal Award for Clinical Research from the American Association for Cancer Research. His paradigm for identifying and validating targets in the myeloma cell and its bone marrow milieu has already provided novel therapies, and offers great promise to improve patient outcome in hematologic malignancies and solid tumors as well.

KEEVIN GELLER, ROFEH INTERNATIONAL NEW ENGLAND CHASSIDIC CENTER MAN OF THE YEAR AWARD

Keevin Geller, has been proud to call the Bostoner Rebbe, his friend for over thirty years. Mr. Geller is the owner of Barney and Carey Lumber Company since 1978.

In addition to his lumber business, Keevin is a real estate developer and owner. He was one of the first property owners to convert a Back Bay townhouse into condominiums, and went on to complete over twenty-five such projects there and on Beacon Hill. He built and restored many homes in Milton, also creating that town's first condominium complex in the buildings of a former estate. A serious conservationist, he has specialized in the redevelopment of existing structures, while protecting the surrounding land. He was honored with the Commonwealth Award for land preservation.

Keevin was one of the founding members of the Simon Wiesenthal Center. He is a thirty-year member of the Hundred Club, and a life member of many conservation organizations. He is a graduate of Boston University, with a major in Latin. His wife, Cynthia, also a BU alumna, is the granddaughter of the late Max Oransky, one of the Rebbe's father's Chassidim. Cynthia and Keeven reside in Sharon, Massachusetts, where he serves on various town committees.

COMMENDING THE KENTUCKY NATIONAL GUARD FOR ITS SERVICE TO THE COMMONWEALTH OF KENTUCKY AND THE CITIZENS OF THE UNITED STATES

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to offer a House concurrent resolution commending the First Battalion, 149th Infantry of the Kentucky Army National Guard for service overseas in defense of the Commonwealth of Kentucky and the citizens of the United States.

The First Battalion, 149th Infantry, known as the "Mountain Warriors," recently returned home to eastern Kentucky after completing a 16-month-long tour of duty. While in Iraq, the Mountain Warriors courageously and successfully performed routine and perimeter security missions, mounted combat patrols, and personal security details, among other assignments.

The 149th Infantry lived up to their strong name and tradition with distinguished service and sacrifice and proudly represented our Kentucky mountain heritage. The Mountain Warriors have a long and storied history dating back to the Mexican-American War and they have served our Nation in nearly every major conflict including World War I, World War II, and now our global war on terror. While in harm's way, the Mountain Warriors successfully completed their mission without any loss of life.

This resolution also honors and recognizes the members of the Heavy Equipment Transport Platoon, 2123rd Transportation Company, who recently returned home after completing their tour of duty in Iraq. The 2123rd Transportation Company conducted daily resupply missions including moving tanks, water, heavy equipment, weapons, and guided weapons systems for the United States Army.

Finally, this House concurrent resolution recognizes the members of the Rear Area Operations Command from the Second Battalion, 123rd Armor of the Kentucky Army National Guard. The "Orphan Battalion," now returned to the Commonwealth, performed base operations for coalition forces in Iraq including 110 combat patrols, site hardening and security improvements, and establishment of 11 guard tower and 17 vehicle battle positions at Qayyarah Airfield West.

These men and women have made Kentucky proud, serving honorably and with steadfast resolve, sacrificing time away from loved ones, careers, and their communities. I want to express my deepest gratitude to these men and women for their service to our great country. I also express my thanks to their families who have waited patiently for their loved ones to return home.

HONORING THE GREATER DALLAS HISPANIC CHAMBER OF COMMERCE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HENSARLING. Madam Speaker, today I rise to recognize the Greater Dallas Hispanic Chamber of Commerce on the distinction of being named the "National Hispanic Chamber of the Year" by the United States Hispanic Chamber of Commerce.

As a six-time recipient of this award, the Greater Dallas Hispanic Chamber of Commerce has received this honor more than any other Hispanic Chamber in the Nation.

For the past 68 years, the chamber has promoted programs such as the Business Assistance Centers, the Viva Dallas Hispanic Expo, BizFest, and the Stars on the Rise Award & Scholarship Banquet and their newly created External Affairs Department.

I offer my congratulations to the general membership, past and present, along with the current board of directors and staff for this recent achievement. As one of the congressional representatives of the members of this organization, it is my distinct pleasure to recognize them today in the United States House of Representatives.

CONGRATULATING MIDDENDORF-KREDELL BRANCH LIBRARY IN O'FALLON, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. AKIN. Madam Speaker, I rise today in recognition of the Middendorf-Kredell Branch Library in O'Fallon, Missouri, recipient of the 2007 Federal Depository Library of the Year Award.

The Federal Depository Library Program was established by Congress to ensure that the American public has access to its Government's information by disseminating information from all three branches of the Government to over 1,240 libraries nationwide. The depository libraries are responsible for collecting, maintaining and assisting users with no-fee access to the information in an impartial environment with professional assistance.

It is the high level of professionalism demonstrated from staff and the enthusiasm to disseminate information in a user friendly fashion that has rendered the Middendorf-Kredell Branch Library the distinguished title of Federal Depository Library of the Year.

Middendorf-Kredell Branch Library utilizes creativity and innovation in developing various programs. They were one of the first Federal depository libraries to move to an online environment in September 1995 by creating a Government information web site. A standout feature of the web site includes "Uncle Sam for Kids," one of the first of its kind in the Nation to help kids obtain Federal information for school assignments.

We are so thankful for Middendorf-Krendell Branch Library's leadership in creating programs that are emulated throughout the country and are appreciative for the great work they are doing in Missouri. Congratulations on an outstanding achievement.

HONORING MAURICE KENNETH SHAW OF MIDDLETOWN, NJ

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. FOSSELLA. Madam Speaker, I rise today to honor the life and achievements of Maurice Kenneth Shaw of Middletown, NJ, who died Sunday afternoon in Riverview Hospital in Red Bank, NJ. Maurice, or "Mo" as he liked to be called, was born the son of a Coast Guard captain on April 16, 1939, while the family was living in Rockville Centre, on Long Island.

After his family settled on Staten Island, Mo graduated from the former St. John's Preparatory School in Brooklyn. He went on to earn a bachelor's degree in industrial engineering from Lehigh University and a master's degree in business administration from Wagner College.

After college, Mo Shaw joined KeySpan, formerly the Brooklyn Union Gas Company, in 1960. He served in a variety of marketing and financial positions and eventually worked his way up the executive ranks until 1999, when he retired as senior vice president and corporate affairs officer. My hometown paper, the Staten Island Advance described "that final role with the company, in which he handled urban affairs and public relations, [as] a perfect fit for Mr. Shaw, who enjoyed making connections in the Staten Island community and lending corporate support to projects he knew would strengthen the borough economically and culturally."

Mo loved the sea, and his accomplishments reflect that passion. Mr. Shaw joined and later became chairman of the board of the Noble Maritime Collection, a museum that showcases the works of maritime artist John Noble. He took on this endeavor in 1998, when the museum had no operating budget or staff, but through his tenacity, commitment, and ingenuity, helped the collection receive regular city funding and contributions from the business community.

Mo was a proud Coast Guard veteran, and he was always eager to support the Coast Guard and the Navy. He served as president of the USS The Sullivans Foundation, which supports the work of the Navy ship that was commissioned in Stapleton, Staten Island in April, 1997. Mo was the driving force behind the commissioning of the USS *The Sullivans*, which his friends describe as an act of love. Afterwards, he formed a new group, the Sullivans Foundation, in order to help maintain a strong link between the USS *The Sullivans* and the local community. This past June, he presided over 4 days of celebration in honor of that ship's 10th anniversary.

Madam Speaker, it is an honor to praise the noble life of Maurice Kenneth Shaw. I offer my deepest condolences to his wife, Mary Elizabeth, his 3 daughters, Victoria, Anne, and Elizabeth, and his 6 grandchildren.

RECOGNIZING HON. JOHN THOMAS ELFVIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HIGGINS. Madam Speaker, I rise today to pay recognition to the Honorable John Thomas Elfvin, who is retiring after 60 years of service as a judge in the U.S. District Court for Western New York. Judge Elfvin has demonstrated exemplary dedication throughout his career, serving diligently until the age of 90.

I would like briefly to touch on the many areas of service that Judge Elfvin gave to our county. I am proud to mention that Judge Elfvin served his country during World War II as a member of the United States Navy before graduating from Georgetown University Law School in 1947. He worked in private practice in New York City and Buffalo, NY, and was a member of the Buffalo Common Council. Judge Elfvin served on the Supreme Court of New York in 1969 and became U.S. Attorney for Western New York in 1972.

Judge Elfvin was nominated to the U.S. District Court in 1974 by President Gerald Ford. He served as a Federal judge until October 5, 2007. Known for his exceptional work ethic, Judge Elfvin is a wonderful example of what public service should be.

Madam Speaker, I salute Judge Elfvin and congratulate him on his service to the legal field over the past 60 years. I pay tribute to him for his commitment to our community and to our country, and wish him all the best for a prosperous and enjoyable retirement.

FIGHT SUDDEN CARDIAC ARREST

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mrs. CAPPS. Madam Speaker, I rise today on behalf of myself and Representative CHIP PICKERING to call attention to one of our Nation's leading causes of death—sudden cardiac arrest. Unfortunately, far too little is known and even less is being done to address the prevalence of this serious condition. Sudden cardiac arrest claims the lives of more than 250,000 Americans every year.

Sudden Cardiac Arrest occurs abruptly and without warning, when the heart suddenly stops beating and cannot pump blood to the rest of the body. Contrary to widespread belief, sudden cardiac arrest is not the same as a heart attack. As the Sudden Cardiac Arrest Coalition has noted, if your heart were a house, cardiac arrest would be a problem with the electricity, while a heart attack is a problem with the plumbing.

Sudden cardiac arrest can happen to anyone at anytime without warning. Unfortunately, even when there may be warning signs, we may not recognize their presence due to a lack of knowledge about what actually occurs during cardiac arrest.

Such was the case for a young man from Southern California named Sebastian Hitzig. At age 24, Sebastian stepped on a toothpick, resulting in a staph infection that led to an inflammation of his heart. Several months after doctors believed he had recovered, Sebastian went to the gym for his regular workout, during which he suffered sudden cardiac arrest and nearly died. Thanks to a quick acting response team that shocked his heart back to its normal rhythm, Sebastian was literally brought back to life.

Sebastian is one of the few lucky ones to live through a deadly sudden cardiac arrest event. We in Washington have made great strides fighting some of our Nation's deadliest killers. Our next step should be to commit to more research into the diagnosis, prevention, and treatment of sudden cardiac arrest, including increased awareness efforts to improve public knowledge of at-risk populations. We also must take steps to improve access to Automated External Defibrillators, AEDs, and implantable cardioverter defibrillators, ICD, to strengthen the "chain of survival."

I ask all Members today to join us in calling for a focused effort to fight sudden cardiac arrest and to do so in honor of the countless individuals who survived sudden cardiac arrest and in memory of the more than 250,000 families each year whose loved ones are not as lucky as young Sebastian.

RECOGNIZING ANN WATSON

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Ann Watson, Planned Parenthood of Maryland's Volunteer of the Year and honoree at the first annual William G. Robertson, Jr. Volunteer Award Luncheon, for her 31 years of support for Planned Parenthood and 8 years of volunteer service in the Towson Health Center of Planned Parenthood of Maryland.

The William G. Robertson, Jr. Award is given in honor of the late Bill Robertson's more than 60 years of service as a former board member and the sole board member emeritus of Planned Parenthood of Maryland.

Ms. Watson is truly deserving. She has been involved with Planned Parenthood since she was a 19-year-old junior at the University of Arizona. She served as a volunteer and as assistant clinical director for Planned Parenthood in Tucson, Arizona. She has also served on the boards of directors for Planned Parenthood in San Antonio, Texas as well as Planned Parenthood of Maryland.

Ms. Watson has served actively in the Planned Parenthood of Maryland Speakers Bureau, teaching about contraception in Maryland schools. She is a former chairwoman of the Planned Parenthood of Maryland Education Committee.

Throughout her time as a Board member in Maryland, Ms. Watson has made her position as a volunteer in the Towson Health Center a top priority, advocating on behalf of the Center staff at board meetings. She has worked tirelessly to keep the people who come to Planned Parenthood seeking accurate information and access to preventive care at the center of strategic discussions.

Madam Speaker, I ask that you join me today in honoring Ann Watson. She has served as an exemplary volunteer and advocate for reproductive rights—demonstrating an outstanding commitment to the mission and vision of Planned Parenthood.

TRANSATLANTIC SLAVE TRADE 200TH ANNIVERSARY COMMISSION ACT OF 2007—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H.R. 3432, a bill that would authorize the establishment of a federal commission to coordinate activities for the commemoration of the bicentennial anniversary of the U.S. Transatlantic Slave Trade Act.

Next year will mark the 200th anniversary of the abolition of the transatlantic slave trade in the United States. Although the transatlantic slave trade represents a dark aspect of not only U.S. history, but world history, it provides an opportunity to celebrate the progress with human rights, civil rights, and race relations in our great country. In addition to celebrating progress, the anniversary offers an opportunity to educate and remind people all over the world of the history slavery played in making race such a dominant reality in our history and the role of the slave trade.

The establishment of a federal commission to coordinate the 200th anniversary of the abolition of the slave trade commemoration activities would assist with reminding and informing people of the past and present day implications of slavery in the development of America as a nation.

At the present time, people are rightfully consumed and burdened with issues that are impacting their personal lives, as well as, societal issues including the wars in Iraq and Afghanistan, terrorism, quality healthcare, education, and crime. Due to this, I believe people would welcome being refreshed by something to celebrate versus something to worry about; especially because African Americans have made and continue to make immeasurable contributions and advances in our great country since the abolishment of the transatlantic slave trade and slavery. Young people need to have an understanding of and develop an appreciation for our country's past, which would hopefully instill pride and hope for tomorrow.

I thank Congressman PAYNE for introducing this bill and encourage my colleagues to support it. I also encourage people all over the world, especially young people to learn about the history of slavery.

CELEBRATING THE 75TH ANNIVERSARY OF THE BELOIT CIVIC THEATRE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. BALDWIN. Madam Speaker, it is with great pride that I rise today to celebrate the 75th anniversary of the founding of an organization that has influenced the advancement of cultural opportunities for the people of Beloit, Wisconsin. Originally envisioned as a showcase of local talents, today the Beloit Civic Theatre has grown into a remarkable attraction stimulating growth and support of the arts within the community and surrounding area.

Initially named the Beloit Little Theatre Guild upon its founding in 1932, the organization began its tradition of service with the production of the Whole Town's Talking. The group concluded its first season with another performance and 250 dedicated members. Word of the outstanding organization spread quickly, and the guild membership grew to 1,300 by the following year, the largest of any community theater in the State. In 1948, the name was changed to the Beloit Civic Theatre, as it stands today.

Although the Beloit Civic Theatre was not incorporated as a non-profit organization until 1952, they have given back to the community since their very first season. Today their profits support a scholarship fund to cultivate the talents of graduating high school students pursuing a field within the arts.

Throughout the past 75 years, the Beloit Civic Theatre has undoubtedly gone above and beyond their mission to bring the people of Beloit unique and distinctive performances. Enjoyed at the Elizabeth Reinholz Theater by a variety of audiences, the presentation of timeless classics, modern masterpieces, and original works has advanced more than the amazing talents of aspiring actors, but developed a desire and love for theater within the Beloit community.

On this 75th anniversary of the Beloit Civic Theatre's founding, I applaud its devoted staff, faithful volunteers, and talented and dedicated performers who have nurtured and supported this indispensable organization of cultural growth and entertainment for the past 75 years. We look forward to 75 more.

ON THE 2007 ANGELS IN ADOPTION PROGRAM

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mrs. BOYDA of Kansas. Madam Speaker, on October 4, 2007, I had the great pleasure of seeing one of the finest constituents of the Second District of Kansas honored as an Angel in Adoption. This award was given by the Congressional Coalition on Adoption, of which I am proud to be a member. The story of the Second District's Angel in Adoption, Stuart Griffiths, is a story of hard work, commitment, and humility. It is a story that I am proud to share today.

Stuart started working with children during college when he was a wrestling coach. He gave rides to and from practice to a young man living in a group home and decided there was more that he could do to help. He began volunteering at the young man's group home—helping with homework, playing ball, whatever was needed—until he was asked to become the assistant director. After working in public schools in Lawrence, Kansas, he returned to his hometown of Clay Center and became a foster parent. Over the years Stuart has hosted 32 foster children. Eventually he was told by a caseworker, "You ought to become a social worker because you're already doing it so you might as well get paid for it." So Stuart returned to school and earned a degree in social work. He jokes that he made this decision before anyone told him how much social workers earn. All joking aside, he has devoted the last 8 years of his life to working in child protective services.

Part of what makes Stuart's story unique is that he has made a conscious effort to help children with special needs. He told caseworkers he "wanted the kids nobody else wants," and they listened. He was contacted by social workers from surrounding communities to help children who needed extra care and attention. Over the years, he has helped children who were victims of abuse or had behavioral problems grow and mature into successful and talented adults.

Stuart now has 5 adopted sons, ranging in age from 14 to 19. Another remarkable aspect of his story is that he is a single parent. In addition to his job and responsibilities as a parent, Stuart also runs the football little league in his community and coaches his own team. He is the epitome of a public servant. Despite his tremendous contribution to the community, Stuart is incredibly humble. In his stories he continually talks about the many accomplishments of his sons. When asked about the incredible commitment he has made, he simply says, "I wanted to take the next step."

I was thrilled to meet with Stuart and his 5 sons in Washington on Thursday. I know we both hope that this award and Stuart's recognition will raise awareness about the importance of adoption and foster care. Stuart has been able to create a stable, brighter future for his children, who might otherwise have drifted from family to family in the foster care system, never really having someone to call "Dad." For me, Stuart's words have the most resonance—"I just hope this encourages other folks to adopt."

RECOGNIZING MRS. OLA MAE McFATRIDGE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HALL of Texas. Madam Speaker, today I am honored to pay tribute to Mrs. Ola Mae McFatridge, a long-time member of the district, on the occasion of her 100th birthday.

Born Ola Mae Kerr outside of Celina, TX, on September 25, 1907, she was raised on a farm where she learned early on the importance of education, family, and hard work. In 1931 she married the late Carl McFatridge and went on to have 2 children, Bill McFatridge and the late Martha Dobson.

Following graduation in 1926, she taught for 5 years before marrying Carl. While Carl was serving as a marine in the Pacific Theatre in World War II, Ola Mae assumed the role of store manager of the family business. Though she retired from full-time work in 1994 at the age of 87, she continues to be an active and valued member of her community. She is the loving and beloved matriarch of 36 descendants. Among these descendants are educators, ministers, law enforcement and safety personnel, and business professionals.

Ola Mae's life has been marked by an unwavering dedication to family, education, hard work, and faith. This last century has been a remarkable one, and she has borne witness to it all. On behalf of her family, friends, and all those she continues to touch and inspire, I would like to take this opportunity in the House of Representatives to pay tribute to Mrs. Ola Mae McFatridge on this, the centennial of her birth.

PERSONAL EXPLANATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. CAMP of Michigan. Madam Speaker, on rollcall No. 949 on H. Res. 32 I am not recorded because of flight delays from Michigan to Washington. Had I been present, I would have voted "aye" on H. Res. 32.

HONORING BOB LARGESS AND THE FOOTSTEPS IN HISTORY PROGRAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. McGOVERN. Madam Speaker, I rise to recognize and pay tribute to Mr. Robert Largess who has completed a historic 4-day stage coach journey from the scenic shores of the Narragansett Bay in Rhode Island to beautiful Kelley Square in my hometown of Worcester, Massachusetts.

Mr. Largess has driven an 1800's style horse-drawn stagecoach along the Blackstone River Valley National Corridor to commemorate the third annual Footsteps in History Program. This program is a week-long celebration of the cultural and historic heritage of the Blackstone Valley. Footsteps in History was created by the Blackstone Valley Tourism Council, the John H. Chafee Blackstone River Valley National Heritage Corridor, and the Blackstone Valley Chamber of Commerce.

Long before the railroad and canal boats came to the Blackstone Valley, people used stagecoaches to make the journey between Providence and Worcester. His 4-day journey will be the first such trip in about 180 years and aims to raise public awareness about the Blackstone Valley and its place in history. Mr. Largess's ride has also served to educate our children and our community about the important role that the Blackstone River and the Blackstone Canal have played in the industrialization of the United States. He will end his journey at the starting point of the Canal and he has been at the center of a communitywide effort to restore the section of the canal that is now buried under the streets of Worcester.

Madam Speaker, it is with great pride that I honor the work of Mr. Largess and members of the Blackstone Valley Tourism Council for the work they do to help bring alive the rich history of the Blackstone Valley.

RECOGNIZING THE LAKE MURRAY JUNIOR CHAMBER OF COMMERCE OF SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize the South Carolina Junior Chamber of Commerce and, specifically, the Lake Murray Junior Chamber for their leadership and service in our community during this year's Junior Chamber Mission Week.

In 1929, the United States Junior Chamber established Junior Chamber Mission Week, or "Jaycee Week", to celebrate its founding with seven days of public relations opportunities for its member chapters. Each day of the week, they highlight a different basic tenet that the chamber has adopted. These tenets are as follows: a faith in God, the purpose of brotherhood, free enterprise, government laws, human personality, and service to humanity.

For over 70 years, the South Carolina Junior Chamber has been actively involved in our community by devoting time to developing future community leaders. Over those seven decades, it has contributed to humanitarian projects such as Jaycee Camp Hope, Family Talk and JAYS. As a former member of the Jaycee-West Columbia Jaycees for over 20 years and as former state legal counsel of the South Carolina Jaycees, I know firsthand of the positive impact of South Carolina Jaycees.

I wish to thank Lake Murray Chapter President Angie Wedekind, South Carolina State President Scott Bryant, the National Junior Chamber President Chris Oldham, and the Junior Chamber International President Scott Greenlee. Their leadership is helping to shape today's young people into successful leaders of tomorrow.

HONORING THE MEMORY OF HERMAN M. MAISEL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend. I rise today to honor him and pay tribute to the memory of Mr. Herman M. Maisel, a devoted family man and dedicated community leader.

A native and lifelong resident of Mobile, Mr. Maisel was a standout athlete at Murphy High School in football, basketball, and baseball. After graduating in 1942, he enlisted in the Marines. He served in the Pacific theater until the end of World War II and was cited for his bravery.

After returning home, he attended the University of Alabama using the G.I. Bill and received a degree in education. Once again, he was a standout athlete, named to the all-star teams in intramural football, basketball, and baseball. While in graduate school at the university, he coached both the freshman football and basketball teams.

In 1952, Mr. Maisel was named assistant football coach and head basketball coach at his alma mater, Murphy High School. Under his leadership, the Murphy High School basketball team racked up 91 wins and only 12 losses, winning three city championships and tying for another. The team also won three district titles and the 1956 Alabama State Basketball Championship, a first for a Mobile school. He also coached the Murphy golf team, which won the state championship in 1956.

With a desire to be a better provider for his family, Mr. Maisel entered the real estate business. In 1971, he acquired Staples, Pake & Griffin Real Estate in Mobile, changing the name to Herman Maisel & Company. This company became one of the top 100 shopping center developers in the United States, with holdings in 14 states. Additionally, he was a founding partner in Mobile Greyhound Park.

Mr. Maisel was actively involved in his community, contributing to numerous civic and charitable endeavors. He was a member of the Mobile Sports Hall of Fame, serving on its board of directors, and a past president of the Ahavas Chesed Synagogue in Mobile.

There is no doubt—Mr. Herman Maisel's contributions to Mobile and the state of Alabama will be long remembered. He loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife of 60 years, Freida Gutlow Maisel; his 3 children, Kathy M. Bronstein, Elliot B. Maisel, and Ivan B. Maisel; his 10 grandchildren; as well as countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

HONORING THE LIFE OF U.S. CONGRESSMAN GEORGE SANGMEISTER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. COSTELLO. Madam Speaker, I rise today to pay tribute to our former colleague, George Sangmeister, who passed away last weekend. George was a stalwart of Illinois politics for over 30 years and served in this body from 1988–1994. He embodied the hard-working decency of the Midwest and I extend my condolences to his family.

George committed a great deal of his life to public service, beginning with his service in the Army during the Korean War. He graduated from Elmhurst College and the John Marshall Law School, becoming a Will County Magistrate in 1961. He later served as the county's District Attorney and was elected to both the Illinois House and Senate. In 1986, he was tabbed by Adlai Stevenson III to run as his Lieutenant Governor. They lost that race, but George went on two years later to win election to Congress.

George had a warm personality and was a results-oriented politician, looking for consensus wherever he could. He was not concerned about grandstanding, but always seeking out a way to bring people together for the greater good. He led the efforts to create the Abraham Lincoln National Cemetery and the Midewin National Tallgrass Prairie, both projects distinct to and emblematic of Illinois.

Madam Speaker, we can all learn from the example of George Sangmeister, and I ask my colleagues to join me in honoring his life and accomplishments.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. VISCLOSKY. Madam Speaker, on Thursday, October 4, 2007, I was absent from the House due to a family illness and therefore missed rollcall votes 939 through 948.

Had I been present for rollcall 939, H.R. 2740, on the motion to recommit the MEJA Expansion and Enforcement Act of 2007, I would have voted "no."

Had I been present for rollcall 940, H.R. 2740, on passage of the MEJA Expansion and Enforcement Act of 2007, I would have voted "aye."

Had I been present for rollcall 941, H. Res. 704, on ordering the previous question providing for the consideration of H.R. 3246, the Regional Economic and Infrastructure Development Act, I would have voted "aye."

Had I been present for rollcall 942, H. Res. 704, on agreeing to the resolution providing for the consideration of H.R. 3246, the Regional Economic and Infrastructure Development Act, I would have voted "aye."

Had I been present for rollcall 943, H. Res. 703, on ordering the previous question providing for the consideration of H.R. 3648, Mortgage Forgiveness Debt Relief Act, I would have voted "aye."

Had I been present for rollcall 944, H. Res. 703, on agreeing to the resolution providing for the consideration of H.R. 3648, the Mortgage Forgiveness Debt Relief Act, I would have voted "aye."

Had I been present for rollcall 945, H.R. 3246, on the motion to recommit the Regional Economic and Infrastructure Development Act of 2007, I would have voted "no."

Had I been present for rollcall 946, H.R. 3246, on passage of the Regional Economic and Infrastructure Development Act of 2007, I would have voted "aye."

Had I been present for rollcall 947, H.R. 3648, on the motion to recommit the Mortgage Forgiveness Debt Relief Act, I would have voted "no."

Had I been present for rollcall 948, H.R. 3648, on passage of the Mortgage Forgiveness Debt Relief Act, I would have voted "aye."

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 9, 2007, I was unable to cast my votes on H. Res. 32 and H.R. 400.

Had I been present for rollcall No. 949 on suspending the rules and passing H. Res. 32, denouncing the practices of female genital mutilation, domestic violence, "honor killings," and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral and honorable society, I would have voted "yea."

Had I been present for rollcall No. 950 on suspending the rules and passing H.R. 400, War Profiteering Prevention Act, I would have voted "yea."

PAYING TRIBUTE TO DR. GUILLERMO LINARES, PhD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take a moment to honor the outstanding achievements of the 35 million Hispanic Americans in commemoration of Hispanic Heritage Month.

One of those 35 million Hispanic Americans is Dr. Guillermo Linares, whom I am honored to acknowledge for all his wonderful contributions and remarkable leadership in public service. Dr. Linares, who brings a long record of distinguished public service, has blazed an inspiring path so that future generations of Hispanic Americans can grasp the same opportunities to develop into tomorrow's leaders.

Dr. Guillermo Linares has the historic distinction of being the first Dominican elected to public office in the United States. He served from 1991 to 2001 in the New York City Council, where he advocated for quality education, vital health services, and affordable housing.

For more than 30 years, Dr. Linares has remained committed to improving public education and championing immigrant issues. His advocacy started in Washington Heights, where he worked as a school teacher. Witnessing the need for active involvement, he ran for membership of the local school board and served there for three terms. In the 1980s, Dr. Linares and others were responsible for the building of desperately needed public schools for the growing immigrant community in Washington Heights.

Dr. Linares' work has garnered him citywide and national respect. In 1998, the Black and Latino Legislative Caucus of the NYC Council elected then-Council Member Linares as its copresident. Dr. Linares was tapped in 1995 to serve in a national capacity as a member of the White House Initiative for Educational Excellence for Hispanic Americans. President William Clinton appointed him in 1999 as chair of this initiative.

He was also a part of a movement in the late 1970s and early 1980s to establish key institutions that continue to serve Dominican and Latino populations. With other activists and leaders, Dr. Linares helped to establish the Community Association of Progressive Dominicans, the Puerto Rican/Latino Education Round Table and the Parents Coalition for Education in New York City. Dr. Linares was instrumental in the founding of the Dominican Studies Institute at City College, the Audubon Partnership for Economic Development and the Center for Latin American and Latino Studies at the CUNY Graduate Center. He also served for six years as a board member of the National Council of "La Raza." He currently is the co-chair of "Encuentro 2000 and Beyond" a national Latino leadership group.

In his current role as Commissioner of the Mayor's Office of Immigrant Affairs for the City of New York, Dr. Linares works to strengthen bridges between city government and immigrant communities. He—who grew up dirt poor in a dirt-floored hut in the Dominican Republic—shares the experiences and aspirations of immigrant New Yorkers. Having left his native Dominican Republic to arrive to the City of New York at age 15 in 1966, knowing not a word of English, drove a taxi for long hours to support his family. At the same time, he pursued a higher education so that he could advance.

Dr. Linares received a Bachelor of Arts and Masters of Science degree from City College and a professional diploma in administration and supervision from Fordham University. He recently achieved his doctorate in education from Teachers College, Columbia University. Dr. Linares' wife, Evelyn, is a dedicated public school principal. They are proud parents of two children, Guillermo Linares Jr. and Mayra Linares, who currently serves as the Democratic District Leader of Part A of the 72nd District of the New York State Assembly. His family has been critical to his accomplishments as a community activist, an elected official and an academic.

At a time when so many question the role and value of immigrants in today's society, it is essential to remember the achievements of remarkable public servants such as Dr. Guillermo Linares. Let us all remember that immigrant dreams and values—Hispanic dreams and values—are no different than the dreams and values that we all wish for our families and our Nation.

INTRODUCTION OF THE PROMOTION OF HEALTH INFORMATION TECHNOLOGY ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. ESHOO. Madam Speaker, we live in the Information Age, but health care, one of the most information-intensive segments of our economy remains mired in a pen-and-paper past. We can buy airline tickets online, we can check our bank accounts from anywhere in the world, and we send pictures of new babies and grandchildren to friends and family via e-mail or instant messages. The health care industry, however, remains dangerously disconnected. Patients' medical histories are largely disaggregated among the various physicians who have treated them, and are often inaccessible to a new doctor or even to the patients themselves.

Such an inefficient health care information system creates unnecessary risks and costs. It's time to look at health care in a new way, focusing on overall health and not simply disease. We need to move toward a model of integrated care by providing ways for a patient's physicians to coordinate their care, and promote the modernization of our nation's health care system.

Health information technology (HIT) promises to revolutionize the health care delivery system and have a powerful effect on enhancing patient safety, reducing medical errors, improving the quality of care, and reducing health care costs. The deployment of HIT and the adoption of important patient tools such as electronic health records (EHRs) have been slow and have not kept pace with the advances of technology in nearly every other aspect of our lives.

To accelerate the adoption of HIT and create market conditions and incentives which will encourage investment in this critical technology, I'm introducing today the Promotion of Health Information Technology Act. This legislation builds on the excellent work of Senators KENNEDY and ENZI and will promote HIT in the federal government and throughout the health care sector.

Any meaningful HIT legislation must establish a process for the rapid formulation and implementation of standards to facilitate the exchange of interoperable health data and create incentives to ensure that these technologies are actually adopted. The Promotion of Health Information Technology Act establishes a streamlined process for the adoption of HIT interoperability standards and requires the federal government to abide by the standards it sets.

The legislation establishes a permanent position within HHS with broad responsibility to facilitate the exchange of interoperable health information and coordination of the government's own health IT activities and procurement. It also creates a permanent public-private advisory body to recommend or endorse appropriate HIT interoperability standards with definitive timeframes for adoption and updates. Broadly accepted interoperability standards are vital to the development of IT systems that can communicate and share information.

Under my legislation all federal HIT procurement must comply with the standards endorsed by the interoperability standards body. In addition, all agencies that collect health data electronically for purposes of quality reporting, health surveillance and other purposes must comply with endorsed standards. For HIT to gain a foothold in the health care marketplace, it is essential for the federal government to utilize its purchasing power in healthcare to ensure the United States is rapidly adopting these innovative technologies.

The Promotion of Health Information Technology Act also provides important protections for patients and their sensitive medical information. The bill establishes an ongoing system for certification of Electronic Health Records products by third-party entities and guarantees that individuals will have the right to inspect and obtain a copy of their EHRs and amend any inaccurate or fraudulent information. It also clarifies that operators of health information electronic databases like Google Health, Revolution Health, and WebMD are deemed to be covered entities under HIPAA. The use of non-identifiable health data for public health and research purposes is permitted with appropriate patient approval.

The bill establishes a process for the development of reports by "Health Quality Organizations" on federal healthcare data to advance healthcare research, enhance consumer education and awareness, and provide the public with reports on national, regional, and provider- and supplier-specific performance.

Finally, to provide resources for the adoption of HIT nationwide the Promotion of Health Information Technology Act authorizes funding for grant programs to assist state and local governments adopt HIT and promote adoption within their states. It also establishes a grant program for regional health information exchanges and a competitive grant program for private sector healthcare providers, with a preference for providers that use the "Medical Home" patient care model, which allows patients to have a single point of care and a medical provider to coordinate care through the use of HIT. The legislation also provides incentives for utilizing broadband to deliver HIT in underserved areas and funding of academic curricula to train qualified Health IT professionals.

Madam Speaker, the power of HIT to transform American health care is clear, but without aggressive action by the Congress to promote and adopt HIT, we will not see the benefits of these innovative technologies for years to come. The Promotion of Health Information Technology Act will ensure that the federal government foster the development and implementation of advanced Health IT networks and technologies in our country.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. HODES. Madam Speaker, due to inclement weather I missed the following votes on Tuesday, October 9, 2007. I would have voted as follows:

(1) "Yea" on H. Res. 32—Denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society.

(2) "Yea" on H.R. 400—War Profiteering Prevention Act of 2007.

TRIBUTE TO THE ORANGE GROVE MONTHLY METING OF FRIENDS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Religious Society of Friends upon the 100th anniversary of the Orange Grove Monthly Meeting of Friends in Pasadena, California.

The Orange Grove Monthly Meeting of Friends was founded in 1907 by a group of twenty Eastern Quakers who had moved to Pasadena. Quakers have played leading roles in working for peace and an end to war, promoting racial and gender equality, and supporting environmental and other social justice causes. After World War I, the Meeting members supported the American Friends Service Committee (AFSC), which engaged in post war relief efforts in Western Europe and Russia, and also helped establish AFSC's Pacific Coast branch.

During World War II, the Meeting house served as a hostel for Japanese-Americans being sent to internment camps, and aid was sent to those already interned. The Meeting members provided hospitality and financial support to area conscientious objectors and their families, and after the end of the war, hosted families displaced by the war and its aftermath.

Meeting members have frequently led the way in civil rights and social justice movements. Meeting members took part in efforts to desegregate the Pasadena school system, participated in freedom rides in the South and attended the Selma, Alabama protests.

The Orange Grove Monthly Meeting of Friends founded educational institutions that provide a nurturing educational environment for children. Pacific Ackworth Friends School (1942) and Pacific Oaks School (1945) were established by Meeting parents. In 1961, Mara Moser, an Orange Grove Friends member, established Mothers' Club to support families of men in prison. Mothers' Club later evolved into a child development and family center serving low-income families.

Members of the Orange Grove Monthly Meeting of Friends are active participants in the community. Meeting members routinely provide dinner for the homeless at Union Station in Pasadena, participate in many prison visitation programs and allow the Meeting house to be used by local groups for activities such as a tutoring program for elementary school children.

It is my pleasure to honor the Orange Grove Friends Meeting of Pasadena on its 100th anniversary of dedicated service to the community. I ask all Members to join me in commending their efforts.

RECOGNIZING THE NATIONAL DAY OF TAIWAN

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. WU. Madam Speaker, today I offer my best wishes and congratulations to the people of Taiwan in recognition of the National Day of the Republic of China (Taiwan).

During the late 1980s and early 1990s Taiwan witnessed a peaceful transition of political power to a full-fledged democracy and a multi-party political system that respects human rights and the rule of law. I commend the people of Taiwan for building a democratic, peaceful, and prosperous island.

For over 50 years, the United States and Taiwan have fostered a close relationship, which has been of mutual political, economic, cultural, and strategic advantage. I believe that the United States should remain committed to enhancing stability, security, and prosperity in Taiwan and across the Taiwan Strait.

In celebration of this Double Tenth National Day, it is my hope that the United States, Taiwan, and the People's Republic of China can maintain dialogue and work together to promote enduring peace and stability in the Asia-Pacific region, especially in the Taiwan Strait.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. UDALL of Colorado. Madam Speaker, because my airline flight was delayed I was not able to be present for two votes on October 9th. Had I been present I would have voted as follows:

Rollcall No. 949—passage of H. Res. 32, denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society—I would have voted "yes."

Rollcall No. 950—passage of H.R. 400, War Profiteering Prevention Act of 2007—I would have voted "yes."

CONGRATULATING COBB COUNTY PUBLIC SAFETY AWARD WINNERS

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. PRICE of Georgia. Mr. Speaker, it is with great pride that I am able to recognize and honor a number of dedicated and selfless public servants from Cobb County, Georgia today. The Cobb County Chamber of Commerce recently presented two awards for notable devotion to public safety and awareness. The presentation of these awards marked the beginning of Public Safety Awareness Week, a celebration of the men and women who work every day throughout Cobb County to keep our communities safe and secure.

On October 1, 2007, the Cobb Chamber Public Safety Employee of the Year Award was presented to Mr. James Arrowood, the Director of Public Safety for Cobb County Schools. This award is a notable highlight in a distinguished 35-year career in public safety for Mr. Arrowood. Each day Cobb County parents place their trust in Director Arrowood, as he ensures a safe learning environment for all Cobb students. I applaud Mr. Arrowood on this exceptional honor and all he does for our community.

Also recognized for their pursuit of public safety, the Cobb Chamber Award of Merit was presented to the Wildland Fire Response Team of the Marietta Fire Department. The Team courageously traveled to fire-ravaged South Georgia in May of 2007 to assist in a vital fight to extinguish the out-of-control blazes. When Georgians needed help the most, the Marietta Wildland Fire Response Team responded as true heroes would. Sacrificing their safety to ensure the survival of an endangered area of the State, the Team epitomizes strength and character of our public safety professionals.

The countless hard working men and women of public safety too often go unnoticed. It is necessary and responsible that we honor them this way, and I commend the Cobb County Chamber of Commerce for their support of this initiative. Public Safety Awareness Week serves as an important reminder that our safety is not assured without the hard work of public safety professionals and volunteers.

Madam Speaker, I join with the House of Representatives today in declaring a sincere appreciation for these honorable award winners and dedicated public servants. Congratulations, Director Arrowood and the Marietta Wildland Fire Response Team.

RECOGNIZING THE IMPORTANCE OF IMPROVING THE HIGH SCHOOL GRADUATION RATE OF FOSTER YOUTH

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. WELLER of Illinois. Madam Speaker, today I introduced a resolution to recognize the importance of improving the high school graduation rate of foster youth. I was accompanied by my colleagues JIM McDERMOTT, the Chairman of the Income Security and Family Support Subcommittee on which I serve as ranking Republican, PHIL ENGLISH, and JOHN LEWIS.

A recent series of hearings in the subcommittee reflected on the fact that school stability and high school completion are strongly associated with better outcomes for young people making the transition to adulthood. We know that connecting kids with their schools means strengthening the circle of friends, teachers, coaches, and other mentors that can help them become more independent and develop the habits and skills needed to succeed for life on their own.

Over 20,000 youth "age out" of the Nation's foster care system each year. Among many serious challenges, these young people have lower high school graduation rates, higher rates of homelessness, and a greater chance of becoming incarcerated than other youth their age. Too many youth who age out of foster care stumble and fall on their way to adulthood. Some never recover. Others find their way only through extraordinary personal effort, the involvement of dedicated relatives and other adults, a little luck, or all of the above.

We should be doing everything we can to increase high school completion rates in general. And for kids in foster care, it is especially important for them to stay connected to their school and complete high school. Such action will give former foster youth a solid start on their way to a successful adulthood. That is in everyone's interest.

HONORING THE SAFETY EXCELLENCE OF SMURFIT-STONE CONTAINER CORPORATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to commend the outstanding effort of Smurfit-Stone Container Corporation paper mill in Hodge, Louisiana, under the leadership of General Manager Roger P. Hagan, in fulfilling its responsibility as a Good Corporate Citizen.

As of September 14, 2007, The Hodge branch of Smurfit-Stone became the first mill in the company's history to successfully reach two million hours of operation without an accident, according to the Occupational Safety and Health Administration standards. For any corporation, this is an accomplishment, and I am proud to honor the men and women of Smurfit-Stone who strive to maintain high standards in the workplace and make safety a top priority.

Madam Speaker, I ask my colleagues to join me in honoring Roger P. Hagan and Smurfit-Stone Container Corporation for promoting a safe environment in the work place and for putting employee safety first.

90TH ANNIVERSARY CELEBRATION ROTARY CLUB OF LONG BEACH

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, the Long Beach Rotary is celebrating 90 years of service to the community on Wednesday, October 10, 2007. In honor of this auspicious occasion, the Long Beach Rotary partnered with the City of Long Beach and the Conservation Corps of Long Beach to plant 90 trees in one day at various parks around the City.

The 90th Anniversary Celebration and tree planting at Rotary Centennial Park will be the culmination of this year's endeavors. Rotary Centennial Park, which was created by the Long Beach Rotary in anticipation of its century of service, was created in a former redline right-of-way. The site is now a clean, green, and safe place for youth to play. The park opened to the public on May 21, 2005 and features a planet walk by artist Philip Smith and a stainless steel sundial sculpture by artist Patrick Vogel. The 1.2 acre park is a welcoming place for families to gather in a neighborhood short on park space.

The Long Beach Rotary is one of the largest Rotary Clubs in Southern California. Comprised of approximately 375 business and professional leaders that put "Service above Self," the Rotary Club is known the world over. Rotary Club International is comprised of more than 1,200,000 members in 31,000 clubs in 166 countries.

The Long Beach Rotary has two remarkable charitable organizations. The Long Beach Rotary Scholarship Foundation and The Long Beach Rotary Charitable Foundation both are 501(c)(3) non-profit corporations.

The Long Beach Rotary Scholarship Foundation offers scholarships to Long Beach area students at Long Beach City College and California State University, Long Beach. Currently, the foundation oversees over $6 million. In 2006 the foundation awarded over 250 scholarships totaling nearly $300,000.

The Long Beach Rotary Charitable Foundation supports philanthropic endeavors in the Long Beach area. Past projects include Rotary Centennial Park, Camp Enterprise, and Rotary Reads, as well as grants to Long Beach area charities and programs designed for youth and education. Groups such as the Boys and Girls Club, LB Day Nursery, YMCA, Boy Scouts, Long Beach Unified School District, and the Carpenter Center have all benefited from the foundation, which gave over $80,000 in 2005–2006.

The Long Beach Rotary has definitely kept to its founding principles of providing humanitarian service, encouraging high ethical standards in all vocations, and helping to build goodwill and peace in the world—one tree, one student, and one park at a time.

Happy Anniversary. May the next 90 years bring as much success as the past 90 years.

HONORING PHILLIP GREENWELL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Phillip Greenwell, a remarkable man with a long history of service to his country and to Kentucky. Mr. Greenwell, a lifelong resident of Nelson County, has been an active member of American Legion Post 121 in Bardstown, KY, for nearly 60 years.

Phillip Greenwell was drafted into the Army during World War II and served for 2 years as a combat engineer at Fort Leonard Wood, MO.

Mr. Greenwell has made it a personal priority to serve his fellow veterans through his work with American Legion Post 121. His leadership positions include post commander, post vice commander, district commander, district vice commander, district service officer, and district chaplain. He has also served on the Kentucky American Legion State Finance Committee and State Internal Affairs Committee.

Though Mr. Greenwell's health now requires him to stay at home, he still stays active in American Legion activities by phone and continues to assist with veterans casework. In addition to his American Legion service, he has served on the Kentucky Boy's State Committee and was a volunteer for the Red Cross for over 25 years.

It is my privilege to honor Phillip Greenwell today, before the entire United States House of Representatives, for his service to our country and his tireless efforts on behalf of American Legion Post 121 and his fellow veterans. Mr. Greenwell has made a significant difference to his "Old Kentucky Home."

PAYING TRIBUTE TO MICHAEL GRAHAM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Michael Graham of Henderson, Nevada who passed away on September 23, 2007.

Michael was born in McMinnville, Oregon, on October 23, 1946. After he earned his bachelors degree from San Francisco State University and fulfilled his graduate studies in the areas of finance and management, he became involved with private and non-profit finance and management careers. His career reached its culmination when he was named Deputy State Director of the Nevada Small Business Development Center in 2000. In this role, he directed the activities of the Business Environmental Program in Nevada as well as five Nevada Small Business Development Centers in Southern Nevada. He managed nearly 50 staff around the State providing business advice, resources and training.

Prior to taking the Deputy Director position in Henderson, Michael lived and served the community of Reno, Nevada, as an owner of several small businesses and eventually became the Director of Development for the University of Nevada, Reno College of Business Administration. He was awarded for his dedication to the community as the recipient of the prestigious "Philanthropic Executive of the Year" Award for northern Nevada in 2000.

In 1976 Michael joined the National Society of Fund Raising Executives, and was the president of two different chapters. Mr. Graham was also an active member of several boards and committees including the UCCSN's Division of Continuing Education's Non-Profit Management Board, President of Arizona Consulting Group, and is a proud member of the Prospectors Club. Moreover, he served on the city of Reno's Redevelopment Advisory Board and its Financial Board. Michael has also taught Business Management, Finance and Fund Raising on various college campuses.

Madam Speaker, I am proud to honor the life of Michael Graham who was and remains well known and respected community member. His dedication and service to the community should be applauded and admired by all. He was a pillar of the community and will be greatly missed.

PERSONAL EXPLANATION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker, due to travel conflicts beyond my control, I was unable to be back in Washington on October 9, 2007. Had I been present, I would have voted "yea" on rollcall vote No. 949 on passage of H. Res. 32. I also missed rollcall vote No. 950 on passage of H.R. 400, the War Profiteering Prevention Act of 2007. Had I been present, I would have voted "yea" on H.R. 400.

IN RECOGNITION OF DAVID K. SHIPLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize David Shipler, a former national and international reporter, former diplomatic correspondent, and author, as he speaks at Case Western Reserve University, my alma mater, on his latest book, "The Working Poor: Invisible in America."

In his writing, Mr. Shipler brings the issue of poverty in America front-and-center. He spent years interviewing and building lasting relationships with people falling between the cracks, despite their steady work, many of whom live in the Cleveland area. The people he describes make incredible sacrifices and still are unable, in many cases, to provide for their basic needs and those of their family, such as food, health care, child care, transportation, sick days, and adequate time with their families.

He identifies acts of kindness of friends and employers who assist those not able to meet these needs through work as their saving grace, but he also discusses these interactions as the exception. There are many, many more working people in constant struggle without the help they need from their employers or their Government.

In all of his works, Mr. Shipler describes and explains real social and personal conflicts while emphasizing the need for principles of peace and understanding as the way forward.

Madam Speaker and colleagues, please join me in honoring David Shipler for his distinguished and passionate career of spreading public awareness of crucial issues of inhumanity and injustice. His work has undoubtedly led many towards a greater awareness and push for social change.

CONGRATULATIONS TO MEL JOSEPH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. LEVIN. Madam Speaker, I rise today to congratulate Mel Joseph as he receives the March of Dimes 2007 "Alexander Macomb Citizen of the Year" award.

Mr. Joseph is currently the General Manager for Kem-Tee & Associates in Macomb County. He worked to expand the company, which today covers over 21 counties, and has become one of the largest surveying and engineering businesses in southeast Michigan.

Combining his love of sports and work experiences, Mr. Joseph is deeply involved in a variety of community and professional organizations. He is an active member of the Michigan Mortgage Lender's Association, Michigan Mortgage Bankers Association, Women's Council of Realtors, Commercial Real Estate Women of Detroit, National Association of Mortgage Brokers, Detroit Association of Realtors, Western Wayne & Oakland Consolidated Association of Realtors, North Oakland County Board of Realtors, Grosse Pointe Board of Realtors and Downriver Association of Realtors.

He has served as chairperson for the Continental Amateur Baseball Association, a board member for the Macomb Community College Surveying Advisory Board, and a member of the Luxury Suite Advisory Committee for the Detroit Tigers.

Mel Joseph was born and raised in the lower east side of Detroit. He attended St. Martin's school where he played basketball and was captain of the football team. He worked his way through college at his father's trucking business, and earned his bachelor's degree in communication from Wayne State University.

After graduation, Mr. Joseph went to work for Phillip Morris U.S.A. as a sales and marketing representative and advanced through the company to Divisional Sales Manager for the State of Illinois. He left Phillip Morris to pursue his love of sports and became the executive vice president of Professional Sports Representatives for Professional Management and Consultants.

Madam Speaker, I ask my colleagues to join me in recognizing Mel Joseph for his commitment to excellence, as well as his professional and personal devotion to his community.

HONORING INSIGHT ENTERPRISES, INC. PENINSULA CENTER FOR INDEPENDENT LIVING

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor Insight Enterprises, Inc. Peninsula Center for Independent Living of Hampton, Virginia. This year marks its 20th year of service to individuals with disabilities on the Virginia peninsula.

For 20 years, the Peninsula Center for Independent Living's philosophy has been that individuals with disabilities should play a major role in deciding their future. As a coalition of professionals working in the fields of education, rehabilitation and community services, the Peninsula Center has been instrumental in allowing persons with disabilities to empower themselves to truly live independent lives.

Madam Speaker, the Peninsula Center for Independent Living provides an invaluable service to thousands. The Peninsula Center works to ensure that individuals with disabilities who need housing, whether public or private, can locate housing that is accessible and suitable to their needs. The Peninsula Center has also provided assistance in resolving complaints in the areas of housing, education, employment and community programs. Other core services provided by the Peninsula Center include peer counseling, and independent skills training. The Peninsula Center also provides community outreach, including disability awareness, technical assistance regarding accessibility and legal issues, and general disability related information.

Insight Enterprises was founded by Ralph W. Shelman of Hampton, who still serves as its executive director. I have had the privilege of working with Ralph on a variety of issues affecting individuals with disabilities both here in the U.S. House of Representatives and during my service in the Virginia General Assembly. Ralph served as an influential member of the coalition that helped enact the Americans With Disabilities Act of 1990, and the Commonwealth of Virginia knows no better advocate for persons with disabilities than Ralph. The Virginia General Assembly even passed a joint resolution commending Ralph for his work for individuals with disabilities in the Commonwealth of Virginia.

Madam Speaker, I would like to congratulate Insight Enterprises, Inc. Peninsula Center for Independent Living, its executive director, Ralph Shelman, and their very professional and caring staff on their 20 years of service to the people of the Virginia peninsula. I commend the officers, staff and board members of the Peninsula Center for all that they have done and will continue to do to better the lives of countless individuals, and I wish them many more years of service to the people of the Virginia peninsula.

A PROCLAMATION HONORING PAUL E. BEBOUT ON HIS INDUCTION TO THE OHIO VETERANS HALL OF FAME

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Paul E. Bebout has been a wonderful father to seven children and made time to coach little league, be a boy scout leader and serve as a school board member; and

Whereas, Mr. Bebout is a Mason and Shriner, where he serves as the local project chairman and has helped raise thousands of dollars for Crippled Children's Hospitals; and

Whereas, he is a life member of Veterans of Foreign Wars, the Disabled American Veterans and American Legion; and

Whereas, Mr. Bebout was named Legionnaire of the Year 2002/2003; and

Whereas, Mr. Bebout contributes to the Church Christmas programs; and

Whereas, he assisted to raise funds for scholarships for the local high school; and

Whereas, Mr. Bebout belongs to the Military Order of the Purple Heart Post #625; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Paul E. Bebout for his contributions to his community and country. Congratulations to Paul E. Bebout on his induction to the Ohio Veterans Hall of Fame.

CONTINUED PROHIBITION OF INTERNET GAMBLING

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. FEENEY. Madam Speaker, last year, I cosponsored legislation with Congressman

BOB GOODLATTE to help stop the widespread growth of gambling over the internet. Though Federal law already prohibits gambling over telephone wires, the passage of this legislation was necessary to maintain the original intent of the law while also bringing it up to speed with the explosion of current and future technology. However, this update of the law made clear that it would only affect interstate commerce, respecting the rights of states by leaving to them the decision whether and how to regulate gambling within their own borders. New legislation before the Financial Services Committee attempts to undo all of this previous work, instead granting the federal government the expansive and exclusive right to regulate all online gambling. This new legislation would represent the first time in history that the Federal Government would be given power to issue gambling licenses, and it marks a significant shift away from allowing states to determine for themselves what type of policy is best. Proponents of this legislation state that the bill offers states the right to "opt out" of this regulation, but the truth is that the states already have the right to determine their own policy towards gambling without any broader federal regulation that threatens to undermine their control over licensing standards and enforcement actions.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. NUNES. Madam Speaker, on the legislative day of Wednesday, October 10, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall No. 959—"yea"; rollcall No. 960—"nay."

A PROCLAMATION HONORING DANIEL WIGGINS, SR., ON HIS INDUCTION TO THE OHIO VETERANS HALL OF FAME

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Daniel Wiggins, Sr., has served during three war periods; and

Whereas, he is a Life Member and Past Commander of American Legion Post 84 and a Life Member of V.F.W. Post 2901 where he served as Jr. and Sr. Commander; and

Whereas, Mr. Wiggins is a charter and life member of AMVETS Post 70 and served as Commander for four terms; and

Whereas, he served as the Guernsey County Veterans Service Officer for 21 years; and

Whereas, Daniel Wiggins, Sr., is a member and President of the Guernsey County Veterans Service Commission for the past 16 years and a former member of the GOVA Advisory Board; and

Whereas, he is a member and immediate past President of the Ohio State Association of the Veterans service Commissioners; and

Whereas, he is the past president of the DAV National Commanders and Adjuncts Association and he is a volunteer DAV van driver; and

Whereas, Mr. Wiggins is the past President of the Veterans Association of State Commanders and Adjuncts for Ohio; and

Whereas, Mr. Wiggins has been appointed to Congressman Space's Veterans Advisory Council; now, therefore, be it

Resolved That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Daniel Wiggins, Sr., for his contributions to his community and country. Congratulations to Daniel Wiggins, Sr., on his induction to the Ohio Veterans Hall of Fame.

IN HONOR OF DAVID AND CAROL BURGESS LACKLAND AND THEIR EXTRAORDINARY SERVICE TO THE ARTS AND EDUCATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to 2 generous patrons of the arts and of education, David and Carol Burgess Lackland, whose service to the communities of northwest New Jersey is nearly unparalleled.

As a 1954 graduate of Centenary College, the only 4-year college in northwest New Jersey, Carol has long been a strong supporter of her alma mater. Her husband, David, also serves as a trustee for the college. Tomorrow, thanks to their extraordinary support, Centenary will break ground on the new David and Carol Lackland Center, which will serve as a hub for cultural events, education, and activities not only for the college but for the region.

The 68,000-square-foot performing arts center will include a 500-seat state-of-the-arts theater, a dance studio, a blackbox performance space, and more. The center will include classroom space where students will learn about the latest techniques and technologies available for communications and performing arts from backstage as well.

Already, Centenary offers some of the most expansive cultural opportunities in the region. The Centenary Performing Arts Guild, which has been around for about two decades and is the only Actors' Equity theater in the region—presents more than 130 performances a year. With this new facility, the region will have even greater access to high-quality performing arts programming, and I commend David and Carol Burgess Lackland for their contribution to the college community and the surrounding area.

IN RECOGNITION OF THE BRING BACK THE 70'S STREET CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Bring Back the 70's Street Club (BB70), a community improvement organization, located in Cleveland, Ohio.

The story of BB70's inception is an inspiring one. Concerned Cleveland residents, on March 10, 2004, decided to gather and discuss their vision for a safer, more secure, and more beautiful Cleveland. Since its first event, the "Spring Clean Up," the social entrepreneurs who founded BB70 have demonstrated an admirable commitment to northeast Ohio. BB70 accomplishments include instituting a community gardening project, creating a drug-free zone, posting security cameras and surveillance equipment, demolishing burned buildings, hosting an out of school bash, and starting a mural youth project.

A multitude of organizations and residents, through BB70, continue to work towards developing the Cleveland community and improving civic engagement. Local merchants, banks, companies, schools, law enforcement officers, and other organizations have welcomed and aided the BB70 cause as their success is dependent on BB70's mission.

Madam Speaker and colleagues, please join me in recognizing the great accomplishments of the Bring Back the 70's Street Club in its mission to improve their communities for current and future Cleveland residents.

CONGRATULATIONS TO BARBARA ROSSMANN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. LEVIN. Madam Speaker, I rise today to congratulate Barbara Rossmann as she receives the 2007 "Alexander Macomb Citizen of the Year" award from the March of Dimes.

This award goes to the heart of what Barbara Rossmann means to health care in southeast Michigan. She is a leader and visionary in the field of health care. Her commitment to building relationships and partnerships, as well as her determination to create a superior environment for patients and families, has led to numerous advancements in our local health care system.

Barbara Rossmann joined St. Joseph's Healthcare in 1999 as executive vice president and chief operating officer. She was appointed president and chief executive officer in 2004. Since assuming this role, Barbara Rossmann has led the implementation of a $30 million expansion project at Henry Ford Macomb Hospital in Clinton Township, as well as a multi-million dollar investment in integrated computer systems. With these systems and the implementation of evidence-based processes, Henry Ford Macomb Hospital is providing patients and physicians with the nation's most advanced care and safety environment through an electronic medical record.

In July 2007, Ms. Rossmann helped lead the St. Joseph's Healthcare transition from joint ownership by Trinity Health and Henry Ford Health System to full ownership by Henry Ford Health System. With this change, Ms. Rossmann was named president and CEO of Henry Ford Macomb Hospitals, which encompasses the former St. Joseph's Healthcare as well as the former Henry Ford Bi-County Hospital, now Henry Ford Macomb Hospital—Warren Campus.

Her commitment to the southeast Michigan region extends beyond her work through Henry Ford Macomb Hospitals, She is a board member of the Sterling Heights Chamber and Macomb Community Bank. She serves on Macomb County's County Health Plan Board and as committee co-chair of Focus, Macomb's Education & Workforce Development Committee. A long-time supporter of the American Heart Association, she serves on the leadership committees for the American Heart Walk and the Go Red for Women initiative.

Madam Speaker, it has been my pleasure to work alongside Barbara on issues relating to health care and as varied as higher education and local transportation. I ask my colleagues to join me in recognizing Barbara Rossmann for her commitment to excellence, as well as her professional and personal devotion to her community.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. ELLISON. Madam Speaker, on September 26, 2007, I inadvertently failed to vote on H. Res. 678 (rollcall No. 909), had I voted, I would have voted "aye."

A PROCLAMATION HONORING HELEN FLORENCE BAYLEY ON HER 105TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mrs. Bayley has been a devoted mother and wife, mentor, confidant and friend to many; and

Whereas, Mrs. Bayley has demonstrated values of hard work and dedication throughout her life, always maintaining a positive outlook; and

Whereas, she has an unwavering passion for baseball; and

Whereas, Mrs. Bayley's character and faith has been appreciated for enhancing all of those she has come into contact with; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I wish Florence Bayley a happy and healthy 105th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

IN RECOGNITION OF THE 55TH ANNIVERSARY YEAR OF HOLY TRINITY UKRAINIAN AUTOCEPHALOUS ORTHODOX CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 55th year of Holy Trinity Ukrainian Autocephalous Orthodox Church in North Royalton, Ohio. In the time Holy Trinity has been in existence, it has served the Ukrainian community of greater Cleveland well. It has brought a community together in a spirit of caring and love for others.

Holy Trinity has served as the site for hundreds of christenings, marriages, funerals and holidays in its 55 years. In addition, it has hosted many concerts, festivals, picnics, fundraisers, and other Ukrainian-oriented functions. As people have immigrated to the United States from Ukraine, Holy Trinity has served as a vital link between the Ukraine and the United States for the Ukrainian community in Cleveland.

Madam Speaker and colleagues, please join me in recognizing Holy Trinity Ukrainian Autocephalous Orthodox Church for its 55 years as a cornerstone of Cleveland's Ukrainian community and a shining example of spiritual guidance.

HONORING NAILAH OLIANI FRANKLIN

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. JACKSON of Illinois. Madam Speaker, I rise today to honor the life of Ms. Nailah Oliani Franklin, an extraordinary young woman who was raised in the 2nd Congressional District of Illinois.

On September 19, 2007, hundreds of people began the search for Nailah Franklin after she did not show up for a meeting at work. Unfortunately, the search concluded 9 days later on September 27, 2007, when police discovered her body in a wooded area in Calumet City, Illinois. Her disappearance captured the heart of many in the Chicagoland region and others across the country.

During the week she was missing, a grassroots campaign led her story into the national media. More than 2,000 people filled the sanctuary and vestibules of Trinity United Church of Christ on Chicago's South Side to help celebrate her life. "Even today Nailah is bringing people together," stated family member Marina Franklin.

Nailah Franklin was a gift from God, whose life was cut too short. We will all relish in the impact she left on her family, friends and all that came in contact with her spirit, elegance, courage, and strength.

Nailah was born on April 12, 1979, to Maria and Lee Franklin, in Highland Park, Illinois. Her name which means "one who succeeds" is a testament to the life she lived. Her confidence and intelligence earned good grades at Homewood—Floosmor High School, where she ran track and was on the Voyager newspaper staff. In 1997, Nailah graduated from Homewood—Floosmor High School and enrolled at the University of Illinois at Urbana-Champaign, my law school alma mater.

She remained active in many activities during college. She wrote for the Daily Illini student newspaper, co-hosted a jazz and neo-soul music show on the student run WBML FM, tutored local high school students and assisted with football recruiting. She received her bachelor's degree in advertising in 2001. She then returned to Chicago and began working for advertising giant Leo Burnett. Later, she joined Eli Lily & Co. in 2006 as a pharmaceutical sales representative.

Her family described her as a force to be reckoned with. A presence. Someone who wasn't afraid to speak her mind, try new things and set the bar high for herself and those around her. "She was strong, resilient, vivacious, opinionated and above all, fashionable. A 'girlie-girl,' she loved her family and friends, fashion, spa visits, music, and anything and everything related to Oprah. She was exceptional without being ruthless," her family noted.

She was a music lover with tastes running the gamet from jazz to house to neo-soul to old school R&B. She loved to watch Grey's Anatomy and she had to find out what songs had been used during each episode so she could put them on her iPod.

Nailah will most be remembered as a successful professional, doting aunt, loving daughter, sister, niece, and friend—a woman of extraordinary grace and resilience whose spirit blessed all who knew her.

Her family has established the Nailah O. Franklin Memorial Fund at the Chicago Community Trust. The fund will make grants to prevent violence and guide young people's educational and social development.

I pay tribute to this beautiful life lost.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. BARRETT of South Carolina. Madam Speaker, due to a family emergency, I unfortunately missed recorded votes on the House floor on Wednesday and Thursday of last week.

Had I been present on October 3, 2007, I would have voted "no" on rollcall vote No. 932 (on ordering the previous question on H. Res. 701), "no" on rollcall vote No. 933 (on ordering the previous question on H. Res. 702), "no" on rollcall vote No. 934 (on passage of H. Res. 702), "no" on rollcall vote No. 935 (on agreeing to the Conyers amendment to H.R. 928), "yes" on rollcall vote No. 936 (on the motion to recommit H.R. 928 with instructions), "yes" on rollcall vote No. 937 (on passage of H.R. 928), "no" on rollcall vote No. 938 (on motion to postpone consideration of the veto message of H.R. 976).

Also, had I been present on October 4, 2007, I would have voted "yes" on rollcall vote

No. 939 (on the motion to recommit H.R. 2470 with instructions), "no" on rollcall vote No. 940 (on passage of H.R. 2470)—While I support holding Federal contractors and employees accountable for criminal actions that they may commit while serving our Nation overseas, I have concerns with the drafting of H.R. 2740. I am hopeful that the Senate can address these concerns and return to the House a bill that accomplishes the above goal in a workable fashion. "No" on rollcall vote No. 941 (on ordering of the previous question of H. Res. 704), "no" on rollcall vote No. 942 (on passage of H. Res. 704), "no" on rollcall vote No. 943 (on ordering of the previous question of H. Res. 703), "no" on rollcall vote No. 944 (on passage of H. Res. 703), "yes" on rollcall vote No. 945 (on the motion to recommit H.R. 3246 with instructions), "no" on rollcall vote No. 946 (on passage of H.R. 3246), "yes" on rollcall vote No. 947 (on the motion to recommit H.R. 3648 with instructions,) "yes" on rollcall vote No. 948 (on passage of H.R. 3648).

A PROCLAMATION HONORING HELEN BASS SMITH ON HER 90TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mrs. Smith has shown an extraordinary commitment to her community by volunteering at the Salvation Army in Cadiz, Ohio and at the Harrison Community Hospital, where she has been president of the Hospital Auxiliary for 4 years; and

Whereas, Mrs. Smith has demonstrated values of hard work and service throughout her life, always maintaining a positive outlook; and

Whereas, Mrs. Smith has worked for the United States Department of Agriculture, the Scio Pottery Company, Lib Gray's Dressmaker Shop, and as a farmer for many years and still continues her active lifestyle by walking 2 miles every day; and

Whereas, Mrs. Smith's character has been praised by her hospital volunteer coordinator, who describes her as "nothing short of magnificent" and that her spirit is "not a day over 14"; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I wish Helen Bass-Smith a happy and healthy 90th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

RECOGNIZING REV. ARTHUR ST. CLAIR OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize an outstanding individual who lived in the early days of Brooksville, Rev. Arthur St. Clair. Rev. St. Clair will be posthumously awarded the 2007 Great Brooksvillian of the Year at a ceremony next week. The award is presented annually to a current or former resident who has made a significant impact on the city of Brooksville.

Born in 1837, Arthur St. Clair was the former slave of Marina Sanderson May, a landowner and taxpayer in Brooksville. Upon gaining his freedom, Rev. St. Clair became a leader in the Reconstruction-era politics of Hernando County and a founder of the Bethlehem Progressive Baptist Church. He also went on to become a Baptist minister, presiding over services at the new church, originally located on South Lemon Street. He and his brother also helped to found the first African-American school in Hernando County.

Eventually rising to serve as the voter registrar, deputy sheriff, county commissioner, a captain in the state militia, and a four-time Republican nominee for the Florida State House of Representatives, Rev. St. Clair was a prominent leader in Brooksville and Hernando County. In an era when black men throughout the South were looked down upon and relegated to second class citizenship, it is a testament to the character and personality of Arthur St. Clair that he remained a valued member of the Hernando County community for so many years.

In his role as an African-American Baptist minister, Rev. St. Clair was not afraid to take on controversial issues, including that of mixed marriages; those marriages considered taboo in the mid to late 19th century. On a spring day in 1877, Rev. St. Clair presided over a wedding ceremony between a black man and a white woman. This did not sit well with several members of the community, and later that summer on a trip home from Fort Dade, a mob set upon Rev. St. Clair and shot him to death.

In efforts to cover up the crime, the perpetrators then set fire to the courthouse, burning all the records and voter files for the entire county. This led to a severe deterioration of race relations in Hernando County, an episode that some have called a "race war" and left a lasting impression on Hernando County for nearly a quarter of a century.

Madam Speaker, the city of Brooksville was lucky to have had a man like Arthur St. Clair take an active role in our community and have been such an advocate for civic involvement and religious freedoms. I am proud to recognize his accomplishments, and congratulate his descendants on Arthur St. Clair being named the 2007 Great Brooksvillian of the Year.

IN MEMORY OF THE HONORABLE JO ANN DAVIS, 1950–2007

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SESSIONS. Madam Speaker, I rise with great sorrow today as the House of Representatives mourns the passing of The Honorable Jo Ann Davis, Congresswoman from the First District of Virginia. Congresswoman Davis succumbed to breast cancer on Saturday after a lengthy struggle with the disease. I was greatly saddened when I heard the news of her passing. I will be keeping her husband Chuck, their surviving family, and her congressional staff members in my thoughts and prayers during this very difficult time.

I had the distinct pleasure of being able to know Jo Ann from her early days in Congress when she was first elected in 2000. She leaves behind a legacy of constant dedication to our men and women in uniform. Though she struggled with breast cancer the past 2 years, but she remained determined in her commitment to continue serving her district, and our service men and women. This same drive was evident at the beginning of her career in public service. Her first election to the Virginia House of Delegates in 1997 came as a result of her defeating a heavily favored 15-term incumbent. There was never a challenge too large for her to pursue, and her constituents were the benefactor of this unswerving commitment to public service. She will be greatly missed by me, our colleagues, and the people of Virginia. God Bless.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. JORDAN of Ohio. Madam Speaker, due to weather-related travel delays, I was absent from the House floor during Tuesday's rollcall votes on House Resolution 32 and H.R. 400.

Had I been present, I would have voted in favor of both measures.

A PROCLAMATION HONORING JOHN AND AUDREY BIRNEY ON RECEIVING THE HALL OF FARM AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, John and Audrey Birney are appreciated for their dedication and contributions to the Harrison County Farm Bureau; and

Whereas, the couple has had a positive impact on agriculture in Harrison County; and

Whereas, they have served their community on the P & E Committee; and

Whereas, John and Audrey Birney have gone above and beyond to be a spokesperson for agriculture; and

Whereas, John and Audrey Birney have served the organization and the community selflessly and tirelessly; now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I commend John and Audrey Birney on their contributions to Harrison County's agriculture. Congratulations to John and Audrey Birney on receiving the Hall of Farm Award.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I was necessarily absent from the House on July 19, 2007. Had I been present, I would have voted "nay" on vote No. 684.

A PROCLAMATION HONORING THE OPENING OF THE ORA E. ANDERSON NATURE TRAIL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, the Ora E. Anderson Nature Trail at Rutherford Wetland in Wayne National Forest is being celebrated; and

Whereas, the trail is the first wildlife viewing trail accessible to all persons; and

Whereas, the trail is ½ mile long and sits on 20 acres on Athens Ranger District; and

Whereas, it will display poems completed by Ora E. Anderson and watercolor pictures completed by Barbara Sheriff Kostohryz; and

Whereas, the public will be educated on the Ora E. Anderson trail about wetland resources; be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I applaud the Ora E. Anderson Nature Trail and the awareness that it bring to our community.

HONORING DAVID SCHULZ

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor David Schulz, a devoted public servant, who passed away this week on October 7, 2007. As we mourn his early passing, we express our gratitude for the contributions that he made to Chicago as a public official and educator who was always committed to use his many talents to better his community.

Universally known as a charismatic, brilliant individual, Mr. Schulz was a man whose ambition and talents led him to hold an array of impressive positions in public service. After graduating from Purdue University with a bachelor's degree in civil engineering, Dave devoted his next few years offering his talents to the communities of Milwaukee and Chicago, holding a series of transportation, public works and budget positions for local government agencies in both cities.

His unyielding devotion to his community paired with his gift of an exceptional intellect led him down a bright path, becoming Budget Director for Chicago and later holding the same position in Milwaukee. In 1988, Dave embarked on a new journey to give to the community through public office. As Milwaukee County Executive, Schulz prided himself on making significant contributions to the people of Milwaukee through building a county jail, upgrading Mitchell International Airport, and overhauling social services.

Schulz's other major achievements included his position as founding Executive Director of the Infrastructure Technology Institute at Northwestern University in Evanston, Illinois. Through his work with Northwestern, Schulz became known for his leadership and ability to bring faculty together to achieve a common goal. Dave contributed further to the academic community by passing on his extraordinary gifts of experience and knowledge to the students of Northwestern as an adjunct professor of Civil and Environmental Engineering.

Today I ask my colleagues to join me in mourning the loss of David Schulz, a creative and dynamic individual who used his brilliance to contribute to the communities in which he lived and worked. I am grateful for his contributions and mourn the passing of a devoted public servant. Our thoughts, prayers, and deepest sympathies are with David Schulz's family and friends in this difficult time.

IN HONOR OF DR. DANIEL SIMMONS, PASTOR OF MOUNT ZION BAPTIST CHURCH, ALBANY, GA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Dr. Daniel Simmons, on the 16th anniversary of his being called to pastor historic Mount Zion Baptist Church in Albany, Georgia.

Dr. Simmons is a great many things to a great many people in his congregation, including myself. Since I joined Mount Zion in 1996, I have come to know him as a man of character, a humanitarian, a teacher, bridge builder, shepherd, and leader. Above all, Dr. Simmons, through his own humble and morally strong existence, helps us, as followers of the Word, stride toward the gift of fulfillment graciously bestowed upon us by our Lord and Savior Jesus Christ.

"Pastor Simmons," as we very fondly call him, leads over 2,000 parishioners who participate in over 50 ministry programs designed to fulfill the church's mission statement, "a vibrant church that reaches the world for Christ through evangelism, discipleship, fellowship, and missions," and to help individual spiritual development.

Growing up as one of twelve children of Mrs. Pinkie Norwood Simmons and the late Reverend Perry Simmons in the 1200-person community of Cairo, Georgia, Pastor Simmons seems to be the living embodiment of the familiar motto in Philippians 4:13—"I can do all things through Christ who strengthens me." Through the grace of God, he was able to attend Albany State University and went on to receive a masters in rehabilitation counseling from the University of Georgia, and a Doctor of Ministry Degree from Bethany Theological Seminary.

Before being called to pastor at Mount Zion, Pastor Simmons received his license to preach Greater Second Mount Olive Baptist Church of Albany, and pastored at Mountain Grove Baptist Church of Dawson, Georgia, and Pleasant Grove Baptist Church in Sylvester, Georgia.

Madam Speaker, Mount Zion Baptist Church, the city of Albany, and indeed the Second Congressional District of Georgia have been truly blessed to have benefited from the tremendous leadership and teachings of Pastor Simmons for the past 16 years. May our community and our country continue to be blessed by the visionary ministry of Jesus Christ that manifests itself in the exceptional service of my pastor and friend, Dr. Daniel Simmons.

TRIBUTE TO RABBI MARK STEPHEN MILLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SHERMAN. Madam Speaker, I rise to recognize Rabbi Mark Stephen Miller, in honor of his 60th birthday, which occurred on October 5, 2007. For over 30 years, Rabbi Miller has served his Newport Beach congregation, Temple Bat Yahm, with distinction, setting a standard of excellence as a teacher, counselor, and spiritual leader.

Rabbi Miller has worked tirelessly to promote tolerance and understanding, and he continues to be an exceptional role model for young people. I consider myself fortunate to have been the benefactor of Rabbi Miller's kind heart and understanding and my family remain proud members of his congregation. I am also thankful that Rabbi Miller was able to participate in my wedding ceremony.

Rabbi Miller was ordained from Hebrew Union College in Cincinnati in 1974, and in 1999 he received an honorary Doctor of Divinity degree from Hebrew Union College. He joined Temple Bat Yahm in 1977 as its rabbi following a short time as assistant rabbi at Temple Sinai in Roslyn Heights, New York where he met his bride of 30 years, Wendy. Together they raised 5 wonderful children. During his tenure at Temple Bat Yahm the congregation has grown from 100 plus families to approximately 600 families, and its facility has moved from a 1 room portable classroom to a sprawling campus which includes a beautiful sanctuary, classrooms, social halls, an intimate chapel and a wonderful amphitheatre for outdoor services.

Rabbi Miller is a renowned lecturer on business ethics, bioethics, tolerance and interfaith relations. He spent over 20 years as a guest lecturer at University of California, Irvine and now teaches regularly at Chapman University. His commanding presence on the pulpit and dramatic storytelling and lecturing style is well known and respected.

Rabbi Miller has been recognized by the United States Congress before. He has given the invocation to both the House of Representatives and the Senate, where he once served as an aide to Senator Walter Mondale.

An avid baseball fan and diehard Chicago Cubs fan, Rabbi Miller was similarly honored by also giving the invocation at the Baseball Hall of Fame in Cooperstown, NY for its annual induction ceremony. It is most fitting that he was born on the same day as one of baseball's most remembered plays, Al Gionfriddo's game-saving World Series catch.

Madam Speaker, please join me in recognizing Rabbi Mark Stephen Miller on this significant birthday and for his many years of dedicated service to his family, congregation, community and faith. He is a shining light to us all.

A PROCLAMATION HONORING ALBERT AND ELSIE SCHRADER ON THEIR 60TH WEDDING ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mr. and Mrs. Schrader will celebrate 60 delightful years of marriage together; and

Whereas, they will reflect on October 5, 1947 with great joy and fondness; and

Whereas, Albert and Elsie have been a symbol of love, dedication and loyalty for all to be in awe of; and

Whereas, Mr. and Mrs. Schrader reminisce on a lifetime full of memories and look forward to many more together; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I wish Mr. and Mrs. Albert and Elsie Schrader a happy 60th anniversary. We recognize the tremendous impact they have had in their family and in the lives of all those people they have touched.

FLOOR STATEMENT HONORING OUR NATION'S WOUNDED SOLDIERS

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. MACK. Madam Speaker, I rise today to honor over 20 brave men and women of our armed forces that were wounded in combat in Iraq and Afghanistan and enjoyed some rest and relaxation in Fort Myers last weekend.

The soldiers are currently recuperating at the Dwight D. Eisenhower Army Medical Center at Fort Gordon, Georgia, and came to Fort Myers for the weekend because one man, Cliff Naylor, wanted to show his appreciation for the sacrifices these soldiers have made.

Mr. Naylor was injured himself during the Vietnam War. During his recovery, he spent a restful weekend in Miami, thanks to the hospitality of local organizations in the area. Now, 30 years later, Mr. Naylor repaid the same favor to a group of Iraq and Afghanistan war soldiers in his hometown.

Thanks to the generosity and kindness of the people of Fort Myers, these heroes were able to enjoy some much-deserved rest as well as some of what Southwest Florida has to offer, including our sunny weather and beautiful beaches. Local businesses and veterans organizations, such as the Veterans of Foreign Wars and the American Legion, offered free meals, lodging, transportation, and activities for each soldier. The entire weekend would not have been possible without the support and generosity of these businesses and organizations, and in particular, Mr. John Ebling, the Director of Veterans Services for Lee County, who assisted with preparations for the event.

I was fortunate to have met these gracious soldiers during a special event that was held in their honor on Monday. I was struck by their perseverance, determination, and commitment to their fellow soldiers. Their strength and hope is an inspiration to us all, and I hope they were able to feel the love and appreciation of our grateful community.

The 24 soldiers that Fort Myers honored with its generosity are: SFC Edgar Abrams, SSG Bernard Behrens, SSG Gregory Burton, SPC Amos Casillas-Hernandez, SPC Denver Dalton, SPC Crystal Davis, SSG Kevin Elliott, 1SG Joseph Gardocki, SPC Ephraim Giron, SGT Matthew Goodwin, SGT Joseph Gose, SPC Nash Marlow, SSG Paul Mullis, CPT Simon Obeng, SPC Andres Perez, SSG Hugh Pettigrew, SGT Tommy Richardson, SFC Corey Robinson, CPL David Rodrigue, SGT Scott VanNatta, SPC Marcus Varnell, SSG Carl Watson, SGT Safari Williams, and SSG Calvin Wilson.

Madam Speaker, I join all the people of Southwest Florida in thanking these courageous men and women for their service to our Nation. They've given so much in defense of our freedoms, and we all owe them a debt of gratitude for their personal sacrifices.

TRIBUTE TO ALLISON AND JERRY SOKOL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to Allison and Jerry Sokol for their devotion and dedication to the south Florida Jewish community, Hadassah, and Israel. They are being honored by the Galim Chapter of Hadassah at their First Annual Benefit Dinner on Thursday, October 11, 2007.

Mr. Jerry Sokol has been extremely active in numerous charitable and community endeavors for many years. Mr. Sokol co-founded the Future Generation Division of the International Israel Bonds Organization and has been bestowed volunteer leadership positions in the Greater Miami Jewish Federation, the Israel Bonds Organization, the Alexander Muss High School in Israel (AMHSI) program, the American Israeli Public Affairs Committee, and the Miami Beach Jewish Community Center. Mr. Sokol is currently spearheading the efforts to raise the funds to build a brand new state of the art facility for the Miami Beach Jewish Community.

In addition to his work for the Jewish Community, Mr. Sokol contributes substantial time to a number of community causes. He is currently a Member of the City of Miami Beach Parks and Recreation Board and dedicates a considerable amount of time to coaching youth football and basketball. Professionally, Mr. Sokol is a Partner with the International law firm of McDermott, Will & Emery and is currently a Board Certified Healthcare Lawyer as well as a licensed CPA.

Mrs. Allison Sokol has been very active in a number of Jewish organizations most of her adult life. Mrs. Sokol's charitable involvement began right out of college, where she co-founded the Future Generation Division of Israel Bonds which spread nation wide. She was also part of the inception of Survivor Alone, an organization dedicated to helping Holocaust Survivors who currently live below poverty level. Mrs. Sokol currently contributes and volunteers with the Miami Beach Jewish Community Center, the Greater Miami Jewish Federation, the Beth David Gordon Day School Board, as well as the Miami Beach Fine Arts Board.

Over the past several years, Mrs. Sokol has been a member of Ort America, Mount Sinai's Young President's Board, the American Israeli Public Affairs Committee and the New World Symphony. Mrs. Sokol is also a Lifetime member of Hadassah and a founding member of the South Miami chapter of Hadassah.

After being a partner in two very successful business ventures, Manamana, a successful children's clothing manufacturer and Magic Box, one of the largest network integration companies in the Southeastern United States, Allison and Jerry Sokol started a family and are the proud parents of four children: Jake, Sophie, Caroline and Isaac.

It is a privilege to rise in honor of their tremendous philanthropic efforts and commitment to our community that has made such a positive impact on the 17th Congressional District.

HONORING 63RD ANNIVERSARY OF ANNUAL FLORESVILLE PEANUT FESTIVAL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor the 63rd anniversary of the Annual Floresville Peanut Festival, which celebrates the farming and harvesting of the peanut crop in Wilson County.

The Floresville Peanut Festival was first established on July 29, 1938, and has been held on the second full weekend in October every year since its inception. It is a grand celebration that recognizes the importance of the peanut as a crop staple to the South Texas agricultural community. The festival is started with the annual Goober Games on Tuesday afternoon, which is held on the grounds of the court house in Floresville, followed by the coronation of the Queen Tunaep and the Royal Court during the carnival on Thursday, Each member of the Royal Court receives a scholarship from the Floresville Peanut Festival Association.

On Friday, the full festivities begin for the weekend with rides, food booths, and the

Kiddie Parade, in which the children of the City of Floresville are given the chance to show off their floats and costumes. Saturday marks the Grand Peanut Festival Parade, and the day's activities also include the annual raffle, arts and crafts vendors, dance groups, and other forms of entertainment that take place in the town square. The Floresville Peanut Festival has drawn in thousands of visitors from all over the great State of Texas, and other states, to celebrate the peanut as one of the most important crops in South Texas.

Madam Speaker, I am honored to recognize the 63rd anniversary of the Annual Floresville Peanut Festival, and I thank you for this time.

A PROCLAMATION HONORING TODD O'MALLEY FOR HIS TENURE AS PRESIDENT OF WORKERS INJURY LAW & ADVOCACY GROUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mr. O'Malley has shown an extraordinary commitment to his community by serving millions of workers across the United States in need of legal assistance through the Workers Injury Law and Advocacy Group (WILG) where he has been president; and

Whereas, Mr. O'Malley has demonstrated values of hard work and service throughout his life, always maintaining a positive outlook; and

Whereas, Mr. O'Malley has served as the Chairman of the Workers' Compensation Section of the Association of Trial Lawyers of America; and

Whereas, Mr. O'Malley serves on the Board of Directors of the Executive Committee for Pennsylvania Trial Lawyers and is a counsel member of the Workers' Compensation section of the Pennsylvania Bar Association; and

Whereas, Mr. O'Malley is currently a member of the Board of Directors for Interfaith Workers Justice, a group that uses faith and education to bring awareness about issues concerning wages, rights and benefits for hard-working people; and

Whereas, Mr. O'Malley has 30 years of experience and a very successful track record of helping workers and their families; be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Todd O'Malley on a lifetime of service. We recognize the tremendous impact he has had in his community and in the lives of those people he has touched.

CENTENNIAL CELEBRATION OF THE TOWN OF GOLDSTON, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the Centennial celebration of the town of Goldston, North Carolina in my congressional district. Goldston was settled in 1884 and became a charter town in Chatham County in 1907.

When Goldston was settled in 1884 it was first named Corinth, the name of a local church. The town was developed soon after the railroad began operating through the area in 1884. The town is located on a spur of the Norfolk Southern Railway that runs between Greensboro and Sanford. The railroad has been historically important to the growth of the town. The area is also an interconnection point for the Aberdeen, Carolina and Western Railway. Much of the rail traffic that comes through town is composed of grain hopper cars going to local poultry feed mills.

Corinth was later renamed Goldston in honor of Joseph John Goldston who donated the land for the railway station and made other substantial contributions toward the development of the town. Some of the early business enterprises were Bynum & Paschal, A.J. Goldston's general store, W.E. Goldston & Co. Goldston has always been a predominately rural town and most of the business and industry over the years has been centered on the area's agricultural heritage, mainly the poultry industry. Goldston had its first post office by 1889 with N.F. Barber as postmaster. Goldston soon became a trading center for the surrounding region and has long had a substantial lumber business. The town became incorporated February 20, 1907, at which time Walter L. Goldston became interim mayor until elections were held later that year.

Small towns like Goldston, NC are the heart and soul of America. Here, folks learn early values like hard work, faith in God and country and support of one another. These characteristics help make the Second District of NC such a special place to live, work, and raise a family.

Madam Speaker, the Town of Goldston has a rich history with strong family ties. It is an honor to represent this great town and it is fitting that we take a moment today to honor the Centennial celebration of the Town of Goldston.

STATEMENT FOR THE RECORD INTRODUCTION OF CLEAN WATER ACT RESOLUTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. BLUMENAUER. Madam Speaker, today I am proud to join with Representatives Vern Ehlers, James Oberstar, Eddie Bernice Johnson, John Duncan, John Dingell, Wayne Gilchrest, John Hall, and others to introduce a resolution honoring the 35th Anniversary of the Clean Water Act.

Nothing is more critical than water, which has always been essential to our survival. It sustains human life, and its patterns have dictated the development of species and ecosystems.

Passed in 1972, the Clean Water Act has been one of our nation's most successful environmental laws. Even as the population of the United States has increased by close to 50 percent, our waterways have shown dramatic improvement in water quality. In 1972, only one-third of the country's waters met water quality goals—today two-thirds do.

However, with one-third of the country's waters still not meeting water quality goals, we cannot simply rest on our laurels. The issues confronting us today and over the next 35 years are even more complex. Our demand for water, coupled with its destructive potential, magnifies our past challenges. There are 6.5 billion people already on the planet and the population is expected to reach 9 billion or more by mid-century, with all of the additional population concentrated in metropolitan areas.

In addition, recent studies have documented a declining Federal investment in our Nation's water infrastructure systems, despite growing needs. Over 72,000 miles of pipes in this country were put in the ground over 80 years ago and are increasingly in need of repair. Our decaying water infrastructure was recently given a grade of D− by the American Society of Civil Engineers. I believe we need a sustainable, reliable, and dedicated revenue source that will help communities address these important needs.

Clean water is critical to environmental and public health; but it can also play an important role in bringing people together. As shown by this resolution, clean water is not a partisan issue. Recent polling has shown that more than eight in ten Americans are very or somewhat concerned that America's water will not be clean or safe for their children or grandchildren. Eighty-nine percent of Americans say that "federal investment to guarantee clean and safe water is a critical component of our nation's environmental well-being."

This is why I am pleased, in recognizing the success of the last 35 years, that we have the opportunity to recommit ourselves to the goals and objectives of the Clean Water Act, dedicate ourselves to working toward a sustainable, long-term solution to the Nation's decaying water infrastructure, and encourage the public to do the same.

I hope the House will move quickly on this important statement in support of clean and safe water.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. WELLER of Illinois. Madam Speaker, on rollcall No. 949 and 950, I missed these votes because my flight to Washington arrived after votes had concluded.

Had I been present, I would have voted "yea."

RENEWABLE ENERGY ASSISTANCE TAX ACT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Ms. GIFFORDS. Madam Speaker, 46 years ago, space was the next frontier and President Kennedy focused our Nation on the space outside our planet's atmosphere.

Today's Apollo mission is focused right here on planet Earth. Our challenge is the Renewable Energy Revolution. And nowhere is that call to action being answered better than in Southern Arizona's "Solar-con Valley."

In my home state we are once again proving that American innovation can meet any challenge. There, the leading solar experts who compose my Solar Advisory Council published a detailed assessment of Southern Arizona's solar landscape from research to market development and consumer awareness. Building on some of their recommendations, today I am introducing the Renewable Energy Assistance Tax Act.

My bill ensures that we do not let the sun set on valuable tax incentives for consumers and businesses who invest in renewable energy and energy-efficient technologies.

By extending these tax credits for 8 years, we will spur the innovation and investment vital to creating a reliable market for new solar technology.

Please join me answering this call to action and supporting solar and energy efficient technology.

A PROCLAMATION HONORING DON MYERS ON HIS INDUCTION TO THE FARM SCIENCE REVIEW HALL OF FAME

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. SPACE. Madam Speaker:

Whereas, Don Myers is appreciated for his dedication and contributions to Farm and Science Review; and

Whereas, he has been described as one of Farm Science Review's, "original three musketeers"; and

Whereas, he is recognized for his research and educational programs; and

Whereas, he has served the organization and his community selflessly and tirelessly; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend Don Myers on his contributions to the Farm and Science Review. Congratulations to Don Myers on his induction to the Farm and Science Review Hall of Fame.

ATOMIC TESTING AND DEPLETED URANIUM: VETERANS NEED HELP

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. FILNER. Madam Speaker, I rise today to urge support for 2 bills I have just reintroduced, the "Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act" (H.R. 3794) and the "You Were There, You Get Care Act" (H.R. 3795).

The Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act (H.R. 3794) directs the Department of Justice to obtain the records of all Atomic Veterans from the Department of Energy Operations Office in Nevada. Using these records, they are to locate and advise all veterans or their surviving widows of their rights under RECA and guide them in filing a claim for the compensation that is due them.

RECA is the program passed by Congress in 1990 (P.L. 101–426) that provides compassionate payments to individuals who contract cancers and other serious diseases as a result of their exposure to radiation from above ground tests of nuclear weapons or from employment in underground uranium mines.

Because the VA did not provide medical care to Atomic Veterans in many cases, many died at an early age. So there are thousands of widows, many on fixed incomes, who have never heard of RECA and do not know that they may be eligible for compensation. My bill will help them apply and receive substantial compassionate payments to ease their burden.

The You Were There, You Get Care Act (H.R. 3795) ensures that veterans who served in the 1991 Gulf War and subsequent conflicts will be considered "service-connected disabled" for any illnesses currently covered by RECA and other diseases found by the Veterans Affairs Secretary to result from depleted uranium exposure.

Depleted uranium is an incredibly effective weapon, but its residue has a half-life of 4 billion years and many believe that it is a carcinogen. We simply cannot allow another generation of veterans to be treated as were the Atomic Veterans.

In addition, this bill calls for an in-depth medical study to be conducted by independent civilian medical entities, independent of the Departments of Defense and Veterans Affairs, to determine other diseases that may result from exposure to depleted uranium.

We need to ensure that veterans from the Gulf War and all wars waged since will not die an early and painful death without the health care and compensation they need and deserve.

Taken together, my bills make a bold statement—that when young men and women volunteer for service, they can count on their government to compensate them and care for them if their service lends to illnesses. These assurances are so important and so necessary and should aid in the recruitment and retention of military personnel.

HOUSE OF REPRESENTATIVES—*Friday, October 12, 2007*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
October 12, 2007.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, may the covenant You have made with Your people assure us once more of Your faithful love. On this day and throughout this weekend of religious observance, may we prove faithful on our part to Your love and Your commandments.

Create in us as Your very own a sense of clear vision and confidence. Show us the path we should follow in the huge maze of freedoms protected by the Constitution of these United States. May the choices we make manifest integrity, wisdom, and love in us and bring greater understanding, unity, and peace to our world.

We praise You for Your guidance and protection both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE JO ANN DAVIS

The SPEAKER pro tempore. Pursuant to House Resolution 717, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Jo Ann Davis:

Mr. WOLF, Virginia
Mr. BOEHNER, Ohio
Mr. BLUNT, Missouri
Mr. PUTNAM, Florida

The members of the Virginia delegation:

Mr. BOUCHER
Mr. MORAN
Mr. GOODLATTE
Mr. SCOTT
Mr. DAVIS
Mr. GOODE
Mr. CANTOR
Mr. FORBES
Mrs. DRAKE, and
Mr. SKELTON, Missouri
Mr. ENGEL, New York
Mr. HOEKSTRA, Michigan
Mr. KING, New York
Mr. MICA, Florida
Mr. EHLERS, Michigan
Mr. HASTINGS, Washington
Ms. JACKSON-LEE, Texas
Mrs. MYRICK, North Carolina
Mr. THORNBERRY, Texas
Mr. WICKER, Mississippi
Mr. ADERHOLT, Alabama
Ms. GRANGER, Texas
Mr. PITTS, Pennsylvania
Mrs. TAUSCHER, California
Mrs. CAPPS, California
Ms. BERKLEY, Nevada
Ms. SCHAKOWSKY, Illinois
Ms. HARMAN, California
Mr. AKIN, Missouri
Mrs. CAPITO, West Virginia
Mrs. DAVIS, California
Ms. MCCOLLUM, Minnesota
Mr. PENCE, Indiana
Ms. WATSON, California
Mr. MILLER, Florida
Mr. WILSON, South Carolina
Mr. COLE, Oklahoma
Mr. HENSARLING, Texas
Mr. NEUGEBAUER, Texas
Mr. CLEAVER, Missouri
Mr. CONAWAY, Texas
Mr. FORTENBERRY, Nebraska
Ms. FOXX, North Carolina
Mr. GOHMERT, Texas
Mr. PRICE, Georgia
Mrs. SCHMIDT, Ohio

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, October 15, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3680. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Add the Republic of Georgia to List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0108] received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3681. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Rule Regarding Trades with Certain Advisory Clients [Release No. IA-2653; File No. S7-23-07] (RIN: 3235-AJ96) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3682. A letter from the General Counsel, Nuclear Regulatory Commission, transmitting the Commission's final rule — Use of Electronic Submissions in Agency Hearings [3150] (RIN: AH74) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3683. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-120, "Disposition of Lot 84 in Square 441 Temporary Approval Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3684. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-119, "Restaurant and Hotel Audit Sufficiency Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3685. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-121, "Omnibus Sports Consolidation Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3686. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-123, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-122, "Capitol Hill Historic District Protection Temporary Act of 2007," pursuant to D.C. Code section 1-

233(c)(1); to the Committee on Oversight and Government Reform.

3688. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-124, "Establishment of a Hospital Receivership Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3689. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-117, "Workforce Housing Production Program Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-118, "Disposition of the Skyland Shopping Center Site Temporary Approval Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-116, "Conflict of Interest Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-125, "Student Access to Treatment Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3693. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-126, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-127, "Tregaron Conservancy Tax Exemption and Relief Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-128, "Inaugural D.C. Triathlon Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-130, "Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-115, "Payday Loan Consumer Protection Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3698. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hotel Industry Overview Guide [LMSB-04-0807-054] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3699. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807.—Rules for certain reserves (Also 812) (Rev. Rul. 2007-XX) received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3700. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9360] (RIN: 1545-BC37) received September 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3678. A bill to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; with an amendment (Rept. 110–372). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3773. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; with an amendment (Rept. 110–373, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 3773. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; with an amendment (Rept. 110–373, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL:

H.R. 3821. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites and resources at Matewan, West Virginia, associated with the Battle of Matewan to determine the suitability and feasibility of designating certain historic areas as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 3822. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nongovernmental and volunteer firefighters, ground and air ambulance crew members, and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. FERGUSON:

H.R. 3823. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the purchase of Energy Star compliant refrigerators and freezers; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. WOLF, and Mr. HASTINGS of Florida):

H.R. 3824. A bill to provide assistance to Iraqi nationals who supported the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. LYNCH, Mr. YARMUTH, Mr. BRALEY of Iowa, Ms. NORTON, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, and Ms. SCHAKOWSKY):

H. Res. 734. A resolution expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Ms. MCCOLLUM of Minnesota, Ms. HOOLEY, Mr. FARR, Mr. BERMAN, Ms. LEE, Mr. VAN HOLLEN, Mr. ROTHMAN, Ms. SOLIS, Mr. CARNAHAN, Mr. GRIJALVA, Mr. HOLT, Mr. MARKEY, Mr. CUMMINGS, Mr. GORDON, Ms. LINDA T. SÁNCHEZ of California, Mr. RUPPERSBERGER, and Ms. WOOLSEY):

H. Res. 735. A resolution congratulating Vice President Al Gore and the Intergovernmental Panel on Climate Change on receiving the 2007 Nobel Peace Prize and recognizing their important work to increase awareness about and evidence of the dangers of global warming; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER (for himself, Mr. GORDON, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. FEENEY, Mr. HUNTER, Mr. MCKEON, Mr. MCCARTHY of California, Mr. RAHALL, and Mrs. CAPITO):

H. Res. 736. A resolution honoring the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier"; to the Committee on Science and Technology.

By Mr. FORTUÑO:

H. Res. 737. A resolution commemorating October 12, 2007, Spain's National Day; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. MANZULLO.

H.R. 627: Mr. FATTAH.

H.R. 821: Mr. FATTAH.

H.R. 971: Ms. NORTON and Mr. WATT.

H.R. 1222: Mr. GALLEGLY.

H.R. 1303: Mr. SESTAK.

H.R. 1498: Mr. LOEBSACK.

H.R. 1767: Mr. MCINTYRE.

H.R. 1772: Mr. MOORE of Kansas, Mr. HONDA, and Mrs. MCCARTHY of New York.

H.R. 1881: Mr. YARMUTH.

H.R. 1927: Mr. HOLDEN, Mr. BUTTERFIELD, Mrs. TAUSCHER, and Ms. ZOE LOFGREN of California.

H.R. 2021: Mr. MCGOVERN, Mr. BLUMENAUER, Mr. PLATTS, Mr. HONDA, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Mrs. TAUSCHER, and Mr. ALTMIRE.

H.R. 2606: Mr. CAPUANO.

H.R. 2634: Mr. DOGGETT, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Ms. RICHARDSON, and Mr. ELLISON.

H.R. 2685: Ms. GIFFORDS.

H.R. 2686: Ms. BEAN, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, Ms. HERSETH SANDLIN, and Ms. GIFFORDS.

H.R. 2802: Mr. WAXMAN, Mrs. MCMORRIS RODGERS, and Mr. ALLEN.

H.R. 3016: Mr. McDERMOTT.

H.R. 3040: Ms. SHEA-PORTER.

H.R. 3134: Ms. JACKSON-LEE of Texas, Mr. TOWNS, and Mr. MORAN of Virginia.

H.R. 3195: Ms. PRYCE of Ohio, Mr. LARSON of Connecticut, and Mr. UDALL of Colorado.

H.R. 3229: Mr. McCARTHY of California, Mr. CONAWAY, Mr. MARCHANT, Ms. FALLIN, Mr. DOOLITTLE, Mr. HENSARLING, Mr. BRADY of Texas, Mr. BILBRAY, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. FEENEY, Mr. PITTS, Mr. AKIN, Mr. RYAN of Wisconsin, and Mr. YOUNG of Alaska.

H.R. 3232: Mr. WEINER, Ms. FALLIN, Mr. CANTOR, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. CONAWAY, Mr. BOYD of Florida, Mr. ARCURI, Mr. LINCOLN DAVIS of Tennessee, Mr. MARSHALL, Mr. COOPER, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. WILSON of Ohio, Mrs. GILLIBRAND, Mr. McINTYRE, Mr. MOORE of Kansas, and Mr. MELANCON.

H.R. 3459: Mr. VAN HOLLEN.

H.R. 3533: Mr. SHULER, Mr. GONZALEZ, Mr. LAMPSON, Mr. FILNER, Mr. JONES of North Carolina, Mr. KLEIN of Florida, Mr. REYES, Mr. FERGUSON, Mr. COBLE, and Mrs. GILLIBRAND.

H.R. 3541: Mr. ELLSWORTH, Mr. McHUGH, Mr. GUTIERREZ, Mr. PALLONE, and Mr. PETERSON of Minnesota.

H.R. 3640: Mr. BAIRD.

H.R. 3700: Mr. ETHERIDGE.

H.R. 3726: Ms. CARSON and Mr. McHUGH.

H.R. 3779: Mr. REYNOLDS, Mr. HULSHOF, Mr. SESSIONS, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. HENSARLING, Mr. WALSH of New York, Mr. BONNER, Mr. PENCE, Mr. McCOTTER, Mr. RAMSTAD, Mr. TANCREDO, Mr. WICKER, Mr. ROSKAM, Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. EVERETT, Mr. MARCHANT, Mr. PORTER, Mr. McHUGH, Mr. WALDEN of Oregon, Mr. SHADEGG, Mr. HAYES, Mr. PLATTS, Mr. McKEON, Mr. GERLACH, Mr. BARRETT of South Carolina, Mr. COLE of Oklahoma, Ms. GRANGER, Mr. WELLER, Mr. WESTMORELAND, Mr. GINGREY, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. HOBSON, Mrs. DRAKE, Mr. WOLF, Mr. TERRY, Mr. KELLER, Mrs. SCHMIDT, Mr. TIAHRT, Mr. CHABOT, Mr. ROGERS of Michigan, Mr. ADERHOLT, Mr. HERGER, Mr. TIBERI, Mr. LaTOURETTE, Mr. KINGSTON, Mr. JONES of North Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mrs. WILSON of New Mexico, Mr. LoBIONDO, Mr. MARSHALL, Mr. RENZI, Mr. MILLER of Florida, Mrs. McMORRIS RODGERS, Mr. BROWN of South Carolina, Mr. DOOLITTLE, Mr. HUNTER, Mr. CARTER, Mr. BAKER, Mr. CONAWAY, Mr. SHUSTER, Mr. GOHMERT, Mrs. CUBIN, Mr. CAMP of Michigan, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mr. INGLIS of South Carolina, Mr. JORDAN, Mr. BRADY of Texas, Mr. BOOZMAN, Mr. POE, Mr. ROSS, Mr. SIMPSON, Mr. CAMPBELL of California, Mr. BUCHANAN, Mr. McHENRY, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. FEENEY, Mr. SAM JOHNSON of Texas, Mr. SHULER, Mr. PUTNAM, and Mrs. CAPITO.

H.J. Res. 54: Mr. ADERHOLT, Mr. ALTMIRE, Mr. BERMAN, Ms. BORDALLO, Mr. BUCHANAN, Mr. BUYER, Mr. CONAWAY, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mr. TOM DAVIS of Virginia, Mr. ENGLISH of Pennsylvania, Mr. KILDEE, Mr. KLEIN of Florida, Mr. LoBIONDO, Mr. NADLER, and Mr. SALAZAR.

H. Con. Res. 204: Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 215: Mr. REYNOLDS, Mr. SMITH of New Jersey, Mr. EHLERS, Ms. BORDALLO, and Mr. MICA.

H. Res. 241: Mr. OLVER.

H. Res. 415: Ms. WOOLSEY.

H. Res. 573: Mr. LANGEVIN.

H. Res. 628: Mr. ROHRABACHER.

H. Res. 661: Mr. PAYNE and Mr. HINCHEY.

EXTENSIONS OF REMARKS

CONGRATULATING DR. MARION DOWNS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to a remarkable woman, Dr. Marion Downs, who has dedicated her life to the service of caring for disabled children.

Marion Downs is a Professor Emerita at the University of Colorado Health Sciences Center. Her laborious efforts and dedication have led her to publish numerous articles and lecture on the topic of hearing loss within infants. She has received copious awards including two gold medals of achievement, one from the University of Colorado and one from the University of Minnesota. In addition, her name adorns The Marion Downs National Center for Infant Hearing which was established to honor Dr. Downs and provide a venue for the continuation of her research and work.

In appreciation of her accomplishments, Dr. Downs has been awarded with the Highest Recognition Award from the Department of Health and Human Services. This award is given to distinguished citizens who have made substantial life-changing advances to the physically handicapped within society. Dr. Downs has made considerable contributions towards the national screening of newborns with real or potential hearing disabilities through early detection methods.

Madam Speaker, we are truly privileged to have individuals who dedicate their lives to others. Dr. Marion Downs is one such individual. It is with great pleasure that I acknowledge her and all of her outstanding achievements.

CONGRATULATING THE CITY OF HIGHLAND VILLAGE, TEXAS FOR BEING NAMED THE SAFEST CITY IN TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the city of Highland Village, Texas for being named the safest city in Texas.

Highland Village has been named the safest community in north Texas for the past 5 years straight and is now also the safest city in the entire State of Texas. A report by the Federal Bureau of Investigation Uniform Crime Reports shows that Highland Village has the lowest index crime rate and the lowest violent and property crime rate for 2006.

Mayor Dianne Costa attributes this award to the outstanding work of the Highland Village police officers and the citizens of Highland Village and their efforts to keep the city safe. The police department utilizes a community-policing model, which focuses on a proactive approach through crime prevention and education.

I extend my sincere congratulations to the city of Highland Village, Texas for their great achievement. I thank Mayor Costa and the Highland Village police officers in their continued effort to keep the community of Highland Village as safe as possible. It is an honor to have such a great city in the 26th district of Texas.

HONORING THE LIFE OF MRS. GINI BRITTON

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise with Representative MIKE ROGERS of Michigan to honor and acknowledge the distinguished life of Gini Britton, who entered God's eternal paradise far too soon for those of us she leaves behind.

A devoted wife, mother, and friend, Gini dedicated her life to her family and her community. She married her husband Dick on September 4, 1976, and the couple bore their first child, Michelle, in 1980. In 1985, their second daughter, Bridget, was born. The family would soon move to Northville Township, Michigan and Gini decided to enter public service.

In the early 1990s, she was elected to the Northville Township Board of Trustees. As a member of the board of trustees she developed a legendary reputation for the promotion of effective governance and constituent service.

Gini continued her selfless service to her community as a community liaison and assistant to several Members of Congress, including myself and Representative MIKE ROGERS. Her moral and compassionate character made her not only an exceptional employee, but a great friend and a genuine blessing to the State of Michigan.

In 2005, Gini battled breast cancer, and Dick, Michelle and Bridget stood by her side through chemotherapy and at every major consultation or procedure as she fought to defeat the disease. Her unfaltering bravery is an example for all of us.

Madam Speaker, on Thursday, October 4, 2007, Gini Britton passed away. For 56 years, Gini enriched the lives of everyone she met; and, by her absence, we are all diminished. I ask my colleagues to join me and Representative ROGERS in mourning her passing; extending our deepest sorrow to all she loved and all who loved her; and commemorating her lifetime of bringing joy to those whose lives she touched.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. CUMMINGS. Madam Speaker, on October 10, 2007, due to a personal obligation, I missed the following recorded votes: Roll No. 959, on the Motion to Recommit on H.R. 3056—Tax Collection Responsibility Act—Motion to Recommit; had I been present, I would have voted "nay"; and Roll No. 960, on H.R. 3056—Tax Collection Responsibility Act; had I been present, I would have voted "aye".

COMMEMORATING JERI MILSTEAD'S RECEIPT OF CAREER ACHIEVEMENT AWARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Ms. KAPTUR. Madam Speaker, I rise to commemorate the distinguished career of Dr. Jeri A. Milstead, professor and dean of the College of Nursing at the University of Toledo in Ohio. Dr. Milstead is to be honored by her peers at the University of Toledo Medical Center with a Career Achievement Award. The Career Achievement Award is bestowed upon senior faculty who are well respected for exceptional academic achievements, strong leadership and who have established prominence in their area of expertise. Recipients are also recognized for outstanding citizenship and the tremendous impact they have had on the institution and the community throughout their career. Dr. Milstead epitomizes these criteria.

Jeri Milstead is internationally known as an expert in public policy and the politics of health care and serves as a health policy expert to the International Council of Nurses in Geneva, Switzerland. She is the editor and senior author of Health Policy and Politics, A Nurse's Guide, 3rd ed. that is sold on three continents and Handbook of Nursing Leadership: Creative Skills for a Culture of Safety. Dr. Milstead was a policy advisor in the Washington, DC office of Senator DANIEL K. INOUYE, was president of the State Board of Nursing for South Carolina, and held leadership positions in the State Nurses Associations in Ohio, Pennsylvania and South Carolina. Her research focused on needle exchange programs in the United States and the Netherlands. She has published in national and international journals, is a reviewer for several refereed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nursing journals and was editor-in-chief of *The International Nurse* from 1995 to 2006 when the publication was retired.

Dr. Milstead holds a PhD in Political Science with majors in health policy and comparative politics from the University of Georgia, an MS and BS, cum laude, in nursing from The Ohio State University and a diploma from Mt. Carmel Hospital School of Nursing. She is a Fellow of the American Academy of Nursing (1600 invited members out of 2.9 million RNs). She is a member of Zeta Theta At-Large chapter of Sigma Theta Tau International (the international honor society of nursing) and in 2002 became a charter member of Rho Chi, the first European chapter. She also is a founding member of the Nightingale Policy Institute, a virtual gathering of experienced nurses in the U.S. policy arena. Dr. Milstead received the Gamma Mu Chapter Award for Excellence in Nursing. She also received the first Search for Excellence Award from the American Nurses Association/South Carolina Nurses Association and was honored by the South Carolina General Assembly for her leadership and service. She was awarded a Duquesne University Creative Teaching Award in 1998 for her pioneering work in designing and implementing the first online course taught in the first PhD in Nursing program in the world that is offered completely online. Dr. Milstead served three terms on the AACN Government Affairs Committee, is serving a second term on the Health Policy Council of ONA, and is a member of the Expert Panel on Global Health for the American Academy of Nursing. She was appointed in 2005 to the Toledo-Lucas County Port Authority and was a member of a trade delegation to China in April 2006. She and a team of educators evaluated BSN programs in Jordan in November 2006.

Many in our community have sought Dr. Milstead's counsel and leadership, particularly in nursing and psychiatric nursing, but also in matters of health care policy. She is a compassionate and gifted leader who guides people by her own example. She has a deep understanding of the nuances of health care delivery from all perspectives, and is skilled at negotiating the complex system. Her sterling talents, dedication to our community and its health, and commitment to health worldwide have earned her this well-deserved recognition. I am pleased to offer my personal congratulations.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately today, October 10, 2007, I was unable to cast my votes on the Motion to Recommit with Instructions on H.R. 3056 and passage of H.R. 3056 and wish the record to reflect my intentions had I been able to vote.

Had I been present for Rollcall No. 959 on the Motion to Recommit with Instructions on H.R. 3056, the Tax Collection Responsibility Act of 2007, I would have voted "aye."

Had I been present for Rollcall No. 960 on passage of H.R. 3056, the Tax Collection Responsibility Act of 2007, I would have voted "aye."

RESOLVING THE OFFICIAL NAME OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Ms. ROS-LEHTINEN. Madam Speaker, finding an internationally-acknowledged name for the Former Yugoslav Republic of Macedonia (FYROM) is an issue that threatens the peace of the Balkans and the stability of the region.

Particularly troubling is the ongoing insensitivity displayed by officials of FYROM with respect to provocative propaganda and rhetoric that is offensive to Greece.

The latest example of this occurred on September 25, when Dr. Srgjan Kerim, President of the United Nations General Assembly and a native of FYROM, introduced to the Assembly, FYROM's President as "President of the Republic of Macedonia."

Resolution of this issue could bring substantial stability to the region and pave the way for further integration of FYROM into the international community.

I would therefore like to bring to the House's attention excerpts from the following article that appeared in the September 27, 2007 issue of The National Interest by His Excellency Alexandros P. Mallias, Ambassador of Greece to the United States.

> When U.N. General Assembly president H.E. Dr. Srgjan Kerim, a native of the former Yugoslav Republic of Macedonia (FYROM), introduced on September 25 the president of his home country, Mr. Branko Crvenkovski, he implied that the national interest of FYROM prevails over his duties to the UN body. He therefore addressed Mr. Crvenkovksi as the "President of the Republic of Macedonia."
>
> Some people may think that what happened in the UN constitutes a minor or isolated incident. Nevertheless, this is not the case—this has deeper roots both on a regional and international level. Challenging UN resolutions and decisions and ignoring commitments undertaken through international agreements, as FYROM has systematically done by violating the US-brokered Interim Accord with Greece, is a bad precedent. This is a violation of the principle of good-neighborly relations and puts sustained regional stability in jeopardy.
>
> Dr. Kerim, obviously acting under instructions from his government, has irreparably damaged his standing and credibility as president of the General Assembly. He did not respect the resolutions of the body over which he is presiding nor of the Security Council of the United Nations, the organization he has been called upon to serve.
>
> The actions of Dr. Kerim and FYROM are a clear indication of the former Yugoslav Republic of Macedonia's lack of respect for international law and international institutions. They are also a blunt violation of the US-brokered Interim Accord.
>
> Many Americans may think this is a minor issue. But the history of the region, not to mention of Europe as a whole, demonstrates that whenever irredentist claims are left unaddressed, the seeds of future conflicts are sown. Europe today is governed by the rule of law; the completion of the European project in the Balkans—and the extension of a zone of peace and prosperity—rest upon the willingness of governments to live up to their international commitments. Obligations are like a tapestry; even pulling on what might appear to outsiders to be a small and insignificant thread can end up unraveling the entire work. We have too much invested in the stability of the region to allow this to happen.

IN HONOR OF CALDWELL PUBLIC LIBRARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Caldwell Public Library, serving the Borough of Caldwell, Essex County, NJ, a vibrant community that I am proud to represent! On October 12th, the good citizens of the borough will celebrate their library's 90th anniversary with a rededication and the dedication of the Gene and Kathryn Collerd Local History Resource Room. The Caldwell Public Library, an Andrew Carnegie Library dedicated in 1917, is situated on Bloomfield Avenue, diagonally across from President Grover Cleveland's Birthplace Memorial, a national historic site.

On October 1, 1906, at a regular meeting of the Borough Council, a communication was received from the Caldwell Borough Improvement Association, requesting the Borough to assume the responsibility of operating and supporting a public library.

The following year, 1907, Professor Hedden, Superintendent of Schools, requested the Caldwell Borough Council submit to the voters a referendum to establish a free public library under the State Library Act. The councilmen endorsed the necessary requirements, and at the November elections, the Act was passed by the voters. The State Library Commission accepted and approved the proposed charter.

On June 8, 1908 a letter from the Carnegie Library Foundation offered a sum of $7,500 to construct a library. To meet the grant's specifications, the town was required to provide an appropriate lot, plus $750 or 10 percent of the grant annually to sustain the library.

For the next 9 years, the library board was confronted with problems which hindered the construction of a new edifice. Acquiring a suitable location was the principal issue. West Caldwell resident Mr. George W. Canfield generously donated $2,000 toward the purchase of a site for the library. With this contribution, and donations from other interested persons, a total of $3,000 was raised to purchase a site.

On October 12, 1917, the Caldwell Library was formally dedicated by Mayor Peck, who was also President of the Library Board of Trustees.

Gene Collerd recorded much of the history of this area over the course of his life (1913-

2004), and this Collerd Collection, to be housed in the Gene and Kathryn Collerd Local History Resource Room, will be an invaluable resource to not just the Caldwells, but beyond.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Caldwell Library on the celebration of its 90th anniversary!

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. SHUSTER. Madam Speaker, on rollcall No. 958, Final Passage of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, I was not present. Had I been present, I would have voted "no."

CONGRATULATIONS TO THE MARIN CONSERVATION CORPS ON ITS 25TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to salute the Marin Conservation Corps, MCC, on its 25th anniversary of helping young people to a brighter future by providing jobs and learning opportunities, at the same time protecting and conserving our natural resources.

MCC began more than 25 years ago when founder Richard Hammond was out jogging along one of the many gorgeous trails of the Marin Headlands. The father of teenage sons at the time, he had been seeking something productive to keep them occupied during summer vacation and came up with the idea to combine trail maintenance with young people's need for work. But it wasn't until devastating floods hit Marin in 1982 that the corps took shape.

The first local conservation corps in the country, MCC literally blazed the trail for others to follow. Workers have put in more than 3 million hours to maintain and conserve Marin County's 150,000 acres of public land. In association with AmeriCorps, MCC has partnered with the National Park Service to create a one-on-one mentoring program. MCC also provides young people with summer jobs through a combination of outdoor education, community service and recreational activities through its Project ReGeneration.

Under the leadership of Marilee Eckert since 1992, the nonprofit has grown to provide year-round employment to 116 people, operating under a budget of more than $5 million and helping more than 3,000 young men and women gain job skills along with an education. Marilee also holds leadership roles in many local and national organizations. Her efforts have earned her recognition and awards from the county and the Sierra Club, as well as the gratitude of the many corps members who have benefited from her hard work.

Many of those who have benefited come from underserved populations. One such corpsman is Matthew Rainey, a 21-year-old convicted felon. "I didn't have an opportunity to work anywhere else," he says. "Honestly, I was living in my car, didn't have anything going for myself, but every single day, I would come to work."

Because of MCC, Rainey has earned his GED, saved enough to rent an apartment, and is considering following the trade he learned through his work at MCC.

"He has so totally blossomed," notes Deborah Schoenbaum, MCC's deputy director. "He has won just about every award you can get in the corps. It's been a life-changing experience for him."

Working at MCC has been a life-changing experience for many others, as well. An average of 300 young people go through the various MCC programs each year. In fact, some of MCC's sponsors and greatest supporters were previously in the corps program.

Corpsmembers not only arrive at work at 7 a.m. for a full day of work each day, but must put in 10 hours of education each week, as well. Marvin was one such young man willing to work this hard for a better future. Marvin came to the corps speaking absolutely no English, Schoenbaum remembers. "He now speaks English and has gotten a job with a top landscaping firm because he went through a landscaping program we have with College of Marin."

Such success stories, Madam Speaker, are why the Marin Conservation Corps deserves to be congratulated for its past 25 years of service. May it have an equally successful future.

GREG SMITH: EDUCATOR, HUMANITARIAN, SCHOLAR AND CHAMPION FOR ENVIRONMENTAL RIGHTS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Ms. HARMAN. Madam Speaker, on Saturday, October 20, 2007, California State University Dominguez Hills, CSUDH, will celebrate the dedication of the Greg Smith Memorial Garden on its campus. Inspired by the late Professor Smith's appreciation of nature, commitment to the preservation of the environment, and love for CSUDH, the Memorial Garden will serve as a lasting legacy to this extraordinary father, husband, activist, scholar, and teacher. Supported by his widow, June Smith, her family, and many friends, this garden will provide, as June says, "a place where people can have quiet contemplation and appreciate nature."

Greg Smith was a city of San Pedro resident, a leader in my district who became a faculty member at CSUDH in 1968 because he wanted to give back to his community. He taught with intelligence and passion, but most importantly he taught from the heart.

A noted scholar and educator, Greg took his students all over Los Angeles so that they could better understand the demographics and issues of the different communities within LA County. Greg was a political geographer who not only studied how the shifting political landscape affected the world, he became actively involved in organizations such as the California Coastal Commission and Los Angeles Tree Commission in order to influence the preservation of the environment in California.

Greg retired from CSUDH in 1992 after having inspired and touched thousands of students, staff and faculty colleagues. It was 5 years after his retirement, while hiking in the Sierra Nevada Mountains, that Greg died of an apparent heart attack at the age of 66.

Greg was a role model to those who knew him and inspired many to continue his efforts to preserve the environment. His research on environmental stability, preservation of mountain tops, land surface design and river water containment contributed greatly to the Nation's knowledge base and ability to preserve agricultural and natural resources.

Greg met his wife June, a professor of English at Harbor Community College, while they were undergraduates at Reed College in Portland, OR. They have been residents and active members of the San Pedro community since the late 1960s and have 2 children, Gilia and Cyrus, and a grandson, Hudson Gregory.

I am proud that Greg Smith was my constituent. I am delighted that his family and CSUDH will be honoring the memory of this extraordinary individual with the Greg Smith Memorial Garden.

CONGRATULATING PATIENCE ANN DAVIS ON HER ADMISSION TO THE NORTH CAROLINA BAR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. SHULER. Madam Speaker, I rise today to congratulate Patience Ann Davis on her admission to the North Carolina Bar. After years of hard work and dedication to her studies, Ms. Davis will now begin pursuing a career in the legal field.

Ms. Davis attended the University of North Carolina at Chapel Hill as an undergraduate. During her time at UNC, Ms. Davis was active in campus activities and academic life. Upon graduation from UNC, Ms. Davis enrolled in classes at the Norman Adrian Wiggins School of Law at Campbell University to pursue her Juris Doctor degree.

She completed this program in the spring of this year, and successfully passed the bar exam soon after graduation.

As a Member of Congress, I have seen firsthand how the law can be used as a force for good. I look forward to following the career of Ms. Davis, as she uses her knowledge and expertise in the law to serve others and to pursue legal and social justice.

I ask my colleagues to join me in congratulating Ms. Patience Ann Davis.

HONORING THE LIFE OF MR. ROLAND R. PINEAU

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the extraordinary life of aviation electronics technician Chief Roland R. Pineau, and to mourn his passing upon the 40th anniversary of his death.

Born on July 6, 1929, Chief Pineau devoted his life to God, family and our country in the U.S. Navy. In 1946, at the age of 17, Chief Pineau embarked on a 21-year naval career, which included service in both the Korean and Vietnam Wars. After more than 20 years of service, Chief Pineau volunteered for a third tour of duty in Vietnam where he was stationed as an aviation technician chief on an E–1B aircraft commonly known as "Willy Fudd." On October 8, 1967, during a combat support flight mission the "Willy Fudd" went down 14 miles south of DaNang, South Vietnam on a steep mountain slope. Chief Pineau and 4 other crew members were listed as Prisoners of War/Missing in Action. For his courage and bravery, Chief Pineau was awarded 3 Air Medals, 2 Gold Stars, 2 National Defense Awards, a Korean Service Medal, China Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal, and a Navy Commendation Ribbon.

And there his story remained, until November 2006, when communist Vietnam announced its recovery of Chief Pineau's remains from the Willy Fudd's crash site. After 40 years, on October 9, 2007, having finally returned home, Chief Pineau was formally laid to rest by his loved ones, who never succumbed to their grief and faithfully fought for this day on his behalf. Chief Pineau is survived by his parents, Robert and Elizabeth Pineau, his brother, Dennis Pineau, and his beloved wife, Jackie Pineau. A beloved and noble man—an American—Chief Pineau will be sorely missed.

Madam Speaker, Chief Roland Pineau is remembered as a brave soldier, a loyal friend, and a dedicated husband. Today, as we bid him farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and eternal sacrifice to our community and country.

CONGRATULATING KIRSTIE E. WADE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Miss Kirstie E. Wade of Argyle High School in Argyle, Texas, for being chosen as a semifinalist in the 44th Annual National Achievement Scholarship Program. It is an honor to have such a qualified student in the 26th District of Texas.

The National Achievement Scholarship Program began in 1964 as a way to provide scholarships to promising black students. Since 1964, almost 28,000 students have been provided with scholarships totaling more than $88 million.

Miss Wade was one of 114 semifinalists from the State of Texas. She was chosen based on her Preliminary SAT scores. Finalists will be chosen based on abilities, achievements, and potential for success. The scholarship winners will be announced in April of 2008.

I extend my sincere congratulations to Miss Kirstie E. Wade and her family for her academic achievements at Argyle High School. Her dedication and commitment to her education will lead her to great things. I wish her the best of luck with the remainder of the National Achievement Scholarship Program.

IN HONOR OF MONTEREY-SALINAS TRANSIT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. FARR. Madam Speaker, I have the distinct honor and privilege of representing California's 17th congressional district and, on behalf of all the residents of the central coast, I would like to commend to my colleagues' attention the 35th Anniversary of Monterey-Salinas Transit.

The Monterey Peninsula Public Transit System Joint Powers Agency was formed by the cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Seaside and the county of Monterey on October 1, 1972. As the predecessor of Monterey-Salinas Transit, it served the Monterey Peninsula area, and later expanded to provide service to the cities of Marina, Salinas, and Watsonville, now serving all of northern Monterey County with new connections into Santa Clara County, including downtown San Jose. It is the foresight of the MST member jurisdictions that has enabled the transit service to be on the cutting edge of technology and service, with ridership of nearly 5 million passengers each year, including a paratransit van service for disabled customers, a Waterfront Area Visitor Express service for tourists, and the innovative Carmel Valley Grapevine Express.

Not only does MST play a significant role in the transportation system of the Monterey Bay region, but it helps meet the basic transportation needs of thousands of constituents. A majority of MST passengers are either elderly or low-income. More than 2 out of every 5 MST passengers live in a household without an automobile. For the more than 4 thousand riders who depend on public transportation every day to get to work, the safe and reliable bus system that MST operates is a necessity for their economic independence.

In addition, MST is at the forefront of mixed-use TOD—transit oriented development—promoting community livability and sustainable development along bus routes. Connecting housing and transportation will be the key to retaining the unique quality of life for residents and visitors to the beautiful Monterey Peninsula. It was my privilege earlier this month to help MST mark a milestone in its history and operations with the opening of the new Marina Transit Exchange. The first phase offers customers and staff expanded amenities, electronic signage, and other customer information services and the second phase will provide MST developed housing.

Madam Speaker, I am pleased to commend Monterey-Salinas Transit for providing 35 years of exemplary public service to the central coast of California, and ask my colleagues in the House of Representatives to wish them well on the next 35 years.

TORTURE POLICIES UNDERCUT U.S. LEADERSHIP ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I would like to draw the attention of my colleagues to two events last week that, taken together, illustrate the damaging effect that this administration's policies have had on America's credibility as a global leader on human rights, democracy and the rule of law.

First of all, on Friday, the 56 OSCE participating States concluded their annual Human Dimension Implementation Meeting in Warsaw, Poland. This meeting is Europe's largest regional human rights forum where governments and nongovernmental organizations gather to take stock of how countries are implementing the commitments they have undertaken in the Helsinki process relating to human rights and democracy. As such, this meeting provides an important opportunity for the United States to raise and express concern about serious instances of noncompliance and negative trends in the expansive OSCE region stretching from Vancouver to Vladivostok.

Separately, on Thursday of last week—just as the Warsaw meeting was drawing to a close—the New York Times ran an article revealing the existence of two classified legal memos authorizing the use of interrogation techniques that, to many reasonable minds, rise to the level of torture, or at least cruel, inhuman, or degrading treatment or punishment—both categories of treatment prohibited under the United Nations Convention Against Torture, to which the United States is a party. These memos have already been dubbed by some as "torture memo 2.0" and "torture memo 3.0," and were reportedly authored by Steven G. Bradbury, who has headed the Department of Justice's Office of Legal Counsel since 2005.

Madam Speaker, 3 years ago the world was shocked—and the United States was shamed—by pictures showing detainees standing on boxes with hoods over their heads and electrical wires attached to their fingers. But perhaps even more shocking and more shameful was the surfacing of the so-called "torture memo," adopted by the Department of

Justice in 2002 and leaked to the public in 2004. The very existence of such a memo was rightly and widely understood to mean that abuses did not just occur by rogue elements or as an aberration, but stemmed from a government policy to effectively authorize the use of torture and cruel, inhuman or degrading treatment or punishment. The 2002 memo was so scandalous that shortly after it was leaked, it was disavowed by the Department of Justice itself.

For many people, the existence of "torture memo 2.0" and "torture memo 3.0" will not come as a surprise but rather as a confirmation of what they suspected to be the case. Certainly, when one looks at the statements issued by the President when he signed into law the 2005 Detainee Treatment Act and the 2006 Military Commissions Act, there was every indication that he considered himself in no way bound by those laws as passed by Congress.

There are, of course, enormous implications for the United States when the President considers himself beyond the reach of the Congress and outside the scope of the Constitution. The President's policies on torture have seriously undercut American credibility on the very issues this administration purports to hold dear—human rights and democracy promotion.

Can you imagine being at a meeting—like the one that has just concluded in Warsaw—where the United States is supposed to express its concern about a whole range of human rights issues, including the issue of protecting human rights while combating terrorism, when this latest revelation about this administration's torture policies hits the front pages?

Regrettably, American credibility as an advocate for human rights and democracy has continued in free fall in the face of this latest revelation and attendant implausible denials. Beyond the victims of abuse themselves, U.S. interests are being seriously undermined, including the campaign to win hearts and minds around the globe.

Not surprisingly, the administration's dissembling denials cannot repair the damage that has been done. It will take considerable time to restore the good name of our country—time, and concrete action by this body.

In such circumstances, actions speak louder than words, and two steps must be taken to help restore America's tarnished reputation, help clear out the thicket of legal cases created by the President's disastrous policies, and position the United States to build more effective alliances in our counterterrorism operations.

First, I urge my colleagues to restore habeas corpus—and the sooner, the better. The Military Commissions Act of 2006 was a travesty of justice, but perhaps no part of that legislation departed so sharply from our legal heritage as the decision to deny individuals the most basic right recognized since the Magna Carta: the right to challenge their detention. If we are to convince the world that we do not routinely torture terrorism suspects, providing these detainees one of the most basic legal safeguards is a good place to start.

Second, we must close the detention facility at Guantanamo Bay—a measure I called for at a hearing on Guantanamo I chaired in June. To this end, the United States should release or transfer detainees elsewhere and, for those whom we believe we must hold and try, detainees should be transferred to the United States. Terror suspects can be tried by our Federal courts; they might be tried by military commissions under the Uniform Code of Military Justice; I'd even consider the establishment of special domestic terror courts, as in Spain. But it is time for the President to listen to his own senior officials, including Secretaries Gates and Rice, and close the GTMO camp.

Madam Speaker, while these two steps are not the only ones necessary to fully restore America's credibility and respect for the values we proclaim abroad, they would represent an important start. It is time for this great country to resume its rightful leadership role on human rights, democracy and rule of law, but first, it will need to lead by example.

HONORING DR. ALVAN E. FISHER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. KENNEDY. Madam Speaker, I rise today to recognize the life of Dr. Alvan E. Fisher, a pioneer in treating those affected by AIDS in Rhode Island, who distinguished himself with an extraordinary career as a courageous physician and leader in my home state and throughout the Nation. Dr. Fisher passed away on September 28, 2007, after dedicating over 25 years of service to the treatment of people with AIDS.

As a man with deep conviction and tremendous spirit of public service, Dr. Fisher in the early 1980s ventured into the care of patients who other doctors feared, and I am deeply honored to pay tribute to this outstanding Rhode Island native who spent 22 years in clinical practice in Rhode Island treating and advocating for patients with HIV/AIDS. AIDS Project Rhode Island recognized him with its first "Red Ribbon Community Service Award" in 2002, among many accolades he had received in his lifetime.

Dr. Fisher was a specialist in infectious diseases and a founding member of AIDS Project Rhode Island, where he was instrumental in establishing standards of care for patients with HIV and helping patients find doctors who would treat them. He served as chairman of the AIDS task force at Rhode Island Hospital and helped start the Brown University AIDS Program. More recently, Dr. Fisher continued his work in the field of HIV/AIDS treatment as senior director of medical affairs for Gilead Sciences, a biotech company in Foster City, California.

Dr. Fisher was ahead of the times and was someone who understood very well that through acts of bravery and by deeply caring, he worked every day to ensure that patients in our State of Rhode Island and nationally would have a chance to maintain dignity and live a full and healthy life with HIV/AIDS.

Today, I praise Dr. Fisher and thank him for all of his contributions to our country and I assure his family that we are inspired and sustained by his example.

IN RECOGNITION OF THE DISCOVERY MUSEUM'S CHALLENGER LEARNING CENTER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Ms. MATSUI. Madam Speaker, I rise in recognition of the 10-year anniversary of the Challenger Learning Center at the Discovery Museum of Sacramento's Science and Space Center. For a decade, the Challenger Learning Center has been a vital educational resource for the Sacramento community. I ask all of my colleagues to join with me in acknowledging the 10 successful years of the Discovery Museum's Challenger Learning Center.

On January 28, 1986, the United States lost seven astronauts aboard the Challenger Space Shuttle. It was a tragedy that we will never forget. To memorialize the lives and the commitment to education of the astronauts aboard the Challenger, their families founded a nonprofit known as the Challenger Center for Space Science Education. Utilizing realistic and interactive mission scenarios, Challenger Learning Centers aim to give students an educational experience that incorporates the importance of math and science. The simulated space missions offered at the Discovery Museum's Challenger Learning Center combine the joy of learning with the unbridled enthusiasm of space travel. Whether students want to "Voyage to Mars" or "Rendezvous with Comet Halley," the missions allow them to experience the excitement of discovery that the astronauts aboard the Challenger surely would have felt.

Since 1997, the Discovery Museum's Challenger Learning Center has been the premier field trip destination in Sacramento and has proved to be a vital resource tool for teachers. Increasingly, the Challenger Learning Center's space missions have become a favorite of local businesses; as the center offers a unique team-building opportunity and allows employees to enhance their communication skills.

In July, the Smithsonian Institution, our Nation's premier museum and research organization, named the Discovery Museum as a Smithsonian Affiliate. Under the leadership of the Discovery Museum's Executive Director Evangeline Higginbotham, this designation will allow their Science and Space Center, as well as the Gold Rush History Center, to share in the Smithsonian's unmatched wealth of resources and artifacts. It was a distinct honor, as the Discovery Museum was the first museum in California's Central Valley to be named as an Affiliate.

Madam Speaker, as the Sacramento community and the Discovery Museum's supporters gather tomorrow, I am honored to recognize the 10 years of educational insight provided by the Challenger Learning Center. Their work has inspired countless Sacramento residents over the last decade to embrace the wonders of science. As the Challenger Learning Center embarks on 10 more successful years, I ask all my colleagues to join me in wishing them continued successes.

RECOGNIZING THE MODERNIZATION OF T.C. WILLIAMS HIGH SCHOOL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the grand reopening of T.C. Williams High School in Alexandria, VA. T.C. Williams, which serves Alexandria City Public Schools students in grades ten through twelve, recently completed a massive renovation and modernization project in time to open for the start of the 2007–2008 school year.

The modernization of T.C. Williams High School has brought a state-of-the art, 21st-century learning experience to 1,997 Alexandria City high school students. The entirely new building includes computers in more classrooms, a fully-integrated fiber optic network, a new media center, and a completely automated library, making T.C. Williams among the best technologically equipped schools in the country.

In addition to vastly improving the educational experience of Alexandria's high school students, the T.C. Williams school modernization project has won awards for architectural excellence and environmentally-friendly building features. The school was honored by an independent jury of architects, engineers and general contractors in the local building community as Educational Project of the Year in Mid-Atlantic Construction magazine's Best of 2007 awards program. This year, Mid-Atlantic Construction had a record number of entries for its Best of 2007 awards, and honored T.C. Williams along with 45 other projects in 16 categories.

The T.C. Williams reconstruction was also honored with a Green Innovation Award from the Virginia Sustainable Building Network, which named it the Best Institutional Project of the year. The building, which adheres to the standards and principles of the U.S. Green Building Council's LEED 2.1 Green Building Rating System, includes a number of environmentally innovative features, such as an advanced storm water management and reuse system, water conservation measures and energy-saving air conditioning operations, and a permanent measurement and verification system to track water and energy usage at the facility.

Madam Speaker, I commend the leadership of the Alexandria City Public Schools and T.C. Williams High School, along with the architects and builders involved, for all their work to make the modernization of T.C. Williams a reality, and for their dedication to renovating the school in a way that was both architecturally and environmentally innovative. I am proud to have such a state-of-the-art facility available to educate the students of Virginia's 8th Congressional District.

SENATE—*Monday, October 15, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, magnificent in mercy, plenteous in grace, and generous in love, we pause to confess our shortcomings. Forgive us for speaking when we should listen and for manipulating facts to suit our purposes. Forgive us also for waiting for opportunities instead of creating them. Lord, we have forgotten, faltered, and failed, and we ask today for Your mercy.

Strengthen our Senators for today's journey. Give them strong hearts and sound minds to do their ethical best in representing You. As they look to the future, give them the wisdom to join their plans to Your will and to do Your work on Earth. Lord, radiate Your hope through them, making them positive people who are expectant of Your best for our Nation and world.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR PETE DOMENICI

Mr. REID. Mr. President, before I outline what we are going to do this afternoon, let me say I had a conversation last week with PETE DOMENICI, who announced he would not run for reelection. I served with Senator DOMENICI for my entire time in the Senate on the Appropriations Committee. We worked on the Energy and Water Subcommittee over many years. During most of that time, he was either chairman or I was chairman, and the other one was the ranking member. We traveled the country looking at different facilities that related to the jurisdiction we had. It was a great subcommittee because all the money we had was discretionary, and it was a subcommittee that did so many good things for the country. There were water projects that were long overdue. We set up the safety and reliability of our nuclear arsenal. It was not easy, but we worked through that.

Senator DOMENICI has a tremendously interesting background. Because of my fascination with athletics, and especially baseball, I was stunned to learn this respectable man—who has so much mental acuity and is good with numbers and all this—had started out as a great baseball player. He was a pitcher, a left-handed pitcher, as I understand. He played professional baseball. He was in the Brooklyn Dodgers' farm system. He left there to become a junior high school math teacher.

He went on to earn a law degree before he began a storied career in the State of New Mexico as a city councilman and mayor. Now, of course, he is one of the more senior Members of the Senate.

During the time Senator DOMENICI and I have known each other, we have gotten to know each other's spouses. He is very kind and thoughtful to Landra, my wife, as I try to be to his very sweet, personable Nancy. They have eight children.

He is a person for whom I have great respect. I will miss him. He has a unique knowledge of the importance of our National Laboratories. One reason, of course, is we have two of them in the State of New Mexico. But we have them in other places—California, Illinois. I have traveled with him to Missouri.

He is a person who has looked out for the Nevada test site—a place where almost 1,000 nuclear devices were exploded, most of them underground, but not all of them underground. He worked with me to make sure that facility—that is a billion-dollar facility—is still used for the security of this Nation. He has worked on, as I have indicated, the safety of our nuclear stockpile.

He made his decision to retire for reasons that are certainly valid, but that does not take away from the fact we will all miss him.

I must say, one of the other issues he has worked so hard on—originally with Senator Wellstone, but after that much of the time alone—deals with mental health parity. Fortuitously, a week before we adjourned for the Columbus Day recess, we passed that legislation in the Senate. Now we have to make sure our bill and the House bill are conferenced and we finish those two bills. But it certainly is a step in the right direction.

So I do offer Senator DOMENICI my congratulations for the wonderful job he has done as a Senator and, as I told him on the phone, I express how much—after the next 15 months—I will miss him.

SENATOR TED KENNEDY

Mr. REID. Mr. President, I think it is also important to tell everyone Senator KENNEDY is strong and well and happy. He had some minor surgery that was important surgery. A lot of people do not know Senator KENNEDY was nearly killed in an airplane crash. His life was saved by EVAN BAYH's father, Birch Bayh.

He never complains, but Senator KENNEDY has constant pain from his back. As a result of that, he had some work done to see what was going on with his back. They did a CAT scan of his full spine, which normally is not done because most of the trouble in his back is in the low back, not the high back. As a result of that, they fortuitously—with good fortune because of the high x-ray—checked and a carotid artery was plugged.

It was very fortuitous that was done. His wife Jackie thinks that is a miracle, and it certainly is a blessing in their lives because as a result of taking a look at his spine, they were able to spot that and avoid some serious problems in the future.

I cannot possibly overstate the importance of Senator KENNEDY's leadership in this body as we address the critical issues that lie ahead in this work period. For 45 years he has been a person who has been on the cutting edge of doing the right thing for this country and certainly for the State of Massachusetts.

SCHEDULE

Mr. REID. Mr. President, today, we are going to have morning business for an hour after Senator McCONNELL and I finish our brief remarks to the Senate. The time will be equally divided and controlled. Following the period of morning business, the Senate will resume consideration of the Department of Commerce, Justice, and Science Appropriations Act.

Under an order previously entered, people have until 2:30 p.m. today to file any first-degree amendments to the bill. We are going to finish this bill perhaps not tonight, but I hope we can finish it tomorrow because we are going to move then to the Labor-HHS legislation.

Tonight we are going to have a vote, and we are going to see if we can come up with an amendment to the appropriations bill we are working on. If not, there is still a judge we need to have approved, and we will do that tonight.

I hope everyone understands we need to do the Labor-HHS bill. That would be the sixth bill we will have completed. We are going to start that bill as soon as we finish the bill that is before us, the Commerce, Justice, Science appropriations bill, and we are going to finish that bill this week. We have to do that.

The farm bill is so important all across this country, and the markup of that bill is scheduled for next week. The reason we have to finish the Labor-HHS appropriations bill this week is the chairman of the committee the farm bill will come out of is Senator HARKIN, who is also the chairman of the subcommittee that deals with Labor-HHS. So we have to finish that. I hope it does not spill into the weekend. We have talked about that several times this year and rarely have we had to do it. But we need to get that done.

After this week, we will only have four work weeks before we have our Thanksgiving Day recess. We are all on line to see what we can do to work out our differences with the White House to finish our funding for this year. We need to do that, and finishing this bill will point us in that direction.

Thank you, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATORS DOMENICI AND KENNEDY AND APPROPRIATIONS BILLS

Mr. McCONNELL. Mr. President, let me commend the majority leader for his comments about our colleague, Senator DOMENICI's long and extraordinarily distinguished career. We are indeed fortunate he will be here for another 15 months and we look forward to serving with him. I will have, obviously, a lot more to say about his remarkable tenure in the Senate later.

It is also good to have a health update on our colleague Senator KENNEDY, and to learn his operation went well and he is doing well and will be back with us soon.

Finally, let me underscore the observations the majority leader made. It is our goal to pass as many of the appropriations bills as possible. There will be significant cooperation on this side of the aisle toward that end. That is, after all, the basic work of Government, and we need to try to complete it as rapidly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for a period of 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. BINGAMAN. Mr. President, I rise to discuss the Presidential Records Act Amendments of 2007.

The Presidential Records Act of 1978 declared a President's papers were the property of the people of the United States and were to be administered by the National Archives and Records Administration. The act provided that Presidential papers would be available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents.

In order to fulfill that mandate—that mandate that was in the 1978 law—President Reagan, in 1989, signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, early in his administration, President Bush issued Executive Order 13233, and this executive order by President Bush nullified President Reagan's order and imposed new regulations for obtaining Presidential and Vice Presidential documents. President Bush's new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President, whose papers are involved, and also by the current White House occupant. There is no time limit to the White House review, and the right to review and assert executive privilege has been extended by President Bush in his Executive order to include the Vice President and to include Presidential family members. In this way, the order goes against the spirit of the Presidential Records Act and against the letter of the Presidential Records Act by creating a presumption of nondisclosure and expanding the executive privilege claim, thus allowing the White House to prevent the release of records literally for generations in the future.

H.R. 1255, the Presidential Records Act Amendments of 2007—which is the bill I came to the floor to speak about—was passed in the House by a vote of 333 to 93 on June 20 of this year. I introduced a similar bill, S. 886, in March of this year in the Senate. The bill I introduced is a bipartisan bill which is cosponsored by Senators CORNYN, LEAHY, SUNUNU, FEINSTEIN, and OBAMA. Two weeks ago, Senator FEINSTEIN sought unanimous consent for the Senate to proceed to H.R. 1255, but an objection was heard from another Senator.

H.R. 1255 is a bipartisan bill that merely seeks to clarify the process under which the Presidential Records Act is to be implemented. The bill seeks to nullify President Bush's Executive order by limiting claims of executive privilege to the President and to former Presidents in requiring that the President notify the Archivist of any claims of executive privilege within 60 days preceding a notice of a request for a document with an additional 30 days if requested. These measures essentially return the process to the procedural framework that had been in place since President Reagan issued his original Executive order.

This is an important matter that deserves to be brought to a vote in the Senate. There is strong bipartisan support for the reasonable approach to the Presidential Records Act that is contained in H.R. 1255. Now is not the time, in my view, for political ploys but for, instead, a thoughtful debate and an ultimate vote on this bill.

Two weeks ago, the U.S. District Court for the District of Columbia ruled that Executive Order 13233 is, in part—this is the Executive order President Bush entered—invalid in requiring the Archivist of the United States to delay release of the records of former Presidents at their request as permitted under the order. The Court found that the Archivist's reliance on section 3(b) of that Executive order is without constitutional basis and violates the Administrative Procedures Act. This holding gives us clear direction in legislatively addressing the problems that have arisen as a result of Executive Order 13233.

Under the Presidential Records Act, there is a clear and an unequivocal assumption that the records of a President's administration belong to the people of this Nation, barring the national security interests or an executive privilege claim. The people of this Nation hired the President. His work is undertaken on behalf of the people. Can anyone doubt that the Nation is made stronger and our Government and the electorate are better served by the study of the actions of past Presidents? This is not a matter of trying to uncover dark secrets; rather, it is in everyone's interests and certainly in the interests of this Nation that scholars, students, and the public have access to the records of former Presidents in order to fully understand and appreciate the work of those Presidents and to provide guidance for future Presidents and future administrations.

I strongly urge that H.R. 1255 be brought to the Senate floor for debate and for ultimate passage.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. REID. Mr. President, would the Senator withhold?

Mr. BINGAMAN. I certainly do withhold.

RECORD CORRECTION

Mr. REID. Mr. President, I made a mistake in my statement a few minutes ago. I have known Vicki Kennedy for many years. My staff tells me I mispronounced her name. That was certainly not intentional. I know Vicki. She was so kind and thoughtful to call me very early Saturday morning to let me know Ted was going into the hospital and I asked her to please call me when the surgery was finished, and Vicki did that. I called her Jackie for reasons unknown to anyone other than whoever puts words in my mouth. I want the RECORD to be corrected.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, my understanding is that we are in morning business, and the minority side is actually allocated certain amounts of time. They are not here.

I ask unanimous consent that I may speak in morning business, with the understanding that if someone on the minority side comes to speak in morning business on their time, I will relinquish the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. DORGAN. Mr. President, I believe midweek this week the House will take up the veto override of the President's veto on the Children's Health Insurance Program. There has been a lot of discussion about what this Congress has or has not done. I think despite all of the obstacles and roadblocks we have made progress in a wide range of areas. But the one in which we have made significant progress, which I am very proud of, is expanding children's health insurance coverage.

Regrettably, we have a lot of children in this country who have no health insurance coverage at all. So the question of whether when they are sick they have a doctor to go to is a function, in many cases, of whether the parents have any income or any money in their checkbook or in their pockets. Many times those children get no health care.

In 1997, we put in place the Children's Health Insurance Program. We know it works because we have had it for 10 years. In my State, for example, the Children's Health Insurance Program is not a government program that has created more bureaucracy. It is a block grant to my State that is used by State government to purchase health insurance from Blue Cross/Blue Shield and cover children who have no health insurance. Most States do that.

This is not a big government program. This Congress passed a bipartisan piece of legislation. Let me emphasize that it is a bipartisan piece of legislation expanding health insurance coverage for children. I am proud that we have done that. In the Senate, we had 67 Senators vote in favor of it. Two Senators who were in favor of that bill were absent at that time, so that is 69 Senators who said, yes, let's expand the program. It was fully paid for. It doesn't increase the debt by one penny. It expands the program and would allow 3.8 million additional children in this country to have access to health care coverage.

Mr. President, I don't know what is in second or third or even fourth place in terms of people's priorities. I know what is in first place for most people: their children and their children's health.

The President says he vetoed this legislation because it is big government. He vetoed this legislation because he says it would cover kids at the family level of income of $83,000. The President knows better than that. He wasn't telling the truth. Let me just, if I can, speak a bit of truth to this issue. This is not big government. Contrary to most of what the President is sending down to the Congress, this is paid for. Contrast this children's health insurance—a proposal from the Congress that is paid for—with the proposals that sit in front of the Congress from the President for Iraq and Afghanistan to prosecute the war. Right now, we have a $189 billion request by this President to continue funding the war in Iraq and Afghanistan. Not one penny of it is paid for.

We send the soldiers to war, and the President says let's send them the bill later when they come home and they can help pay for it. Contrast that with what we have done with children's health insurance. It is $35 billion over 5 years, all of it paid for, and 3.8 million children, who at this point don't have access to health insurance coverage, will get that coverage. Is that something we ought to be proud of? In my judgment, it is. Now, the President, when he vetoed this, he said this is going to provide coverage to kids whose parents are at the $83,000 level. That is not the poverty level. There is no $83,000 level. That was a level requested by the State of New York, which was not approved.

It is true that there are a number of States that cover children from families who have incomes above the 200-percent level of poverty, but let me point out that this George W. Bush administration approved these expansions, and I will give an example. In 2003, New Jersey applied for a waiver to be able to cover parents in their program. Secretary Thompson of the Bush administration said: Absolutely. He signed the waiver saying:

> With this waiver, New Jersey will be able to expand health insurance coverage to thousands of residents who otherwise would be uninsured.

California asked for a waiver. The Bush administration said:

> By giving parents of children with the CHIP program health insurance, we are providing quality health care to the whole family.

This is the Bush administration that has actually approved these waivers, the very waivers the President seems now to be critical of.

Let me also say this. The President campaigned—he campaigned—on expanding children's health insurance. In 2004, here is what he said:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.

So the President vetoed this bill. The sky is the limit when it comes to the other spending, but this bill, which is fully paid for, gets a veto. There are plenty of votes in the Senate to override the President's veto. The question is in the House. My hope is that Members of the House will understand the opportunity to override this veto and to establish a clear priority for this Congress on a bipartisan basis. My hope is they will round up the votes in the House to override this President's veto.

This is about priorities. The fact is 100 years from now all of us will be dead and gone and the record of our service here and the record of this President's service, the record of this Government, will be in the history books. They will be able to tell a bit about our value system by looking at how did we spend our money. They will see there was a time in October of 2007 that this Congress had a couple of choices: First of all, the President says, give me another $189 billion for Iraq and Afghanistan to prosecute the war; give me another $189 billion, and by the way, I don't intend to pay for a penny of it. Just add it to the debt. Another priority was the Congress saying, let's expand health insurance for children—$35 billion over 5 years. Let's expand health insurance for children and, by the way, we will pay for it in the bill, which we did. And the President says the second priority is the one that is inappropriate? What can he be thinking of?

When historians look at this value system and determine that the value system said children are less important, children are not the priority, they are going to scratch their heads and wonder how on Earth we came to that conclusion. I hope that is not the lesson that will come from this effort to override the President's veto. I hope the lesson will be a bipartisan Congress saying to this President: Not this time. Not today. Your priorities aren't square with what we ought to be doing in this country today. Our priority is, No. 1, expand health insurance coverage for America's children. My hope is at the end of this week that will be the result from the House of Representatives. I know very soon the Senate will vote and easily override the President's veto.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

In a moment I will talk about General Sanchez's speech this weekend, which I read about in the Washington Post, but before I do that, there is some interesting news about what is happening at the Defense Department in advanced research in something called DARPA—Defense Advanced Research Projects Agency.

The head of DARPA, Dr. Tony Tether, came and spoke at a technology conference I had in Fargo, ND, last week. His speech was extraordinary. He is a good presenter and a wonderful public servant. I know there are some who wonder if the Government ever does anything right. Well, the Government does a lot of things to improve and help the American people and advance this country's interests, and I will describe one of them.

Dr. Tether described experiments that are going on in advanced research in DARPA, in which they have taken a monkey, and the monkey sits at a console with a joystick. He sees a red ball go across in front of him, and he uses the joystick to touch the red ball with the arm of the joystick, and he is then given a treat. That is learned behavior for the monkey. The ball goes across the screen, the monkey exercises the joystick, the joystick aperture touches the red ball, and the monkey gets a treat. Then they took the joystick away and instead put on the monkey a mechanical electrical arm they are working on for those who have lost their limbs. They implanted electrodes in the brain of the monkey. Now, when the red ball goes across in front of the monkey, the monkey has no joystick, but the monkey thinks about touching the ball and getting the treat and so the electrodes capture the thought. Think of that—the electrodes capture the thought, which sends the electric impulse to the prosthetic arm that has been developed, and the arm reaches out and touches the ball, all because the monkey is thinking about touching the ball.

This is about breathtaking new technology and research into approaches that will help those who have lost limbs in warfare, yes, and in every other area of life. There is so much going on that is interesting and breathtaking in the advanced research area, and again I say to Dr. Tether that I appreciated his coming to North Dakota and giving such a wonderful presentation. It was extraordinary.

Well, that is something called DARPA. Not a lot of people know about DARPA at the Department of Defense.

RETIRED GENERAL SANCHEZ ON IRAQ POLICY

Now, let me go from DARPA to the issue of General Sanchez's speech on Iraq policy that he gave this past weekend. General Sanchez was in charge of the war in Iraq and he has now retired and General Sanchez has some very strong things to say about the war in Iraq since his retirement.

He says the war began with:

> A catastrophically flawed, unrealistically optimistic war plan . . . Since the start of this war, America's leadership has known that our military alone could not achieve victory in Iraq. Starting in July 2003, the message repeatedly communicated to Washington by military commanders on the ground was that the military alone could never achieve victory in Iraq.

General Sanchez said the "surge," which he called the "latest revised strategy," is, in his words, "a desperate attempt by an administration that has not accepted the political and economic realities of this war and they have definitely not communicated that reality to the American people."

As a result, the American military, he says:

> finds itself in an intractable situation. The best we can do with this flawed approach is stave off defeat. The war in Iraq has been a "catastrophic failure."

This, according to General Sanchez, who was in charge of the war in Iraq from mid-2003 to mid-2004. Over 20 other retired generals have spoken out after they have retired. General Eaton said:

> The military ethos is: Give your advice privately to those in a position to make changes, not the media, but this administration is immune to good advice.

So retired General Eaton went public with his criticism of this administration's flawed policies.

General Batiste—I had the opportunity to meet General Batiste—was one of the brightest stars in the military and was considered virtually certain for promotion to the highest ranks. But, he turned down his third star and retired rather than continue to implement a war policy that he felt, and that he had experienced firsthand, was flawed. He retired so he could "speak out on behalf of soldiers and their families."

The point is, General Sanchez has said, and the other retired generals have said—in fact, I believe that most believe—there is not a military solution in Iraq, there is only a solution that embodies substantial diplomatic efforts and efforts in the political system in Iraq as well. The military alone cannot possibly prevail in Iraq.

I wish to make a point I have made before. We have now apparently trained about 350,000 people in Iraq to be soldiers or to be in law enforcement. To the extent that I have numbers, this was from the 2007 report of the General Jones Commission, we have trained 152,000 members of the Iraqi Army—which incidentally, is about the number of American soldiers in Iraq—and 194,000 members of the Iraqi police. That is 346,000 Iraqis to be soldiers and police men and women. Now, I think one can reasonably ask the question, after we have been in Iraq longer than we were in the Second World War, that if we have trained over 350,000, or roughly 350,000 police men and women and soldiers, when will they have the will to provide for their own security?

They have a new Constitution. The people of Iraq have seen Saddam Hussein executed. They have a new government. And they have had nearly 350,000 of their own trained to be law enforcement and military soldiers. Yet they cannot provide for their own security?

My nephew went into the Marines about 10 months ago. He is fully trained and now in Iraq. We do it, and we can train 350,000 Iraqis. Yet they can't provide for their own security? Something is wrong with that.

So, Mr. President, I only make the point that I read with interest General

Sanchez's comments this weekend, and they mirrored comments we have heard previously from General Eaton, from General Batiste, from Colonel Hammes, and many others that the current strategy has been flawed all along and must change. We must understand that the solution in Iraq is not going to be a military-imposed solution, it is going to be a diplomatic solution and a solution within the political system in Iraq, the absence of which means there will remain in Iraq a protracted long-term civil war.

While we are going door to door in Baghdad in the middle of a civil war with American soldiers, Osama bin Laden continues to send us messages over the internet and the airwaves. Our National Intelligence Estimate says that he is in a "secure" hideaway in northern Pakistan and has now rebuilt training camps and reconstituted the al-Qaida leadership.

Now, think of that. Those who committed the acts of terror against our country and murdered thousands of Americans are now in a safe, more secure place, according to our intelligence estimates, and is reconstituting training camps and plotting new attacks against our country. We, on the other hand, have our soldiers going door to door in Baghdad in the middle of a civil war. I think General Sanchez's comments and the comments of over 20 other high-ranking military officers upon their retirement represent a basic body of thought most of us have long understood but is not understood at this point by the President.

All of us want this country to succeed. We want our country to succeed in our war against terrorism. But the fact is we have to develop the right processes and the right policies to embrace that war against terrorism and to eliminate the al-Qaida leadership, which represents the greatest terrorist threat to our country. Again, the National Intelligence Estimate that we have all read says the greatest terrorist threat to our country, including to our homeland, is the leadership of al-Qaida and they are in a safe or secure haven and they are plotting additional attacks against our country and they are reconstituting their training camps to train the terrorists. Now, it should be clear to us what our obligations are.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948 and the impact of those actions by the United States and to recommend appropriate remedies, and for other purposes.

Casey (for Biden) amendment No. 3256, to appropriate an additional $110,000,000 for community-oriented policing services and to provide a full offset for such amount.

Brown amendment No. 3260, to prohibit the use of any funds made available in this act in a manner that is inconsistent with the trade remedy laws of the United States.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator MIKULSKI, the chair of the subcommittee, will be here at 4 o'clock. I know Senator SHELBY is here, and I believe he will be out momentarily. I have agreed to be on the floor until Senator MIKULSKI returns.

I did want to take a moment to talk about an amendment I was discussing when we were previously in session on this bill, dealing with law enforcement on Indian reservations. I did not actually offer the amendment. I had filed the amendment.

The subcommittee itself restored some funds that the President had cut. I indicated to the subcommittee that I hoped we could work between now and next spring, when we begin the new fiscal year legislation, so we could add some funding for these critical areas. I want to make note that Senator MIKULSKI and Senator SHELBY already added funding to accounts the President had decided to zero out. These accounts are accounts dealing with law enforcement on Indian reservations.

We just held a hearing on these issues in the Indian Affairs Committee here in the Senate. It is pretty stark, when you hear from folks who talk about the crisis on reservations with respect to law enforcement.

The U.S. Government made a decision a long time ago, well over a century ago, that law enforcement on Indian reservations is a responsibility of the Federal Government. Our country has a legal obligation to be involved in preventing crime on Indian lands. That obligation is a result of treaty provisions and Federal laws that grant the United States the responsibility and the authority to investigate and prosecute major crimes on Indian reservations. That is not the choice of Indian tribes; that is a decision our Government made over a century ago. The tribal governments on our Indian reservations rely on the Federal Government—specifically, the FBI and the U.S. attorney's office—to investigate and prosecute violent crimes on Indian reservations.

We had a hearing 2 weeks ago. There was testimony at that hearing from some research that had been done that 34 percent of Indian women will be raped or sexually assaulted during their lifetime. One-third of the Indian women will be raped or sexually assaulted during their lifetime. That is the state of violent crime on Indian reservations.

A retired BIA police officer who worked on the Standing Rock Sioux Reservation said we do not have the resources. "We all knew they only take cases with a confession." If there wasn't a confession, there wasn't a case. "We were forced to triage our cases," he said. When this violence becomes so commonplace that the police have to triage rape cases, there is something dreadfully wrong.

One of the big factors in the rise of violent crime on Indian reservations is the lack of a police presence or law enforcement presence on Indian lands. There are little more than 2000 Federal and tribal law enforcement officers who patrol 56 million acres of Indian land. In North and South Dakota, we have two police officers who patrol the 2.3 million-acre Standing Rock Sioux Indian Reservation. We have heard from people who called to report a violent crime as it was occurring, and they waited an hour and 15 minutes for the police to show up. In other cases, they wait days for the police to show up.

The lack of tribal jails and bedspace also adds to the problem because there is no place to put criminals. I have been in tribal detention facilities. I have seen kids lying on cement floors in tribal detention facilities because there was not a juvenile facility and the other detention facilities did not have proper beds and didn't have enough space, so young children were lying on the floor of a detention facility.

There is a $400 million backlog for construction for tribal jails. One Federal official said that there is what is called a catch-and-release system—just catch the criminals and release many of them back into the community because there is no space to put them. Because of that, the Indian reservations have become soft targets for organized crime and particularly for organized efforts dealing with methamphetamine.

In May of last year, Federal officials seized a huge methamphetamine organization's business plan, and the business plan outlined how that organization wanted to replace alcohol abuse as it infiltrated Indian reservations with methamphetamine abuse on Indian reservations. The plan also outlined how the tribal police could not arrest them while on the reservation. They described in the business plan how they were going to introduce and use the reservations as the basis for their methamphetamine distribution to run their business.

After creating a system in which we said law enforcement is the Federal Government's responsibility, the administration in its budget now wants to tell the tribes: We are too busy, so you are on your own.

The statistics I have described are really sobering: crumbling jails. What does the administration propose to spend for detention facilities, Tribal Jails Discretionary Grants Program? Well, the administration proposes we spend nothing. Not a thing. Assistance to the tribal courts, what does the administration propose that we spend? Nothing.

Those are all programs that have always been funded. These are programs for which the Federal Government has a responsibility by previous agreement. Tribal COPS Program, the President says let's fund it at zero. Tribal Youth Program, fund it at zero; Indian Alcohol and Crime Demonstration Program, zero.

Every single one of those, all except the last, have always been funded. The President says: Not my responsibility, not this administration; we do not intend to provide funding.

Now, let me thank Senator MIKULSKI and the ranking member as well, Senator SHELBY, because they have provided some funding in this subcommittee mark. It is not as much as I would like. It is not as much as I am sure they wanted to do, but they should be complimented for rejecting the President's recommendation at a time when we have a serious problem, and at a time when that problem is our responsibility to deal with because we have made agreements and required that we will be responsible for dealing with it.

The President says: Let's not do it. And Senator MIKULSKI and Senator SHELBY said: We reject that. We have a responsibility.

I was intending to offer an amendment 2 weeks ago—I did not do that—to add even further because Senator MIKULSKI and Senator SHELBY indicated they want to work with me. But, first and foremost, I want to compliment them for rejecting the President's suggestion that we ignore our responsibility, and for Senators MIKULSKI and SHELBY deciding these programs are exactly what we should be funding; it is our responsibility to do so.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHIP

Mr. DURBIN. Mr. President, the Senate is just returning from a week home. I spent the week in my home State of Illinois traveling from far southern Illinois to Chicago and most points in between. It was a busy week. I met with a lot of people and continue to be amazed that there is such a disconnect between the real world of America and the world of Capitol Hill.

In about 48 hours, the U.S. House of Representatives is going to have a historic vote. It is about children's health insurance. Here we are, the wealthiest Nation on Earth, with the best doctors, the best hospitals, the best technology, amazing medical research. Yet when it comes down to basic health care protection, America falls short. We spent more money per capita than any nation on Earth on health care, but our outcomes do not show it. Countries that spend a lot less get a lot more. Other countries around the world have made a dedicated effort to make sure every citizen in their nation has the protection of basic health care.

But not America. Forty-seven million Americans have no health insurance. We tried to address that with the Children's Health Insurance Program 10 years ago. We looked at the 40 million uninsured Americans and said: 15 million are kids; let's start there. Let's cover these children. Let's make sure they have health insurance, not through a government plan but through private health insurance. We will take money, grants and money, send it to the States, work with the Governors, share the expense, and bring these kids under hospitalization coverage. In 10 years it worked. From 15 million uninsured, we were able to insure 6.6 million children in America; 300,000 in my home State of Illinois.

Well, with the new Congress and the expiration of this program, we took another look at it and said: Can we do better? Can we extend this beyond 6.6 million kids to more of the 15 million targeted group of children? We found a way to do it. We did it in a bipartisan way, a cooperative effort with the Republican side of the aisle, an effort that involves Senator CHUCK GRASSLEY of Iowa, Senator ORRIN HATCH of Utah, well-known, conservative Republicans who sat down with Senators MAX BAUCUS and TED KENNEDY and hammered out the details—Thirty-five billion dollars more in spending over the next 5 years.

Now, the first reaction, of course, is that most people say: Great, you dreamed up an expansion of a program that costs us $35 billion. Thanks a lot. Our kids will pay for it.

Wrong. We insisted that it be paid for. How is it paid for? By increasing the Federal tax on tobacco products. That is it. I am not going to beat around the bush and tell you there is some secret way to do it. That is how we did it. We raised the Federal tax on tobacco products, cigarettes and cigars. You can sign me up, incidentally, any day of the week. I am one Senator. I am sure there are many like me who have lost a loved one to cancer brought on by tobacco. Most people in America have been touched by tobacco disease and illness.

I believe one of the best things we can do is to keep tobacco products out of the hands of our kids. When you raise the price by raising the tax, children are discouraged from buying the product. Good. If kids do not get addicted early and stick around until they are about 18 to make the choice, they will decide it is a pretty dumb idea. But if they start smoking at 14, 15, 16, an addiction gets started. So we raised the tobacco tax to come up with the $35 billion. Over the next 5 years we will expand the health insurance coverage from 6.6 million children to 10 million children in America—still not 15 but clearly moving in the right direction.

We passed the bill over here with an amazing vote. In a time when we have these death-defying votes of 1 vote here, 1 vote here, 69 Senators voted for the bipartisan approach to expand children's health insurance.

We sent the bill over to the House. They were disappointed because they wanted more. I want more. I would like to see all 15 million kids covered, to be honest with you. I would like to see all Americans covered. I will get to that point in a moment. But they passed it, and we sent it to President Bush.

Now, President Bush is in his seventh year as President of the United States. He has used his veto pen four times—four times—once to veto a plan passed by Congress on a bipartisan basis to change the policy in Iraq and start bringing our troops home; President Bush vetoed it; next, he had two opportunities and used his pen twice to veto the expansion of medical research using stem cells. You will recall the President stopped this research at the Federal level. States are now doing it, private companies are doing it, and foreign governments are doing it. But the Bush administration will not allow our National Institutes of Health, through Federal funding, to do this. Well, the President used his veto pen twice to stop this promising research to find cures for diseases and causes of death.

His fourth use of the veto pen was to kill the Children's Health Insurance Program. What did they say about it? Why did the President veto this bipartisan bill that came out of the Senate and the House? Well, they said, first, it was socialized medicine—socialized medicine. You know that is a cliche that was probably born in the 1960s, maybe before, on the notion that the Government would provide all the health insurance for America.

Well, it did not work then. We created Medicare, and thank goodness we did, for millions of Americans who have had peace of mind at age 65 because of it. Socialized medicine. What the President failed to say was if he gets sick tomorrow, God forbid, he will go to a military hospital. The doctors will be members of the military. The nurses who answer his call will be members of the military. He will be protected by Government health services as President of the United States.

Is that socialism? I think I will leave it to the President to decide. But I think it is troublesome that we have reached a point that we dismiss a program of such value to so many children and call it socialized medicine. What was even more galling was someone in the White House along the way argued the point that this plan would cover individuals who make up to three times the poverty level in the United States.

Let me translate that into terms Americans can understand. If you make up to $60,000, you get help under this plan. And the argument the White House made was, people making $60,000 a year—or "well off" in their terms—do not need this help.

Really? Well, let's think about that for a second. Sixty thousand dollars a year is gross pay. Now, let's take about 40 percent of that for all of the taxes that are taken out and all of the deductions that are taken out. That leaves us somewhere in the range of $36,000 a year, about $3,000 a month in take-home pay.

Now, go out and look for health insurance for a sick child. I will tell you what you will find. You will be lucky to get by with $1,000 a month for health insurance for your family if you have a sick child. If you have a healthy family, it may still cost $600 or $800.

So out of a take-home pay of $3,000, they say you are well enough off that you do not need help to pay $1,000 a month for health insurance. Who is kidding whom? The reality is that families are crippled by these costs. Many of them cannot afford insurance, and they need the help of this program. It is a reasonable thing to do.

Those people in the White House who just want to call this socialism, or whatever the word of the day may be, or dismiss families making $60,000 as not needing a helping hand with health insurance for children, they are so out of touch they do not understand the drama that these families go through every single month for lack of health insurance.

There is a story closer to home for the Members of the Senate. It does not relate to the Children's Health Insurance Program, but I think it is a story worth telling. It is a story about a member of the Senate family, someone whom most of us have seen many times. Many may not know his name, but he is someone who has gone through a life-changing experience because of no health insurance in his family.

Forty-seven million Americans have no health insurance. We who are privileged in the Senate probably do not lie awake at night worrying about it because a bad diagnosis is not going to lead to bankruptcy for us. We are lucky. We are part of the Federal Employees Health Benefits Program. We have got the best coverage in America. Eight million Federal employees, Members of Congress, we get an open enrollment period every year. You do not like your company, change it. It is like shopping for a car. There are so many choices out there. You want a big plan, you pay more. You have more money taken out of your check. You want less coverage, pay less. You have less money taken out of your check. It has been around for decades.

Members of Congress benefit from it, and we have a peace of mind that comes with it. But we do not have to look far to see families who are struggling and facing terrible decisions because of the high cost of health insurance. They are everywhere. They are in every town, every county, every State, all across our Nation, and they are right here in the family. There is a young man who works just a few feet away from where I am standing. He is an elevator operator. His name is Sergio Olaya. He has worked here off and on as an intern and has been an elevator operator since last May. He always has a big smile on his face, great young fellow, says hello, and most of us, of course, see him and greet him and head off on our business.

He is 21 years old, a bright young man, happy disposition, a great future ahead of him. But a few months ago, Sergio, who works right outside this door, had a tragedy strike his family. His mother died of an aggressive form of brain cancer. She was 61 years old, a single mom. Sergio was her only child. Doctors think she may have had the tumor for a long time, but the symptoms didn't show up until 2 months ago, and then she died. Before that, she had suffered a stroke which left her paralyzed on her right side. She was an authority on health and nutrition and worked for organizations, including the Centers for Disease Control, USAID, UNICEF, and the Organization of American States, but she had been unemployed and uninsured for 5 months when she got sick. Even COBRA, which is the way to purchase health insurance when one is not working, was too expensive for someone with a limited income such as Sergio's mother. As a result, when she died from an aggressive form of brain cancer, she left $255,000 in unpaid hospital and doctor bills—a quarter of a million dollars.

The hospital first threatened to sue her son for payment. A lawyer who is helping him pro bono negotiated the hospital charges down, first to $216,000, then to $95,000. With another $40,000 in doctors bills, Sergio, a member of the Senate staff, still owes $135,000 in medical bills for his mom. How is he dealing with this? He is selling his home in Bethesda where he and his mom have lived for the last 8 years. It is the only home they have ever owned. The proceeds will go for the payment of these medical bills.

Sergio said when his mom got sick she had been waiting to hear about a possible new job with the Federal Government, and it would have had health insurance. When the job offer finally came, his mother had just suffered a stroke and couldn't get out of bed to answer the phone. Two months and $255,000 in medical bills later, she passed away at the age of 61. In another week or month, she might have had health coverage with a new job. In another 4 years, she would have been eligible for Medicare. Instead, she had the bad luck and bad timing to fall through one of the gaping holes in America's unravelling health care safety net. Now her only child, her son, is paying the price.

I wonder how many Senators have been in the elevator with Sergio, talked to him, shared a smile with him, but had no idea of the terrible burden he and his mother were carrying as a result of the cost of health care and the cost of being uninsured in America today. How many more families will have to sell their homes? How many more bright, talented young people will have to drop out of college so their family can pay medical bills before we finally come up with a real plan to make health care more affordable for all Americans? The truth is, almost every family is at risk because of a fraying and failing health care safety net. Almost all of us could be one pink slip, one election, one bad diagnosis, or one serious accident away from a health and economic disaster for our family.

This affects Sergio, our Senate family. It affects all families. We need to deal with it. We need to find a way or a combination of ways to give every American access to affordable health coverage. We can't help Sergio pay these bills, but we can sure look to the possibility of 3.4 million children across America and their moms and dads finally having the peace of mind of knowing that their kids are covered. It is a small step for a big nation, but isn't it the kind of step we want to take together in a bipartisan way? President Bush says no. He vetoed the bill. He sent it back to the House of Representatives, and on Wednesday they will take a vote. Fifteen Republican Congressmen who voted against the plan have to change their votes to override his veto. Overall, 62 Republican Senators and Congressmen voted for this plan, so it is bipartisan. I hope the 15 who are thinking about it now will think about the vulnerability of a lot of people such as Sergio, people we don't know who every single day have to wrestle with this terrible challenge in our great Nation.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. The Senator from Illinois has raised the issue of the override of the President's veto that will occur in the House this week. When the President vetoed the bipartisan legislation that would expand opportunities for health coverage for America's children—another 3.8 million kids who don't have health coverage now would have it under that bill—the President referred to it as some kind of socialized medicine, some sort of big-government solution. Then he talked about the prospect of families with $83,000 in income.

Isn't it the case that most States—my State included—receive a block grant and use the block grant to provide coverage by buying the coverage from BlueCross BlueShield? In other words, it is a block grant the States use to purchase coverage for children. Is that what the President was referring to as big government? If so, isn't the President misrepresenting what this bill does?

Mr. DURBIN. Mr. President, that is the case in almost every State. This isn't a matter of the State of Illinois health insurance plan; it is a matter of our State or the State of North Dakota taking the Federal funds and buying private health insurance, which is something these families currently cannot afford. It strikes me as reasonable for us to give them a helping hand. It is not socialism, whatever that definition may be. It is not a big-government plan.

The President argued that he thought it was unfair to the health insurance industry. I don't understand that. If these 15 million children have not had health insurance for years, that industry has had plenty of chances to sell it. The fact is, it is too expensive for these families.

Mr. DORGAN. If the Senator will yield further for a question, the President, when vetoing the legislation, referred to some families with $83,000 who will be getting this largess so that their children can get subsidized health insurance coverage. My State, as an example, covers children at 140 percent of poverty, most States at around 200 percent of poverty, which I believe is around $44,000 gross income, and the $83,000 to which the President referred does not exist. It was a request from the State of New York which was not granted. In any event, all those requests that have been granted for above the 200 percent have been approved willingly and in a way that allowed this administration to boast that they had approved them. Now the President objects to the very thing they had approved.

The other point is, didn't this President actually campaign in the year 2004 saying he supports expansion of this very program? I ask the question about the $83,000. That clearly must be a misrepresentation. Is that the judgment of the Senator from Illinois as well?

Mr. DURBIN. The State of New York said: We want to cover families up to $83,000; it is more expensive to live in New York than it might be in some other State. But ultimately it was a decision to be made by the President. The President had to give them permission, and he denied it. Under this bill, the President still has that authority to deny States permission to go beyond $62,000 a year. So he still has that authority. Arguing $83,000 makes no sense. He turned it down. We didn't change that in this bill. The President still has the authority to stop any program that would expand in that direction.

In my State and others, I concede, we have been trying to find every way we can to insure people. Our Governor, the general assembly, and other people have tried to find ways to work with the Federal Government to cover people who don't have health insurance.

As a reminder—I know the Senator from North Dakota is well aware—the poorest children in America are covered by Medicaid. The poorest children have health insurance. The children who are fortunate enough to have parents with health insurance aren't the ones we are talking about. We are talking about the group of children who belong to families who go to work every single day and have no health insurance. That is a lot of Americans and a lot of kids. I have had several press conferences during the break at hospitals with doctors and nurses. They tell the story of these children. These children don't have a regular physician, regular checkups, a regular place to go. So an earache turns into a substantial infection. Asthma at an early stage becomes a serious challenge. Diabetes goes undetected because these kids are not brought into our health care system until they have reached such a grievous situation that they end up in emergency rooms, and we all pay for it.

This really is an ounce of prevention that we would have health insurance for more of these kids to be covered, the children of working families who go to work every single day and don't have health insurance. The President vetoed the bill.

Mr. DORGAN. If the Senator will yield for one additional question, the Senator from Illinois is on the Appropriations Committee with me. My understanding is the President is going to be sending down a second supplemental request within days. I understand the White House might not want to send it down before the override issue on the SCHIP program. But the SCHIP program would spend $7 billion a year for 5 years. That is $35 billion. All of it is paid for. None of it is contributing one penny to the debt. The result of that spending? The 3.8 million children who at this point have no health insurance coverage would now be fully covered with health insurance. The President seemed to, when he vetoed the legislation, be saying: I am going to be the guardian of the Federal Treasury and the taxpayers' checkbook. This is big-government bureaucracy—socialized medicine, in fact.

This is fully paid for, $7 billion a year. Isn't it the case that the President has requested two things of us? One is already here, and the other will come next week. One is $145 billion in emergency funding for the wars in Iraq and Afghanistan, not a penny of it paid for all this year, and on top of that, we believe another roughly $44 billion supplemental. So that will be a $189 billion emergency supplemental this year. In other words, $7 billion for kids is too much; $189 billion, which will bring us somewhere close to two-thirds of a trillion dollars, the President has requested we spend, not a penny of it paid for. The implication of all that is, let's send soldiers to fight. When they come back, they can pay for the debt we have incurred because we don't intend to pay for any of it.

Isn't it the case that the very same President who says $7 billion a year which is fully paid for and which will result in children's health insurance for 3.8 million children is the President who is sending us a $189 billion additional request for 1 year, none of it paid for?

Mr. DURBIN. The math is right. This President has funded this war in Iraq and Afghanistan borrowing money from future generations. He has not paid for a single day of this war by imposing a tax or cutting spending in some other area. He is the first President in the history of the United States, in the entire history of our Nation, to cut taxes in the midst of war.

I am sure the Senator from North Dakota joined a lot of us in watching the Ken Burns documentary "The War." It has been on for the last couple weeks on public television. One of our great friends and heroes in the Senate, DANNY INOUYE of Hawaii, was featured in it, as he should have been. A Congressional Medal of Honor recipient, he told the story of his life that led to his service to our country. You couldn't help but feel that America was at war. It wasn't just our soldiers and sailors and marines and airmen; America was at war. We were all involved.

This war which has claimed 3,821 American lives, this war which has injured more than 30,000 of our fighting men and women, this war which has left 10,000 grievously injured with amputations and serious burns, this war has been waged in a much different way.

When America was going to wage this war on terrorism, the President said: We are going to invade Iraq. And America, you can help: go shopping.

That isn't what they said in World War II. They said: We can all pitch in together and get behind this effort.

Then he said: We have to sacrifice. We have to give tax cuts to people at the wealthiest levels.

So we end up with a debt, a debt that continues to grow because the President does not pay for a penny of this war. The Senator from North Dakota is right. It will be close to $750 billion by the end of next year. We are spending $12 to $15 billion a month on this war in Iraq, none of it is paid for, none of it is generated by taxes, and none of it is paid for by compensating cuts in other spending. It is added to our debt.

The President who proclaims himself a fiscal conservative when it comes to vetoing a children's health insurance program within the next several days will send us a massive spending bill of $190 or $200 billion for the next year of this war. The $7 billion for health insurance for children is paid for; the President says it is wasted Federal funds. But $200 billion for a war with no end in sight he considers to be appropriate. I don't understand this. I understand we have to stand behind our men and women in uniform. But a strong America begins at home. It begins with our families and our communities and our parishes and church groups and neighborhoods. It begins with the peace of mind of knowing that you have health insurance. For literally 3.8 million children, the President's veto means no help to buy private health insurance so these families have a chance to have that peace of mind.

I sincerely hope those who feel this is an important program will contact their Members of Congress—both House and Senate—in the next 48 hours. This is a critical moment in our history. We have to decide once and for all whether we are going to start taking important steps forward to bring the peace of mind of health insurance to every family in America. That is a worthy American goal. President Bush's veto should not stand in its way. I certainly hope the House of Representatives, when it votes on Wednesday, will override this Presidential veto.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3233, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that amendment No. 3233, previously agreed to, be modified with the changes at the desk. My understanding is both sides have cleared this request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3233), as modified, is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN" is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN"—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

AMENDMENT NO. 3260, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that at 5:15 today the Senate resume consideration of the Brown amendment No. 3260, with the time until 5:45 p.m. equally divided and controlled between Senators BROWN and MIKULSKI or their designees; that no amendment be in order to the amendment prior to the vote; and that at 5:45 the Senate proceed to vote in relation to the amendment; that the amendment be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3260), as modified, is as follows:

On page 97, between lines 9 and 10, and insert the following:

None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

Mr. DORGAN. Mr. President, I ask unanimous consent, while we are waiting for the ranking member, to speak as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

DO NOT CALL LIST LEGISLATION

Mr. DORGAN. Mr. President, last week I introduced some legislation in the Senate for which it is my hope my colleagues will join in. It deals with the issue of the Do Not Call List that is housed down at the Federal Trade Commission.

I do not think there is much more irritating in life than to receive calls from telemarketers. Almost everybody has received bundles of calls from telemarketers—always during mealtime. They always wait until the family has been able to sit down to start a meal, and then the family gets a telephone call: Would you like to take our cable service? Would you like to take our cell phone service? Do you need new siding? We will have some people in your neighborhood tomorrow selling sheetrock or siding.

So on and on and on, telemarketers are unbelievably annoying. So Congress passed a piece of legislation. It says: We are going to set up a list at the Federal Trade Commission called a Do Not Call List. You call in, put your name on that list, and it says to telemarketers: You may not call the names on that list.

So the list has been very successful, except the Federal Trade Commission did one very inexplicable and dumb thing. I guess that is a gentle description. They said of the people who call in and put their names on a Do Not Call List, the list will expire at a certain time, so you would have to call back in.

So we have had 149 million people call in. Think of this: 149 million Americans picked up their phone and called their Federal Government and said: Put my name on a Do Not Call List. I am sick and tired of getting telephone calls from telemarketers. I want my name on a list.

That is the biggest vote in American history, isn't it? They just voted by picking up the phone. Mr. President, 149 million people voted to say: I do not want those calls anymore. Stop it. So the Federal Trade Commission put their names on a list. Then the Federal Trade Commission said: Oh, by the way, your name goes off the list at the end of 5 years. And by the way, next October, on or about the first day or so of the month—or within a couple of days of that time—we will have about 50 million people whose names come off the list.

That makes no sense to me. If you put your name on a list saying, "I don't want people making annoying calls to my house," that name ought to stay on the list. You ought not have to pick up the phone and recall the Federal Trade Commission.

I do not know who made the decision but what a dumb decision. Let's put a list together. If you call and get your name on the list and say, "I don't want irritating, annoying calls from telemarketers," your name ought to stay on the list until you decide to pull it off.

So I have put in a piece of legislation that says if you put your name on a list, your name is going to stay on the list. You do not have to call in. There is not going to be an automatic expulsion. We did not provide for that in the Congress. The Federal Trade Commission came up with that goofy idea. So my legislation will say that idea is gone. If your name is on a list, it stays on the list. You deserve to have supper or dinner—or whatever you might call it at the end of the day—without having your phone ringing by somebody wanting to sell siding or a new telephone service.

My hope is every Member of the Senate might cosponsor the legislation—except for those Members of the Senate who love to get telemarketing calls. For those who do, I expect they would not sign on, and I will probably come and announce their names soon. But if we can get all of those to cosponsor it, we can get this passed quickly and solve a problem for all American families.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3225, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that amendment No. 3225, previously agreed to, be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3225), as modified, is as follows:

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading "ECONOMIC AND STATISTIC ANALYSIS", $950,000 may be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

Mr. DORGAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are working on the Commerce-Justice-Science appropriations. Senator SHELBY and I are working to clear amendments now. All amendments have been filed. We have 60 of them, but we hope some can be cleared. For those Senators who wish to have a vote on their amendment, I wish they would consider offering the amendment and debating it this evening. I certainly will be willing to stay for that.

While we are working on clearing these amendments, I rise to stand up for my constituents, to stand up for a family in Baltimore who has been vilified by the rightwing bloggers because they dare to say that they benefited from and support a public program called the Children's Health Initiative.

I don't know what is happening in America now, where instead of working to change policies, the right wing tries to change the subject, and they do it by attacking people rather than attacking the problem—the problem of poverty, the problem that our children don't have health care, the problem that one of my constituents, a little boy named Deamante Driver, died in Prince George's County because he didn't have access to dental care and had a severe oral bacterial infection. My colleague Senator CARDIN has taken up the cudgels on that issue, and I support him. It is our Children's Health Initiative, and I will help to override the veto.

Let me tell my colleagues what happened. I am taking up for a family named Bonnie and Halsey Frost who live in Baltimore. A few weeks ago they stood here in the Congress to say that they benefitted from the SCHIP program. They told the story about how two of their children had been in a horrific accident.

Graeme, the boy who gave the Democratic radio address, spoke about what he needed. He had a brain injury. He was treated at Johns Hopkins Hospital. So was his little sister. Graeme was in a coma for weeks. One of his vocal cords was paralyzed. One of his eyes continues to be damaged. Gemma, his little sister, has suffered permanent injuries, which I will not go through. The families had their business spread all over the right wing blogs. I will not spread it all over the Senate floor. But I want to take up for them, for the fact that when they stood up to talk about how they benefitted from this program, they were attacked because they weren't seen as worthy. The Frosts have four children: Graeme, who is 12; Max, Graeme's twin, who saw the accident; Gemma, who also was in the accident; and an older brother named Zeke.

Bonnie and her children were in a car crash in 2004 when the SUV she was driving had an accident. The children had these terrible problems. Who is the Frost family? Well, the Frost family is a family of six. They live in Baltimore and they qualify under the Maryland SCHIP program, which says that if you have a family of this size and an income under $51,000 a year, you qualify. They qualified. What happened?

Through other friends of theirs who were involved with health advocacy in the State, they were invited to come and tell their story to show why there is a compelling need for the Children's Health Initiative. Well, they did it. Then guess what happened. After young Graeme, who, along with his sister, had this terrible thing happen to them—after they then spoke up and Graeme gave the Democratic radio address, what followed was unbelievable. It was a firestorm against them that went across the right wing bloggers. It was vitriolic, volcanic, ugly, nasty, shredding their names and reputations. You ought to talk to them about what they went through. They could not believe they were in the United States of America. One of the right wingers showed up in the area where he has his business to do on-the-spot investigative reporting. I wish we were as good at keeping our borders safe as we are at keeping the boundaries around SCHIP. I wish we were as good at keeping an eye on terrorists. But, no, they went after the Frost family.

Paul Krugman felt so outraged about it that he wrote a column in the New York Times about it. He called it "a teaching moment on politics and health care." He tells the story about this and then he said what happened to this family should be a teaching moment.

I will read from this and then I will ask unanimous consent that it be printed in the RECORD:

> . . . The Frosts and their four children are exactly the kind of people SCHIP was intended to help: working Americans who can't afford private health insurance.
>
> The parents have a combined income of about $45,000.

What they have is that the father is a self-employed woodworker and welder. They bought a house in east Baltimore in a neighborhood that is going gentry, called Butchers' Hill. When they bought it, it was called Butchers' Hill from years and years ago, when there were slaughterhouses where they were killing cows for beef and making sausage for the ethnic communities. But it took on another name about the time they bought it. It was like a frontier town—riddled with drugs and all kinds of problems—but they believed in Baltimore, they believed in their country, and they were willing to be urban pioneers, so they bought this home for a modest price. Now, we have been reclaiming Baltimore. Yes, the houses are selling at very high prices, but that is not what they paid for it.

This man is self-employed. When he married, yes, they were from a prominent family. Their wedding announcement was in the New York Times. Since when does that mean anything? He has a small warehouse that provides a modest rental income. His wife works part time at a medical publishing firm. They don't have health benefits.

To go on with what Krugman said, he said that soon after the radio address, right wing bloggers began insisting that there is something wrong with the Frosts; that they have a house in a neighborhood they said is expensive. I can tell you that when they bought it, it was truly Butchers' Hill. They have two children in private school, but they were on scholarship. Nobody bothered to find that out. The right wing bloggers made unfounded accusations against them all of the time. It was led by a woman who, according to the technocrats, is the most trafficked right wing blog on the Internet.

This tone of vitriol and viciousness has to stop. The attack on this family was picked up by Rush Limbaugh, the same guy calling dissident military people "microphone marines." And then the smear went on with that. At the same time this was going on, a CNN report suggested that the Democrats made a tactical error because we had this family on.

I don't know what we are doing here. Again, we are attacking a family when we should be attacking the problems of children's health. First, I called the Frost family. I listened to what they have had to endure because they didn't have health insurance, after what happened to their children after this terrible accident and the recovery. Then I listened to what they had to endure because they spoke up for the Children's Health Initiative.

When I listened to them, I said to them I think the Senate owed them an apology that we now have come to this point. Now, I have watched good people be attacked by the right wing. The other day, we sanctioned MoveOn.org because of what they did to General Petraeus. I voted for that sanction. What about my Frost family? Should we have a sense of the Senate on that? I don't know if I am going to put this family through more. But I will tell you this: I think we have to start changing the tone. We have to start changing the tone in our institution to work on a bipartisan basis the way the Senator from Alabama and I have. We are moving forward a solid bill that promotes scientific research, keeps America's space program going, but equally we are funding local law enforcement.

Can we not change the tone? Do we always have to attack each other? Do we have to be so violent in our language, so vicious, so vitriolic? I don't think so. I think our country has to get back to the basics, where you can disagree without being disagreeable, where you focus on the policies, not on the person, where you try to deal with issues and you don't attack people for the simple reason that they have spoken up and they have spoken out.

I think we need to take a timeout in this country. I respect free speech, I respect the bloggers and what they have; but when there is a deliberate attempt from either the right or the left to go after people simply because they have spoken up, I think it is the wrong direction. I think we have been heading in the wrong direction.

I wanted to bring to everyone's attention what happened to this family. I ask unanimous consent that the Krugman article be printed in the RECORD and that the David Herszenhorn article about what happened be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SLIMING GRAEME FROST

(By Paul Krugman)

Two weeks ago, the Democratic response to President Bush's weekly radio address was delivered by a 12-year-old, Graeme Frost. Graeme, who along with his sister received severe brain injuries in a 2004 car crash and continues to need physical therapy, is a beneficiary of the State Children's Health Insurance Program. Mr. Bush has vetoed a bipartisan bill that would have expanded that program to cover millions of children who would otherwise have been uninsured.

What followed should serve as a teaching moment.

First, some background. The Frosts and their four children are exactly the kind of people S-chip was intended to help: working Americans who can't afford private health insurance.

The parents have a combined income of about $45,000, and don't receive health insurance from employers. When they looked into buying insurance on their own before the accident, they found that it would cost $1,200 a month—a prohibitive sum given their income. After the accident, when their children needed expensive care, they couldn't get insurance at any price.

Fortunately, they received help from Maryland's S-chip program. The state has relatively restrictive rules for eligibility: children must come from a family with an income under 200 percent of the poverty line. For families with four children that's $55,220, so the Frosts clearly qualified.

Graeme Frost, then, is exactly the kind of child the program is intended to help. But that didn't stop the right from mounting an all-out smear campaign against him and his family.

Soon after the radio address, right-wing bloggers began insisting that the Frosts must be affluent because Graeme and his sister attend private schools (they're on scholarship), because they have a house in a neighborhood where some houses are now expensive (the Frosts bought their house for $55,000 in 1990 when the neighborhood was rundown and considered dangerous) and because Mr. Frost owns a business (it was dissolved in 1999).

You might be tempted to say that bloggers make unfounded accusations all the time. But we're not talking about some obscure fringe. The charge was led by Michelle Malkin, who according to Technorati has the most-trafficked right-wing blog on the Internet, and in addition to blogging has a nationally syndicated column, writes for National Review and is a frequent guest on Fox News.

The attack on Graeme's family was also quickly picked up by Rush Limbaugh, who is so important a player in the right-wing universe that he has had multiple exclusive interviews with Vice President Dick Cheney.

And G.O.P. politicians were eager to join in the smear. The New York Times reported that Republicans in Congress "were gearing up to use Graeme as evidence that Democrats have overexpanded the health program to include families wealthy enough to afford private insurance" but had "backed off" as the case fell apart.

In fact, however, Republicans had already made their first move: an e-mail message from the office of Mitch McConnell, the Senate minority leader, sent to reporters and obtained by the Web site Think Progress, repeated the smears against the Frosts and asked: "Could the Dems really have done that bad of a job vetting this family?"

And the attempt to spin the media worked, to some extent: despite reporting that has thoroughly debunked the smears, a CNN report yesterday suggested that the Democrats had made "a tactical error in holding up Graeme as their poster child," and closely echoed the language of the e-mail from Mr. McConnell's office.

All in all, the Graeme Frost case is a perfect illustration of the modern right-wing political machine at work, and in particular its routine reliance on character assassination in place of honest debate. If service members oppose a Republican war, they're "phony soldiers"; if Michael J. Fox opposes Bush policy on stem cells, he's faking his Parkinson's symptoms; if an injured 12-year-old child makes the case for a government health insurance program, he's a fraud.

Meanwhile, leading conservative politicians far from trying to distance themselves from these smears, rush to embrace them. And some people in the news media are still willing to be used as patsies.

Politics aside, the Graeme Frost case demonstrates the true depth of the health care crisis: every other advanced country has universal health insurance, but in America, insurance is now out of reach for many hard-working families, even if they have incomes some might call middle-class.

And there's one more point that should not be forgotten: ultimately, this isn't about the Frost parents. It's about Graeme Frost and his sister.

I don't know about you, but I think American children who need medical care should get it, period. Even if you think adults have made bad choices—a baseless smear in the case of the Frosts, but put that on one side—only a truly vicious political movement would respond by punishing their injured children.

CAPITOL FEUD: A 12-YEAR-OLD IS THE FODDER

(By David M. Herszenhorn)

WASHINGTON, Oct. 9.—There have been moments when the fight between Congressional Democrats and President Bush over the State Children's Health Insurance Program has seemed to devolve into a shouting match about who loves children more.

So when Democrats enlisted 12-year-old Graeme Frost, who along with a younger sister relied on the program for treatment of severe brain injuries suffered in a car crash, to give the response to Mr. Bush's weekly radio address earlier this month, Republican opponents quickly accused them of exploiting the boy to score political points.

Then, they wasted little time in going after him to score their own.

In recent days, Graeme and his family have been attacked by conservative bloggers and other critics of the Democrats' plan to expand the insurance program, known as S-chip. They scrutinized the family's income and assets—even alleged the counters in their kitchen to be granite—and declared that they did not seem needy enough for government benefits.

But what on the surface appears to be yet another partisan feud, all the nastier because a child is at the center of it, actually cuts to the most substantive debate around S-chip. Democrats say it is crucially needed to help the working poor—Medicaid already helps the impoverished—but many Republicans say it now helps too many people with the means to help themselves.

The feud also illustrates what can happen when politicians showcase real people to make a point, a popular but often perilous technique. And in this case, the discourse has been anything but polite. The critics accused Graeme's father, Halsey, a self-employed woodworker, of choosing not to provide insurance for his family of six, even though he owned his own business. They pointed out that Graeme attends an expensive private school. And they asserted that the family's home had undergone extensive remodeling, and asserted that its market value could exceed $400,000.

One critic, in an e-mail message to Graeme's mother, Bonnie, warned: "Lie down with dogs, and expect to get fleas." As it turns out, the Frosts say, Graeme attends the private school on scholarship. The business that the critics said Mr. Frost owned was dissolved in 1999. The family's home, in the modest Butchers Hill neighborhood of Baltimore, was bought for $55,000 in 1990 and is now worth about $260,000, according to public records. And, for the record, the Frosts say, their kitchen counters are concrete.

Certainly the Frosts are not destitute. They also own a commercial property, valued at about $160,000, that provides rental income. Mr. Frost works intermittently in woodworking and as a welder, while Mrs. Frost has a part-time administrative job at a firm that provides services to publishers of medical journals. Her job does not provide health coverage.

Under the Maryland child health program, a family of six must earn less than $55,220 a year for children to qualify. The program does not require applicants to list their assets, which do not affect eligibility.

In a telephone interview, the Frosts said they had recently been rejected by three private insurance companies because of pre-existing medical conditions. "We stood up in the first place because S-chip really helped our family and we wanted to help other families," Mrs. Frost said.

"We work hard, we're honest, we pay our taxes," Mr. Frost said, adding, "There are hard-working families that really need affordable health insurance."

Democrats, including the House speaker, Nancy Pelosi, have risen to the Frosts' defense, saying they earn about $45,000 a year and are precisely the type of working-poor Americans that the program was intended to help.

Ms. Pelosi on Tuesday said, "I think it's really a sad statement about how bankrupt some of these people are in their arguments against S-chip that they would attack a 12-year-old boy." The House and Senate approved legislation that would expand the child health program by $35 billion over five years. President Bush, who proposed a more modest increase, vetoed the bill last week. Mr. Bush said the Democrats' plan is fiscally unsound; the Democrats say Mr. Bush is willing to spend billions on the Iraq war but not on health care for American children.

Republicans on Capitol Hill, who were gearing up to use Graeme as evidence that Democrats have overexpanded the health program to include families wealthy enough to afford private insurance, have backed off, glad to let bloggers take the heat for attacking a family with injured children.

An aide to Senator Mitch McConnell of Kentucky, the Republican leader, expressed relief that his office had not issued a press release criticizing the Frosts.

But Michelle Malkin, one of the bloggers who has levied harsh criticism against the Frost family, insisted that Republicans should hold their ground and not pull punches. "The bottom line here is that this family has considerable assets," Ms. Malkin wrote in an e-mail message. "Maryland's S-CHIP program does not means-test. The refusal to do assets tests on federal health insurance programs is why federal entitlements are exploding and government keeps expanding. If Republicans don't have the guts to hold the line, they deserve to lose their seats."

As for charges that bloggers were unfairly attacking a 12-year-old, Ms. Malkin wrote on her blog. "If you don't want questions, don't foist these children onto the public stage."

But Mr. and Mrs. Frost said they were bothered by the assertion that they lacked health coverage by their own choice. "That is not true at all," Mrs. Frost said. "Basically all these naysayers need to lay the facts out on the page, and say 'How could a family be able to do this?' S-chip is a stopgap."

Ms. MIKULSKI. Mr. President, they speak more eloquently about it than I have been able to. I felt badly about what happened to the Frost family. I hope we can focus on dealing with the Children's Health Initiative. It is for protecting all of the children. Today I stand up here for the Frost family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to speak on the pending bill before the Senate for a few minutes.

This is the second day of consideration of the fiscal year 2008 Commerce, Justice, Science Appropriations bill. This bill funds the Departments of Commerce and Justice, NASA, and the National Science Foundation. Given the extremely diverse subject matters contained within this bill's jurisdiction, we must entertain a wide range of amendments on the Senate floor. This has been true in the past and is true again this year.

Chairwoman MIKULSKI and I are currently reviewing a substantial list of amendments and are working with various Members and staffs to determine appropriate resolutions to the list of amendments. I ask Members to come to the floor to discuss with the chairwoman and myself your concerns so we can move this critical funding bill forward.

We hope and expect to finish this bill no later than mid-day tomorrow, but to accomplish this we will need every Senator's help.

It is Monday afternoon and we can move some things tonight and get this bill moved tomorrow with the help of a lot of our colleagues on both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I have an amendment that has been filed. I will call it up so it can be considered at the appropriate time. I gather that to do that I must ask unanimous consent to set aside the pending amendment, and I do so now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3208

Mr. BINGAMAN. Mr. President, I call up amendment No. 3208.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself, and Mr. SMITH, proposes an amendment numbered 3208.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine)

At the appropriate place, insert the following:

SEC. ___. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Native American Methamphetamine Enforcement and Treatment Act of 2007".

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(ii) in subparagraph (B), by striking "and local" and inserting ", territorial, Tribal, and local";

(B) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States"; and

(C) in paragraph (3)(C), by inserting ", Tribal," after "support State".

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(a)) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3) is amended—

(A) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting ", territorial, or Tribal" after "State"; and

(II) by striking "and/or" and inserting "or";

(ii) in paragraph (2)—

(I) by inserting ", territory, Indian tribe," after "agency of the State"; and

(II) by inserting ", territory, Indian tribe," after "criminal laws of that State"; and

(iii) by adding at the end the following:

"(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(C) in subsection (c)—

(i) in paragraph (3), by striking "Indian Tribes" and inserting "Indian tribes"; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "State's"; and

(bb) by striking "and/or" and inserting "or";

(II) in subparagraph (A), by striking "State";

(III) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(IV) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

Mr. BINGAMAN. Mr. President, this amendment would ensure that communities throughout Indian country have the resources they need to fight the meth epidemic.

The amendment is based on a bipartisan bill I introduced along with Senator SMITH entitled the Native American Methamphetamine and Treatment Act of 2007. It would ensure that Native American communities are able to access essential Federal funding to fight the use of methamphetamines.

Senators DORGAN, CANTWELL, FEINGOLD, SALAZAR, and BAUCUS are also cosponsors of this amendment.

This last March, after hearings were held in the House Judiciary Committee and the Energy and Commerce Committee, the House of Representatives overwhelmingly passed this legislation by a vote of 423 to 0.

We all know that Indian country has been hard hit by the use of meth. Over 70 percent of Indian tribes surveyed by the Bureau of Indian Affairs identified meth abuse as the greatest threat to their communities, and about 40 percent of violent crime cases investigated in Indian country involve meth in some capacity.

According to the Substance Abuse and Mental Health Services, or SAMHSA, American Indians, Alaskan natives, and native Hawaiians have the highest rate of meth abuse of any ethnic group in our country. Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants under some of the newly authorized grant programs. They were left out of the Department of Justice Hot Spots Program, which helps local law enforcement agencies obtain the tools they need to reduce the production, distribution, and use of meth and to clean up meth labs, support health and environmental agencies, and purchase equipment and support systems. The Combat Meth Act authorized $99 million in new funding under this program.

Tribes were also left out of the Drug Endangered Children Grant Program, which helps children who live in a home in which meth has been used or manufactured or sold. Under this program, law enforcement agencies and prosecutors, child protective services, social services, and health care services work together to ensure that these children get the help they need. The act authorized $20 million for this program.

I can see absolutely no reason Native-American communities that are struggling to contain the meth epidemic should be denied the resources necessary to address the problem, and to this end I hope my colleagues will agree with me and support this important amendment when the time comes for its important consideration.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I wish to say to my colleague from New Mexico that we agree with him on the amendment. Certainly there are challenges facing the West. We see the scourge of meth, and that is one of the largest areas of requests we have for congressionally designated projects. I know my colleague wants them to be eligible for grants and to compete for them, and so we support the intent.

Right now, there is an objection from two Senators, and we also understand that the Senator from Arizona would like to have further conversations with my colleague about the possibility of a modification. If you could have that conversation and see if we can come back, we could either move to a vote or see if it could be accepted.

Mr. BINGAMAN. Mr. President, first, I thank the manager of the bill, my colleague from Maryland, and respond that, yes, I am anxious to deal with any concern any Senator has, and I have spoken to the Senator from Arizona about his concerns and have tried to accommodate them. To date, we have not been able to get his agreement to an accommodation that has been suggested. So I just want to be sure we have reserved the right to have a vote on the amendment if we are still not able to get agreement.

Ms. MIKULSKI. I think the Senator has our word that he will have—Mr. President, what is the parliamentary mechanism to reserving the right to a vote?

The PRESIDING OFFICER. There is no particular order.

Ms. MIKULSKI. I would say to the Senator from New Mexico that he has our word that if he can work it out, we will see whether we can take it, and if not, we will have the vote.

Mr. BINGAMAN. Mr. President, I very much appreciate that assurance. As I say, I hope very much we can get language that is acceptable to the Senator from Arizona. If not, I think we can allow the Senate to work its will, and hopefully the amendment will pass.

Ms. MIKULSKI. I would further like to say to the Senator from New Mexico, in keeping with what my colleague from Alabama said, we would like to finish this bill before the caucuses tomorrow. So I will discuss this with the Senator from Alabama, but it would be our intention to see how much we can get cleared and then have some stacked votes tomorrow morning. So if the Senator from New Mexico could let us know by tomorrow morning—say, 9:30—whether he has been able to reach an accommodation—or this evening—we will be here and would welcome that.

Mr. BINGAMAN. Mr. President, I appreciate that, and I am glad to advise the Senator if we reach an accommodation. I think, for purposes of ensuring a vote, if there is a group of stacked votes scheduled for tomorrow, if this can be included in that list, and then, of course, if agreement is reached prior to the time of the vote, we could delete it.

Ms. MIKULSKI. The Senator has our word on that.

Mr. BINGAMAN. I thank my colleague, and I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we are working very well, here again on a bipartisan basis. I thank Senator SHELBY and his staff for the way we are working. We have been able to look at a variety of amendments colleagues have offered, and we are ready to accept them.

Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3309

Ms. MIKULSKI. I now call up amendment No. 3309 offered by myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3309.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that certain funds be available for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program)

On page 72, line 14, before the period insert the following: ": *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, $10,000,000 shall be made available, and distributed in equal increments, to each of NASA's 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States".

Ms. MIKULSKI. I ask unanimous consent the amendment be modified with the modification at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3309), as modified, is as follows:

On page 72, line 14, before the period insert the following: ": *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, $10,000,000 may be made available, and distributed in equal increments, to each of NASA's 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States".

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3309), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3251

Ms. MIKULSKI. Mr. President, I call up amendment No. 3251 offered by Senator LAUTENBERG of New Jersey and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LAUTENBERG, proposes an amendment numbered 3251.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the National Research Council study on acidification of the oceans as authorized by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006)

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary shall be set aside to initiate the study to be completed within 2 years on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3649).".

Ms. MIKULSKI. I ask the amendment be modified with the modification at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3251), as modified, is as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary may be set aside to initiate the study to be completed within 2 years, on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3649).".

Ms. MIKULSKI. This amendment has been cleared on both side of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment, (No. 3251), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3275

Ms. MIKULSKI. Mr. President, I call up amendment No. 3275 by Senator LEVIN of Michigan and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LEVIN, proposes an amendment numbered 3275.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the FBI to submit an annual report to Congress regarding the length of time taken by the FBI to conduct background checks)

At the appropriate place, insert the following:

SEC. ___. ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—

(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(2) the average time taken to complete each type of background check;

(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and

(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(b) RECIPIENTS.—The congressional committees listed in this subsection are—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3275) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3247

Ms. MIKULSKI. Mr. President, I call up amendment No. 3247 by Senator MCCASKILL of Missouri and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], FOR MRS. MCCASKILL, proposes an amendment numbered 3247.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Departments, agencies, and commissions to establish and maintain on their website homepages a direct link to the websites of their Inspectors General, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Ms. MIKULSKI. I ask that I be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle, and I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3247) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3234

Ms. MIKULSKI. Mr. President, I call up amendment No. 3234 by Senator OBAMA of Illinois and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. OBAMA, for himself and Mr. DURBIN, proposes an amendment numbered 3234.

The amendment follows:

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Ms. MIKULSKI. Mr. President, this amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3234) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3263

Ms. MIKULSKI. Mr. President, I call up amendment No. 3263 by Senator PRYOR of Arkansas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. PRYOR, proposes an amendment numbered 3263.

The amendment follows:

(Purpose: To establish a pilot program for digital and wireless networks to advance online higher education opportunities for minority students)

At the appropriate place, insert the following:

SEC. _____. DIGITAL AND WIRELESS NETWORKS FOR HIGHER EDUCATION PILOT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "ED 1.0 Act".

(b) APPROPRIATIONS.—Notwithstanding any other provision of this Act, from the amount appropriated under title I under the heading "Technology Opportunities Program", $4,500,000 may be available for the pilot program under this section, to remain available until expended.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Telecommunications and Information Administration.

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term "eligible educational institution" means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as that term is defined in section 322(2)

of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(d) MINORITY ONLINE DEGREE PILOT PROGRAM.—

(1) PILOT PROGRAM ESTABLISHED.—

(A) IN GENERAL.—There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (c)(2).

(B) GRANT NUMBER AND AMOUNT.—

(i) NUMBER.—The Administrator shall award a total of 9 grants under this subsection.

(ii) GRANT PAYMENT AMOUNTS.—The Administrator shall make grant payments under this subsection in the amount of $500,000.

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

(iii) that has an unemployment rate of 7 percent or greater;

(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

(v) that has a negative population growth rate; or

(vi) that has a family income of not more than $32,000.

(B) HIGHEST PRIORITY.—In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

(3) USE OF FUNDS.—An eligible educational institution receiving a grant under this subsection may use the grant funds—

(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;

(B) to develop and provide educational services, including faculty development; or

(C) to develop strategic plans for information technology investments.

(4) MATCHING NOT REQUIRED.—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

(5) CONSULTATIONS; REPORT.—

(A) CONSULTATIONS.—The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

(6) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this subsection only with amounts appropriated in advance specifically to carry out this subsection.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3263) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3271

Ms. MIKULSKI. Mr. President, I call up amendment No. 3271 by Senator SHELBY of Alabama and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3271.

The amendment follows:

On page 30 line 4 strike the "." and insert ": Provided, That within 200 days of enactment of this act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities."

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3271) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3272

Ms. MIKULSKI. Mr. President, I call up another amendment by Senator SHELBY, No. 3272, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3272.

The amendment follows:

(Purpose: For the review of IT and 2010 Census related activities at the Bureau of the Census)

On page 18 line 13 strike the "." and insert the following:

": *Provided*, That of the amounts provided to the Secretary within this account, $10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: *Provided further*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau's website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet."

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3272) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3273

Ms. MIKULSKI. Mr. President, I now call up amendment No. 3273 by Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3273.

The amendment follows:

On page 69 line 13 after the second "." strike all through page 70 line 10 and insert:

"Of the funds appropriated in this Act for the Federal Bureau of Investigation's Sentinel program, $25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: *Provided*, That the report shall be submitted simultaneously to the Government Accountability Office: *Provided further*, That the Government Accountability Office shall review the Bureau's performance measurement baseline for the Sentinel program and shall submit its findings to the Committee on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the performance measurement baseline validated by the integrated baseline review referred to in SEC. 215 of this Act: *Provided*, That this restriction does not apply to planning and design activities for future phases or increments: *Provided further*, That the Bureau will notify the Committees of any significant changes to the baseline."

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3273) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3288

Ms. MIKULSKI. Mr. President, I call up amendment No. 3288 by Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3288.

The amendment follows:

(Purpose: To provide transparency and accountability in funding for conferences and meetings of the National Aeronautics and Space Administration)

After the period on page 97 line 9, insert the following:

SEC. xx. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

Ms. MIKULSKI. This amendment also has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3288) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3318

Ms. MIKULSKI. Mr. President, I call up amendment No. 3318 by Senator COBURN of Oklahoma and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. COBURN, proposes an amendment numbered 3318.

The amendment follows:

(Purpose: To provide additional transparency and accountability in funding for conferences and meetings of the National Aeronautics and Space Administration)

At the appropriate place, insert the following:

SECTION ___. LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES

(a) In this section, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during Fiscal Year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation how the conference advanced the mission of the agency; and

(E) the total number of individuals who travel or attendance at the conference was paid for in part or full by the agency.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3318) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we have now cleared 28 amendments. As we continue to move toward a vote that we will be having at 5:45 on the Brown amendment dealing with international trade, we hope if colleagues do have amendments on which they wish to have a vote they will please come now and offer the amendment and let's have a debate on it. We would like very much to debate as many amendments as we could to have stacked votes tomorrow, and even to come to final passage before the 12:30 caucus.

Colleagues out there on both sides of the aisle, Senator SHELBY and I are here. We are open for business. We are ready to hear your ideas and ready to debate them and follow through on our regular process. Either that, or if you do not wish to offer it, come see us and withdraw it and perhaps offer it at another time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise this afternoon to raise my voice in strong support of H.R. 3093, the Commerce, Justice, Science Appropriations Act of 2007. I wish to thank and congratulate Chairwoman MIKULSKI and Ranking Member SHELBY, Chairman BYRD and Ranking Member COCHRAN for their strong leadership on this bill.

As a former attorney general for Colorado, I am particularly proud of the investment that this bill will make in the local, State, and Federal law enforcement agencies across our country, the more than 800,000 officers who patrol America's streets and put their lives on the line every day to help make our communities safe and secure. They are truly the frontlines of America's homeland security.

In my 6 years as attorney general of Colorado, and in the last 2½ years as a Senator, I have traveled thousands of miles through my State to visit with county sheriffs, police chiefs, and law enforcement officers working in our small towns, rural counties, and big cities. They are public servants through and through. They know that security is the foundation of a free society. They know that to enjoy our liberties and a prosperous economy, Americans must live in a society governed by the rule of law, free from the threat of violence and secure in their place of residence.

It is the voices of these men and women in uniform across our country, America's peace officers, that should help guide our law enforcement efforts in this country. They should help us make sure we are prepared to meet the emergency we will confront and that will help us address the domestic security priorities we face in the Nation. We should therefore take notice when sheriffs and police officers tell us they do not have the resources they need to combat the scourge of meth that is devastating so many communities across our Nation.

Meth is tearing families apart and financing an underground economy in abandoned farm buildings, fire traps, and houses that are shrouded with plastic. When police go to raid a lab, they never know what they are going to find; whether it is going to be a drug armed to the teeth, whether it is going to be chemicals that are ready to burn and to explode or drug users who are in desperate need of medical attention.

In my State, on a raid on a meth lab in Aurora, CO, this past summer, police found a 2-year-old boy lying in the basement next to a highly toxic cocktail of chemicals. The police rescued him. But what his parents were doing or thinking one can only imagine. Stories such as this story have been too common across our country.

We should also take notice when people such as the U.S. attorney in Colorado, Troy Eid, tell us we do not have enough Federal law enforcement officers to serve Native American communities in southwestern Colorado. Last year, we had a total of five Bureau of Indian Affairs officers policing 600,000 acres in one corner of my State. This is astonishing—five Bureau of Indian Affairs officers policing 600,000 acres.

Criminals, in fact, were calling in false crime reports on one side of the reservation, drawing police away from their target they were aiming to hit on the other side of the reservation.

With this shortage of law enforcement, the murder rate on the Ute Mountain Ute and Southern Ute reservations in Southwestern Colorado has climbed to almost 20 percent of the national average. We need to take notice when people such as recently retired Sheriff Liggett, of Mineral County, Colorado, tell us our communications equipment in rural communities is woefully inadequate.

I have known Sheriff Liggett for many years. On snowy nights, Sheriff Liggett would call ahead and make sure that I and other travelers made it safely over Slumgullion Pass or Wolf Creek Pass on our way to our destinations.

That is the way things are done in rural Colorado. Sheriff Liggett knows very well the boundaries of his department's communications coverage and the risks that the limitations of that coverage pose to residents and travelers.

The Mineral County Sheriff's Department, similar to so many rural sheriffs' departments, need broader communications coverage and a better ability to talk across agencies and jurisdictions in case an emergency arises.

In late 1990, we made some progress in helping bring safety and security to American's communities. The Federal Government, seeing the homicide rate on the rise, responded to the public's call for a crackdown on crime by making smarter investment in law enforcement and crime prevention. These investments paid off, with violent crime in the United States dropping by nearly 40 percent from the record highs of the early 1990s.

Unfortunately, these investments have lagged in recent years, and the administration has tried to cut key programs at the very moment, at the very moment that our law enforcement officers are facing a set of growing challenges from homeland security and emergency preparedness to combating meth, to all of the other issues that the 800,000 men and women who keep the security in our country face every day.

I know this administration has been focused on Iraq and that this has consumed a massive proportion of Federal spending; almost $750 billion in the last 4½ years. But this focus on Iraq and our security objectives abroad should not come at the expense of American security right here at home in our United States.

Too many Americans live with fear of drug-related violence in their communities. Too many Americans have seen meth destroy the lives of a family member or of a neighbor. Too many Americans worry that when a disaster strikes, the way it did with Katrina, help will come but help will not come quickly enough.

This bill, which the chairperson from Maryland and Ranking Member SHELBY have put together, resets our priorities to where they should be, on the safety and security of America's families. For that I thank and applaud the leadership of Senator MIKULSKI.

The Appropriations Committee has reported a bill that restores critical investments on law enforcement that this President had proposed to cut. I wish to briefly talk about a few of those provisions that will benefit the peace officers of my State of Colorado.

First, I am pleased the bill we are considering today includes $1.4 billion for State and Local Law Enforcement Assistance, including $660 million for the Byrne Memorial Justice Assistance Grants and $190 million for Byrne discretionary grants.

This program, which the President had—beyond my understanding—proposed to eliminate, provides grants to State and local governments for law enforcement, for prosecution and court programs, for prevention and community education programs, drug treatment, and community corrections programs. These are the kinds of programs that the men and women in law enforcement in this country know do, in fact, work to make our communities safe.

Secondly, this bill includes $550 million for the Community Oriented Policing Services, known as COPS. These funds go to tribal, State, and local law enforcement agencies for community policing initiatives which put law enforcement professionals on the streets with a beat so they can build relationships with the people they serve and they protect.

By earning the trust of the members of their communities and making these individuals stakeholders in their own safety, community policing makes law enforcement safer and more efficient. Some of the COPS Program funds that are set forth in this bill will go directly to the drug task forces that have been operational and effective in my State of Colorado. They include: The San Luis Valley Drug Task Force, my native valley; they include the 22nd Judicial District Drug Task Force, the North Metro Task Force, the Delta/Montrose Drug Task Force, the Eagle County Drug Task Force, the Greater Routt and Moffatt Narcotics Enforcement Team, the Weld County Drug Task Force.

Rest assured that from my point of view as a former attorney general of the State of Colorado, I know these task forces are at the point of the spear in combating the scourge of drugs in my State of Colorado, and these important funds will allow us to keep up that fight.

Finally, I am pleased this bill provides $5.6 billion for the Bureau of Prisons to help curb the staff shortages, construction needs and operations budgets for the Federal prison system.

The correctional officers who handle some of the most dangerous criminals in America will tell you the funding levels over the past few years have been inadequate.

At the Supermax prison in Florence, CO, which houses inmates such as Ted Kaczynski, al-Qaida terrorist Zacarias Moussaoui, and the shoe bomber, Richard Reid, at that Supermax facility, where we house the most dangerous of the most dangerous of America's enemies, funding cuts have left them short staffed and short on beds.

At the prison that houses terrorists, gang leaders and the most violent members of society, this is a dangerous game that we cannot afford, and this legislation moves forward in a way to address those shortfalls.

I am not going to take time to go through all the other good that is included in this bill, but I would mention very briefly the $340 million this bill provides to the juvenile justice program and the investment this bill makes in all our Federal law enforcement agencies such as the DEA, the FBI, and the ATF.

When you look at these investments, you begin to understand how important this bill is to our Nation's law enforcement authority. Anyone who has worked or who works in law enforcement today and who takes the time to look at this bill, will understand this is a strong statement of support for peace officers and for protecting our public across the country. That is why I am perplexed that there is a veto threat by the President on this bill.

There should not be that veto threat because this is a bill that takes a strong position to secure Americans here in the homeland. I hope that as this bill makes it through the Congressional process and to the President's desk, President Bush will decide he is going to stand up for the Nation's law enforcement and for the security here in the homeland and will, in fact, sign this bill.

I end where I began. This is a very good bipartisan product that Senator MIKULSKI and Ranking Member SHELBY have put together for the consideration of this Chamber. I am proud to be a supporter of this bill. I urge my colleagues to support it.

Ms. MIKULSKI. Will the Senator from Colorado yield for a question?

Mr. SALAZAR. I will.

Ms. MIKULSKI. I thank the Senator for his comments about our bill that were so complimentary and for speaking out. As a former attorney general of the State of Colorado, who is essentially the top cop in Colorado, knows one of the hallmarks of good law enforcement is strong law enforcement opportunities, along with prevention in terms of intervening with our young people. But is the Senator aware why this bill is under a veto threat?

Mr. SALAZAR. I have understood that the President has said he doesn't like the funding levels in this bill which I interpret to mean that he doesn't support funding of these very important programs.

Ms. MIKULSKI. The Senator is exactly right. We face a veto threat not because we have done bad legislation but because we have done good funding.

Is the Senator aware that the legislation called for the elimination of the COPS Program?

Mr. SALAZAR. Madam President, I am aware that the President has called for elimination of the COPS Program. I am also aware that when I speak to the law enforcement community throughout the country and throughout my State, sheriffs and chiefs of police across the board say the COPS Program is, in fact, working, and when we see what happened with the dip in violent crime in the 1990s, it occurred precisely because we had programs such as the COPS Program which were very effective.

Ms. MIKULSKI. So then it is the belief of the Senator that our addition of over $500 million to guard the streets and neighborhoods and communities of America will be well spent?

Mr. SALAZAR. I can think of no more important priority for all of us. As we deal with issues of crime and violence and the rule of law in places far away such as Iraq and Afghanistan, it ought to be an important priority, a high priority for us to make sure we are enforcing the rule of law and providing security for Americans at home; that we take care of the homeland first.

I strongly agree with the Senator from Maryland that, in fact, this bill moves us in that direction.

Ms. MIKULSKI. I thank the Senator from Colorado. I appreciate his comments and support.

Madam President, by way of information for our colleagues, when we talk about the COPS Program, one might recall, as the Senator from Colorado said, violent crime really skyrocketed in the mid-1990s. President Clinton, working then with our colleague who continues to be in the Senate, Senator JOE BIDEN, a leader on the Judiciary Committee, came up with the COPS Program. During the Clinton administration, from 1993 to 1998, they put 118,000 extra police officers on the streets of America. They were in 13,000 communities, and violent crime dropped 10 percent. Cops do make a difference. We are concerned that by eliminating the COPS Program, the thin blue line that protects us in our communities is even getting smaller. So working on a bipartisan basis within the Senate, we have added over $500 million to restore that COPS Program; not that we micromanage from the national level, but we empower the local communities to apply for these grants and deploy where they know best to protect their citizens.

We think we have a great bill. We want to move it along. We thank the Senator for the kind words. Now our colleagues can help us not only with words but with deeds, which is, if they have an amendment, offer it or send their staff to either see if we can modify it or have it withdrawn.

AMENDMENT NO. 3260

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 3260 offered by the Senator from Ohio, Mr. BROWN. There will be 30 minutes of debate equally divided between the Senator from Ohio and the Senator from Maryland, Ms. MIKULSKI, or their designees, prior to a vote in relation to the amendment.

The Senator from Ohio.

Mr. BROWN. Madam President, I begin my thanking Senator MIKULSKI and Senator SHELBY, as well as Senators BAUCUS and GRASSLEY, for their support of this amendment. The amendment is cosponsored by Senators STABENOW, BYRD, ROCKEFELLER, and LEVIN. I should note that the Finance Committee chair has drafted a bill to boost trade enforcement. I look forward to working on that very important piece of legislation.

This amendment will help America's manufacturers compete on even terms with foreign manufacturers. For generations American manufacturing has been a tremendous source of pride and work for our whole country. Especially for working families, it has been a ladder to the middle class. American manufacturing fuels our economy and supplies our national defense infrastructure. It would be dangerous on many levels for our country to ignore the anticompetitive forces that are buffeting every day our manufacturing sector. In the State of Michigan, in Ohio, across the Midwest, throughout the country, it would be and is dangerous to ignore that.

Over the last several years, U.S. manufacturing has faltered. Millions of good jobs have been lost. In my State of Ohio, from Toledo to Gallipolis, from Ashtabula to Middletown, well over 200,000 manufacturing jobs have disappeared in the last 6 years.

American industry, we know, can compete with anyone in the world when it is a fair fight. Our international trade laws are intended to secure a level playing field. Unfortunately, some of our trading partners have repeatedly found ways to circumvent these laws to gain an unfair advantage against our workers and our companies. This has led to record-breaking trade deficits—some $800 billion in 2006—which threaten the long-term health of our economy and massive job losses which have wreaked havoc on the middle class. Foreign governments have unfairly and illegally doled out massive subsidies to their own companies and others willing to reestablish offshore, contributing to the migration of manufacturing jobs overseas and artificial price advantages for imported products. Despite ample evidence that something is very wrong—when I first ran for Congress in 1992, the U.S. multilateral trade deficit was $38 billion. Last year it was literally more than 20 times that, and we can look at job loss figures, the trade deficit, outsourcing figures, offshoring figures—the Bush administration needs to aggressively enforce American trade law.

Recent WTO decisions threaten to create enormous loopholes in trade law enforcement. This affects industries and local economies throughout the country. We know about steel. We know about paper. But it affects all American manufacturing. That is why we need to be more aggressive in enforcement of the trade laws. If the WTO continues to target U.S. trade remedy laws, we in this Chamber need to fight back. This amendment is a modest reminder to the administration that we need to vigorously enforce our trade laws.

I thank the chairman and ranking member of the subcommittee for their support. I ask my colleagues for their support.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I stand here with my colleague from Alabama to tell all of our colleagues on both sides of the aisle it is the intention of Senator SHELBY and myself to finish this bill tomorrow. We have some amendments that have been filed, and yet we do not know what the intent is of the Senators who have filed such amendments. We are going to be voting very shortly—in a matter of minutes—and we would like every Senator who has filed an amendment to come and tell us what their intent is. Do they intend to offer it? When do they intend to offer it? Or do they wish to seek another accommodation?

We would like to present to the leaders on both sides of the aisle—the majority leader and the Republican leader—a finite list tonight before Senator SHELBY and I go home so we can have the finite list for tomorrow and assiduously, earnestly, thoroughly work through these amendments. But we must know the intent of the Senators.

I believe there is an old-fashioned saying: It is now time to fish or cut bait. We would prefer Senators actually cut their bait. But being an old Maryland fisherwoman myself, we want to talk to our colleagues. Talk to us during this vote. Senator SHELBY is at his desk. I will be at mine. Let's talk things over and see how we can move this bill and make America proud of us. Too often when all is said and done, too much gets said and nothing gets done.

I yield the floor.

Mr. SHELBY. Madam President, I join with Senator MIKULSKI. She is telling our colleagues—and I join with her—that we have accepted and are working through a lot of amendments on both sides of the aisle. There are a number of amendments that have been filed. We, as she pointed out, need to know if people are going to insist on amendments or if there is some way we can accommodate Senators, if they would come to the floor and meet with us, because in a few minutes we are going to vote. The leaders will be on the floor and they are going to want a report from us as to what is pending, because tomorrow we want to move this bill. This is a very important bill, as the Presiding Officer knows. We need to move on with it and not delay it more. We are back now in a new week and I think we can make some progress. If my colleagues on both sides of the aisle will meet with us and tell us if they want a vote, we will debate it and vote. If they want to see if we can work out something with them, we will do that. But it is our intention again to move this bill tomorrow.

Thank you, Madam President.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3260, as modified, offered by the Senator from Ohio, Mr. BROWN.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea."

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER (Mr. SANDERS. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—85

Akaka
Barrasso
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Allard
Hagel
Lugar

NOT VOTING—12

Alexander
Bayh
Biden
Brownback
Clinton
Dodd
Kennedy
Lott
Murkowski
Murray
Nelson (NE)
Obama

The amendment (No. 3260), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3277

Mr. VITTER. Mr. President, I ask unanimous consent to lay aside any pending amendment or business so that the Vitter amendment, No. 3277, may be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. SESSIONS and Mr. DEMINT, proposes amendment numbered 3277.

Mr. VITTER. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. VITTER. Mr. President, this is amendment No. 3277, and it is very simple and straightforward and, I believe, very needed. The amendment would simply prohibit COPS funding, which is governed under this bill, from going to so-called sanctuary cities. In doing so, it would do nothing more than to enforce current Federal law.

Mr. President, as you know, in 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act. In that 1996 legislation, which is current law, there is a very clear section on sanctuary city policy. It is section 642(a), and it states in clear unmistakable terms:

> Federal, State or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Mr. President, the idea behind that policy is very simple. Law enforcement around the country should be free to cooperate with Federal authorities regarding immigration, regarding immigration enforcement, and no State or local government should be able to contradict Federal law by establishing a State or local law which bars this sort of commonsense cooperation. Unfortunately, that is exactly what several local jurisdictions and at least two States on a statewide basis have done. They have established, by State law, by local law, by local ordinance, so-called sanctuary policies absolutely prohibiting law enforcement and other public personnel in their jurisdiction from working with or cooperating with Federal authorities with regard to immigration enforcement.

This is by no means the majority policy of jurisdictions around the country. Far from it, Mr. President, because I think a clear overwhelming majority of the American people and their State and local elected officials support commonsense cooperation with the Federal Government in enforcing our laws. But it is a very significant trend, a very significant happening around the country. Many local jurisdictions and at least two States have adopted this very conscious and very boldly proclaimed policy, calling themselves sanctuary cities, or sanctuary jurisdictions.

My amendment would simply prohibit COPS funding from going to these jurisdictions. It would say this is our Federal law, and that States, that localities must cooperate with Federal immigration officials. And if they are not going to do that, if they are going to pass laws clearly in contravention, 180 degrees opposed to Federal law, then they will not get COPS funding under this bill.

Again, Mr. President, it couldn't be simpler. It couldn't be more straightforward—COPS money, COPS funds, will not go to sanctuary cities, so-called sanctuary jurisdictions, if my amendment passes. And, again, this is doing nothing more than enforcing present Federal law, a policy or law that has been on the books for over 10 years. So why shouldn't we put some meaningful teeth in that Federal law and prevent these local and State jurisdictions from simply flaunting Federal law and not abiding by Federal law?

I would note that the House of Representatives has already acted on this issue in the companion bill to this CJS appropriations bill. In the House bill, a similar amendment to mine passed by voice vote. Having said that, I would hope that a huge majority of the Senate similarly votes to pass this Vitter amendment, to adopt it, and to put it on the CJS appropriations bill.

This is common sense. It does nothing more than enforce current Federal policy and Federal law. It is clearly the sort of commonsense, straightforward legislation that a huge majority of the American people support. I know there will be a vote on this sometime tomorrow, Mr. President, so I urge all my colleagues, Republican and Democrat, to join with the huge majority of the American people behind this reasonable and commonsense policy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak against the Vitter amendment. I don't believe it is common sense, I don't believe it is reasonable, and I want to lay out the reasons.

This body has, during the immigration debate, actually acted on a very similar amendment and defeated it. And the reason this body was wise enough to defeat it was because they understood that some of the toughest law enforcement officials in our country, from sheriffs to prosecutors, and a whole host of law enforcement officials in between, understand that the cooperation of a community is essential for police and law enforcement entities to do their job.

Under Senator VITTER's amendment, denying money to municipalities across the landscape of the country—and this would deny monies to about 126 cities in a whole host of States represented by people on both sides of the aisle—would set up a series of circumstances under which a crime could be committed and the witness to that crime happens to be someone who is undocumented in some fashion. Do we want the witness to be able to come forward and provide essential, crucial eyewitness testimony about the crime or do we want them to hide in the darkness and not talk to the police because they are afraid of their immigration status?

I want to solve the crime, Mr. President. I want to get the perpetrator. I want to convict that person and put them in jail. I don't want the opportunity to do that to go wasted because of some political statement that has nothing to do with the core issue of security in our communities.

I want to make sure a witness comes forth and testifies against a perpetrator and has no fear to do so.

Senator VITTER's amendment would undermine that ability. Senator VITTER's amendment would undermine the ability of someone who is a victim of a crime and who happens to be in an undocumented capacity to come forward because they might very well be concerned that their status is such that it might create a problem for them. So victims of a crime would not come forward, which not only is inhuman as it relates to the victim of that crime—and that crime could be of all types and manner that was committed against the individual—but the unwillingness of that person to come forward because of fear—fear—may lead to another crime committed against someone else by that same individual in that same community; perhaps to a child who might be molested, to a person who might be assaulted, to a family who might get robbed.

So instead of catching the perpetrator, the criminal element, and being able to prosecute them either through the witness or through the victim, no, we prefer to deny monies to that community because they have a view that in their own interest—and I hear so many times in debates that States and municipalities know best, but when it comes to this, they know nothing. They know nothing about how best to secure their communities. They have made decisions across the landscape of the country—urban, suburban, and rural—to say we care more about prosecuting the crime and having witnesses come forward to tell us about the crime than we care about the person's status, and we are not going to put a chilling effect across the landscape of our community to being able to achieve those goals.

That is what tough law enforcement will tell you—sheriffs will tell you, prosecutors will tell you, and police chiefs will tell you. They will tell you that they want the community to participate.

Now, when Secretary Chertoff was before the committee recently testifying in a House hearing, he responded to a question about this issue. He said: I am not aware of any city that actually interferes with our ability to enforce the law.

So let's not mix apples and oranges. The suggestion is that these cities interfere with the Department of Homeland Security and ICE's ability to go ahead and pursue someone to be deported. That is not the case. But that is the argument that is trying to be made in pursuit of an amendment that is all about immigration and nothing about security. We need to be about security in our communities. We need to be able to have witnesses come forward and be able to have victims come forward.

Now, local governments have taken the initiative to reassure these communities in order to deliver services vital to the public health and safety. And these may be immigrant families who also, in fact, have perfect status in this country. But the message being sent out is: Don't talk to the local police.

We have had incidents where people who, in fact, have total legal status, and who, because they came forward as witnesses to a crime, ended up feeling more like a criminal themselves than the person they were trying to testify against. That sends a chilling effect across immigrant communities which says: Do not participate.

It would not be in the interest of security in our communities to have that be the message. If immigrant families are afraid to access the opportunities for local law enforcement to have their participation as the eyes and ears of what is happening, it would have a negative effect and be a ripple effect of what would happen. If that is the message, then if you are a perpetrator of a crime and you want to do breaking and entering, robbing in a community, God forbid you want to do rapes, you say: This community will not go to the police. Let's do it in that sector. Then the crime continues and the perpetrator continues to be free and the process gets worse and worse.

It seems to me all Americans are at higher risk of preventable crimes when the population fears coming forward to give information.

This is also about telling municipalities that they cannot figure out for themselves what is the best way to combat crime in their communities. Our whole effort under the fantastic bill that Senator MIKULSKI has put together is to ensure communities have the wherewithal to combat the rise in crime we have seen over the past 2 years, according to recent reports. The way to do that is to have citizens come forward and participants in communities come forward and tell the police about what is happening. It is not to put a chilling effect on it.

The Senate has in the past already largely rejected these amendments—in good judgment. Let's listen to the cops, let's listen to the prosecutors, let's listen to the sheriffs, let's listen to the tough law enforcement people, let's listen to the communities that have elected officials who are in the midst of these communities and who say: When it comes to identifying crime and victims of crime, we want them to come forward. That is in the public interest.

Nothing in these cities is used in a way, as Secretary Chertoff said, to impede the opportunity for ICE to do what they want to do should they want to deport somebody.

For all those reasons, I urge my colleagues to reject the Vitter amendment when it comes up for a vote and preserve the security of our communities.

I yield the floor.

Ms. MIKULSKI. Mr. President, I, too, rise to oppose the Vitter amendment. For the benefit of our colleagues, they should know a similar amendment was defeated on the immigration bill this year. I opposed the amendment then and I oppose it now. I oppose it on substantive grounds, and I oppose it also on the grounds related to States rights and home rule.

To refresh everyone, what the Vitter amendment would do is ban local governments from receiving Federal law enforcement funds if a city or a locality has passed a law prohibiting police from asking an immigration status.

Why is this bad? First of all, local law enforcement officers all across America are opposed to this amendment. Their opposition has been very well articulated by our colleague from New Jersey. What has been articulated by local law enforcement communities is they believe they should not be held responsible for enforcing Federal immigration laws; that Federal laws on immigration should be enforced by Federal immigration authorities.

This amendment would also make it harder for local police to enforce laws and stop crime. One of the things that would happen, if police are forced to do this, it would foster great mistrust in our immigrant communities—meaning immigrants who are here legally. You know, there are many immigrants who are here legally. Because you might have a last name such as Sanchez doesn't mean you are an illegal immigrant. You might be the owner of an IT business in Silver Spring, MD.

One of the things we are concerned about is that immigrants, then, will not report crimes or will not give information to those who could go after serious crimes—such as the gang effort.

We are also concerned when people will not come forward particularly related to domestic violence. If there is domestic violence, a battered spouse might not call the police because it could trigger some type of raid in their own community.

This is not a good way to go. Let's go to the consequences of local communities deciding what they want to do. What we are talking about is a situation where a city or a locality has passed a law prohibiting police from asking an immigration status. That is their right. That is their right, to say what they want to do in their own community. Then to deny Federal funds for law enforcement, funds for all the other things they might be applying for funds for, I think is outrageous. What happens if they are applying for interoperable communication equipment so they can fight violent crime? Oh, no, they can't have it.

What happens when they have applied for funds for the Violence Against Women Act, to deal with battered spouses or abused children? Oh, no, they would not be able to get their Federal funds.

What happens, then, in the issue of sexual predators? We have a robust effort to go after sexual predators in our communities. If they have applied for grants to be able to protect our children, they will not be able to get them under the Vitter amendment. So the Vitter amendment is not targeted at illegal aliens or illegal immigrants. What the Vitter amendment does is target law enforcement. If the Vitter amendment is agreed to, in many of these communities it will stifle, shackle, and impede local law enforcement from applying for Federal funds to which they would otherwise be entitled.

I think this is misguided. I think it is misdirected. For those of us who are very concerned about the issues of protecting our borders, we understand we need to protect our borders, but we also need to protect our communities. One of the ways we protect our communities is to let law enforcement apply for Federal funds for a variety of things, from cops on the beat, which they wouldn't be able to get; Byrne grant money for technology or bulletproof vests, they wouldn't be able to get it; violence against women funds, they wouldn't be able to get that. I think the Vitter amendment is misguided and misdirected. We should defeat it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3256, AS MODIFIED

Ms. MIKULSKI. Mr. President, we are making great progress. We have some amendments we wish to clear.

I call up amendment No. 3256, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending and will be so modified.

The amendment (No. 3256), as modified, is as follows:

AMENDMENT NO. 3256, AS MODIFIED

On page 57, line 7, strike "$550,000,000" and insert "$660,000,000".

On page 60, line 2, strike "and" and all that follows through "Funds" on line 3, and insert the following:

(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded: *Provided*, That within 30 days after the date of enactment of this section the Attorney General shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each recission made pursuant to this section.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3256), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3310

Ms. MIKULSKI. Mr. President, I call up amendment 3310 for myself and Senator COLLINS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Ms. COLLINS, proposes an amendment numbered 3310.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for certain public-private competition requirements)

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3310) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3239

Ms. MIKULSKI. Mr. President, I call up amendment No. 3239 by Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. KENNEDY, proposes an amendment numbered 3239.

The amendment is as follows:

(Purpose: To clarify that student loan repayment assistance does not violate section 209 of title 18, United States Code relating to Federal salary)

On page 70, after line 10, insert the following:

SEC. ____. Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3239) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are making great progress. Our staffs are going to be working through the night. We have about 36 amendments pending; 10 on the Democratic side, about 26 on the Republican side. We know the staffs are working well after 7. This is a good time to come over and work with us. We hope tomorrow morning we will be able to have some votes and also further progress. It is the intention of the majority leader and the Republican leader to finish this bill tomorrow, even if we have to work through the night. The best way not to work through the night tomorrow night is to work through the night tonight. So come over, help clear up some of these amendments. It would be a great help.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE WORK OF FIREFIGHTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 345.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 345) supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 345

Whereas firefighters have maintained their dedication to the health and safety of the American public since the first American fire departments were organized in the colonial era;

Whereas today's firefighters provide a multitude of services, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas more than 1,130,000 firefighters protect the United States through their heroic service;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and dispatch to fire emergencies every 20 seconds;

Whereas approximately 1,600,000 fires are reported annually;

Whereas firefighters respond with courage to all disasters, whether they be acts of terrorism, natural disasters, or other emergencies;

Whereas 343 firefighters sacrificed their lives responding heroically to the events of September 11, 2001;

Whereas firefighters from across the Nation responded with remarkable selflessness throughout the areas affected by Hurricane Katrina;

Whereas 89 firefighters lost their lives in 2006, and over 80,000 were injured in the line of duty;

Whereas we have honored firefighters for educating the American public since President Harding declared the first Fire Prevention Week in 1922;

Whereas the National Fire Protection Association has designated the week of October 7-13, 2007 as Fire Prevention Week; and

Whereas educating Americans on methods of fire prevention and escape planning continues to be a priority for all firefighters: Now, therefore, be it

Resolved, That the Senate—

(1) supports the work of firefighters to educate and protect the Nation's communities; and

(2) supports the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

NATIONAL TEEN DRIVER SAFETY WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Con. Res. 36, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) supporting the goals and ideals of National Teen Driver Safety Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 36) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable;

Whereas almost 7,500 drivers between the ages of 15 and 20 years were involved in fatal crashes in 2005 throughout the United States;

Whereas the fatality rate in the United States for drivers between the ages of 16 and 19 years, based on miles driven, is 4 times the fatality rate for drivers between the ages of 25 and 69 years;

Whereas the majority of teen driver crashes in the United States are due to driver error and speeding, and 15 percent of the crashes are due to drunk driving;

Whereas roughly two-thirds of the teenagers killed in motor vehicle accidents in the United States each year do not use seatbelts;

Whereas approximately 63 percent of teen passenger deaths in the United States occur while other teenagers are driving;

Whereas it is necessary to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving safety;

Whereas the National Teen Driver Survey, developed with input from teenagers and administered by The Children's Hospital of Philadelphia, demonstrates a national need to increase overall awareness about the safe use of electronic handheld devices, the risk of nighttime and fatigued driving, the importance of consistent seatbelt use, and the practice of gradually increasing driver privileges over time as a young driver gains more experience under supervised conditions;

Whereas in 2005, 1,553 crash fatalities involving a teen driver occurred in the fall, when teenagers are in the first months of the school year and faced with many decisions involving driving, including whether to drive with peer passengers and other distractions; and

Whereas designating the third week of October as National Teen Driver Safety Week is expected to increase awareness of these important issues among teenagers and adults in communities throughout the United States, as additional research is conducted to develop and test effective interventions that will help teenagers become safe drivers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Teen Driver Safety Week; and

(2) encourages the people of the United States to observe the week with appropriate activities that promote the practice of safe driving among the Nation's licensed teenage drivers.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

Mr. REID. Mr. President, we have on this bill that is now before the Senate—the Commerce-Justice appropriations bill—about eight amendments that Democrats have pending or wish to offer, and we have 26 Republican amendments. Everyone should understand we are going to finish this bill tomorrow. It does not matter what events are going on around town, we are going to work and finish this bill. If it takes until 8 o'clock tomorrow night, fine; there will be no windows. We are going to work right through this. If people try to hold this up, we will have a bunch of votes. We will have the Sergeant at Arms instructed. We are going to move through this.

I am told we want to finish appropriations bills. This is our second week on this bill. We are going to finish this bill tomorrow or sometime early Wednesday morning. We are going to continue working on this until it is completed or until we find there is such intransigence by the Republicans that they do not want us to finish this bill. I hope that is not the case.

We have had on our appropriations bills some decent cooperation from the Republicans, for which I am appreciative, but we have other bills we have to do. If we finish this legislation, we will still have seven appropriations bills to do.

I am aware we have had to file cloture 49 different times this year to defeat Republican filibusters or to turn them around, and if it is necessary to file the 50th, we will do that. I think that would be a shame to have to do that.

We have a finite number of amendments now, and we need to try to work through them. What we could do, of course, here—there are more Democrats than Republicans—we could move to table all the Republican amendments. It would take a lot of time to do that. I hope we do not have to do that. I hope we can work through these amendments and some of them will be accepted and some will be voted upon.

I want to be as reasonable as possible, but I have the Nation's business to be concerned about. We have to work through this. We have been off work now doing other things in our districts. We all worked hard. Now we are back to legislating. As part of that legislation is this bill that is before the Senate now. We are going to work on it and complete it. I was hopeful that with the 2:30 deadline we would come back with a reasonable number of amendments, but that is not, in fact, the case.

We have on the Republican side a number of Senators who are offering multiple amendments. I know they are important, and I understand that, but I hope that we can, as I have said, work our way through these. We will one way or the other work through these, because I do not want and do not intend to file cloture. I intend to work until we finish this bill.

I don't know how I can be more clear than that. We have to move after this to another appropriations bill, one that is extremely important, the Labor-HHS bill, an extremely important piece of legislation involving so many different and important issues, as the Presiding Officer, for example, is well aware.

It is my understanding the distinguished junior Senator from South Dakota wishes to call up an amendment before I do the closing matters, and I am happy to wait. I ask now to return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What is the matter before the Senate now, Mr. President?

The PRESIDING OFFICER. The Vitter amendment is the pending question.

AMENDMENT NO. 3317

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I thank the majority leader for yielding to give me an opportunity to offer this amendment. I call up amendment No. 3317 and ask unanimous consent that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3317.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, in a fiscally responsible manner, additional funding for United States attorneys to prosecute violent crimes in Indian country)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "UNITED STATES

ATTORNEYS SALARIES AND EXPENSES" under the heading "LEGAL ACTIVITIES" under this title is increased by $20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading "PAYMENT TO THE LEGAL SERVICES CORPORATION" under the heading "LEGAL SERVICES CORPORATION" under title IV is reduced by $20,000,000.

Mr. THUNE. Mr. President, this appropriations bill, as all appropriations bills, comes down to a matter of priorities. We have a limited amount of resources and we have to figure out where to put those limited resources to the most effective use for the taxpayers.

My amendment is very simple. It takes $20 million from an authorized program that has problems with wasteful spending and it spends that $20 million instead to give Federal prosecutors badly needed additional funding to fight violent crime in Indian country. Violent crime has become a serious problem on reservations in South Dakota and elsewhere, and I am determined to put an end to it. If our tribal communities are to have a chance to be prosperous, they must first have strong public safety.

A few weeks ago I cosponsored an amendment with Senator DORGAN to provide more law enforcement presence in Indian country. I strongly support this effort. The other part of the equation, though, is to ensure that those who have been arrested for violent crimes are prosecuted to the fullest extent of the law. Because the Federal Government has a trust responsibility to the tribes, the task for prosecuting violent crimes in Indian country lies with our U.S. attorneys. However, our U.S. attorneys often cannot prosecute crimes because of a lack of resources. An article published last June in the Wall Street Journal by Gary Fields about crime in Indian country pointed out that Federal prosecutors often do not intervene in cases involving serious crimes due to the long distances involved, lack of resources, and the cost of hauling witnesses and defendants to Federal court. The same article goes on to say that in the past two decades, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56 percent for all other cases. I ask unanimous consent that the June 12, 2007 Wall Street Journal article headlined "Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THUNE. I hasten to add that the U.S. attorney in South Dakota is doing a fantastic job prosecuting violent crime and white-collar crime on South Dakota's Indian reservations. However, I am certain he can put more funding to good use in his office, as could every U.S. attorney prosecuting violent crime in Indian country.

The rate of violent crime in Indian country is disproportionately high. The Department of Justice reported that from 1992 to 2001, the average rate of violent crime among American Indians was 2½ times the national rate. According to one report in the Indian Country Today newspaper, Native American women are 7 times more likely to be victims of domestic violence than all other women are, and more than 60 percent of Indian women will be victims of violent assault during their lifetimes. According to the same report, nearly one-third of all Native American women will be raped. This is unacceptable.

The FBI estimates that 40 to 50 percent of Indian country violent crime is now methamphetamine related. In fact, we know that meth traffickers and dealers target Indian country jurisdictions because they believe they will not be prosecuted, even if they are apprehended. According to Chris Chaney, the BIA Deputy Director of the Office of Justice Services, meth distribution on tribal lands often occurs due to the belief that it is easier to get away with such a crime in Indian country. That is why we must dramatically ramp up prosecutions of violent crime, of meth-related violent crime in Indian country.

I offer my amendment today to help provide more resources to U.S. attorneys in Indian country to prosecute more crimes referred to them. Specifically, my amendment would provide an additional $20 million to U.S. attorneys that can only be spent to prosecute crimes under the Major Crimes Act of 1885 and the Indian country Crimes Act of 1834. The amount will be paid for by subtracting $20 million from the amount appropriated under this bill to the Legal Services Corporation.

This bill provides $390 million to the Legal Services Corporation, a program that has not been reauthorized since 1980. This is a 12-percent increase over the amount appropriated to the LSC in fiscal year 2007, and a 30-percent increase above the administration's recommendation. This substantial increase comes at a time when the Legal Services Corporation has faced serious questions about its management and expenditure of taxpayer dollars.

In August, the GAO published a report entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened." In the report, the GAO noted that a dozen officers and employees of the Legal Services Corporation had received compensation in excess of the statutory compensation limitation. According to the GAO, an outside legal counsel issued an opinion last May concluding that the Legal Services Corporation had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion and went on to state that without a properly designed and implemented process for overseeing compensation, the Legal Services Corporation remains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

The GAO also noted in the report that:

> In recent years, LSC management has engaged in practices that may have been prevented through effective implementation of strong ethics policies.

These practices are reported by the LSC's inspector general. The inspector general found that food costs at meetings exceeded per diem allotments by 200 percent and that LSC used funds to pay travel expenses for its president for business related to her positions with outside organizations. The inspector general also found that LSC hired acting special counsels from grant recipient organizations, causing potential conflicts of interest, and could not complete an investigation into this practice because of the failure to provide documentation required by Federal law and LSC grant agreements. The GAO concluded that:

> Without the presence of a strong ethics committee providing effective oversight in the development, implementation, updating, and training for the code of ethics, the LSC is at increased risk of fraud or other ethical misconduct.

I ask unanimous consent that the executive summary of the LSC Office of Inspector General "Report on Certain Fiscal Practices at the Legal Services Corporation," dated September 25, 2006 be printed in the RECORD at the end of my remarks. Also, I commend to my colleagues a GAO report entitled "Legal Services Corporation Governance and Accountability Practices Need to be Modernized and Strengthened," dated August of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. THUNE. Mr. President, I do not believe an organization that has received such stinging criticism from the GAO about management practices and its handling of taxpayer dollars should be receiving such a substantial increase in funding that is reflected in the underlying bill. My amendment simply reduces a $40 million increase to a $20 million increase for the Legal Services Corporation for fiscal year 2008. That is, the Legal Services Corporation would still receive an increase under my amendment, just not nearly as substantial as originally reflected in the underlying bill.

As I said earlier, we must begin to choose priorities. Should we provide

more badly needed funding to fight violent crime in Indian country or should we reward an organization that is engaged in wasteful spending of taxpayer dollars by providing a massive increase over the President's recommendation of $300 million, and a massive increase even compared to the amount of funding it received in the last fiscal year of $348 million?

I urge the Senate to join me in voting for more funding to help reduce violent crime in Indian country and to address what is a very desperate need across Indian reservations in South Dakota, and to do it in a way that is consistent, I believe, with what the priorities in this underlying bill ought to be, by paying for it with a $20 million increase, actually, that is going to be allocated this year to the Legal Services Corporation. In my judgment, in my view, that makes sense. It is an issue that needs to be addressed, and my amendment would take us down that road, coupled with the agreement that was earlier reached on the Dorgan amendment, to provide more of a law enforcement presence on Indian reservations. So I hope we can accomplish both of those objectives through the appropriations process this year, and it starts right here with adopting this amendment.

I urge my colleagues to do that. I again thank the distinguished majority leader for his patience in yielding me time to speak to this amendment.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

[From the Wall Street Journal, June 12, 2007]

ON U.S. INDIAN RESERVATIONS, CRIMINALS SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

"We put him away twice for a year, that's all we could do," says James Kilbourne, prosecutor for the tribe. "Then he got out and committed the same crime again."

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

"Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?" asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. "We would not allow this anywhere else except Indian country."

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

"If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty," says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. "My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it."

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. "I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation."

Often cases don't rise to the level of felony Federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases. Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

"It requires stitches, almost a dead body," says Mr. Davis. "It is a high standard to meet."

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of $6,286 at the time. Only Buffalo County, SD, was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1998, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74-year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

"All I could do was to escort him off the reservation," says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. "He kept coming back. After a while I just left him alone and let it go. It was just a waste of time."

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and $13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and "terroristic threats" related to his wife, in Dawes County, NE. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival—all of whom died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

"The holes in the system are more practical than legal, and the victims of crime pay the price," says Larry Long III, the South Dakota attorney general. "The crooks and the knotheads win."

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the "Trail of Tears." Today the tribe is spread across five counties and is economically well off: It takes in more than $200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that "we'd need 50 kilograms in a typical federal case" to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. "What I remember is his domestic-violence incidents. He just wouldn't stop," Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. "He said I was using the miscarriage as an excuse," says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

"One year," says Ms. Hicks. "He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long."

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. "He had threatened her, and dug a grave, and said no one would ever find her. We believed him," Mr. Reed said. "Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up." At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

EXHIBIT 2

[From the Office of Inspector General, Sept. 25, 2006]

REPORT ON CERTAIN FISCAL PRACTICES AT THE LEGAL SERVICES CORPORATION

EXECUTIVE SUMMARY

In response to a Congressional request, the Office of Inspector General (OIG) initiated a review of allegations concerning fiscal practices, conflicts of interest, and general mismanagement at the Legal Services Corporation (LSC). This report presents our findings with respect to certain LSC fiscal practices, including allegations of fiscal abuse and wasteful spending. Other matters identified for review will be addressed in subsequent reports.

With respect to many of the allegations, our review found spending practices that may appear excessive and inappropriate to LSC's status as a federally-funded non-profit corporation, particularly in light of its mission in distributing taxpayer dollars to fund legal services for the poor. We also found a number of transactions which did not follow LSC's own policies and a number which would be impermissible under the rules governing federal agency spending. While generally those rules are not directly applicable to LSC, they provide a familiar reference point for Congressional overseers and the public. Our principal findings and recommendations are summarized below:

We found the cost of food at Board of Directors meetings appeared excessive in some instances and should be reduced. In nine of the eleven Board meetings that we were able to examine, we found that the total cost of food was equivalent to more than 200 percent of the applicable per diem food allowance.

We found lunch costs at the January 2006 Board meeting to be more than $70 per person, afternoon snack breaks costing as much as $27 per person, and a total hotel food cost (breakfast, lunch, and snacks) of $8,726 for the entire two-day meeting. We also found the contracting process for Board meetings was not in compliance with LSC's own policies. LSC did not generally follow its competitive contracting practices in selecting a hotel venue for Board meetings or properly document the selection process or the justification for the selection. Finally, we found LSC could save thousands of dollars by holding its local, Washington, D.C., board meetings at its headquarters rather than at a hotel.

We found that the LSC Chairman's authorization to allow the LSC president to travel to or from any of her homes in connection with official travel was contrary to the terms of the General Services Administration (GSA) travel contract and LSC's obligations as a mandatory user thereunder. We also found that the LSC president's use of a foreign air carrier violated GSA's regulations implementing the Fly America Act, which LSC is contractually bound to follow. Further, we question the use of LSC funds to pay expenses associated with the LSC president's continued service in various capacities with outside organizations with which she was involved prior to her selection as LSC president.

We found that LSC officials traveled first or business class in three instances. In one instance in 2005, the LSC Chairman traveled first class round trip from Atlanta, Georgia, to Washington, D.C. The first class ticket was less than a government ticket on the same flights. In a second instance in 2005, the LSC president traveled one-way first class to an international legal aid conference in Ireland at an additional cost to LSC. Instead of using the government fare initially booked, the president was ticketed full fare coach, allowing her to secure an immediate first class upgrade as a frequent flyer member, which would not be available immediately with a government ticket. Finally, an LSC vice president traveled business class round trip to Melbourne, Australia, to attend the 2001 International Legal Aid Conference. As the trip was well in excess of 14 hours, it appears that business class would have been authorized for this trip under the Federal Travel Regulation.

We estimate that LSC spent over $100,000 on coffee, holiday parties and picnics, working lunches, and business entertainment, going back as far as August 2000. These expenditures did not violate LSC policy. While LSC is generally not subject to Federal spending practices, these expenditures would be impermissible under those practices and we question whether many of them were reasonable and necessary, and whether they were appropriate for LSC.

We found LSC has spent over $1 million in the past 10 years in settlement agreements with departing employees.

We concluded that some of the allegations were unfounded, or could not be substantiated. Specifically:

We found no evidence of excessive or undisclosed bonuses or of other confidential or indirect payments by LSC to the LSC president. We found no evidence of any "secret deal" between the LSC president and the LSC Board of Directors.

We did find, however, that the LSC president has been receiving a "Locality Pay" supplement at a rate that is 1 percent of salary greater than that received by any other LSC employee, all of whom work in Washington, D.C. (The Inspector General also received locality pay with a 1 percent differential for the first four months of his employment. This ended December 2004.) We questioned the propriety of such a payment. Locality pay rates by their nature are geographically based; under the Federal system there would be no variation for an individual payee within a given area.

We did not find unreasonable LSC's justification for holding a board meeting in Puerto Rico. LSC stated that it was appropriate to visit the largest LSC grantee and meet with various judicial officials and members of the bar who are involved in promoting the delivery of legal services to low-income individuals in Puerto Rico.

We did not find widespread first-class travel and found only one instance of questionable first-class travel.

We did not find LSC spending practices violated any laws. However, we did find that LSC is not adhering to its contractual obligations under the GSA City Pair Contract, as well as instances where it is not following its own controls and procedures regarding spending, contracting, and travel.

Our overall recommendations to the LSC Board and LSC management include the following:

Undertake a comprehensive review to bring LSC's spending policies and practices, particularly in the areas of travel, meals, meetings, and entertainment, in line with those applicable to Federal agencies, and require that the board review and approve any deviation from Federal practice.

Review the overall cost of LSC board meetings to determine whether there are ways to reduce costs. Also, require that LSC's competitive requirements are followed in contracting for board meeting locations.

Provide training and education for LSC staff to ensure that all LSC policies are followed, particularly in the areas of contracting and the Federal Travel Regulation related to the GSA City Pair Contract.

Review LSC employment policies and practices to determine if there are opportunities to reduce its potential liability, and review its settlement policies and practices to determine whether costs can be reduced and whether they are in the best interest of the corporation and appropriate expenditures of public funds.

LSC Response: The LSC Board and management responded positively to a draft copy of this report. They have agreed to implement substantially all of the report's recommendations. In some cases, they have already taken steps to do so, as noted in the specific recommendations within the report.

BACKGROUND

LSC is a private, non-profit corporation established by Congress in 1974 to help provide equal access to the system of justice in our nation to those who otherwise would be unable to afford adequate legal counsel by making financial support available to provide high quality civil legal assistance. In establishing LSC, Congress explicitly recognized "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice, assist in improving opportunities for low-income persons," and that the availability of legal assistance "has reaffirmed faith in our government of laws." LSC has said, "The goal of providing equal access to justice for those who cannot afford to pay an attorney remains the reason for LSC's existence and the benchmark for its efforts."

LSC's statutory mission is to provide "financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance." Pursuant to its mission, LSC funds 138 non-profit legal aid organizations across the United States and its territories to address the most basic and critical civil legal needs of the poor. Controlling statutes require that LSC choose grantees to provide such legal assistance to the poor through a process of competitive bidding, and also require LSC to ensure grantee compliance with applicable laws and implementing regulations and guidelines, and to ensure the maintenance of high quality service. LSC is required to ensure that grant dollars are provided so as to make the most economical and effective use of its taxpayer-provided resources in the delivery of legal assistance to eligible persons.

LSC is wholly funded through taxpayer dollars; its 2006 annual appropriation was $326.6 million, including $12.7 million to support LSC headquarters operations (not including the OIG). Given its mission as the principal provider of federal funds for legal assistance to the poor and its status as a quasi-federal agency, it is reasonable to expect that LSC management should conform to the highest standards with respect to fiscal responsibility and accountability. Indeed, LSC, "[a]s a matter of principle, [is] committed to being a careful and frugal steward of taxpayer funds [and declares that it has] strict policies in place to ensure LSC funds are spent wisely and appropriately."

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before my friend leaves the floor, one of the areas we need to get to—and I want to do it before we leave on November 16—is Indian health, which is something that is long overdue. If we talk about people who need health care, everybody would stand in line as second in need to the Indians around this country. We have a bill, and the Finance Committee is in the process of getting money to get it done. It is not everything we need, but it is starting something that is long overdue.

I say to my friend, who has the most needy reservation—Pine Ridge—in the country that we need to have the time to get rid of some of these appropriations bills so we can do something about Indian health. I have made a commitment that we are going to do that some way before we leave this legislative year. We have to do that piece of legislation. I know my friend from South Dakota understands the need in Indian Country for health care. As I said, it is great that we want to take care of the children's health initiative, which is important because we have 50 million people with no health insurance. All those problems are really in the shadows of how badly it is needed in Indian Country.

Mr. KERRY. Mr. President, today I filed an amendment with Senator GRAHAM as a cosponsor which may provide up to $2 million, within the Department of Justice Office of Justice Programs account, for the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, SMART, Office. The funding will be used to help hire additional staff and cover expenses for the office. The SMART Office was created by the Adam Walsh Act to help States change their sex offender registry statutes to come into compliance with the law. Currently, the SMART office is only funded through various discretionary accounts, so it is critical that we ensure they have enough staff and resources to help enforce this important law to protect our communities.

Mr. President, today I filed an amendment with Senator KENNEDY as a cosponsor which would authorize the Director of the Federal Prison System to carry out a pilot program to assist the children of female prisoners. The pilot program can be developed at any Federal correctional facility that houses women in the United States. Specifically, the amendment gives the Director of the Federal prison system discretion to make expenditures to institute a pilot program for nonviolent female offenders and their children up to age 36 months to allow the children to be housed, fed, and cared for in Federal, or federally contracted, correctional facilities housing women, in programs specifically designed to benefit mother and child.

Mr. LIEBERMAN. Mr. President, I rise today to thank my colleagues Senator MIKULSKI and Senator SHELBY for their first-class work on the Fiscal Year 2008 Commerce, Justice, Science, and Related Agencies Appropriations bill. They have written legislation that strengthens communities against crime and terrorism, provides important research dollars for science and technology, and protects jobs here in the United States against unlawful trade practices.

Unfortunately, we know from Federal crime statistics that violent crime is on the rise in the United States. To combat this increase, we must make a commitment to boost Federal support for State and local law enforcement. This bill contains $2.66 billion for community police departments, $26 million to hire an additional 100 FBI agents to fight violent crime, and $5 million for the FBI to create a task force on gang violence. Since the terrorist attacks on September 11, we have asked our local law enforcement officials to assume yet another role in protecting citizens, namely homeland security. I believe that the Federal Government must step in and provide a share of the resources to community policing for their efforts.

I also commend my colleagues for the impressive funding package they have devised for science and technology. This year, along with Senator BOND, I helped lead the charge in the Senate for an increase in the National Science Foundation's budget. This bill includes over $6.5 billion for the NSF, with a substantial $850 million for educational programs to develop the next generation of leaders in science, technology, and math. The future of innovation rests upon our ability to recruit more talented students who want to pursue careers in science and engineering. Looking at the challenges the United States faces in maintaining global economic leadership, a comparatively small investment now in the National Science Foundation will provide exponential benefits for years to come.

Finally, I commend the adoption of Senator MIKULSKI and Senator SHELBY's amendment to add $1 billion to NASA's budget for this upcoming fiscal year. Along with several other Senators, I was a proud co-sponsor of this amendment, and I laud its adoption by unanimous consent. The additional funding will enable NASA to revive its basic science programs, such as its earth science and aeronautics research initiatives. Global warming is a reality, and NASA's capabilities make it uniquely positioned to provide the world's scientific community with vital data about changes in Earth's atmosphere and the subsequent impact on climate. Furthermore, we must remember that there are two "As" in NASA, and forgetting the "Aeronautics" component of the agency's mission would be a grave mistake. Once again, I congratulate my colleagues on a well formulated piece of legislation, and I urge the President to sign this bill into law.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMESTIC VIOLENCE MONTH

Mr. REID. Mr. President, I rise today in recognition of Domestic Violence Month. During the month of October, I urge my fellow colleagues and Americans to join me in committing to end violence in our homes. It is my hope that we can stand together this month and show abusers that we will not tolerate their actions.

We must never forget that domestic violence is a wide spread ailment with devastating implications. Domestic violence affects not only the victims of abuse, but their families and communities as well. The consequences of domestic abuse do not end with the violence. Victims lucky enough to escape their abusers are sometimes left with no home, no money, and no means to support themselves. And most unfortunately, children are often caught in middle of this tragedy. With as many as three million women experiencing abuse a year, it is clear we must do more to prevent these crimes and help those who are victims.

That is why I would like to recognize several organizations that have done extraordinary work to protect the victims of domestic violence in Nevada. For almost 20 years, the Shade Tree has provided shelter to abused women, and their families. Now, Shade Tree has taken on another aspect of domestic violence. On October 9, 2007, Shade Tree opened Noah's Animal House, a shelter for the animals of battered women. Shade Tree realized that animal abuse occurs in 85 percent of homes from which battered women arrive. Of those, 20 percent refuse to leave their abusers without their pets. Shade Tree's commitment to ending domestic violence knows no boundaries, and I know its impact on countless lives will continue.

The Safe Nest is another important organization that has made tremendous strides in ending domestic violence in Nevada. Safe Nest recognizes the importance of addressing all sides of domestic violence and helps with a range of services from court advocacy to crisis intervention. Safe Nest also serves Nevada by sheltering victims and educating the public. On October 19, Safe Nest will hold its annual Domestic Violence Awareness Month luncheon. On this day, I hope that Nevada and our Nation will recognize Safe Nest's years of success and hard work.

Finally, I would like to recognize the S.A.F.E—Stop Abuse in the Family Environment—House for their work. S.A.F.E. House is a community based organization that provides counseling, advocacy, and intervention for victims of domestic abuse. In addition, S.A.F.E. House collaborates with organizations across Nevada to search for ways to end domestic violence. For example, on October 25, S.A.F.E. House and the state chapter of National Organization for Women will team up to bring awareness to domestic violence. I am pleased to commend S.A.F.E. House for motivating hundreds of Nevadans to take action in their community.

It is also important to recognize thousands of other organizations in Nevada and our Nation that have committed time, labor, and financial resources to help victims of domestic abuse. Please join me in commending the dedicated efforts of those individuals who work each day to stop aggression in our homes. With their example in mind, I hope that Congress can reflect and take action during this important month. I urge all Americans to participate in Domestic Violence Month activities and pledge to make this issue their own.

NATIONAL LATINO AIDS AWARENESS DAY

Mr. REID. Mr. President, October 15 is the fifth annual National Latino AIDS Awareness Day, NLAAD. I rise in observance of this important day to increase our understanding of the Latino community's struggle with the HIV/AIDS epidemic. As we draw attention to the devastating impact of the HIV/AIDS crisis on the Nation's Latino population, let us recognize the resulting call to action as well.

When America first observed the annual National Latino AIDS Awareness Day in 2003, we took stock of the dismaying statistics on HIV/AIDS among Latinos. Even though they comprise 14 percent of the U.S. population, they accounted for 19 percent of the new HIV infections estimated to occur in the country each year. Over 71,000 Latinos were thought to be living with AIDS, constituting one-fifth of all AIDS patients in America. Of those, teens and women were among the Latino population subgroups considered especially hard hit by the HIV/AIDS epidemic.

These troubling disparities persist today. Latinos continue to be overrepresented among HIV/AIDS patients, the greater barriers they face in accessing care have not gone away, and too many remain in the dark about the importance of prevention. While advances in medical technology have improved the outcome for HIV/AIDS patients in general, these benefits are also not reaching Latinos on par with the rest of the population. Underlying all these statistics is the sobering message that HIV/AIDS still devastates real people and real families across the Latino community. It is a message with special significance for me as the senior Senator from Nevada, where 18 percent of the newly diagnosed are Latinos.

We must be mindful of other statistics that provide context. According to the U.S. Census, individuals of Latino or Hispanic origin numbered over 44 million in 2005. They are also the fastest growing minority group in the Nation. In Nevada alone, the Hispanic population has soared by 40 percent from 2000 to 2005.

All these factors highlight the need to reverse the course of the epidemic among Latinos, if we are to make headway against HIV/AIDS in America. Fortunately, the disparities and challenges facing the Latino community also point to the steps we can take. From teaching health care providers to deliver culturally competent care to funding vital programs like the Ryan White CARE Act, these steps are critical to winning the fight against HIV/AIDS.

Educating and engaging the public remains a cornerstone of our efforts. In southern Nevada, for example, nonprofit organizations are partnering with public health officials to provide HIV testing and information to the public in observance of National Latino AIDS Awareness Day. Similar events are expected to take place across the Nation.

National Latino AIDS Awareness Day is a time not just to spread the word about HIV/AIDS issues specific to the Latino community. It is also a day of hope, an opportunity to reflect on the milestones we have reached and to reaffirm the goals and ideals of this day. So, in looking toward the future, let us all renew our commitment to ending the HIV/AIDS crisis—among Latinos and all Americans everywhere.

HONORING OUR ARMED FORCES

SERGEANT JOSEPH B. MILLEDGE

Mr. GRASSLEY. Mr. President, it is with great sadness that I must inform the Senate of the death of Sergeant Joseph B. Milledge a Glenwood, IA, native who was killed in Iraq on October 5, 2007, during combat patrol in Baghdad. Sergeant Milledge was part of the 3rd Squadron, 2nd Stryker Cavalry Regiment, 1st Armored Division stationed in Vilseck, Germany. My thoughts and prayers go out to his family and friends, especially his wife Amanda and their 1-year-old son Joseph, Jr., as well as his parents, Carla and Jack.

Joseph Milledge was born in Council Bluffs, IA, and later moved to Glenwood with his family where he attended high school. He enlisted in the U.S. Army in August 2003, a year after he graduated. By all accounts, Joseph was a highly literate man who enjoyed reading books on religion and philosophy and writing poetry. In fact, I understand he gave his wife a book of his unpublished poetry this summer. Joseph loved his family unconditionally and cherished spending time with his son, nieces, and nephews.

Sergeant Milledge was very dedicated to his country and the cause for which he was fighting. His mother explained that he didn't want to go back for a second tour because of his family but did so because he knew it was his duty to his country. Carla Milledge said, "You couldn't have asked for a better father or husband. He loved his wife and son. He loved them with his whole being."

I know his loss will be felt very strongly, not least by his infant son. But, as his wife Carla said, "He'll know his daddy was a hero and died for what he believed in." Sergeant Joseph B. Milledge is indeed a great American hero who will be remembered for his courage, his strength, and his love. He gave the ultimate sacrifice for his family, friends, and country, and we are forever grateful.

TRIBUTE TO JO ANN DAVIS

Mr. WARNER. Mr. President, the First Congressional District of Virginia is, like all of Virginia, a unique treasure. Beginning not far from the Nation's Capital, it stretches down Virginia's eastern coast along the Chesapeake Bay, as far south as the cities of Newport News and Hampton. Today, the First District is home to crucial national defense resources, like the Marine Corps' installation at Quantico and Langley Air Force Base. It is also home to national historic landmarks like Jamestown, Yorktown, and Williamsburg, places that gave birth to Virginia and that are forever tied to the independence of our Nation and our Constitution.

On October 6, 2007, the people of Virginia's First Congressional District lost one of its most respected and admired leaders, a dedicated Member of Congress and loyal friend, Representative Jo Ann Davis. It is with deep sadness that I share my thoughts on the passing of my colleague.

Born in North Carolina, Jo Ann Davis attended Hampton Roads Business College in Virginia, later obtaining her real estate license and real estate broker's license over the next several years. In 1990, she started her own company, Jo Ann Davis Realty, and followed this successful endeavor with a run for public office in 1997. Serving as a delegate in the Virginia General Assembly for 4 years, Jo Ann Davis became the first Republican woman to serve Virginia in the U.S. Congress after winning election in 2000.

Representative Davis was a relentless champion for the needs of the First District. It was my privilege to work with her on many matters, ranging from national defense to the environment, and in that regard she worked hard to improve the health of the Chesapeake Bay. Also, I commend her diligent leadership in the removal of the James River Reserve Fleet from Newport News. From her support for the Rappahannock River Valley National Wildlife Refuge to her concern with the preservation of Dragon Run or providing funding for oyster restoration, she always put the quality of Virginia's environment above politics.

With sincere passion and concern, Representative Davis worked to improve our Nation's armed services and the lives of the men and women who bravely answer the call to duty. She provided strong representation for the communities in and surrounding the Naval Surface Warfare Center at Dahlgren and the Marine Corps base at Quantico, ensuring that these facilities continue to make important contributions to protecting the Nation and to the economic foundations of their respective areas. Her initiative to increase the life insurance benefit paid to survivors of military members and her advocacy on behalf of the rights and benefits of Federal employees will continue to be appreciated in the years ahead.

I have always admired Representative Davis for her strong convictions and the tenacity that she brought to bear in acting on them. She fought a courageous struggle against cancer, and I will miss her insights and her friendship in our Virginia congressional delegation.

I close with a personal note that we both shared interests in equestrian activities. There is an old English saying that "the outside of the horse is good for the inside of the man." As an avid, accomplished rider, she often quipped with me that the saying applies equally to a woman. She loved the noble horse.

I join with my colleagues from the Commonwealth and from the entire U.S. Congress in expressing my deepest sympathies to her husband, her two sons, and her extended family. They will remain in our thoughts and prayers during the difficult days ahead.

BAN ASBESTOS IN AMERICA ACT

Mrs. MURRAY. Mr. President, In the nearly 7 years that I have worked to pass the Ban Asbestos in America Act, I have been aided by so many dedicated and driven individuals without whom this day would not have been possible. I wish to take a minute to thank them for all they have done.

I would like to begin by thanking my entire personal staff who have taken on this fight with me. Over 7 years many of them have come and gone, but I know they are all very proud today because each and every one of them, in their own unique way, has helped this effort along.

In particular I would like to thank Bill Kamela who, as the head of my HELP Subcommittee on Employment and Workplace Safety, has carried the torch on this issue for so many years. Bill has sat with me in countless meetings reassuring widows, clearing legislative hurdles, and pledging to all to make this ban a reality. Bill's hard work and expertise have been essential to making this possible. I would also like to thank Anna Knudson, a former member of my staff who had the vision and passion to begin this effort.

I would like to thank Bill's hardworking staff Crystal Bridgeman, Mike Waske, and Janice Camp who lent their know-how and support to this effort at a critical juncture.

I would like to thank Alex Glass and my entire press office for their work in spreading the word about the importance of this effort. And I would like to thank Pete Weissman who recently left my office but whose words often helped drive home the urgency of this effort. I would also like to thank Mike Spahn who worked with me on the Senate floor to guide this bill to passage.

I also want to recognize and thank Dr. Barry Castleman, Chris Hahn from the Mesothelioma Applied Research Foundation, MaryAnne Dunlap from Senator INHOFE's office, Ed Egee from Senator ISAKSON's office, Linda Reinstein from the Asbestos Disease Awareness Organization, Dr. Aubrey Miller, Dr. Greg Meeker, Dr. Richard Lemen, Dr. Mike Harbut, Dr. Harvey Pass, Andrew Schneider of the Seattle PI, and Matt Bergman.

I also want to say that it has been a pleasure to work with Senator ISAKSON's staff, the staff from EPW, and Senator BOXER's staff.

It takes a lot of people to get something done. A tremendous amount of people have worked on this. I thank them. Because of their work, we are going to ban asbestos, we are going to dramatically expand research and treatment, and we are going to launch a public education campaign so all Americans understand how they can protect themselves from the deadly asbestos products that may be in their home.

TRIBUTE TO MAJOR VAUGHN L. WARD

Mr. CRAPO. Mr. President, I wish to recognize the valor, leadership, and service of MAJ Vaughn L. Ward, a third-generation Idahoan who grew up working on his family's farm in southern Idaho. On October 22, 2007, Major Ward received the Bronze Star Medal with Combat Distinguishing Device for heroic achievement in combat while serving as a Marine Rifle Company Commander in Fallujah, Iraq, from March to October of 2006.

During 7 months of combat operations, Major Ward distinguished himself as an exemplary leader of Charlie Company, 1st Battalion, 25th Marines, Regimental Combat Team 5. Charlie Company was centrally located in the center of Fallujah and colocated with the Iraqi Police Headquarters. Insurgent forces regularly attacked this strategic position. During the tour, insurgents launched over a dozen complex attacks against his position, utilizing more than 120 rounds of indirect fire, IDF, AK-47 and PKC fire, vehicle borne improvised explosive devices, VBIEDs, improvised explosive devices, IEDs, and sniper fire. Major Ward commanded his marines through these attacks and usually led the counterattack against enemy forces. From March through October, Charlie Company engaged the enemy over 130 times, conducted nearly a thousand foot and vehicle patrols, and carried out over 100 raids against insurgent locations.

Major Ward's military honors are only the latest in a career marked by excellence, leadership, and achievement. After graduating from Boise State University, he worked on Capitol Hill as a legislative aide for former Senator Dirk Kempthorne in 1993. He joined the Marine Corps in 1995 and served until 2000, whereupon he entered the University of Maryland and obtained his masters in business administration, MBA, in 2002. He continued his public service by joining the Central Intelligence Agency, CIA, where he trained as an operations officer and served in the Middle East and Africa. In January 2006, Vaughn went on military furlough from the CIA in order to reactivate with the Marines and serve in Iraq. He left active duty in January 2007 and resigned from the CIA in May 2007. Vaughn, his wife Kirsten, and their daughter Avé will return home to Idaho in November.

Vaughn's penchant for leadership and hard work has its roots on a small family farm in Shoshone. As young as 8 years old, Vaughn was working at his family's farm, which included a dairy with 70 cows, and a few thousand acres of grain and hay, and hundreds of free-range cattle. By age 11, Vaughn was operating a tractor, plowing the fields in the spring and fall and swathing the summer hay crops. He helped to run the family farm throughout most of his teenage years and feels very fortunate to have had this childhood experience. His grandfather homesteaded the farm, and it was there that Vaughn internalized a true appreciation for the importance of hard work.

He was cognizant at an early age of the family's financial challenges. At 14, the age when many teenagers were spending their money on things like music, clothes, and a new electronic invention—computer games—Vaughn bought his family a Christmas tree. They would not have had one, otherwise.

Vaughn credits his mom, Maria Tranmer, with his success and his character development. His mother recounts the circumstances of his birth: Due to complications, they did not expect Vaughn to survive. When the doctor came to his mother's room, he said, "Little girl, I don't know what this boy is going to do in life, but it's going to be something special." Maria took these words to heart and, according to Vaughn, "she never pushed me to be something I'm not, but she pushed me to realize my potential. She always supports me and, from the time I was young, told me to do what I am capable of doing, and be the best at it. Her and my family's belief in me is what pushes me to do what I do, and accomplish what I have." Maria is a remarkable woman herself, raising Vaughn and his sister, Shellie, through many years of hardship alone, yet, in Vaughn's words, "never leaving us wanting for anything."

Vaughn also points to mentors that have been there for him along the way and helped him during his formative years—from a first-grade teacher who took the time to care to coaches in high school who acted as role models. At age 7, his stepfather, Andrew Ward, a former Marine Corps officer, introduced Vaughn to hunting and hiking in the Idaho mountains and taught him how to ride a motorcycle. He also calls his grandfather, William Tews, the primary male influence in his life. "My grandfather taught me how to shoot a rifle, drive a tractor and what it means to pull yourself up by your own bootstraps." Vaughn continued stating that "my grandpa, father, and coaches shaped the life of a young man and those experiences gave me courage and confidence and opened up unique opportunities for me."

Vaughn's time in Iraq cemented and honed his leadership skills. Vaughn observes that if the talk of leadership doesn't translate into the action of leadership, particularly in combat, your credibility dissolves. In war, he says, fear is a cancer, and leaders have to be willing to do themselves what they order others to do. He lived this in Iraq, personally leading foot patrols from the front against the advice of fellow officers. He felt that it was wrong to order his subordinates to do something that he was unwilling to do himself. This bravery and commitment to walk and stand with his men meant something to them. His award submission in part reads: "Major Ward's strong leadership style and his willingness to always lead literally from the front inspired his Marines to continue to engage the enemy."

For Vaughn, excellent leadership also means not being fully committed to one's own ideas in the formulation stage of the decisionmaking process. An effective leader knows how and when to listen to the counsel of others, evaluate all available information, and have the confidence to make a decision and execute that decision. Good leaders are accountable for their actions, good and bad, and a good leader shares accolades with those who are part of the effort—a leader, by definition, has to have able and committed followers. One of the lessons he learned in Iraq was the result of the patrols that he led regularly. He tells of patrolling in unfamiliar territory and encountering times when the way ahead was unclear. "All you could do was start walking, and that was how you found your way."

Vaughn is a committed family man and has the priceless gift of a supportive and loving wife. "My wife was my strength during the hard times when I suffered casualties and lost Marines. She was the only one I could talk to, and I can't believe how difficult it must have been to hear me broken up over the death of my Marines, and be powerless to do anything but listen and offer words of comfort, thousands of miles away. She got me through my deployment." Vaughn also has the support and love of two sisters, Shellie

Amundson and Logan Tranmer, both who live in Idaho.

Finally, Vaughn makes a point of sharing the good things that our military is doing in Iraq. He notes that Al Anbar Province has been transformed over the past year. The marines of Charlie Company engaged the enemy, purposefully, and fought al-Qaida on terms determined by the U.S. military, not the insurgents. As a direct result of the actions of Vaughn's company, the insurgents, at one point, issued a public message that if the Marines of Company C would stay "inside the wire," they would cease attacks on coalition forces. Vaughn says, "We did not let them dictate how we did our job, and we were successful. There are good stories out there—stories that need and must be told."

I have only highlighted a few of Vaughn's many accomplishments, both on the battlefield and off. He is more than deserving of these accolades, although he is quick to point out that his company deserves the responsibility for his Bronze Star. We can only hope that men of Vaughn's caliber will continue their public service to our great Nation as his generation begins to take the reigns. I am honored to be able to tell of this remarkable Idahoan, his family, and the men of Charlie Company here in the Senate and privileged to publicly offer my humble thanks and that of my family, State, and country for Major Vaughn Ward's extraordinary and valorous service to the United States of America, and I am proud to call him an Idaho son.

BINATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I am grateful for this opportunity to join my many friends across the United States, Mexico, Canada, Guatemala, and El Salvador in celebrating the seventh annual Binational Health Week.

Since its inception in 2001, Binational Health Week has afforded us an opportunity to reflect upon and celebrate the many successful efforts made here in the United States in cooperation with Mexican, Canadian, Guatemalan, and Salvadorian consulates and health care providers to promote healthy lifestyles and well-being amongst migrant populations that might otherwise lack access to important health care services.

Binational Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to the underserved migrant populations living and working in the United States. The network of Mexican consulates throughout the country has partnered with U.S. Federal, State, and local agencies, Mexico's Secretariats of Health and Foreign Affairs, as well as private companies and foundations. These growing partnerships and the information they provide have reached an estimated 238,000 people across the United States and Canada.

We must continue to work together at the Federal, State, and community levels with our friends throughout the world to encourage individuals and families to practice healthy lifestyles. I wish all those celebrating Binational Health Week every continuing success as they pursue new and exciting opportunities to promote health and well-being in our communities.

ADDITIONAL STATEMENTS

IN MEMORY OF HOWARD HOLTAN

• Ms. MURKOWSKI. Mr. President, on September 22, 2007, lifelong Alaskan Howard Holtan died when his plane crashed during takeoff near Whittier, AK. Howard not only was a personal friend of mine but also to the hundreds of Alaskan children he coached through the Alyeska Mighty Mites, a volunteer-operated ski racing program for children. Under Howard's guidance, my two sons developed their skills and a passion for ski racing while my husband and I volunteered as Mighty Mites parents.

Howard began coaching skiing in 1971. He was the magic and the muscle behind the Mighty Mites, running the program almost singlehandedly from his personal laptop since the mid-1980s when he became the Mighty Mites director. Howard strove to introduce the fundamentals and joy of alpine ski racing to children of all abilities, while also giving kids self-confidence, a sense of accomplishment, and an appreciation for good sportsmanship. Howard ensured that lots of fun was had by all. There is no doubt that he helped make the Mighty Mites one of the most successful youth ski programs in America. In fact, Olympians Megan Gerety and Rosey Fletcher and former U.S. Ski Team members Mike Makar and Kjersti Bjorn-Roli started out as young Mighty Mites. For the ski community, it will be hard to imagine a Mighty Mites ski race without Howard's trademark "cherub" smile or his presence somewhere on the hill.

Howard's passion for downhill skiing and dedication to Alaska's youth was almost matched by his commitment to public service—he spent 16 years working for the municipality of Anchorage, and was promoted to director of project management and engineering 8 years ago. Howard's legacy is everywhere in Anchorage as he had a hand in most of the roads and major projects in the city.

Howard will be sorely missed by countless Alaskans. Not surprisingly, the Discovery Theatre at the Alaska Center for the Performing Arts overflowed with all those who came to celebrate and honor Howard's life. Howard is survived by his wife Roberta Carney; son Aaron Holtan and his wife, Carrie Holtan; daughter Kathryn Holtan, now at Washington State University; grandchildren, Erik and James; and brother Jay Holtan and his wife, Patricia O'Gorman. I would like to extend my condolences to his family and friends, and I wish his wife Roberta, who was injured in the crash, a speedy recovery.•

TRIBUTE TO DR. JEROLD F. LUCEY

• Mr. SANDERS. Mr. President, the State of Vermont is proud that one of its residents, Dr. Jerold F. Lucey, recently received the Alfred I. duPont Award for Excellence in Children's Health Care. The award is offered each year to an individual in the health care profession who has made a major contribution to preventing childhood diseases.

Dr. Lucey helped pioneer phototherapy to prevent infant jaundice. He also played an essential role in bringing artificial surfactants from Japan to this country. The surfactants help premature newborns breathe, and since their introduction in the United States just over 15 years ago they have helped reduce infant mortality respiratory distress rate by 90 percent.

In addition, Dr. Lucey has developed the Vermont Oxford Network, which links 700 medical institutions in 25 nations to a network that tracks data on underweight-newborns, managing the data of more than 50,000 infants each year. This collaborative system has enabled advanced research, and the sharing of medical procedures that work, among pediatricians all over the globe.

Jerrold Lucey is Professor of Neonatology at the University of Vermont College of Medicine, where he has taught for more than 50 years. He also was the chief of Newborn Services at Fletcher Allen Health Care medical center in Burlington, VT, and in addition served as editor-in-chief of the journal Pediatrics for 35 years.

We in Vermont are very proud of the work Dr. Jerold F. Lucey has done, both with infants in our State, and for the health of children everywhere.•

TWENTY-FIRST ANNUAL AIDS WALK PORTLAND

• Mr. SMITH. Mr. President, next Sunday, October 14, dedicated residents of the Portland area will gather for the 21st annual AIDS Walk, an event that raises much needed funding to support the work of the Cascade AIDS Project, CAP. I would like to recognize the commitment of the more than 10,000 walkers who are expected to turn out for this year's walk. Their efforts will better enable CAP, as well as a number of its community partners, including Our House and Esther's Pantry, to continue gaining ground in Oregon's fight against HIV/AIDS.

In over two decades, AIDS Walk Portland has generated over $2.8 million in funding for critical services provided to the 6,000 area-families who have a loved one living with HIV. I understand the challenges organizations like CAP face in securing steady funding to support their work. With State and Federal support declining in recent years, more and more is being asked of the community and the private sector. That is why I want to personally thank those participating in this year's AIDS Walk, as well as the generous corporate sponsors who have lent their support to ensure the event is a success.

While community efforts such as AIDS Walk Portland are a key component in generating support for HIV/AIDS services, I believe we can and should do more at the Federal level. While participants will be "taking a stand" next Sunday in the fight against AIDS, I want to reaffirm my pledge to do the same in Congress. It is a cause I have fought for in my 11-year tenure, and it is a cause I will continue to fight for until we are successful in eradicating this terrible disease. When Congress returns from the Columbus Day recess, the Senate will be discussing funding levels for next year's health and human services programs. I will do my best to secure additional support for Ryan White initiatives, especially those that support the work of local cities and communities like Portland. When we combine our efforts—at the local, State and Federal levels—we are stronger and more capable of turning the tide against HIV/AIDS.

In closing, I congratulate the Cascade AIDS Project on yet another successful AIDS Walk and wish all this year's participants a safe and enjoyable time.●

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 400. An act to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 1699. An act to direct Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products.

H.R. 1721. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

H.R. 2185. An act to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes.

H.R. 2474. An act to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act.

H.R. 2553. An act to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes.

H.R. 2895. An act to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

H.R. 3056. An act to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

The message also announced that the House has agreed to the following resolution:

H. Res. 717. Resolution relative to the death of the Honorable Jo Ann Davis, a Representative from the Commonwealth of Virginia.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

H.R. 1699. An act to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; to the Committee on Commerce, Science, and Transportation.

H.R. 2185. An act to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes; to the Committee on Foreign Relations.

H.R. 2474. An act to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act; to the Committee on Commerce, Science, and Transportation.

H.R. 2553. An act to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes; to the Committee on Foreign Relations.

H.R. 2895. An act to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3056. An act to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes; to the Committee on Finance.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT

The following bills were read the second time, and placed on the calendar:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1721. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of October 4, 2007, the following reports of committees were submitted on October 9, 2007:

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments:

S. 805. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes (Rept. No. 110–192).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 968. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes (Rept. No. 110–193).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 1678. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes (Rept. No. 110–194).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya (Rept. No. 110–195).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and an amendment to the title:

S. 2020. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes (Rept. No. 110–196).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 680. A bill to ensure proper oversight and accountability in Federal contracting, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 108–8 Protocol to Treaty of Friendship, Commerce, and Navigation with Denmark (Ex. Rept. 110–1)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol between the United States of America and the Kingdom of Denmark to the Treaty of Friendship, Commerce and Navigation of October 1, 1951, signed at Copenhagen on May 2, 2001 (Treaty Doc. 108–8).

EXECUTIVE REPORT OF COMMITTEE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of October 4, 2007, the following executive report of a nomination was submitted on October 9, 2007:

By Mr. LEAHY for the Committee on the Judiciary.

Robert M. Dow, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2158. A bill to amend title XVIII of the Social Security Act to permit Medicare beneficiaries to continue to rent certain items of complex durable medical equipment; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. CARDIN, Mr. MARTINEZ, Mrs. BOXER, Mr. LOTT, Mr. COCHRAN, Mr. VITTER, Mr. WEBB, Mr. BENNETT, and Mr. ISAKSON):

S. 2159. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. BROWN):

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. JOHNSON, and Mr. GRAHAM):

S. 2161. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 2162. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

S. 2163. A bill to amend the Internal Revenue Code of 1986 to allow income averaging for private forest landowners; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COCHRAN):

S. 2164. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. DODD, Mr. BIDEN, and Mr. MCCAIN):

S. Res. 345. A resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7–13, 2007, as designated by the National Fire Protection Association; considered and agreed to.

By Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. DURBIN, Mr. GRASSLEY, Mr. HARKIN, Mr. BROWN, Mr.

VOINOVICH, Mr. FEINGOLD, Mr. KOHL, and Mr. OBAMA):

S. Res. 346. A resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. McCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 189

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 189, a bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 507

At the request of Mr. CONRAD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 545

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 579

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 617

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 661

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. WARNER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 884

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 911

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 969

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1015

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1159

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S.

1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1185

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1514

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1514, supra.

S. 1518

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1776

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1776, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Mississippi (Mr. LOTT), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1962

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1962, a bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2053

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2089

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2089, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2135

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2147

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2152

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2152, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

S.J. RES. 20

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S.J. Res. 20, a joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

AMENDMENT NO. 3208

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3208 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3232

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3232 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3247

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 3247 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3249

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 3249 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3256

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3256 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA. (for himself and Mr. BROWN):

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I, along with my colleague Senator BROWN, introduce legislation that would enhance VA's pain management program. It is estimated that nearly 30 percent of Americans, that is some 86 million people, suffer from chronic or acute pain every year. A recent study conducted by VA researchers in Connecticut found that nearly 50 percent of veteran patients that are seen at VA facilities reported that they experience pain regularly.

While pain increases in severity with age, it is also a growing problem among younger veterans who have been injured in the wars in Iraq and Afghanistan. Many of these veterans are coming home with severe injuries, often traumatic brain injuries, that require intensive rehabilitation. In some cases, these younger veterans will have to live with the long-term effects of their injuries, of which pain is a large and debilitating part.

Pain management is an area of health care that by many accounts is not yet up to par, in both the private and public sectors. The bill we are introducing would enhance VA's pain management program on a national, system-wide level, by requiring VA to establish a pain care initiative at every VA health care facility. Every hospital and clinic would be required to employ a professionally recognized pain assessment tool or process, and ensure that every patient who is determined to be in chronic or acute pain is treated appropriately.

The profile of a veteran in pain is often times different than that of his or her counterpart in the private sector. For example, veterans suffering from chronic pain are more likely to be receiving treatment for other problems including depression, substance abuse, alcoholism, or post traumatic stress disorder. Understanding and treating their pain must be a priority, and this bill will help VA enhance the department's existing pain management program.

VA's current pain management efforts are worthwhile, but are unfortunately not adequate to meet the all of the needs of veterans. Pain management in VA continues to be relatively decentralized and unstandardized. Some VA medical centers have adopted successful approaches and procedures to deal with pain, while others have been less active. Fortunately, VA has begun the work of identifying professional talent and developing ideas that provide the groundwork of an effective pain management program. This bill would build upon that foundation and help ensure that these ideas become practice.

This bill provides us with an opportunity to help the thousands of veterans who are living in pain each and every day. I urge all of my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Pain Care Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Acute and chronic pain are prevalent conditions within the population of veterans.

(2) Methods of modern warfare, including the use of improvised explosive devices, produce substantial numbers of battlefield casualties with significant damage to both the central and peripheral nervous systems.

(3) The successes of military health care, both on and off the battlefield, result in high survival rates of severely injured military personnel who will be afflicted with significant pain disorders on either an acute or chronic basis.

(4) Failure to treat pain appropriately at the time of transition from receipt of care from the Department of Defense to receipt of care from the Department of Veterans Affairs contributes to the development of long-term chronic pain syndromes, in some cases accompanied by long-term mental health and substance use disorders.

(5) Pain is a leading cause of short-term and long-term disability among veterans.

(6) The Department of Veterans Affairs has implemented important pain care programs at some facilities and in some areas, but comprehensive pain care is not consistently provided on a uniform basis throughout the health care system of the Department to all patients in need of such care.

(7) Inconsistent and ineffective pain care provided by the Department of Veterans Affairs leads to pain-related impairments, occupational disability, and medical and mental complications for veterans with acute and chronic pain, with long-term costs for the health care and disability systems of the Department and for society at large.

(8) Research, diagnosis, treatment, and management of acute and chronic pain for veterans constitute health care priorities of the United States.

SEC. 3. PAIN CARE INITIATIVE IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES.

(a) REQUIREMENT.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§1720F. Pain care

"(a) IN GENERAL.—The Secretary shall carry out at each health care facility of the Department an initiative on pain care.

"(b) ELEMENTS.—The initiative at each health care facility of the Department shall ensure that each individual receiving treatment in such health care facility receives the following:

"(1) An assessment for pain at the time of admission or initial treatment, and periodically thereafter, using a professionally recognized pain assessment tool or process.

"(2) Appropriate pain care consistent with recognized means for assessment, diagnosis, treatment, and management of acute and chronic pain, including when appropriate, access to specialty pain management services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720E the following new item:

"1720F. Pain care.".

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall ensure that the pain care initiatives required by section 1720F of title 38, United States Code, as added by subsection (a), are implemented at all health care facilities of the Department of Veterans affairs by not later than—

(1) January 1, 2008, in the case of inpatient care; and

(2) January 1, 2009, in the case of outpatient care.

SEC. 4. PROGRAM ON RESEARCH AND TRAINING ON PAIN IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§7330A. Program of research and training on acute and chronic pain

"(a) IN GENERAL.—The Secretary shall carry out within the Medical and Prosthetic Research Service of the Veterans Health Administration a program of research and training on acute and chronic pain.

"(b) PURPOSES.—The purposes of the program shall include the following:

"(1) To identify research priorities most relevant to the treatment of the types of acute and chronic pain suffered by veterans.

"(2) To promote, conduct, and coordinate research in accordance with such research priorities—

"(A) through the facilities and programs of the Department; and

"(B) in cooperation with other agencies, institutions, and organizations, including the Department of Defense.

"(3) To educate and train health care personnel of the Department with respect to the assessment, diagnosis, treatment, and management of acute and chronic pain.

"(c) DESIGNATION OF CENTERS.—(1) The Secretary shall designate an appropriate number of facilities of the Department as cooperative centers for research and education on pain. Each such center shall be designated with a focus on research and training on one or more of the following:

"(A) Acute pain.

"(B) Chronic pain.

"(C) A research priority identified under subsection (b)(1).

"(2) The Secretary shall designate at least one of the centers designated under paragraph (1) as a lead center for research on pain attributable to central and peripheral nervous system damage commonly associated with the battlefield injuries characteristic of modern warfare.

"(3) The Secretary shall designate one of the centers designated under paragraph (1) as the lead center for coordinating the pain care research activities of the centers designated under this subsection. The functions of such center shall be the following:

"(A) To review and evaluate periodically the research of the centers designated under this subsection and to ensure that such research is conducted in accordance with the research priorities identified pursuant to subsection (b)(1).

"(B) To collect and disseminate the results of the research of the centers designated under this subsection.

"(C) To develop and disseminate educational materials and products—

"(i) to enhance the assessment, diagnosis, treatment, and management of acute and chronic pain by the health care professionals and facilities of the Veterans Health Administration; and

"(ii) for veterans suffering from acute or chronic pain and their families.

"(d) AWARD OF FUNDING.—Centers designated under subsection (c) may compete for the award of funding from amounts appropriated to the Department each fiscal year for medical and prosthetics research.

"(e) NATIONAL OVERSIGHT.—The Under Secretary of Health shall designate an appropriate officer—

"(1) to oversee the operation of the centers designated under subsection (c); and

"(2) to review and evaluate periodically the performance of such centers.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Program of research and training on acute and chronic pain.".

By Mr. AKAKA:

S. 2162. a Bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce comprehensive legislation to improve the capacity of the Department of Veterans Affairs to care for veterans with invisible wounds.

For too many veterans, returning home from battle will not bring an end to conflict. They will return home, but the war will follow them in their hearts and minds. Just as we support our troops as they fight in Iraq and Afghanistan, we must support them when they return from war marked by their service. Invisible wounds are complicated and wide-ranging, and our solutions must rise to the challenge.

What do we know about the scope of the problem? A March 2007 study published in the Archives of Internal Medicine reported that more than one-third of war veterans who have served in either Iraq or Afghanistan are suffering from various mental ailments, including post-traumatic stress disorder, anxiety, depression, substance use disorder and other problems. According to the study, a disproportionate number of young soldiers suffer mental health problems.

There is no question that action is needed. One in five Iraq War veterans are likely to develop PTSD, as studies have estimated, and this is but one aspect of the mental health challenges faced by veterans.

We also know that veterans suffering from physical and mental wounds use drugs and alcohol to assuage their pain. Experts believe that stress is the number one cause of drug abuse, and of relapse to drug abuse. Mr. President, 60 to 80 percent of Vietnam veterans who have sought PTSD treatment have alcohol use disorders. VA has been dealing with substance abuse issues for decades, but much remains to be done.

On April 25, 2007, I chaired a Committee on Veterans' Affairs hearing on veterans' mental health concerns and on VA's response. We heard heart-wrenching testimony from the witnesses. Randall Omvig spoke of his son's suicide upon returning from Iraq. Tony Bailey spoke of his son's struggle with substance abuse, and of his death. Patrick Campbell shared his own experience with PTSD and the experiences of his close friends. Witnesses urged us to learn, and they urged us to act.

The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues, and by their family members.

This bill addresses the immediate needs of veterans by ensuring high quality mental health services at VA facilities and in their communities. The bill also looks to the future. Our legislation has eleven core provisions. I will highlight some of them:

First, VA medical centers would be required to offer a minimum range of services for veterans in need of help to overcome their substance use disorders. It would require programs to prevent relapse and to provide medical treatments to reduce cravings for alcohol and drugs, among others. Many VA facilities have some of these programs but there is no universal minimum.

We know that there are large numbers of veterans suffering with a terrible confluence of substance use disorders and other mental health disorders. The bill would require that both issues be treated by a well-qualified team of health professionals who would treat the disorders concurrently.

To ensure that innovative mental health services are tailored to individual communities, the legislation would create grants to enhance programs and fill holes. VA facilities would compete for grants for various purposes, from increasing weekend and evening hours to creating programs which encourage urgent care physicians, who are often gateways for new patients, to quickly refer those whom they believe may have a mental health disorder.

Veterans with debilitating mental health issues, including substance use disorder and PTSD, may need inpatient care. VA has moved rapidly to reduce their inpatient mental health capacity, but there is no doubt that inpatient stays are necessary for many veterans. This legislation would require the VA Secretary to designate six inpatient facilities to provide recovery services for veterans with comorbid PTSD and substance use disorders.

The legislation would also require a comprehensive review of VA's residential mental health facilities. This provision stems directly from the hearing testimony of Tony Bailey, whose son suffered from PTSD and substance abuse. Tony's son, Justin, died while in a VA domiciliary. He overdosed on medications provided to him by VA. Residential facilities are a necessary part of VA's effort to treat mental health problems and they must be up to par.

It has been made clear to me, by mental health experts and veterans experiencing mental health problems, that families need to be much more involved in the care of their loved ones. Families are suffering in much the same way that veterans themselves are suffering. They must have access to care which will aid in the effective treatment and rehabilitation of a veteran. An existing provision of law allows such care for family members. Our legislation simply restates this law and clarifies the type of services to which family members should have access.

Finally, our goal is to define the best possible treatments for veterans now and in the future. To that end, this legislation sets up a mental health research program based on the successful pediatric oncology model. We are proposing a network of sites with adequate patient flow and clinical and research expertise. The goal is to promote rapid progress from research to therapeutic advancement and effective treatments for PTSD and PTSD in the presence of a substance use disorder.

An aggressive mental health agenda for veterans begins by providing VA with financial support. Our comprehensive legislation authorizes the creation of new programs and expansion of existing ones. While these changes amount to significant new funding, every dollar was included in our Committee's Views and Estimates Letter to the Budget Committee. The Committee on Veterans' Affairs requested a $700 million dollar increase in fiscal year 2008 for mental health programs, and the full Senate supported this level in the final budget resolution. A similar level of funding was supported by the full Senate in the VA appropriation bill.

I urge all of my colleagues to support this innovative and comprehensive legislation, which will bring hope and progress to many veterans suffering from invisible wounds.

By Mr. INHOFE (for himself and Mr. COCHRAN):

S. 2164. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduce the NOAA Scholarship Act of 2007 with my colleague from Mississippi, Senator COCHRAN. This bill provides a scholarship program for promising students who seek to pursue an education in a relevant field of study and commit to work for a branch of the National Oceanic Atmospheric Administration, NOAA, including the

National Weather Service, upon graduation.

Few can contend with the fact that there is a shortage of American students devoting themselves to the study of science, math and engineering. However, the demand for trained individuals in these professions is rising. In order to achieve their missions, Federal organizations like NOAA require a cadre of young talent to enter the workforce with training in fields like meteorology, hydrology, and oceanography.

In my great State of Oklahoma, we know the importance of NOAA, and particularly the study of meteorology. Two weeks ago, I met with a group of Fire Marshalls who informed me that there are more declared natural disasters per capita in Oklahoma than in any other State in the Union. In May of each year, we experience an average of twenty tornadoes. In fact, the fastest wind speed ever recorded was in one of the May tornadoes to hit Oklahoma in 1999. As Oklahomans, we know that having accurate and timely reporting of atmospheric changes can mean the difference between life and death.

It is no surprise, then, that the University of Oklahoma, OU, has developed an exceptional program for the study of meteorology. The OU School of Meteorology is the largest meteorology program in the nation, with over 320 undergraduate students and 80 graduate students. It ranks first in the Nation in severe storms and mesoscale research and is among the top seven meteorology programs in the country. OU President David Boren, my predecessor in the Senate, targets the OU School of Meteorology to become the leading radar meteorology program in the world.

The OU School of Meteorology is fortunate to have a state of the art facility in the recently constructed National Weather Center. In this 244,000 square foot structure, federal, state, and OU organizations partner together to better understand weather events occurring in the atmosphere. The research that occurs in this center is truly groundbreaking. The scientists who work at NWC, many of them working with NOAA, have expertise in severe weather, local and regional climate, numerical modeling, hydrology, and radar meteorology. Their work is both abstract and tangible, using theory and advanced scientific research to improve the lives of individuals in Oklahoma and around the world.

The National Weather Center is the home of many notable achievements. NWC scientists were able to demonstrate that the Doppler weather radar can be useful in detecting tornadoes, hail, and other severe weather events. Using the Doppler radar, they have developed numerical forecasting models for government and industry applications. The scientists at NWC are also known for taking risks to discover new and improved ways of collecting data and making observations; for example, they can be credited with showing the effectiveness of rapidly deployable, truck-mounted radars that they drive into the middle of fierce storms.

It is with the first-hand knowledge of the important work of the National Weather Service and the National Oceanic Atmospheric Administration's research in marine research, atmospheric research, and satellite programs that I introduce this bill. The NOAA Scholarship Act of 2007 will establish a scholarship program for promising students who desire to pursue an education in a relevant field of study and then serve as full-time employees of NOAA at the completion of their degrees. The students will be required to work for NOAA for 24 months in return for each academic year that a scholarship is given. This program will provide an opportunity and an incentive for students to develop scientific expertise that will continue to enable NOAA, at facilities like the National Weather Center in Norman, Oklahoma and elsewhere, to attain its mission.

On September 17, 2007, the House of Representatives passed identical legislation, H.R. 1657, by a vote of 360–16. I request that the Senate move quickly on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Scholarship Act of 2007".

SEC. 2. SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator is authorized to establish a Science and Technology Scholarship Program to award scholarships to individuals to recruit and prepare students for careers in the National Weather Service and in Administration marine research, atmospheric research, and satellite programs.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under the scholarship program through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals described in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the scholarship program.

(3) SERVICE AGREEMENTS.—To carry out the scholarship program, the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (f)(1), in positions needed by the Administration in fields described in paragraph (1) and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in the scholarship program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic program or field of study described in the list made available under subsection (d);

(2) be a citizen or permanent resident of the United States; and

(3) at the time of the initial scholarship award, not be an employee (as that term is defined in section 2105 of title 5, United States Code) of the United States.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under the scholarship program shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require to carry out this section.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships may be utilized in fields described in subsection (a)(1), and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—The Administrator may provide a scholarship under the scholarship program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under the scholarship program for more than 4 academic years, unless the Administrator grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under the scholarship program for an academic year shall be determined under regulations issued by the Administrator, but may not exceed the cost of attendance, as described in paragraph (4).

(4) AUTHORIZED USES.—A scholarship provided under the scholarship program may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—Except as provided in subsection (h)(2), the period of service for which an individual shall be obligated to serve as an employee of the Administration shall be 24 months for each academic year for which a scholarship under the scholarship program is provided.

(2) SCHEDULE FOR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment not later than 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—Except as provided in subsection (h), an individual who receives a scholarship under the scholarship program and who, for any reason, fails to begin or complete a service obligation under this section after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. Such an individual shall be liable to the United States for an amount equal to—

(A) the total amount received by the individual under the scholarship program; plus

(B) the amount of interest that would have been earned on such amount, at the maximum legal prevailing rate as determined by the Treasurer of the United States, during the period between the date the amount was awarded to the individual and the date of the breach of the agreement.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the scholarship program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the scholarship program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(a) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(b) ADMINISTRATOR.—The term "Administrator" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(c) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(d) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(e) SCHOLARSHIP PROGRAM.—The term "scholarship program" means the Science and Technology Scholarship Program established under section 2(a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 345—SUPPORTING THE WORK OF FIREFIGHTERS TO EDUCATE AND PROTECT THE NATION'S COMMUNITIES, AND THE GOALS AND IDEALS OF FIRE PREVENTION WEEK, OCTOBER 7-13, 2007, AS DESIGNATED BY THE NATIONAL FIRE PROTECTION ASSOCIATION

Ms. COLLINS (for herself, Mr. DODD, Mr. BIDEN, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 345

Whereas firefighters have maintained their dedication to the health and safety of the American public since the first American fire departments were organized in the colonial era;

Whereas today's firefighters provide a multitude of services, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas more than 1,130,000 firefighters protect the United States through their heroic service;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and dispatch to fire emergencies every 20 seconds;

Whereas approximately 1,600,000 fires are reported annually;

Whereas firefighters respond with courage to all disasters, whether they be acts of terrorism, natural disasters, or other emergencies;

Whereas 343 firefighters sacrificed their lives responding heroically to the events of September 11, 2001;

Whereas firefighters from across the Nation responded with remarkable selflessness throughout the areas affected by Hurricane Katrina;

Whereas 89 firefighters lost their lives in 2006, and over 80,000 were injured in the line of duty;

Whereas we have honored firefighters for educating the American public since President Harding declared the first Fire Prevention Week in 1922;

Whereas the National Fire Protection Association has designated the week of October 7-13, 2007 as Fire Prevention Week; and

Whereas educating Americans on methods of fire prevention and escape planning continues to be a priority for all firefighters: Now, therefore, be it

Resolved, That the Senate—

(1) supports the work of firefighters to educate and protect the Nation's communities; and

(2) supports the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

SENATE RESOLUTION 346—EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS OF THE DEVASTATING THUNDERSTORMS THAT CAUSED SEVERE FLOODING DURING AUGUST 2007 IN THE STATES OF ILLINOIS, IOWA, MINNESOTA, OHIO, AND WISCONSIN, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. DURBIN, Mr. GRASSLEY, Mr. HARKIN, Mr. BROWN, Mr. VOINOVICH, Mr. FEINGOLD, Mr. KOHL, and Mr. OBAMA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 346

Whereas, during August 2007, severe thunderstorms were responsible for bringing as much as 18 inches of torrential rain to parts of the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, resulting in devastating floods;

Whereas these storms tragically took the lives of 14 people;

Whereas these storms injured countless other people, damaged or destroyed thousands of homes, and devastated businesses and institutions;

Whereas, on August 21, 2007, the Governor of Minnesota declared Fillmore, Houston, Steele, Olmsted, Wabasha, and Winona Counties, Minnesota, to be in a state of disaster as a result of these storms, and subsequently Dodge and Jackson Counties, Minnesota, received a Federal major disaster declaration as well;

Whereas, on August 20 and 21, 2007, the Governor of Wisconsin declared Crawford, La Crosse, Richland, Sauk, and Vernon Counties, Wisconsin, to be in a state of disaster as a result of these storms;

Whereas, on August 22, 2007, and in the days following, the Governor of Iowa declared Allamakee, Appanoose, Boone, Calhoun, Cherokee, Davis, Humboldt, Mahaska, Montgomery, Palo Alto, Pocahontas, Union, Van Buren, Wapello, Wayne, Webster, and Winneshiek Counties, Iowa, to be in a state of disaster as a result of these storms;

Whereas, on August 22, 2007, the Governor of Ohio declared Allen, Crawford, Hancock, Hardin, Putnam, Richland, Seneca, Van Wert, and Wyandot Counties, Ohio, to be in a state of disaster as a result of these storms;

Whereas, on August 24, 2007, and in the days following, the Governor of Illinois declared Cook, DeKalb, DuPage, Grundy, Lake, LaSalle, Kane, Knox, McHenry, Warren, and Will Counties, Illinois, to be in a state of disaster as a result of these storms;

Whereas President Bush declared 8 counties in Minnesota, 8 counties in Ohio, 14 counties in Wisconsin, 6 counties in Illinois, and 14 counties in Iowa to be major disaster areas as a result of these storms, and individuals and families, State and local Governments, and certain private nonprofit organizations in these areas became eligible for individual or public Federal disaster assistance or both;

Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and

Whereas the catastrophic injury, death, and damage in Illinois, Iowa, Minnesota, Ohio, and Wisconsin would have been even worse in the absence of local relief efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin;

(2) conveys gratitude to the local, State, and Federal officials and emergency personnel who responded swiftly to the crisis, including emergency management teams in each of the affected States, Michael Chertoff, Secretary of Homeland Security, and David Paulison, Administrator of the Federal Emergency Management Agency;

(3) recognizes the generous and selfless support of citizens, local businesses, the American Red Cross, the United Way, Catholic Charities, and the Salvation Army; and

(4) reaffirms support for helping the victims of the flooding rebuild their homes and lives.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3270. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3272. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3273. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3274. Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3275. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3276. Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3277. Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3278. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3279. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table .

SA 3280. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3281. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3282. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3283. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3284. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3285. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3288. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3289. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3290. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3291. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3292. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3293. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3298. Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3299. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3300. Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3301. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3302. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3303. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3304. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3305. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3306. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3307. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3308. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3309. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3310. Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3311. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3312. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3313. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3314. Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3315. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3316. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3318. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3319. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the bill H.R. 3093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3270. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On 88, line 1, strike "$625,000,000" and all that follows through line 2 and insert the following: "$645,000,000 shall not be available for obligation until the following fiscal year and, notwithstanding any other provision of this Act, the amount appropriated to the State Criminal Alien Assistance Program is reduced by $20,000,000."

SA 3271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30 line 4 strike the "." and insert ": *Provided*, That within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, it's bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities."

SA 3272. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 18 line 13 strike the "." and insert the following:

": *Provided*, That of the amounts provided to the Secretary within this account, $10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: *Provided further*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau's website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet."

SA 3273. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69 line 13 after the second "." strike all through page 70 line 10 and insert:

"Of the funds appropriated in this Act for the Federal Bureau of Investigation's Sentinel program, $25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: *Provided*, That the report shall be submitted simultaneously to the Government Accountability Office: *Provided further*, That the Government Accountability Office shall review the Bureau's performance measurement baseline for the Sentinel program and shall submit its findings to the Committees on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the performance measurement baseline validated by the integrated baseline review referred to in SEC. 215 of this Act: *Provided*, That this restriction does not apply to planning and design activities for future phases or increments: *Provided further*, That the Bureau will notify the Committees of any significant changes to the baseline."

SA 3274. Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) In addition to any other amounts otherwise appropriated to the Attorney General under this Act, there is appropriated to the Attorney General, $500,000, to conduct a study, in conjunction with other Federal agencies, on—

(1) the connection between methamphetamine crimes and identity theft crimes, and assess the degree of correlation between such crimes;

(2) how individuals who use methamphetamine and commit identity theft crimes typically obtain the information of the victim of such crimes;

(3) how individuals who use methamphetamine and commit identity theft crimes misuse the information of the victims of such crimes;

(4) the possible linkages between the sale and distribution of methamphetamine, gang activity, and gang-related crimes, including whether there is an increase in gang-related crime with respect to identity theft;

(5) the needs of Federal, State, local, and tribal law enforcement to pursue and prosecute methamphetamine crimes related to identity theft and whether any changes are needed to Federal law;

(6) the advisability of imposing a sentencing enhancement—

(A) if a person commits both a methamphetamine crime and an identity theft crime; and

(B) if a person is part of a conspiracy to commit methamphetamine and identity theft crimes; and

(7) the advisability of establishing a password-protected electronic clearinghouse within the Department of Justice for Federal, State, and local law enforcement agencies to—

(A) share information on crimes involving both methamphetamine and the commission of identity theft;

(B) create a better understanding of the correlation between such crimes; and

(C) share best practices.

(b) Not later than 12 months after the date of the enactment of this Act, the Attorney General shall submit a report to Congress describing the findings of the study conducted under (a).

(c) Notwithstanding any other provision of this Act, the amount rescinded for the Working Capital Fund of the Department of Justice under the heading "GENERAL ADMINISTRATION" under the subheading "WORKING CAPITAL FUND (RESCISSION)" under title VI of this Act is increased by $500,000.

SA 3275. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—

(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(2) the average time taken to complete each type of background check;

(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and

(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(b) RECIPIENTS.—The congressional committees listed in this subsection are—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SA 3276. Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, between lines 18 and 19, insert the following:

TITLE VII—RESTITUTION

SEC. 701. SHORT TITLE.

This title may be cited as the "Restitution for Victims of Crime Act of 2007".

Subtitle A—Collection of Restitution

SEC. 721. SHORT TITLE.

This subtitle may be cited as the "Collection of Restitution Improvement Act of 2007".

SEC. 722. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

"(C)(i) Each restitution order shall—

"(I) contain information sufficient to identify each victim to whom restitution is owed;

"(II) require that a copy of the court order be sent to each such victim; and

"(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

"(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed to the victim.

"(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

"(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

"(3) The court shall direct the defendant—

"(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) to notify the court of any change in residence; and

"(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

"(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

"(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

"(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

"(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

"(D) In ordering restitution, the court may direct the defendant to—

"(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

"(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any non-exempt asset.

"(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

"(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

"(i) the need to provide restitution to the victims of the offense;

"(ii) the financial ability of the defendant;

"(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

"(iv) the projected earnings and other income of the defendant;

"(v) any financial obligations of the defendant, including obligations to dependents;

"(vi) whether the defendant has concealed or dissipated assets or income; and

"(vii) any other appropriate circumstances.

"(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

"(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than $100 per year toward the restitution obligation.

"(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

"(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

"(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.".

SEC. 723. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

"(d) PAYMENT.—

"(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

"(2) EFFORTS TO MAKE PAYMENT.—The court shall—

"(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) direct the defendant to notify the court of any change in residence; and

"(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

"(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

"(5) PAYMENT SCHEDULE.—

"(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

"(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

"(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

"(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

"(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

"(i) the court shall take such action as is necessary to protect such third party interest; and

"(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

"(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

"(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

"(A) the need to satisfy the fine or assessment;

"(B) the financial ability of the defendant;

"(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

"(D) the projected earnings and other income of the defendant;

"(E) any financial obligations of the defendant, including obligations to dependents;

"(F) whether the defendant has concealed or dissipated assets or income; and

"(G) any other appropriate circumstances.

"(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

"(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than $100 per year toward the fine or assessment imposed.

"(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10) ENFORCEMENT.—

"(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

"(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

"(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.".

SEC. 724. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

"(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

"(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than $100 shall include—

"(A) the name, social security account number, mailing address, and residence address of the defendant;

"(B) the docket number of the case;

"(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

"(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

"(E) a description of any modification or remission.

"(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.".

SEC. 725. ATTORNEY'S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking "and" at the end;

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (3), by striking "and" at the end;

(3) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

Subtitle B—Preservation of Assets for Restitution

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "Preservation of Assets for Restitution Act of 2007".

SEC. 742. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

"§ 3664A. Preservation of assets for restitution

"(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

"(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

"(A) shall—

"(i) enter a restraining order or injunction;

"(ii) require the execution of a satisfactory performance bond; or

"(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

"(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

"(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

"(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

"(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

"(b) DEFENDANT'S RIGHT TO A HEARING.—

"(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

"(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

"(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

"(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

"(3) HEARING.—

"(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

"(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

"(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

"(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

"(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

"(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT HEARING.—

"(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

"(A) the order causes an immediate and irreparable hardship to the moving party; and

"(B) less intrusive means exist to preserve the property for the purpose of restitution.

"(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

"(3) INTERVENTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

"(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(d) GEOGRAPHIC SCOPE OF ORDER.—

"(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

"(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

"(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

"(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

"(g) RECEIVERS.—

"(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

"(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.".

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

"Sec. 3664A. Preservation of assets for restitution.".

SEC. 743. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end; and

(B) by inserting after subparagraph (C) the following:

"(D) committing or about to commit a Federal offense that may result in an order of restitution;"; and

(2) in paragraph (2)—

(A) by striking "a banking violation" and all that follows through "healthcare offense" and inserting "a violation or offense identified in paragraph (1)"; and

(B) by inserting "or offense" after "traceable to such violation".

SEC. 744. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after "in which the debtor resides." the following: "In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.".

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after "the filing of a civil action on a claim for a debt" the following: "or in any criminal action where the court may enter an order of restitution"; and

(2) in subsection (d)—

(A) by inserting after "The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.'" the following:

"'In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution $ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.'";

(B) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(C) by inserting after "You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.'" the following:

"'If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(2) by inserting after "you want the proceeding to be transferred.'" the following:

"'If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

SA 3277. Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 3278. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'," and inserting "the '911 Modernization Act'.".

SA 3279. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. FEDERAL BUREAU OF INVESTIGATION ANALYSIS OF DNA SAMPLES.

(a) IN GENERAL.—The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" under this title is increased by $23,000,000, which shall be used for personnel, equipment, build-out/acquisition of space, and other resources to be used for the analysis of DNA samples.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading "INDUSTRIAL TECHNOLOGY SERVICES" under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" under title I of this Act is reduced by $23,000,000.

SA 3280. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

SEC. ___. VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.

IN GENERAL.—For each fiscal year beginning after the date of the enactment of this Act, 25,000 of the immigrant visas allocated under section 203 (c) of the Immigration and Nationality Act for Diversity Immigrants shall be made available to aliens seeking immigrant visas who:

(1) are otherwise admissible under the INA;

(2) achieve the highest scores on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(3) take the exams described in (2) above in the English language.

SA 3281. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, strike "$1,747,822,000: *Provided*," and insert "$2,247,822,000: *Provided*, That of the total amount appropriated, $500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period: *Provided further*, That the amount provided to expand Operation Streamline is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*,".

SA 3282. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, strike "$1,747,822,000: *Provided*," and insert "$2,247,822,000: *Provided*, That of the total amount appropriated, $500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period: *Provided further*,".

SA 3283. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. The Attorney General shall make available $10,000,000 from the Department of Justice Working Capital Fund to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period.

SA 3284. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, insert ", and of which $10,000,000 shall be used to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period" before the semicolon.

SA 3285. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

(a) FINDINGS.—The Senate finds the following:

(1) The Census, taken every ten years since 1790, is necessary for determining Congressional representation, Electoral College votes, and government program funding;

(2) The United States Census Bureau is required to count citizens and non-citizens alike;

(3) The data provided by the United States Census Bureau is essential to understanding population trends and providing the federal government and the Congress with important information related to public policy debates, including information on the number of undocumented persons living in the United States; however, the collection of this information is not more important than the full and effective enforcement of our immigration laws;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the administration of the 2010 Census by the United States Census Bureau should not reduce the ability of the Department of Homeland Security to effectively enforce the immigration laws of the United States, and that the Immigration and Customs Enforcement Bureau of the Department of Homeland Security should continue aggressive enforcement of federal immigration laws during the administration of the census.

SA 3286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

SA 3287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in a subdivision of a State if such subdivision does not comply with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(b) Any amount that is not available for a subdivision of a State under the limitation set out in subsection (a) shall be made available to the government of that State for community oriented policing services.

SA 3288. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

After the period on page 97 line 9, insert the following:

SEC. XX. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

SA 3289. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

SA 3290. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) IN GENERAL.—The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "GENERAL ADMINISTRATION" under this title is increased by $30,000,000, which shall be used for salaries and expenses for hiring 200 additional assistant United States attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 649) concerning the prosecution of offenses relating to the sexual exploitation of children.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading "INDUSTRIAL TECHNOLOGY SERVICES " under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" under title I of this Act is reduced by $30,000,000.

SA 3291. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.

(a) IN GENERAL.—In addition to the amounts appropriated for the Southwest Border Prosecutor Initiative in title II under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", there is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $20,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by $20,000,000.

SA 3292. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 53, line 6, strike ", of which $30,000,000" and all that follows through "offices" on line 11.

On page 97, between lines 9 and 10, insert the following:

SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by $50,000,000.

SA 3293. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 26, after line 24, insert the following:

SEC. 114. Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 26) is amended—

(1) in the first sentence, by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) in the second sentence, by striking "October 1, 2010" and inserting "February 18, 2009".

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 26, strike the period and insert ": *Provided further*, That an additional $7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of $7,845,000.".

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, strike the semicolon and insert ": *Provided*, That an additional $150,000,000 shall be available for such program offset by a reduction in the amount under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of $150,000,000;".

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. INCREASE IN FUNDING FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INCREASE IN FUNDING.—The amount appropriated or otherwise made available under title I under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" is hereby increased by $100,000,000 for scientific and technical research and services.

(b) DECREASE IN FUNDING.—The amount appropriated or otherwise made available under title I for necessary expenses of the Advanced Technology Program is hereby decreased by $100,000,000.

SA 3297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of

Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. LIMITATION ON EMERGENCY DESIGNATION.

None of the funds appropriated or otherwise made available in this Act to carry out return to flight activities associated with the space shuttle may be designated as an emergency requirement or necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

SA 3298. Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 15, insert ": *Provided further*, That of the amount appropriated under this heading, $2,000,000, may be made available for salaries and expenses for the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office" before the period.

SA 3299. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, line 11, after "other custodial facilities" insert the following: ": *Provided further*, That the Director of the Federal Prison System may use amounts made available under this heading to carry out a pilot program for children (not older than 36 months of age) of nonviolent female offenders, under which such children will be housed, fed, and cared for in Federal correctional facilities housing women (including such a facility in which Federal prisoners are housed under a contract with the Government) and participate in programs specifically designed to benefit mother and child".

SA 3300. Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 114. DTV CONSUMER EDUCATION.

(a) IN GENERAL.—The amount appropriated under the heading "PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION" under this title is increased by $10,000,000, which shall be used for competitive grants to public television broadcast stations, or a consortium of such entities, to assist such stations in conducting consumer education efforts concerning the transition from analog to digital television: *Provided*, That the Secretary of Commerce shall award such grants not later than 90 days after the date of enactment of this Act: *Provided further*, That such grants shall not be subject to the requirements of section 392(b) of the Communications Act of 1934: *Provided further*, That receipt of any grant amounts for consumer education efforts shall in no way prohibit or affect the eligibility of such public televison broadcast stations from receiving funds for any other grant amounts for construction and planning as authorized under section 391 of such Act.

(b) OFFSET.—The amount made available under each account in this title for the Department of Commerce for administrative travel expenses, supplies, and printing expenses shall be reduced on a pro rata basis, so that the total of the reductions equals $10,000,000.

SA 3301. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, add the following:

SEC. ____. SENSE OF THE SENATE REGARDING THE 2010 CENSUS.

(a)' FINDINGS.—The Senate finds the following:

(1) Article I of the United States Constitution requires the taking of a census that counts all persons in the United States.

(2) The census, taken every 10 years since 1790, is necessary for determining Congressional representation, Electoral College votes, and Government program funding.

(3) The data provided by the United States Bureau of the Census is essential to understanding population trends and providing the Federal Government and Congress with important information related to public policy debates.

(4) According to the Brookings Institution, the Federal Government disburses $323,000,000,000 through 100 Federal programs to State and local governments based on data provided by the census.

(5) Congress has historically provided increased funding resources to the United States Bureau of the Census in years prior to each decennial census to allow the Bureau to adequately prepare for the taking of the census.

(6) Public Law 110-92, the continuing resolution, which held funding increases for the census at previous fiscal year levels, jeopardizes the ability of the United States Bureau of the Census to prepare for the 2010 census.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that during the 2010 Census, all Federal agencies should cooperate with the United States Bureau of the Census in a manner consistent with the constitutional requirement to count all persons in the United States, and that Congress should provide adequate funding resources to the United States Bureau of the Census to achieve an accurate census.

SA 3302. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. ITC REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, 5 years after the date of the enactment of this Act, and every 5 years thereafter, the International Trade Commission shall submit a report to Congress on each free trade agreement in force with respect to the United States. The report shall, with respect to each free trade agreement, contain an analysis and assessment of the analysis and predictions made by the International Trade Commission, the United States Trade Representative, and other Federal agencies, before implementation of the agreement and actual results of the agreement on the United States economy.

(b) CONTENTS OF REPORT.—Each report required by subsection (a) shall contain the following:

(1) With respect to the United States and each country that is a party to a free trade agreement, an assessment and quantitative analysis of how each agreement—

(A) is fostering economic growth;

(B) is improving living standards;

(C) is helping create jobs; and

(D) is reducing or eliminating barriers to trade and investment.

(2) An assessment and quantitative analysis of how each agreement is meeting the specific objectives and goals set out in connection with the implementation of that agreement, the impact of the agreement on the United States economy as a whole, and on specific industry sectors, including the impact the agreement is having on—

(A) the gross domestic product;

(B) exports and imports;

(C) aggregate employment, and competitive positions of industries;

(D) United States consumers; and

(E) the overall competitiveness of the United States.

(3) An assessment and quantitative analysis of how each agreement is meeting the goals and objectives for the agreement on a sector-by-sector basis, including—

(A) trade in goods;

(B) customs matters, rules or origin, and enforcement cooperation;

(C) sanitary and phytosanitary measures;

(D) intellectual property rights;

(E) trade in services;

(F) electronic commerce;

(G) government procurement;

(H) transparency, anti-corruption; and regulatory reform; and

(I) any other issues with respect to which the International Trade Commission submitted a report under section 2104(f) of the Bipartisan Trade Promotion Authority Act of 2002.

(4) A summary of how each country that is a party to an agreement has changed its labor and environmental laws since entry into force of the agreement.

(5) An analysis of whether the agreement is making progress in achieving the applicable purposes, policies, priorities, and objectives of the Bipartisan Trade Promotion Authority Act of 2002.

SA 3303. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 82 line 2 strike "2006 and 2007" and insert "2007 and 2008".

SA 3304. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided under this heading, $2,000,000 is made available for the Office of Response and Restoration for the Damage Assessment Restoration Revolving Fund for sampling, analysis, and clean-up related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.".

SA 3305. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 5 strike "373,000" and insert "370,800".

SA 3306. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 7 strike "3,200" and insert "3,100".

SA 3307. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 9 strike "13,800" and insert "13,100".

SA 3308. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 14, strike "$8,000,000" and insert "$8,000".

SA 3309. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 72, line 14, before the period insert the following: ": *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, $10,000,000 shall be made available, and distributed in equal increments, to each of NASA's 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States".

SA 3310. Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

SA 3311. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.

SA 3312. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

(a) IN GENERAL.—Title II of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821 et seq.) is amended by adding at the end thereof the following:

"SEC. 208. LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

"(a) IN GENERAL.—The Secretary may—

"(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

"(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

"(b) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

"(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.".

SA 3313. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 53, line 11, insert ", and of which not less than $75,000,000 shall be used by United States Immigration and Customs Enforcement for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws" before the semicolon at the end.

SA 3314. Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided, not less than $15,000,000 shall be available to carry out activities under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (8 U.S.C. 1864).”.

SA 3315. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by $40,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by $40,000,000.

SA 3316. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by $20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, each amount made available under this Act, except for the amount under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” shall be reduced on a pro rata basis by the appropriate percentage to reach $20,000,000.

SA 3317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by $20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by $20,000,000.

SA 3318. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES

(a) In this section, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during Fiscal Year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation how the conference advanced the mission of the agency; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the agency.

SA 3319. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, line 7 of the amendment, after “agencies” insert “and the United States Sentencing Commission”.

UNITED STATES TRANSPORTATION COMMAND 20TH ANNIVERSARY

On Tuesday, October 2, 2007, the Senate agreed to S. Res. 319 and its preamble, as follows:

S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

(1) the United States Transportation Command at Scott Air Force Base, Illinois;

(2) the Air Mobility Command at Scott Air Force Base, Illinois;

(3) the Military Sealift Command in Washington, District of Columbia; and

(4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peacekeeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democracy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to “improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war”;

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

(1) providing common-user and commercial transportation, terminal management, and aerial refueling;

(2) providing global patient movement for the Department of Defense through the Defense Transportation System;

(3) serving as the Mobility Joint Force Provider; and

(4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

Resolved, That the Senate—

(1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (including the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

ORDERS FOR TUESDAY, OCTOBER 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 16; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled between the majority and minority, with the Republicans controlling the first half and the majority controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 3093; that on Tuesday, the Senate stand in recess from 12:30 to 2:15 in order to accommodate the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I see no one wishing to speak further today; therefore, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Tuesday, October 16, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 15, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 15, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal and Almighty God, before You all events of life and calendar pages flip over quickly. The human search for stability in an ever-changing world and the traffic of today's crossroads drives each of us to find new depth within ourselves as we join the motion of another week.

The story of a tsunami comes to mind. Easily we view the destructive consequences on the surface of things around us and question their eruptive origins.

Lord, show us how to detect the beginnings of violence, war, hatred, disruption, and fear. As a leader in the community of peoples, Congress needs to raise the deepest questions.

Enable Members and the people they represent to assess the true cost of the country's lifestyle and the ramifications of our silence on the most important issues.

If it is truly "in God we trust," then all else is called into question and cannot be the measurement of progress or the final goal. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SCHIP

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, what kind of Nation are we when 47 million Americans go to bed every night without adequate health care coverage? And what kind of Nation will we become when we turn our backs on those who need us the most, our Nation's children, on whose future we all depend?

The SCHIP bill, the State Children's Health Insurance Program, will provide access to necessary medical services to 11 million of our children who are most in need. We cannot, we shall not, we must not turn our backs on our Nation's children.

I urge my colleagues who have yet to consider voting up or down on this measure to think this thing all the way through. Whose side are you on? Are you on the side of our children, who need you the most? Or are you on the side of special interests? We Democrats are on the side of children. Please reconsider what kind of Nation we will be when we turn our backs on our children.

DEFICIT CONTINUES TO DECLINE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Department of Treasury and Office of Management and Budget have announced that today's budget deficit is $85 billion less than last year. That marks a $250 billion decline over the last 3 years and brings us even closer to balancing the budget.

This good news is a clear sign that a government which taxes less and spends less taxpayer dollars and spends them wisely can balance its checkbook. These recent record tax revenues are paying down the deficit, but we must do our part by honoring the hard work of the American people and not passing future bloated budgets and tax hikes.

The American people have learned to live within their means; it is time that Washington do the same. That means we do not spend $22 billion more than we need to or tax Americans $400 billion more than they deserve. Above all, the government must address the pending entitlement crisis. This is a situation where Congress cannot pass the buck.

In conclusion, God bless our troops, and we will never forget September the 11th.

HONORING OHIO ATTORNEY GENERAL MARK DANN, U.S. ATTORNEY GREGORY LOCKHART, AND USDA AGENT MARK BARNHART

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Madam Speaker, on October 13, Ohio Attorney General Mark Dann, U.S. Attorney Gregory Lockhart, and USDA Agent Mark Barnhart received the 2007 Humane Law Enforcement Award from the Humane Society and the National District Attorneys Association. They were honored with this prestigious award for conducting one of the largest, best coordinated crackdowns on dog fighting in the Nation.

I am extremely proud that my home State of Ohio is taking a lead in cracking down on this vicious blood sport,

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but this raid also demonstrates the difficulty authorities have of prosecuting offenders under Federal law.

I have introduced the Dog Fighting Prohibition Act, which would strengthen Federal penalties for those participating in dog fighting and broaden the scope of the law to allow prosecution of everyone involved, from spectators to trainers to dealers. We need to do all we can to end what has become a lucrative gambling business; and to accomplish that, we must give our law enforcement officials like Mark Dann, Gregory Lockhart, and Mark Barnhart the tools that they need. I want to thank them and congratulate them on their efforts, and encourage support for the Dog Fighting Prohibition Act.

FISCAL RESPONSIBILITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, fiscal responsibility is the cornerstone of a strong economic plan, and House Republicans are dedicated to ensuring that American taxpayers are getting the best product for their money. Unfortunately, I can't say my Democratic colleagues feel the same way.

We are 3 weeks into fiscal year 2008, and for the first time in a long time Congress has not sent the President a single appropriations bill. One of these bills funds our veterans, and they deserve the benefits they were promised; yet politics has taken over the Democratic leadership, and their failure is costing veterans over $4 billion in new benefits.

The Democratic majority also has failed to deliver on promised earmark transparency that would shed light on every earmark, and we're continuing to see abuses within the system.

At almost every opportunity, the Democratic leadership has increased spending and increased taxes to pay for these spending binges. It's time to get back on track to finding commonsense solutions and stop using taxpayer dollars like it's an unlimited source of money.

COMMUNICATION FROM STAFF MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from Greg Lankler, Staff Assistant, Committee on Appropriations:

OCTOBER 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony and documents issued by the U.S. District Court for the Central District of California.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

GREG LANKLER,
Staff Assistant.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONGRATULATING THE STATE OF ISRAEL ON CHAIRING A UNITED NATIONS COMMITTEE FOR THE FIRST TIME IN HISTORY

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 624) congratulating the State of Israel on chairing a United Nations committee for the first time in history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 624

Whereas Israel joined the United Nations in 1949, as the 59th member of that organization;

Whereas the preamble of the Charter of the United Nations stated that its objective was to "to save succeeding generations from the scourge of war . . . and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .";

Whereas the United Nations has failed to live up to its goal to promote equal rights among states, as enshrined in its charter, in the case of Israel;

Whereas the democratic State of Israel is denied full representation within the United Nations, and its constituent agencies and bodies, yet repressive regimes in violation of United Nations human rights principles are afforded full rights and privileges;

Whereas in May 2000, Israel accepted an invitation to become a temporary member of the United Nations' Western European and Others Group (WEOG), and in May 2004, Israel was granted an indefinite extension of its qualified membership in WEOG;

Whereas since Israel was accepted as part of WEOG in 2000, it has had the right to apply for positions on United Nations committees;

Whereas the State of Israel is the only member of WEOG in a conditional status;

Whereas Israel is excluded from discussions and consultations of WEOG at the United Nations offices in Geneva, Nairobi, Rome, and Vienna;

Whereas Israel has been refused admission to the Asian States Group of the United Nations, thereby being denied the rights and privileges of full membership in the United Nations;

Whereas Israel has submitted its candidacy for membership on the United Nations Security Council for 2019 and hopes to gain the full participation rights in the United Nations to which it is entitled as a sovereign state;

Whereas at the opening of the 61st United Nations General Assembly in 2006, former United Nations Secretary-General Kofi Annan stated that "supporters of Israel feel that it is harshly judged by standards that are not applied to its enemies . . . and too often this is true, particularly in some UN bodies";

Whereas Israel has played an active role in the international community and within the United Nations;

Whereas Israel already sits on several important committees in the United Nations, and representatives from Israel have served as deputy chairs in the United Nations numerous times;

Whereas Israelis were first elected to notable United Nations positions in 1994, including the high administrative tribunal at the Hague, Vice Chair of the World Health Organization's Executive Committee and the Human Rights Committee, in June 2005 Israel's Ambassador to the United Nations, Dan Gillerman, was appointed one of the 21 new vice presidents of the General Assembly, and in July 2005, Israel was elected to deputy chairmanship of the United Nations Disarmament Commission (UNDC);

Whereas, on June 19, 2007, for the first time since Israel joined the United Nations, an Israeli diplomat, Mr. Ron Adam, Director of the Israeli Foreign Ministry's United Nations Political Affairs Department, was chosen to chair a United Nations committee, the Committee on Program and Coordination (CPC);

Whereas this 33 member body (composed of Argentina, Armenia, Belarus, Benin, Brazil, Bulgaria, the Republic of Central Africa, China, Comoros, Cuba, France, Ghana, Haiti, India, Indonesia, Iran, Italy, Jamaica, Japan, Kenya, Pakistan, Portugal, Korea, Russia, Senegal, South Africa, Switzerland, Uruguay, Venezuela, Zimbabwe, United States, and Israel) approves the work plan for all United Nations agencies and bodies;

Whereas Israel's first unique appointment to chair a United Nations committee will hopefully encourage the normalization of Israel's bilateral and multilateral relations and challenge future disproportionate United Nations condemnation of Israel;

Whereas anti-Semitic rhetoric and sentiment within United Nations fora have been of grave concern to the United States and other responsible nations;

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111-25, revoked Resolution 3379 in 1991 in response to strong leadership by the United States;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful, anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas, in 2004, at the first United Nations Department of Public Information Seminar on Anti-Semitism, former United Nations Secretary-General Kofi Annan acknowledged that "the United Nations' record on anti-Semitism has at times fallen short of our ideals"; and

Whereas, in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Government and people of the State of Israel on Israel's first ever appointment to chair a United Nations committee;

(2) supports continued expansion of Israel's role at the United Nations;

(3) welcomes recent attempts by the United Nations to address the issue of prevailing anti-Semitism;

(4) calls on the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations Member States that make such statements;

(5) urges the members of the United Nations' Western European and Others Group (WEOG) to extend full and permanent membership to Israel, without conditions, until such time as Israel can serve as an effective member of the Asian States Group of the United Nations; and

(6) calls upon United Nations Secretary-General Ban Ki-Moon to continue to work to end any unfair vilification of Israel at the United Nations and ensure Israel's full participation in, and access to, all international fora under United Nations auspices.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

First, I want to thank Mr. HASTINGS and Mr. GREEN for their work on this important resolution congratulating the democratic State of Israel for achieving a significant victory in its long and tedious campaign to gain fair treatment at the U.N.

In June, an Israeli diplomat, Mr. Ron Adam, was chosen to chair a critical U.N. committee, the Committee on Policy and Coordination, which is responsible for approving the work plan for all U.N. agencies and bodies. Incredibly, in the entire history of the U.N., this is the first time an Israeli has been granted such a role.

For almost 60 years, since it became a member of the United Nations, Israel has been treated as a second-class citizen among the nations at the U.N. The greatest barrier to fair treatment for Israel has been its inability to achieve normal standing in one of the U.N.'s regional groupings. These groupings control committee assignments and leadership positions throughout the U.N. system.

Though geographically Israel should be a member of the Asia group, a cabal of anti-democratic and anti-Semitic states in that region, the Organization of the Islamic Conference, has conspired to exclude Israel from its rightful membership in that group. Only recently has Israel been granted qualified membership in another U.N. group known as the Western European and Others regional group.

□ 1415

This new status has allowed Israel to begin to obtain U.N. leadership positions. We must build on this momentum. H. Res. 624 does so by demanding that the Western European and Others Group, with which Israel now caucuses at the U.N., remove all remaining restrictions and qualifications on Israel's status as a member of that group. The resolution also expresses support for Israel's campaign to gain a rotational seat on U.N. Security Council.

Once again, Madam Speaker, I congratulate Israel for its election to serve as Chair of the Committee on Policy and Coordination. I also urge our good friend, U.N. Secretary General Ban Ki-Moon to use this positive step towards further increasing normalization of Israel's status at the United Nations. We must continue to work with the U.N. Secretary General who has made pressing normalization an important goal of his tenure. The unfair treatment of Israel at the U.N. undermines the very principles the United Nations is meant to embody. The spectacle of repressive regimes conspiring to deny Israel, the only democratic state in the Middle East, normal status at the U.N. undermines the broader fight on behalf of the human rights and democracy.

Madam Speaker, I would urge all of our colleagues to support this very important resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 624, which congratulates the State of Israel for chairing a United Nations committee for the first time in its history. This accomplishment is long overdue. Israel, as a fully democratic and sovereign state, should be entitled to all of the privileges and opportunities of any member state of the United Nations.

Unfortunately, the anti-Semitism and anti-Israel bias that pervades the United Nations has long prevented Israel from fully participating in that body. To this day, Israel remains only a temporary member of the U.N.'s Western European and Others Group and is excluded from many consultations, discussions and leadership posts within the group and the U.N. itself.

The anti-Semitic, anti-Israel attitude shown by some members of the U.N. is unacceptable. It shames the principles of the United Nations. The United Nations has slowly begun to make progress in addressing this problem in restoring Israel to its rightful place at the U.N. However, there is much to be done, and this resolution calls upon U.N. Secretary General Ban Ki-Moon to resolve this disgraceful problem. Until this happens, the United Nations will not live up to its own charter where the preamble states that the U.N. was founded "To save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and nations large and small."

In addition, Madam Speaker, Israel's ability to finally chair a U.N. committee is a well-deserved accomplishment for Israel and a privilege and honor for a U.N. that has not done nearly enough.

Madam Speaker, I want to thank my colleague and longtime friend from the State of Florida (Mr. HASTINGS) for introducing this resolution, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield to the gentleman from Florida, the very distinguished chairman of the Rules Committee on Legislative and Budget Process and a leader for human rights and dignity around the world, author of the resolution before us, ALCEE HASTINGS, such time as he may consume.

Mr. HASTINGS of Florida. I thank my friend from New York for yielding me the time.

Madam Speaker, I rise today in support of House Resolution 624, a resolution that I introduced with my good friend and fellow cochair of the Democratic Israel Working Group, Representative GENE GREEN.

I first want to thank my very good friend and cosponsor of this resolution, who yielded time to me Representative ACKERMAN, for his steadfastness not only on these issues, but of issues of critical import for foreign affairs of these United States.

I would also like to thank the chairman of the House Foreign Affairs Committee, my good friend, Representative TOM LANTOS, and the ranking member of the committee and my colleague from Florida, Representative ILEANA ROS-LEHTINEN, for helping move this important bipartisan bill forward, and my longstanding good friend today who spoke favorably today of this measure. I thank Representative WILSON for his comments on this legislation and others, as well.

On June 19, 2007, for the first time ever in history a representative of the State of Israel was chosen to chair a United Nations committee. This resolution serves to properly mark this unique triumph for the State of Israel in our history books. The man chosen for this distinctive appointment at the United Nations is Mr. Ron Adam, the former director of the Israeli Foreign Ministry's U.N. Political Affairs Department. The committee he was chosen to chair is the Committee on Program and Coordination. This 33–U.N. member body provides an important role to the functioning of the United Nations, approving the work plan for all United Nations agencies and bodies.

Madam Speaker, since it first joined the United Nations in 1949, the democratic State of Israel has been considered a second-class nation at the United Nations, unfairly subjected to unjustified repeated one-sided attacks from other nations. To this day, Israel is still denied full representation within the United Nations and its constituent agencies and bodies. Meanwhile, other rogue and repressive regimes, in violation of United Nations human rights principles, are afforded full rights and privileges.

The United Nations should not and cannot continue to be a vehicle for unilateral attacks against Israel. Such dealings truly undermine the United Nations' credibility, integrity and effectiveness. Shamefully, anti-Semitic rhetoric and sentiment within the United Nations remains pervasive. Such statements are of grave concern to the United States and responsible nations.

I want to commend both past and present United Nations leaders for publicly recognizing and speaking out against the existence of blatant biases and injustices within the United Nations walls. Despite the targeted discrimination and unwarranted hate it faces within this international forum, Israel has consistently played an active role within the United Nations. Israel already sits on several significant committees in the United Nations, and representatives from Israel have served as deputy chairs in the United Nations numerous times.

I am hopeful that Mr. Adam's appointment to chair the CPC will help normalize Israel's bilateral and multilateral relations. I am also hopeful, as has been expressed by Representative ACKERMAN and Representative WILSON, that Secretary General Ban Ki-Moon of the United Nations will work to end the unfair vilification of Israel at the United Nations and to use his good offices to support Israel's bid to join the Asian regional grouping. Finally, I am hopeful that Israel will be granted membership on the Security Council for 2019 and gain full participation rights in the United Nations.

I am but one member of this institution. I know I speak for GENE, who probably is en route here, who has some other feelings by virtue of our cosponsorship of this matter. I urge this administration, as GENE GREEN and I have and others, to do everything it can to see Israel's ascension in the United Nations.

Israel's new appointment is the beginning of a new dawn for the nation's status within the United Nations. I congratulate the government and people of the State of Israel for this great accomplishment, and I urge my colleagues to vote "yes" on this important bipartisan legislation.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, it is my pleasure to recognize the gentlewoman from the First District of Nevada, a member of the Veterans' Affairs Committee and Ways and Means Committee, SHELLEY BERKLEY, for such time as she may consume.

Ms. BERKLEY. Madam Speaker, I thank the gentleman from the great State of New York and my good friend from the State of Florida for introducing this important resolution. For too long, dictators and despots have hijacked the United Nations in order to serve their own purposes. They cynically target Israel in order to shift attention from their own brutality, passing countless resolutions condemning Israel without uttering a word about what is going on in Burma, the Sudan or North Korea.

Madam Speaker, while we congratulate Israel today for a great achievement, I am still very worried the U.N.'s condemnations of Israel helped to stoke the fires of global anti-Semitism. For better or for worse, the world looks to the United Nations to set standards for human rights, and when instead it singles out Israel for constant recriminations, the U.N. becomes a platform for burgeoning anti-Semitism around the world and anti-Israel rhetoric. Last week I chaired the Transatlantic Legislators' Dialogue in my hometown of Las Vegas, Nevada. Among the many issues we discussed with our friends from the European Parliament was the alarming rise of global anti-Semitism. Abe Foxman, the national director of the Anti-Defamation League briefed us on the widespread belief in the Muslim world that Israel and the Jews committed the 9/11 terrorist attack on this country. He told us about Malaysia, where there are no Jews, and yet where the president of that country blames the Jews for the economic problems in his country anyway.

In Europe, since 2000, there has been a surge of anti-Semitic incidents. Even here at home, a few misguided and uninformed people say the Jews are somehow responsible for the war in Iraq. I am extremely concerned about the rise of anti-Semitism globally, and it is not unrelated to what goes on at the United Nations. I am afraid the U.N.'s rhetoric serves as a great recruiting tool for terrorists and anti-Semites when it condemns Israel and uses old anti-Semitic canards to do it.

Madam Speaker, it is surely a step in the right direction that Israel is chairing a U.N. committee. We are right to congratulate Israel for this great achievement. It is about time. But so much more must be done as this resolution states. Today, with this resolution, we call on the United Nations to officially and publicly condemn anti-Semitic statements made at its meetings and hold United Nations member states accountable when they make such statements. We must fight back against the growing scourge of global anti-Semitism and growing anti-Israel rhetoric while we continue to fight for Israel's greater recognition at the United Nations.

I thank the gentleman from New York for his leadership on this issue, among many others.

Mr. KIRK. Madam Speaker, as a cosponsor of H. Res. 624, I rise in strong support of this bipartisan resolution and urge its adoption.

For the first time in history, the State of Israel will serve as the chair of a United Nations Committee. We congratulate Mr. Ron Adam for his appointment as Chair of the U.N. Committee on Program and Coordination and wish him much success in this historic post.

While this appointment gives us hope of reform at the United Nations, other U.N. organs continue on a path of anti-Semitism with irrational vilification of the Jewish State.

In 2006, the United Nations took 135 actions against the State of Israel for alleged violations of human rights. By contrast, the U.N. took only 69 actions against Sudan—home to a genocide in Darfur—and only 23 actions against Iran, where the government is carrying out an ethnic cleansing campaign against its Baha'i minority.

In its first year of existence, the U.N. Human Rights Council passed 10 resolutions condemning Israel, while passing only one resolution condemning Sudan.

And we all remember the infamous U.N. "Day of Solidarity with the Palestinian People" nearly 2 years ago when U.N. officials proudly displayed a map of the Middle East without the State of Israel.

For several years, I have worked with my colleagues to pressure U.N. members to end their anti-Israel obsession. Israel's appointment to the U.N. Committee on Program and Coordination is the first fruit of our labor. But we know there is a long way to go to end anti-Semitism at the United Nations.

I want to thank my friend, Mr. HASTINGS, for introducing this important resolution, and Chairman LANTOS and Ms. ROS-LEHTINEN for their continued leadership on this issue.

☐ 1430

Mr. WILSON of South Carolina. Madam Speaker, I urge support of the resolution, and I yield back the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield back the balance of my time, urging all of our colleagues to vote for the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr.

ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 624, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution congratulating the State of Israel on chairing a United Nations committee for the first time in history, and for other purposes.".

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE REGARDING SYRIA'S CONTINUED INTERFERENCE IN THE AFFAIRS OF LEBANON

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 738) expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 738

Whereas in 2004, Lebanon's current president had his term extra-legally extended through the interference of Syria in Lebanon's internal affairs;

Whereas former Lebanese Prime Minister Rafiq Hariri, the leading opponent of continued Syrian domination of Lebanon and the extra-legal extension of the president's term, was assassinated along with 22 people by a massive car bomb on February 14, 2005;

Whereas investigators from the United Nations have suggested that officials of Syria's government, at the highest levels, appear to be culpable for the assassination of Rafiq Hariri and the 22 other people;

Whereas the people of Lebanon, following the murder of Rafiq Hariri, engaged in a massive popular revolt known as the Cedar Revolution against Syrian interference in their internal affairs and suppression of their national sovereignty;

Whereas the Cedar Revolution, reinforced by international pressure, culminated in the rapid withdrawal of Syrian occupation forces and free elections;

Whereas the current Lebanese government has been under steady attack by domestic and foreign forces that have been engaged in instigating riots and insurrection, suspending the operation of Lebanon's parliament, and perpetrating horrific acts of terror against the Lebanese people;

Whereas Syria and Iran are seeking to dominate Lebanon through their campaign of murder and intimidation aimed at the Lebanese parliamentary majority and other anti-Syrian public and political figures;

Whereas Syria and Iran, through their Lebanese proxies, have demanded the selection of another Lebanese president hand-picked by the Government of Syria;

Whereas Syria and Iran, in clear contravention of numerous United Nations Security Council resolutions, notably 1559 (2004), 1655 (2006), 1664 (2006), 1680 (2006), 1701 (2006), and 1757 (2007), have grossly violated Lebanon's sovereignty by continuing to provide arms to illegitimate Lebanese militias, Palestinian terrorist groups and other terrorist organizations; meddling in Lebanon's internal political affairs; and actively supporting efforts to prevent the election of a new president in accordance with Lebanese law; and

Whereas a sovereign and independent Lebanon is in the national security interest of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the campaign of murder, terror, and intimidation aimed at overthrowing the democratically-elected government of Lebanon and establishing a new Lebanese government subservient to the will and interests of Syria and Iran;

(2) condemns Syria and Iran for their gross interference in Lebanon's internal political affairs, and particularly, the selection of a new president, and gross violations of United Nations Security Council resolutions protective of Lebanon's sovereignty and independence;

(3) condemns Lebanese political parties and actors who have allied themselves with Syria and Iran to the detriment of their own country and its national interests;

(4) condemns efforts by some Lebanese political figures to obstruct, delay, and impede the legal and established processes of their country for the selection of a new president according to the rule of law;

(5) affirms its continued strong support for Lebanon's democratically-elected government, people and national sovereignty, and its readiness to provide material support;

(6) calls on all nations to recognize and support Lebanon's sovereignty and independence; and

(7) urges the President to use all peaceful means at the disposal of the United States to help safeguard Lebanon's sovereignty and independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Madam Speaker, when the House last discussed Lebanon on September 25, I said that Lebanon was being bullied. That statement, though true, is insufficient. Lebanon is not being harassed by invisible unworldly forces. Lebanon is not a victim of fate or destiny or bad luck. Lebanese politicians and public figures, beginning with Rafiq Hariri and continuing to this day, are not being assassinated and blown away by falling meteors or volcanic eruptions. Arms do not appear in Lebanon by magic. Hezbollah's billions do not fall from the sky like rain. Palestinian terrorist groups don't find rifles falling out of trees or by the side of the road. The Fatah al-Islam and its war against the Lebanese state were not the product of spontaneous auto-genesis. Like maggots, their origin can escape the casual observer, but their birth was no accident or mystery.

Madam Speaker, Syria and Iran are responsible for these crimes. Syria and Iran are responsible for the chaos. Syria and Iran are to blame for the shadow of civil war that hangs over Lebanon. Lebanese politics are complex, and the interaction within and among confessions is daunting for the outside observer to contemplate. Where interest and principle merge and depart is hard to judge. But we know some things about Lebanon for certain, and they are spelled out clearly in the resolution at hand.

Despite Lebanon's Constitution, Syria demanded the extension of President Emile Lahoud's term in 2004, and Damascus got its way. The principal opponent of this grotesque intrusion into Lebanon's affairs was Prime Minister Rafiq Hariri. There is credible evidence uncovered by U.N. investigators showing that Syrian President Bashar al-Assad first threatened and then ordered the assassination of Rafiq Hariri for his defiance of Syrian diktat.

Madam Speaker, in response to the murder of Hariri, and, let us remember, 22 other civilians, the Lebanese rose up against their Syrian overlords and demanded, with the full support of the international community, the expulsion of Syria's occupational forces. A new government was formed through a free and fair election led by Lebanese not in the service of Syria and not in the debt of Iran.

This development, both surprising and hopeful, of a Lebanon free to chart its own course, was one that Syria and Iran couldn't tolerate. In their minds, Lebanon is a fiefdom, a toy. Lebanon is a playground for their ambitions and a canvas on which to splash their rage and hatred for the United States and Israel in the modern world.

Madam Speaker, Lebanon, in the minds of Syria's overlords and Iran's ayatollahs, is not for the Lebanese. This intolerance, this greedy self-interest, this bitter contempt for the rights of others is why we are speaking of Lebanon in the U.S. House of Representatives again today.

Lebanon is in grave peril. Lebanon's independence and sovereignty are under attack by Syria and Iran and their bootlicking Lebanese proxies, Hezbollah, Amal and the Aounist bloc. Extralegally demanding control of the presidency, and threatening civil war, this coalition of the wicked and the selfish have again brought chaos, violence and terror to Lebanon. It need not be so. It should not be so.

Syria and Lebanon are responsible for the crisis in Lebanon. Syria and

Iran are responsible for the crisis in Lebanon. They have trampled on Lebanon's sovereignty and clearly violated U.N. Security Council resolutions protective of Lebanon. They are the puppet masters pulling on the strings of Hezbollah, Amal and Aoun. The assassinations of Lebanese members of Parliament are their work. The bombings are their work. The threats to establish an extra-legal second government are their work.

Madam Speaker, there is no mystery here. There is evil, there is greed, there is indecency, and, were I Lebanese, I might say treason as well. But there is no mystery. Syria and Iran are attacking Lebanon's sovereignty no less than if they sent a fleet of bombers, or a wave of tanks, or a swarm of infantry. That this aggression, this naked aggression is being done by proxies, and by terrorists, by car bombs, by telephone threats does not make it any less aggression, or any less a crime.

Many vital interests of the United States are at stake. If we want every nation to be secure in its own borders, we cannot tolerate cross-border aggression. If we want to see the Middle East at peace, we cannot tolerate the resumption of Syrian and Iranian control of Lebanon. If we want to encourage self-governance around the world, we cannot tolerate Lebanon's democracy being subverted by thugs and fanatics. If we want to see people rising up against tyranny, as they are today in Burma, we cannot tolerate the reversal of Lebanon's glorious Cedar Revolution. If we want to see the United Nations become a true guardian of peace, we cannot tolerate the will of the international community being scorned by rogue states.

Madam Speaker, America must lead. Even today, even with Iraq, there is still no other state that can mobilize the international community as can the United States, and the hour is desperate. Only if they are convinced that the world will not tolerate their aggression against Lebanon, will Syria and Iran back down. This outcome is not impossible.

The stakes are exceedingly high. It is my hope that the Lebanese Government and the Bush administration will see this debate in the House as proof that Congress is watching closely and that we stand ready to help secure Lebanon's future as an independent and sovereign state. If we want to end the bloodshed in Lebanon and foreclose the prospect of still greater violence, we must act now and in concert with the community of nations.

There is wide support for Lebanon both in Europe and the Arab and Muslim world, just waiting for a catalyst to give it expression. America must be that catalyst. We are here today to sound the wake-up call. A brighter future for Lebanon, for the Middle East, and for ourselves awaits our clarion call.

Madam Speaker, I urge our colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support this resolution, which condemns both Syria and Iran for their continuing campaign of murder and intimidation aimed at anti-Syrian politicians and public figures of Lebanon. It warns them against interfering either directly or through their many representatives in the Lebanese presidential elections scheduled for later this month.

Over 2 years after the Cedar Revolution, and despite the withdrawal of Syrian troops, Lebanon's fragile government continues to be targeted for destruction by internal and external threats. Hezbollah has continued to carry out its strategy of assassinating anti-Syrian Lebanese politicians. The aim is to gain a parliamentary majority that would allow both Syria and Iran to impose their choice for a president on the Lebanese people.

Furthermore, the inclusion of pro-Syrian, Iranian and terrorist organizations such as Hezbollah in the Lebanese political process only empowers the Syrian and Iranian regimes and holds Lebanon hostage to their whims. Allowing a terrorist entity to use the political process and legitimize itself without first demanding a renouncement of violence has only served to perpetuate and enhance the threat.

We support the underlying intent of this resolution, which is to advocate for the sovereignty and political independence of Lebanon. The Lebanese people deserve the right to be free of interference and intimidation by any outside country or terrorist group. However, despite supporting the resolution, we are concerned about language in this resolution referring to the entire Lebanese Parliament as "democratically elected," because it sets a dangerous precedent by both legitimizing and providing congressional approval for the role of a foreign terrorist organization in the political process in Lebanon. Sadly, it legitimizes current election law which was constructed by the Syrians and imposed on the Lebanese people.

Finally, it undermines the very essence of United Nations Security Council Resolution 1559, aimed at truly removing Syria from the Lebanese political process. Elections conducted under a Syrian-controlled electoral process where foreign terrorist organizations are allowed to participate without first requiring them to lay down their weapons should not be considered "democratic" by this Chamber.

Madam Speaker, the United States and other responsible nations must encourage the Government of Lebanon and leading Lebanese policymakers not to compromise on their commitment to reform the political process by purging from it the influence of Syria, Iran and Hezbollah. Our support for the Lebanese people and the pro-democracy forces in Lebanon is vital to counterbalance the pressures surrounding Lebanon.

The brave people of Lebanon continue to stand against the tyrannical regime in Damascus, and they deserve nothing less than our support. It is for this reason that, despite reservations about the implications of some of the clauses in this resolution, I will vote for this resolution, and ask my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise today in support of this important resolution, and I thank the gentleman from New York for his continued leadership on this important issue. We often throw around compliments on the floor of the House thanking each other, but in this case, it is truly warranted. The gentleman from New York has been a giant on these issues, and I thank him so much for that.

Lebanon is at a critical juncture in its history. On the cusp of upcoming elections, it can go the way of democracy; or it can go the way of violence, terrorism and dictatorship. We therefore must stand side-by-side with the forces of democracy in that country and protect it from those who seek to unfairly and violently influence the results of their free election.

Two years ago at the United Nations, the world called on Syria to remove its troops from Lebanon and recognize Lebanon's independence. While perhaps most of Syria's troops are out of Lebanon, its continued dangerous influence is undeniable.

Syria's proxies in Lebanon have waged a campaign of terror throughout the country against those who oppose its interference. They have bombed, they have rioted, they have assassinated, and they have terrorized, and it is undeniable Syria's hand is behind it all.

Iran too has involved itself in Lebanon with its support of Hezbollah, a terrorist group whose military is stronger than the Lebanese Army. Iran has threatened unspecified consequences if the anti-Syrian majority has the gall to freely elect its own president. It has launched attacks against Israel to destabilize the region and the Lebanese Government. Hezbollah continues to bring arms shipments in from Iran through Syria with impunity.

Lebanon's stability could be the key to the future of the Middle East. If the

Lebanese can establish a democracy in their country, then it would spread to other countries in that region, Syria's influence would be weakened and Iran's plans for regional supremacy and control would suffer a serious setback. The supporters of terrorism know this, Madam Speaker. That is why they have unleashed this campaign of terror to stop Lebanon's development and influence its upcoming election.

We too must unleash our own campaign to support the forces of democracy and freedom and stability. We must not let the forces of democracy be defeated or intimidated in Lebanon. The Middle East hangs in the balance, and we must not back away from a growing democracy that needs our help.

Madam Speaker, I urge support for this resolution.

Mr. WILSON of South Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD), an esteemed member of the Committee on Appropriations and a distinguished American of Lebanese heritage.

Madam Speaker, prior to yielding, I want to note that Mr. LAHOOD has announced he will not be running for reelection next year. I want all of us to acknowledge that he will truly be missed. When I was elected 6 years ago, one the first persons I found out who has the respect of the Members here is indeed RAY LAHOOD. He has made such a great difference for the people of the United States.

I especially remember Congressman LAHOOD being prophetic. Last year I attended a White House meeting with the President of members of both parties giving reports on their recent trips to Iraq. Congressman LAHOOD pointed out progress in Iraq, but he also stated the public needed reassurance of the capture or killing of the al Qaeda leader in Iraq, Zarqawi. Just as he concluded, National Security Advisor Stephen Hadley, sitting next to me, received an important cell call which he took and then several hours later could announce: the butchering beheader Zarqawi had been killed by a successful American airstrike.

□ 1445

Mr. LAHOOD. Madam Speaker, I thank the gentleman very much for his kind remarks.

Madam Speaker, I rise today in strong support of H. Res. 738, a resolution that strongly condemns the ongoing campaign of violence and assassination directed towards the people of Lebanon and their democratically elected government.

We have all seen the horrific news reports of the assassinations and attempted assassinations of anti-Syrian lawmakers in Lebanon. The brave men and women who are struggling to move Lebanon forward have become targets in their own country. Hezbollah and the pro-Syrian factions in Lebanon know they are in the minority, and have begun a desperation campaign to kill as many of their opponents as possible. Members of the parliament have had to go into hiding outside of Lebanon, and lay their lives on the line when they return to conduct government business.

Others in Lebanon have embarked on a campaign to delay and obstruct the presidential election process, now delayed since September, late September into October. Rather than face the fact that those who wish for Lebanon to be independent and free will be successful, they choose instead to upend the entire political process rather than see democracy succeed. This was clearly evident in 2004 when the current president of Lebanon had his term extended with the help of Syria and other outside forces, an act that was quickly condemned by the United States and the United Nations. Unfortunately, these forces continue to try to impose their will on Lebanon today.

The Cedar Revolution in 2005 led to the withdrawal of Syrian forces that had occupied Lebanon for more than three decades. After the withdrawal, the government of Prime Minister Siniora committed to creating a strong, democratic Lebanon, free of occupation or outside influence. Lebanon is fighting many enemies of freedom, both within and outside the country.

As Lebanon prepares for presidential elections, hopefully in a few weeks, I believe it is vital that we reiterate our support for Lebanon and the people of Lebanon. This resolution reaffirms our support of the many United Nations resolutions that condemn Syria and Iran for their continued roles in arming the enemies of a free Lebanon, and expresses our appreciation to the many countries who have contributed funding and personnel to the United Nations Interim Force in Lebanon.

Our Lebanese friends must know that we stand beside them as they continue to strengthen their government. I want to particularly compliment President Bush, Secretary Rice, and the whole Bush team for the interest they have expressed in Lebanon, for the interest they have shown in this country and their ability to have a democracy and to hold elections.

Last week, the son of Rafiq Hariri was in Washington and had an opportunity to meet with many officials of the Congress and of the Bush administration. I know he was gratified by the support he has received from Congress and from the Bush administration. As he returned to Lebanon, I know he went reassured that our country is with Lebanon, that our country is for free elections as soon as possible.

I also want to compliment Speaker PELOSI who has personally discussed this issue with me and has a great deal of interest in Lebanon, and recently took the time to travel to Lebanon on a recent trip to the Middle East. Her interest in this country is something that we should all commend. And so I urge the adoption of this resolution.

Mr. ACKERMAN. Madam Speaker, I just want to add to the comments by our good friend Mr. LAHOOD. He will surely be missed in this great Chamber. He has added much to the dignity, fairness, objectiveness and to the thoughtfulness of this body. And I hope when decency, security and peace does return to Lebanon, he will be in this Chamber with us to share in that moment.

Mr. WILSON of South Carolina. Madam Speaker, I have no more speakers, I urge support for the resolution promoting the Cedar Revolution, and I yield back the balance of my time.

Mr. ACKERMAN. Madam Speaker, I too want to thank Speaker PELOSI for her leadership, for taking her time during her trip to the Middle East to visit Lebanon, and also to try to talk sense to the people in Syria as well.

Ms. PELOSI. Madam Speaker, the United States has a long and deep history of supporting the sovereignty and independence of the Lebanese people. That is why we must condemn in the strongest terms possible continued Syrian and Iranian interference in Lebanese affairs.

The Lebanese parliament is currently engaged in the process of selecting a new president, a task unfortunately complicated by the meddling of outsiders, most notably Syria and Iran, and their terrorist proxy in Lebanon, Hezbollah. Syrian and Iranian interference in Lebanon must be condemned by the international community in the strongest possible terms and it must immediately end.

The resolution before the House chronicles the tragic toll exacted on Lebanon and its people by its neighbors. It is a tale of a peaceful people seeking a better future who again and again have seen their hopes dashed due to the cruel and opportunistic machinations of Iran and Syria.

I recently met for the second time this year with Sheikh Saad Hariri, the leader of the majority in the Lebanese parliament, whose family has given so much for the freedom of the Lebanese people. Mr. Hariri made an eloquent appeal for help from the Congress of the United States and other parliamentary bodies to expose the interference of non-Lebanese groups in the selection of Lebanon's next president. I commend the bipartisan leadership of the House Foreign Affairs Committee for acting quickly so the House could go on record against these tactics before the next meeting of the Lebanese parliament later this month.

The politically-motivated violence that has been so much a part of Lebanon's recent history has not dampened the desire of the Lebanese people for self-determination.

The Cedar Revolution was an eloquent and powerful testament to that fact; a fact which deserves the respect of all nations. Passage of this resolution puts the House squarely on the side of the freedom-loving people of Lebanon and I urge its adoption.

Mr. ACKERMAN. I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPPS). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 738.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAHOOD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

25 BY 25 RESOLUTION

Mr. PETERSON of Minnesota. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 25) expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 25

Whereas the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

Whereas the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

Whereas accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

Whereas the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

Whereas increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

Whereas increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

Whereas public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Con. Res. 25, and urge its adoption by the House. H. Con. Res. 25 embodies the vision of farmers and ranchers who have been leaders in renewable energy and land conservation activities, and recognizes that forestry and agriculture will play a leading role in our country's transitions to energy independence. The 25x25 Resolution sets a national energy independence goal that by the year 2025, 25 percent of the total energy consumed in the United States should come from homegrown, renewable sources.

This resolution has received strong bipartisan support, was passed out of the House Agriculture Committee under my good friend, Mr. GOODLATTE's leadership last year, and again in May under the new Congress. The 25x25 Resolution has been carefully crafted to set national renewable energy production targets, while allowing farmers, ranchers, entrepreneurs and industry the flexibility needed to reach these important goals.

Madam Speaker, the new face of energy security and rural development is in the form of a biofuels plant, a gasifier, a windmill, a methane digester or any other technology that will reduce dependence on foreign energy sources. In times of high energy prices, I can think of no one better to supply the United States with a renewable source of energy than the same American farmers and ranchers who have provided the United States and the world with an abundance of safe food and fiber.

Expanding the production and the use of renewable energy is an important priority, not just for agriculture, but for the entire country in our pursuit of energy independence. The 25x25 Coalition has grown over the past several years, and now includes endorsements from more than 590 business, conservation, agriculture and forestry organizations. As renewable energy use continues to expand, new innovations, including the promising growth of cellulosic ethanol, will not only provide for our energy needs; they will also produce environmental and conservation benefits.

I think the future of energy production from agriculture and forestry is the most exciting thing that has happened in rural America in my lifetime. The 25x25 Resolution states our commitment to support the development of renewable energy sources. I believe we can not only meet but exceed the goal of 25 percent by the year 2025.

But every journey starts with a first step, and this resolution is a very important first step that we can take in achieving this energy independence.

Madam Speaker, I thank my colleagues for their support and again urge the support of the House for the passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would first like to thank the gentleman from Minnesota, the chairman of the committee, for his leadership in bringing this resolution before the Congress again, and the gentleman from Pennsylvania, Mr. HOLDEN, for his involvement in this as well.

The resolution, also known as 25x25, recognizes the importance of agriculture in meeting our energy needs and sets a noble goal for American agriculture: to produce 25 percent of the total energy consumed in the United States from the renewable resources of our agriculture, forestry and working lands by the year 2025.

We have made significant progress in developing a robust industry using agricultural crops as well as animal waste to produce ethanol and biodiesel. In 2006 alone, the renewable fuels industry added more than 1.05 billion gallons of new ethanol to the marketplace. It is projected that without any new technological breakthroughs, the industry already has the potential to produce more than 11 billion gallons per year within the next decade.

While the domestic production of energy has been exciting, there are still many renewable energy sources yet to be explored and developed. There are a wide variety of agricultural products and by-products that can be converted to clean, renewable energy sources. In fact, there are sources of renewable energy in every one of our 50 States, including wind, solar, hydropower and biomass. The development of cellulosic technology has enormous potential to bolster the renewable fuel market inside the corn belt and well beyond.

I am particularly excited about the opportunity to use forest biomass as a component of our renewable energy supply. Forest biomass is plentiful and available in many States. Almost two-thirds of the Commonwealth of Virginia is forested, as is much of the southeastern United States. In fact, today we have roughly the same amount of forest land as we had 100 years ago. Trees are an abundant resource and are available for conversion into both wood products and biofuels year-round.

Every year we grow almost twice as much forest biomass as we harvest. This wood and wood waste has the potential to produce enough electricity to power 43 million households, or enough ethanol to increase our domestic supply by almost 10-fold. As we find more ways to use forest biomass in our energy supply, we also have the opportunity to improve forest health, removing materials that fuel wildfires and insect and disease infestations.

Renewable energy development can create valuable markets for many of the waste materials which are currently a burden on America's farmers, such as animal waste, harvest by-products and damaged crops. Farmers continue to face steep environmental regulations in handling animal waste, and converting this waste into renewable fuels is a win-win for farmers and the environment. In fact, I would like to see the word "waste" taken out of American agriculture since almost everything produced on our farms can be used or reused for some other purpose.

The current tax credits and renewable fuels standard, along with the phaseout of MTBE, has helped fuel investment in new ethanol and biodiesel plants, and created more markets for agriculture products. It is obvious that current policies have successfully established a thriving, renewable fuels market. We should now focus on policy that will develop commercial cellulosic ethanol and allow new markets to drive production.

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New proposed initiatives are extremely ambitious and can only be achieved with contributions from all areas of the agriculture sector, including grains, plants, trees and wood waste, vegetable oil, and animal fat and waste.

The 2002 farm bill included the first-ever energy title with programs to help renewable fuel producers purchase and expand operations and purchase feedstocks and also established programs to make grants and loans to farmers, ranchers and small businesses to purchase renewable energy systems and make energy efficiency improvements on farming operations.

The energy title of the House's 2007 farm bill builds on the 2002 bill by providing nearly $3 billion to promote the commercial production of cellulosic ethanol. These initiatives will help farmers and forest owners by creating new markets and income opportunities to keep them on the land and keep their land working. At the same time, greater focus on cellulosic feedstocks can reduce our reliance on corn for renewable fuels.

Increased development of renewable energy opens new markets for our Nation's producer; provides consumers with a safe, sustainable, environmentally friendly and renewable source of energy; and decreases our Nation's dependency on foreign oil.

25x25 is a vision we can all get behind, as 600 groups already have, including agriculture and forestry groups, as well as business and environmental organizations. Over 20 of our Nation's Governors, along with 72 bipartisan cosponsors in the House, have recognized that this is a goal, though challenging, that is worth striving for.

I encourage my colleagues to join us in recognizing the important role American agriculture plays in domestic energy production and work with us to turn the goal of 25x25 into a reality.

Madam Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), the chairman of the Conservation, Credit, Energy, and Research Subcommittee.

Mr. HOLDEN. Madam Speaker, I thank the chairman for yielding me time and thank him for his leadership and that of Mr. GOODLATTE, leadership in his role as ranking member and former chairman of the committee, on this very important issue.

Madam Speaker, we have an energy crisis in this country, and we need to take advantage of our own natural resources. This piece of legislation before us today is going to address the resources under our jurisdiction as members of the Ag Committee, but I would be negligent as a proud son of the coal regions of Pennsylvania, the anthracite coal fields, if I didn't mention that I hope that future pieces of legislation that come before this body also address the opportunity of coal-to-liquid, how we need to take advantage of the vast resources that we have in coal in this country.

I would say to those who criticize the environmental aspects of coal-to-liquid to just come to my home in St. Clair, Pennsylvania, in Schuylkill County and look at 200- to 300-foot comb banks, waste coal, that can be cleaned up and made into liquid fuel. So I hope in future proceedings before this House we're able to address that.

But I stand here proudly as a member of the Ag Committee and chairman of the Energy Subcommittee, in cooperation with my chairman and ranking member, to support this legislation.

As was mentioned by the chairman and the ranking member, we have an abundance of agriculture resources that we need to take advantage of in this country; and if we do not, we will remain to be dependent on the smooth, continuous flow of oil out of the Persian Gulf and Mexico and Venezuela. We have an opportunity to do something beginning today.

As we were writing the 2007 Ag bill, members of my subcommittee, we traveled to Penn State, to NC State, to the USDA labs and looked at the research that is being done on cellulosic ethanol and biodiesel; and when you look at the possibilities of the entire country, not one region excluding another, having the ability to participate in a move towards energy independence, when we look at cellulosic ethanol or biodiesel in the feedstocks that are so abundant, it's absolutely imperative that we take advantage of those and pass this legislation today.

As the ranking member mentioned, in the energy title we have in excess of a $2 billion loan guarantee program to help this infant industry take hold and allow the people on Wall Street, the investors, the private sector to be partners with the government as we move this forward.

So, Madam Speaker, I rise today in strong support of this legislation and urge its adoption.

Mr. PETERSON of Minnesota. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Wisconsin (Mr. KAGEN), a new member of our committee who has been a leader on this issue as well as many others.

Mr. KAGEN. Madam Speaker, I thank Chairman PETERSON and thank Ranking Member GOODLATTE for allowing me to participate on a bipartisan committee, a committee whose example should be followed by the remainder of this Chamber. It has been a great pleasure for me to participate on this Agriculture Committee.

My home State of Wisconsin has been a leader on this issue of renewable energy. Why? Because we need an energy policy today that is not put together behind closed doors but out in the open, in a committee forum and here on the House floor.

Wisconsin has established its own renewable energy standard of 10 percent renewable by 2015, and judging by today's oil price that may reach $85 per barrel, it can't come too soon.

This resolution of 25x25, which I'm a proud cosponsor of, indicates our Nation's desire to become energy independent. By declaring our intent to provide 25 percent of our Nation's energy from renewable sources by 2025, we're taking a critical step in securing the energy and environmental needs of our future generations.

As a member of the Ag Committee, I know the potential of our farms, the potential of our forests, especially in northern Wisconsin, and the potential of our working lands across the country. If we achieve the goals outlined in this resolution, we will not only provide for our Nation's energy requirements, but we'll also develop innovative industries and supply countless numbers of new jobs in this developing field of renewable energy and at the same time will continue to guarantee that we will all serve our Nation well as a leader in the world.

Madam Speaker, it is no surprise today that we need a new energy policy, and this is a great start to a great new beginning.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Speaker, I am now pleased to yield such time as she may consume to the gentlelady from South Dakota (Ms. HERSETH SANDLIN) who has been a leader on renewable energy in her State and in the country for a long time.

Ms. HERSETH SANDLIN. Madam Speaker, I thank the gentleman from Minnesota for yielding.

I rise today in strong support of House Concurrent Resolution 25, commonly referred to by my constituents, and it sounds like the constituents of many others, as 25x25. I'm an original cosponsor of this resolution, and I commend Chairman PETERSON and Ranking Member GOODLATTE for their superb leadership on advancing this important resolution, on the overall issue of advancing renewable energy in American agriculture, and for their efforts in bringing this legislation to the floor today.

This resolution is as bold as it is straightforward. It simply states the United States expects our Nation's agricultural, forestry and working land to provide from renewable resources and sustainable resources not less than 25 percent of total U.S. energy consumption by 2025, while continuing to produce the world's safest, most abundant, most affordable food and feed. This goal is both exciting and achievable, and rural America stands ready to assume the challenge. Today's resolution compels us as a Nation to consider, to devise, and to implement a strategy for realizing this critical goal.

In recent years, we've taken important incremental steps in support of renewable energy. The most significant and positive example of this commitment was the passage of the Energy Policy Act of 2005, which contained the first-ever renewable fuel standard, long advocated by Chairman PETERSON and many others in this Chamber and in the Senate, a national mandate for the usage of renewable energy; and it has been a resounding success.

In 2004, we produced less than 3.5 billion gallons of ethanol in the United States. By the end of this calendar year, we'll have the capacity to produce more than 7 billion gallons of clean, renewable, domestically grown ethanol in this country.

This forward-looking and innovative policy has enabled the U.S. ethanol industry to more than double its production capacity in only 3 years; and the benefits to the economy, to consumers and to the environment have been tremendous; and as the ranking member noted, with the advancements in cellulosic ethanol, every region of the country will soon benefit as so many States have already done.

According to a recent study by LECG, a global expert services firm, the combination of spending for annual operations, ethanol transportation and capital spending for new plants under construction added $41.9 billion of gross output to the American economy in 2006 alone, over $1 billion of that in my home State of South Dakota. Even more important, much of this economic benefit has been realized by small communities in rural areas that have faced considerable economic challenges in recent decades.

Moreover, oil imports are the single largest component of our Nation's expanding trade deficit. The production of nearly 5 billion gallons of ethanol in 2006 means that last year the U.S. imported 206 million fewer barrels of oil, valued at more than $11 billion, than would have been the case without ethanol.

Finally, the environmental benefits of using renewable fuels abound. The use of 10 percent ethanol blends reduces greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline. Ethanol reduces tailpipe carbon monoxide emissions by as much as 30 percent, and tailpipe fine particulate matter emissions by as much as 50 percent. In 2004 alone, ethanol use in the U.S. reduced CO_2-equivalent greenhouse gas emissions by more than 7 million tons, equal to removing the annual emissions of more than 1 million cars from the road.

That's why this resolution and this entire debate are so important. Congress is currently considering new energy policy legislation, providing us an opportunity to build on the policies of 2 years ago. In the coming weeks, I'm hopeful that we'll finalize this energy bill and send it to the President, but we must take this opportunity to be bold.

The final bill should certainly contain initiatives to promote energy conservation, but it must also require that we increase our domestic production of renewable energy, both in the electricity sector and in the transportation sector.

The success of our initial renewable energy mandate indicates the wisdom of that policy and demonstrates the need to be even bolder, even more forward looking and even more committed to achieving energy independence in this country.

This resolution today clearly outlines an appropriately aggressive goal for our country over the next 18 years and recognizes the role of American agriculture, and I look forward to working with my colleagues to making the aspirations a reality.

Mr. GOODLATTE. Madam Speaker, I have no further speakers at this time, and I yield back the balance of my time.

Mr. PETERSON of Minnesota. Madam Speaker, I just want to again thank my good friend Mr. GOODLATTE for his leadership on this issue and the rest of the members of our committee who have worked very hard. We've produced a farm bill that is going to do our part in getting this country off of energy independence.

I also want to thank our leadership, especially Speaker PELOSI for her leadership on this issue.

As I said, we have a tremendous opportunity in rural America and agriculture with this whole effort to get energy independent in this country, and this resolution will help us by establishing that goal.

In Minnesota, where I'm proud to be from, we have led the way. I was just at a grand opening on Friday of a new plant that's turning turkey manure into electricity, and we have had mandates in Minnesota in ethanol and biodiesel, electricity, and it works.

We've had a tremendous economic development that's come about because of the renewable energy industry that we've developed in Minnesota. So we're proud on the Ag Committee of our work, and we urge our colleagues to join us in supporting H. Con. Res. 25.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 25, expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber. I am proud to join over 70 of my colleagues in cosponsoring this important legislation. I would like to thank my distinguished colleague Congressman PETERSON for introducing this bill, as well for his leadership on this issue as the Chairman of the Agriculture Committee.

Madam Speaker, the issue of energy is not only a critical economic issue, it is an urgent national security issue which has reached crisis proportions. With gasoline prices at record levels, the American people are suffering for our dependence on foreign oil.

In addition to being from the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My energy braintrusts were designed to be a call of action to all of the sectors who comprise the

American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

This Congress has demonstrated its commitment to taking our Nation in a new direction, toward energy security and away from dependence on foreign oil. Today, we are considering legislation, known as the "25 by '25 proposal," that expresses the sense of Congress that the goal of the U.S. is that America's farms, forests, and ranches provide 25 percent of the total energy consumed in America from renewable resources by 2025, while continuing to produce safe, abundant, and affordable food, feed, and fiber.

Madam Speaker, we live in a nation of extraordinary resources. As world oil prices continue to soar, now reaching a record $86 per barrel, it is vital that harness our vast resources here at home. This legislation lays out an ambitious goal, one which will require innovation and new thinking about national priorities. However, I believe that the goal of producing 25 percent of America's energy from renewable resources is well worth aiming for.

Renewable energy can be harnessed in every one of America's 50 States. It can come from resources including wind, solar, hydropower, and biofuels, and it is currently the fastest growing energy sector. In particular, ethanol introduces the possibility that we can produce 25 percent of our projected gasoline use in 2025 from farm and forest resources, including many waste materials.

Both the House and the Senate have taken an important first step toward achieving this critical goal by passing comprehensive and bipartisan energy security measures. These initiatives have included critical proposals aimed at reducing our dependence on foreign oil; lowering energy costs through greater efficiency, cleaner energy, and smarter technology; creating new American jobs; and reducing global warming.

Madam Speaker, the legislation we are considering today has the support of a broad range of farm organizations, along with leaders from business, labor, conservation, environmental, and religious groups. It sets an ambitious but achievable goal, and will make important strides toward achieving energy independence. I strongly urge my colleagues to join me in supporting this legislation.

Mr. FORTENBERRY. Madam Speaker, I am pleased to be an original cosponsor of H. Con. Res. 25, which calls for 25 percent of America's energy supply to come from agriculture and rural based renewable energy sources by 2025. This 25x25 approach is a worthy goal.

Renewable energy holds wonderful promise for rural America, which can benefit exponentially from these trends. Production of renewable fuels and renewable energy meets multiple policy objectives. It decreases America's reliance on foreign sources of energy, creates new farm income, and fosters good stewardship of resources.

Clearly, Nebraska is a leader in America's renewable energy future. We will soon be the second leading producer of ethanol in the Nation, and we are home to cutting edge technologies that are producing renewable fuels and electricity from wastes at animal feeding operations. In addition, developments in biomass and wind energy are very encouraging. This kind of innovation will only continue to grow as more of America's energy comes from renewable sources.

Madam Speaker, America's renewable energy future is now. This is a very exciting opportunity for our farmers to lead the way for clean, environmentally-friendly energy production. I urge my colleagues to support H. Con. Res. 25.

Mr. MORAN of Kansas. Madam Speaker, today the House of Representatives is considering an important piece of legislation. House Concurrent Resolution 25 expresses Congress's support for a goal that is an essential component in our attempt to achieve energy independence. That goal is to produce 25 percent of our Nation's energy needs from renewable resources by the year 2025. I support the goal enumerated in this concurrent resolution because it is not a blanket endorsement of any particular renewable. Instead, it is inclusive and accommodates all forms of renewable energy including all forms of biofuel and wind, solar, geothermal, and hydro energy.

In addition, House Concurrent Resolution 25 does not proclaim renewable resources are the sole solution to this United States energy crisis. Rather, it sets an ambitious, yet achievable goal for the renewable resources sector, while recognizing that in the next 20 years renewable resources will not be the only method necessary to meet our energy needs. The flexible, multifaceted nature of this concurrent resolution is the model for which this Nation should build its future energy policy.

The United States must look to alternative energy sources to meet our Nation's energy needs. In recent years, oil imports have soared. We now import approximately 60 percent of the oil used in this country. Some of these imports come from countries that have populations hostile to the United States and its citizens. The consequence of our reliance on imports of oil from volatile regions is that a portion of the money we spend to supply our energy needs may actually go to fund terrorist groups that wish to do us harm. Supplanting foreign oil imports with home-grown renewable energy not only keeps economic activity in the United States, but is a vital component of national security.

As I previously stated, the 25 x '25 vision is an inclusive goal that strives to be responsible in its mission. The resolution does not endorse actions that will skew the marketplace. It calls for solutions that are "practical" and "cost effective." The goal is not endorsed to the detriment of existing demands on our renewable resources. House Concurrent Resolution 25 states that in attaining the 25 percent benchmark, the Nation should "continue to produce safe, abundant, and affordable food, feed, and fiber."

The resolution also advocates for an implementation strategy that is "practical" and "cost effective." Congress should heed this advice. It must seek to accomplish the goal of House Concurrent Resolution 25, but it should not adopt policies that are enacted at the expense of one renewable resource over another or at the expense of preexisting domestic energy sources. We must find comprehensive solutions to our energy needs.

In the United States today we are seeing great progress in expanding the scope of renewable energy. One recent development that I believe will help us accomplish the goal of 25 x '25 is the conception of the cellulosic ethanol industry, an ethanol industry that utilizes non-grain based plant products to produce ethanol. In my home State of Kansas, it was recently announced that construction of one of the Nation's first industrial-sized cellulosic ethanol plants will begin in Hugoton, KS. I am proud that this monumental step in the biofuel industry is occurring in Kansas and I hope that this technology can continue to develop over time.

Although development of the cellulosic ethanol industry is a great achievement, we must realize that ethanol is not the only component needed to accomplish the 25 x '25 vision. Often overlooked are the contributions of wind and solar energy. To accomplish the goal of 25 x '25, it will take the contributions of all the Nation's citizens. Wind and solar projects may not only need to be welcomed into our communities but in some instances literally into our backyards. Emerging technologies are making small-scale wind and solar power a reality.

Also, lost in the debate is the need to conserve energy. The 25 x '25 goal is more easily achieved if we control our accelerated quest for more energy. If we can find an economical and technological means of increasing fuel economy in the cars and trucks we manufacture, it will be easier for biofuels like ethanol and biodiesel to capture a greater share of an existing market.

Finally, while I am an arduous supporter of renewable energy, we must not overlook traditional domestically produced energy sources. Congress must not punish existing and still feasible forms of domestic energy in its attempt to grow the renewable market. Although not directly implicated by the 25 x '25 goal, efficient development of renewable energy markets cannot proceed without existing forms of energy. For example, nitrogen fertilizer is a key component producing the corn from which ethanol is made. Most nitrogen fertilizer utilized in the United States is produced using natural gas.

The vision embodied by House Concurrent Resolution 25 is a goal that Congress should support and the American people should work to achieve. Utilizing renewable resources in a responsible fashion is good for the environment, good for U.S. workers, and helps move the Nation toward energy independence.

Mr. PETERSON of Minnesota. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LOUISIANA ARMED SERVICES VETERANS POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2089) to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOUISIANA ARMED SERVICES VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, shall be known and designated as the "Louisiana Armed Services Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Louisiana Armed Services Veterans Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

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GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the sponsor of this legislation, Representative JEFFERSON from Louisiana.

Mr. JEFFERSON. Madam Speaker, I rise today as the sponsor of H.R. 2089 to rename the main post office in New Orleans from the New Orleans Main Office Window Service to the Louisiana Armed Services Veterans Memorial Post Office.

I would like to thank Chairman WAXMAN for his leadership in bringing this bill to the floor today as well as my colleague Mr. DAVIS of Illinois, as well as fellow members of the Louisiana congressional delegation who join me as cosponsor of this measure.

As we approach the commemoration of Veterans Day, it is important to note that the State of Louisiana has made many contributions to each branch of our armed services and, by extension, to the defense of this Nation. My State of Louisiana is home to many proud armed service veterans dating from World War I to the present military engagement in Iraq. I am proud to say that many of my fellow Louisianans have volunteered and sacrificed as soldiers and as families of soldiers in the defense of this great Nation, and it is only appropriate that we memorialize them in this significant way. Louisiana is home to well over 370,000 uniformed veterans. This includes nearly 120,000 who served in World War II, 47,000 in the Korean War, 115,000 in the Vietnam War, and 80,000 in Desert Storm, the first Gulf War.

However, simply citing statistics does not give a complete picture. It doesn't give a complete picture of the sacrifices nor contributions made on behalf of the soldiers nor does it detail the historical relationship of Louisiana and the armed services branches of our Nation. It could be easily argued that the very battle that propelled America onto the world stage as a political and military power was fought on January 8, 1815, just below New Orleans, the Battle of New Orleans. Louisiana military posts were key supply points for the Mexican War of 1848. The Nation's first African American woman to earn her star as a general in the U.S. Army was Sherian Grace Cadoria, who grew up in Marksville, LA, and graduated from my alma mater at Southern University in Baton Rouge.

Louisiana is also home to three major military installations, Barksdale Air Force Base in Bossier City, the Army's Fort Polk Joint Readiness Training Center near Leesville, and in my district, the Belle Chase naval facility across the Mississippi River from New Orleans. Each installation is an integral part of its respective community. Each also employs many local residents and has a profound impact on the economy of our State.

I would be remiss, Madam Speaker, were I not to mention the Louisiana National Guard, which calls New Orleans home at Jackson Barracks. The National Guard has made significant contributions within the State as well as abroad. During the first Gulf War, Louisiana had the highest number of guardsmen serving per capita than any other State in the Nation. However, Louisiana's contributions to the armed services does not come without cost. During the current war in Iraq, Louisiana lost more than 100 of its servicemen and women and over 500 have been wounded; yet this is not the only area in which our armed servicemen and women have paid a high price. Unfortunately, some of our veterans have had to fight two wars, one abroad and then one back at home. I am very pleased this Congress has recognized that to some great measure and has done much more this year for our veterans than ever before. But in my district, where the Veterans Administration Hospital remains closed, this notion is particularly poignant of two wars. The closure of this hospital has left many veterans in my district with no choice but to travel long distances either to Shreveport, Louisiana, or Jackson, Mississippi, for hospital care. Though the Veterans Administration has recently announced plans to rebuild a bigger and better hospital in New Orleans, and I applaud the decision for it is the right one, those doors will still not open for a few years, leaving many veterans with few options. The VA has also suffered through a backlog of 6,000 Veterans Administration claims in Louisiana alone right now. The problem is nationwide and it is growing.

So today, with Veterans Day not far off, we honor and recognize our veterans in Louisiana who have paid a high price for our collective freedom. We do this by memorializing them in this significant way and memorializing their sacrifices forever by renaming the Main Post Office Building in New Orleans the Louisiana Armed Services Veterans Memorial Post Office. I urge passage of this bill.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge passage of H.R. 2089, to designate the U.S. Postal Service location at 701 Loyola Avenue in New Orleans as the Louisiana Armed Services Veterans Post Office.

From the Battle of New Orleans in the War of 1812, to the Chinese Bandits who laid the groundwork for U.S. air superiority in the Asian theater in World War II, to LTG Russell Honore's leadership of the military response to Hurricane Katrina, Louisianans have been at the forefront of defending this country from the time of its founding to this very day.

Louisiana's fighters have always been known for being a little tougher, a little wilder, a little crazier, if you will, than their counterparts from elsewhere. It made them perfect for some missions, but not so perfect for others. But the end result always has been that they have been quick in the Bayou State to take up arms whenever their country needed them.

Consider Claire Chennault. In 1937, Chennault, a captain in the U.S. Army Air Corps, progenitor of the Air Force, resigned his commission to go to China on behalf of Madam Chaing Kai-shek to help the Chinese build an air force to fend off the Japanese. He did not leave until World War II ended in 1945. In the interim, he helped organize an air force that featured strategically located airfields and an air raid warning system built from scratch that protected all of what was then known as Free China. Without his work, American air power could not have functioned in China. Later, Chennault was to describe the air raid warning system as a vast spider net of people, radios, telephones, and telegraph lines that covered all of Free China accessible to enemy aircraft. In addition to continuous intelligence of enemy attacks, the net served to locate and guide lost friendly planes, direct aid to friendly pilots who had crashed or bailed out, and helped guide our technical intelligence experts to wrecks or crashed enemy aircraft.

In other words, something out of nothing. The same as the muskets Louisianans used to fend off the British in New Orleans, and General Honore used to help rebuild Louisiana after Katrina. It is a tradition well worth honoring, and this measure does just that.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 2089, which names a postal facility in New Orleans, Louisiana, after the Louisiana armed services veterans.

H.R. 2089 which was introduced by Representative WILLIAM JEFFERSON on May 1, 2007, was reported from the Oversight Committee on September 20, 2007, by voice vote. This measure has the support of the entire Louisiana congressional delegation.

Madam Speaker, the Louisiana armed services veterans were recognized for their significant contributions to our country early in the 19th and 20th centuries. During the War of 1812, Louisiana's veteran troops, which included French, Spanish, African, Anglo, Creole, and Native American people, under General Andrew Jackson, decisively defeated the British forces on January 8, 1815. This battle forced the British to recognize the United States' claim to Louisiana and helped establish America as a political and military power.

In the 20th century, the famous Louisiana maneuvers held at Fort Polk, Louisiana, in 1940 tested the mettle of future World War II Army Generals Dwight D. Eisenhower and George Patton and the soldiers who served under their leadership. President Eisenhower referred to Louisianan Andrew Jackson Higgins as "the man who won the war." In New Orleans, Higgins designed and built amphibious landing craft that made possible the invasions of enemy-held Pacific Islands and the coast of France D-Day invasion.

Rural southeast Louisiana was native soil for two Marine Corps commanders, General John Archer Lejeune and General Robert Barrow. The Nation's first black woman to earn her stars as a U.S. Army General, Sherian Grace Cadoria, grew up in Marksville, Louisiana.

The Louisiana veterans for centuries have served and defended our country with exemplary valor and honor. And so, Madam Speaker, I commend my colleague, Representative WILLIAM JEFFERSON, for introducing this legislation and urge its passage.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2089.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATE DeTAMPLE POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3297) to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATE DETAMPLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, shall be known and designated as the "Nate DeTample Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nate DeTample Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the author of this resolution, the sponsor of this legislation, Representative PATRICK MURPHY from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I thank the gentleman from Illinois.

I rise today with pride to honor one of our Nation's finest sons. Nathaniel DeTample, Nate to his friends and family, Baby Boy to his National Guard unit, died in Iraq on August 9, 2005. He was 19 years old.

Nate was an Eagle Scout, an Eagles fan, a standout wrestler at Pennsbury High School, and a friend to all who knew him. Today, we pay tribute.

Madam Speaker, the legislation before us today will name the post office building in Morrisville, Bucks County, Pennsylvania, the Nate DeTample Post Office Building.

I am proud that this will be the first Pennsylvania post office named after an Iraq war veteran. His name will appear for all to see at 950 West Trenton Avenue, a sign of the spirit we honor.

Madam Speaker, today we give thanks to Nate and to his family for their service to our Nation. Nate joined the Pennsylvania National Guard to serve. He planned to be a police officer like his dad, but he never got that chance. He was always first in line to wrestling practice and always had a positive attitude. Bucks County Police Chief Ken Coluzzi said Nate was a nice boy and a fine young man who was going to be outstanding. It seems that is who is over there, overseas. There are a lot of outstanding young men and women who just want to do the right thing for their country, outstanding young heroes who put their lives on the line every single day.

☐ 1530

Nate served in the Pennsylvania National Guard's Alpha Company, 1st Battalion, 111th Infantry, a unit that proudly traces its roots back to the founding of our Nation and the Minutemen of the Revolutionary War, a rich history that Nate honored with his unforgettable spirit.

Madam Speaker, his friend said in tribute that Nate was one of the nicest guys ever. You never saw him down. You didn't have to meet Nate to know what kind of man, what kind of soldier he was.

When it came time for him to be laid to rest, scores of people lined the streets to say goodbye and to give thanks, a true testament to his spirit, his sacrifice, and the impact he had on the lives that he touched.

Madam Speaker, Nate's mom and dad, Kim and Glenn, asked at Nate's funeral that all of us pray for Nate's fellow soldiers and their families. Today, before this great body, with great pride, I repeat their request, and ask that we make it our mission to honor the fallen and stand up for those who are still fighting.

With his service, Nate DeTample showed us true energy, faith, and devotion. His memory will light our world.

In closing, I want to share how Nate signed one of his letters home from Iraq: "Rock Steady, Nate."

Madam Speaker, I hope my colleagues join me in honoring one of those rocks of our community, Nate DeTample. Rock steady.

Ms. FOXX. Madam Speaker, I yield myself as much time as I may consume.

It is an honor for me to speak today about an American hero who showed great bravery and loyalty to his country well beyond his 19 years.

On August 9, 2005, a roadside bomb took the life of Nate DeTample, extinguishing his hopes and dreams, an ending to what, by all accounts, was an exemplary life.

During his high school years, Nate DeTample was remembered as an impressive young man and an extremely nice guy.

His personality was such that he always reached out to others with a handshake and asked how they were doing. He showed great leadership and ability as a wrestler for Pennsbury High School. One of his coaches remembered him as a hard worker and always being the first to practice.

It was Nate's dream to become a police officer, much like his father, Glenn, a detective for the Lower Makefield Police Department. With this dream in mind, Nate joined the National Guard after he graduated and headed off to college at Shippensburg University, where he majored in criminal justice. He was, however, called to serve his country before he could complete his first year of study. Some might have complained, but Nate believed in the mission and served to the best of his abilities.

Upon learning of Nate's death, the flag at the Lower Makefield Police Department was flown at half mast. This was a fitting tribute for someone who paid the ultimate sacrifice for his country and his community. It is also a fitting tribute that we give the post office on West Trenton Avenue in Morrisville, PA, his name so that we may not forget his courage, his bravery and the price he paid for us.

Madam Speaker, I ask that my colleagues join me in support of this fitting tribute.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H.R. 3297, which names the postal facility in Morrisville, PA, after Nate DeTample.

H.R. 3297, which was introduced by Representative PATRICK MURPHY on August 1, 2007, was reported from the Oversight Committee on September 20, 2007, by voice vote. This measure has the support of the entire Pennsylvania congressional delegation.

Madam Speaker, PFC Nathaniel E. DeTample was killed on August 9, 2005, in an attack by small arms fire in Beiji, Iraq. The attack occurred while he was investigating a rocket-propelled grenade incident. He was assigned to the 1st Battalion, 111 Infantry Regiment, Pennsylvania Army National Guard in Philadelphia.

Private DeTample was a wrestler, an Eagle Scout, and a criminal justice major at Shippenburg University. He was deployed to Iraq in March 2005 for the purpose of performing stability and support operations in the Beiji area north of Baghdad. He served his country with honor and distinction.

And so, Madam Speaker, I commend my colleague, Representative MURPHY, for introducing this legislation, and urge its swift passage.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I urge all Members to support the passage of H.R. 3297, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WALLACE S. HARTSFIELD POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3572) to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WALLACE S. HARTSFIELD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, shall be known and designated as the "Wallace S. Hartsfield Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Wallace S. Hartsfield Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the sponsor of this legislation, Representative EMANUEL CLEAVER of Missouri.

Mr. CLEAVER. Madam Speaker, I very proudly stand here today to recommend the Reverend Dr. Wallace S. Hartsfield, a minister in the Fifth Congressional District, which I very proudly serve, be given the honor of having a postal facility named in his honor at 4320 Blue Parkway in Kansas City, Missouri. All nine members of the Missouri delegation have signed on to this bill, and they signed on for one real reason. It is this:

Rev. Hartsfield is an American story. He was born in Atlanta, Georgia, on November 12 in 1929. He was raised by his mother. He was the only child and yet she worked and struggled and pushed him. He eventually graduated from high school and then served a 3-year tour of duty with the United States Army. He returned to this country and attended Clark College, which is now called Clark Atlanta University. He received a bachelor's degree, and then he went on to receive a Master's of Divinity at Gammon Theological Seminary, which is known as the Interdenominational Theological Seminary today. He's received a number of honorary doctorate degrees, and he is recognized in our community as a man who is always going to be where something good is happening.

He has been a strong worker in the field of diversity. He is a man who has been able to bring the clergy together from across racial and even religious lines. He's known as the dean of preachers in our community, and I dubbed him the "Godfather of Preachers" because of the respect he receives from members of the clergy. Anytime anything in our community is going on that is productive and meaningful, you can expect to see Rev. Wallace S. Hartsfield present.

This postal designation is the first I've ever introduced, and one of the reasons that I feel strongly about this is the post office delivers mail to everyone, and if you look at the life and work of the Reverend Wallace S. Hartsfield, that is exactly what he's done. He has delivered ministry, friendship and civic concern to everyone in our community, and so a post office, I think, is very, very appropriate to bear his name.

And so, Madam Speaker, it would be my hope that this body would allow our community to celebrate fully his retirement at a November 9 banquet, during which time I would like to proudly announce that the United States Congress has named a post office in his honor.

Ms. FOXX. Madam Speaker, I yield myself as much time as I may consume.

I rise today to pay tribute to Rev. Wallace S. Hartsfield, a family man, community activist, and man of God.

Rev. Hartsfield was born in Atlanta, Georgia, on November 12, 1929. After a 3-year tour of duty with the United States Army, he went on to receive a bachelor of arts degree from Clark College, now Clark Atlanta University. Three years later, in 1957, he received a Master of Divinity degree.

The list of honorary degrees Rev. Hartsfield has earned is long and distinguished. They include a Doctor of Divinity from both Western Baptist Bible College in Kansas City, Missouri, and Virginia Seminary and College of Lyncher, Virginia.

While his list of academic accomplishments is impressive, the work he has done since the end of his formal education is even more so. His first pastorate was in Pickens, South Carolina, and he served in the States of Kansas, Florida, and Georgia before settling into a position at the Metropolitan Missionary Baptist Church located in Kansas City, Missouri, a place he has preached for over 40 years.

Rev. Hartsfield will retire on January 1, 2008, as senior pastor. During his long service to the church, he became affectionately known as the dean of Kansas City Ministers; and the cosponsor of this bill, Mr. CLEAVER, has nicknamed him the Godfather of Preachers because of the knowledge he possesses and his impressive oratory skills. He has become a mentor not only for those in the local ministry, but for community leaders as well.

His steadfast dedication to Kansas City and the surrounding area have helped solidify the community and shape it into what it is today. However, his leadership and influence have extended well beyond the boundaries of his duty as a minister. He has fought to promote, protect, and ensure civil liberties for all races, not only at home but across the Nation. And he served as president of the greater Kansas City chapter of Operation PUSH, an organization dedicated to the promotion of religious and social development and human rights.

He is a former chairman of the Congress of National Black Churches that represents over 65,000 churches. He has also served in many positions within the National Baptist Convention of America.

The reverend was appointed by the Governor to serve as commissioner on the Missouri Highway Commission and was at the forefront of efforts to construct the Metropolitan Homes, a 60-unit low-income housing development.

Despite all of his work and the demands for his time and attention, they did not detract from his love for his family. The reverend just celebrated his 50th anniversary with his wife, Matilda Hopkins. They are the proud parents of four children.

Madam Speaker, I ask that my colleagues join me, Mr. CLEAVER, and all of the members of the Missouri delegation in congratulating Rev. Hartsfield on his retirement, wish him well in his new endeavors, and join us in supporting the naming of the post office facility on Blue Parkway in Kansas City in his honor.

Madam Speaker, I reserve the balance of my time.

☐ 1545

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3572, which names a postal facility in Kansas City, MO, after Wallace S. Hartsfield, Sr.

H.R. 3572, which was introduced by Representative EMANUEL CLEAVER on September 18, 2007, was reported from the Oversight Committee on October 4, 2007, by voice vote. This measure has the support of the entire Missouri congressional delegation.

Madam Speaker, Rev. Dr. Wallace S. Hartsfield, Sr.'s dedication and service to the people of Kansas City goes back many years. He is a committed community activist, civil servant, and has served as the senior pastor of the Metropolitan Missionary Baptist Church since 1972. He is the vice president-at-large of the Economic Development Commission of the National Baptist Convention of America, Incorporated. He is a former chairman of the Congress of National Black Churches and past president of the General Baptist State Convention of Missouri, Kansas, and Nebraska. He has served as an adjunct professor and guest lecturer at numerous colleges and universities.

Rev. Hartsfield is a well-respected man of faith, and on January 1, 2008, he will retire as senior pastor of the Metropolitan Missionary Baptist Church.

So, Madam Speaker, I commend my colleague, the Reverend Representative EMANUEL CLEAVER, for introducing this legislation. I enthusiastically support this legislation and urge its passage.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I urge all Members to support the passage of H.R. 3572.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPPS). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3572.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 4 p.m. today.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until 4 p.m. today.

☐ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BERKLEY) at 4 p.m.

MELANIE BLOCKER-STOKES POSTPARTUM DEPRESSION RESEARCH AND CARE ACT

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 20) to provide for research on, and services for individuals with, postpartum depression and psychosis, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Melanie Blocker-Stokes Postpartum Depression Research and Care Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Postpartum depression is a devastating mood disorder which strikes many women during and after pregnancy.

(2) Postpartum mood changes are common and can be broken into three subgroups: "baby blues", which is an extremely common and the less severe form of postpartum depression; postpartum mood and anxiety disorders, which are more severe than baby blues and can occur during pregnancy and anytime within the first year of the infant's birth; and postpartum psychosis, which is the most extreme form of postpartum depression and can occur during pregnancy and up to 12 months after delivery.

(3) "Baby blues" is characterized by mood swings, feelings of being overwhelmed, tearfulness, irritability, poor sleep, mood changes, and a sense of vulnerability.

(4) The symptoms of postpartum mood and anxiety disorders are the worsening and the continuation of the baby blues beyond the first days or weeks after delivery.

(5) The symptoms of postpartum psychosis include losing touch with reality, distorted thinking, delusions, auditory hallucinations, paranoia, hyperactivity, and rapid speech or mania.

(6) Each year over 400,000 women suffer from postpartum mood changes, with baby blues afflicting up to 80 percent of new mothers; postpartum mood and anxiety disorders impairing around 10 to 20 percent of new mothers; and postpartum psychosis striking 1 in 1,000 new mothers.

(7) Postpartum depression is a treatable disorder if promptly diagnosed by a trained provider and attended to with a personalized regimen of care including social support, therapy, medication, and when necessary hospitalization.

(8) All too often postpartum depression goes undiagnosed or untreated due to the social stigma surrounding depression and mental illness, the myth of motherhood, the new mother's inability to self-diagnose her condition, the new mother's shame or embarrassment over discussing her depression so near to the birth of her child, the lack of understanding in society and the medical community of the complexity of postpartum depression, and economic pressures placed on hospitals and providers.

(9) Untreated, postpartum depression can lead to further depression, substance abuse, loss of employment, divorce and further social alienation, self-destructive behavior, or even suicide.

(10) Untreated, postpartum depression impacts society through its effect on the infant's physical and psychological development, child abuse, neglect, or death of the infant or other siblings, and the disruption of the family.

TITLE I—RESEARCH ON POSTPARTUM DEPRESSION AND PSYCHOSIS

SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health and the Director of the National Institute of Mental Health (in this title referred to as the "Institute"), is encouraged to continue aggressive work on postpartum depression and postpartum psychosis.

(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute should continue to coordinate activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to postpartum conditions.

(c) PROGRAMS FOR POSTPARTUM CONDITIONS.—In carrying out subsection (a), the Director of the Institute is encouraged to continue research to expand the understanding of the causes of, and to find a cure for, postpartum conditions. Activities under such subsection shall include conducting and supporting the following:

(1) Basic research concerning the etiology and causes of the conditions.

(2) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(3) The development of improved screening and diagnostic techniques.

(4) Clinical research for the development and evaluation of new treatments, including new biological agents.

(5) Information and education programs for health care professionals and the public.

SEC. 102. NATIONAL PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the Health Resources and Services Administration are encouraged to carry out a coordinated national campaign to increase the awareness and knowledge of postpartum depression and postpartum psychosis.

(b) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subsection (a) may include public service announcements through television, radio, and other means.

SEC. 103. BIENNIAL REPORTING.

Section 403(a)(5) of the Public Health Service Act (42 U.S.C. 283(a)(5)) is amended—

(1) by redesignating subparagraph (L) as subparagraph (M); and

(2) by inserting after subparagraph (K) the following:

"(L) Depression.".

SEC. 104. LONGITUDINAL STUDY OF RELATIVE . MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Institute may conduct a nationally representative longitudinal study (during the period of fiscal years 2008 through 2018) of the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(b) REPORT.—Beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under subsection (a), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

TITLE II—DELIVERY OF SERVICES REGARDING POSTPARTUM DEPRESSION AND PSYCHOSIS

SEC. 201. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this title referred to as the "Secretary") should in accordance with this title make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with postpartum depression or postpartum psychosis (referred to in this section as a "postpartum condition") and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or any other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and management of postpartum conditions. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient and home-based health and support services, including case management, screening, and comprehensive treatment services for individuals with or at risk for postpartum conditions; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that ensure the well-being of the mother and family and the future development of the infant.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with postpartum conditions and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary should integrate the program under this title with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 202. CERTAIN REQUIREMENTS.

A grant may be made under section 201 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of postpartum conditions.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 201(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 201(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 203. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this title in order to make such entities eligible to receive grants under section 201.

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated—

(1) $3,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for fiscal years 2009 and 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act of 2007.

The birth of a child can be a joyous and exciting time, but following childbirth, some women may experience postpartum disorders that can adversely affect a woman's mental health. According to the American College of Obstetricians and Gynecologists, about 10 percent of new moms experience postpartum depression, a form of depression that can develop within the first 6 months after giving birth.

For women with postpartum depression, feelings such as sadness, anxiety, and restlessness can be so strong that they interfere with daily tasks. Rarely, a more extreme form of depression known as postpartum psychosis can develop. Postpartum depression and psychosis can have an adverse effect on a woman's mental health and impair their ability to bond with their newborn child.

The legislation before us today will go a long way towards helping to increase awareness of postpartum depression and psychosis. H.R. 20 encourages the Secretary of Health and Human Services and the Director of the National Institutes of Health to expand and intensify research on postpartum depression and to conduct and support research in an effort to find a cure for postpartum depression and psychosis.

Furthermore, this legislation encourages the NIH to carry out a national campaign to increase awareness of postpartum depression, and it directs Health and Human Services to make grants to help with coordinating the effective delivery of essential services to individuals with postpartum depression, as well as their families.

I would like to extend a special thank you to our Commerce, Trade and Consumer Protection Subcommittee chairman, Mr. RUSH, who has championed this bill's cause. His commitment to ensuring that women who suffer from postpartum depression better understand their condition and have access to the resources that they need has been unwavering. I commend him for his hard work, and I urge all of my colleagues to join me in supporting this life-saving legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act, and join my colleagues in commending Mr. RUSH for bringing the bill to the floor.

As has been mentioned, the bill highlights the need to increase awareness of postpartum depression and expand the knowledge of its terrible side effects.

It's important to note that as many as 80 percent of women experience some mood disturbances after pregnancy, and for most women the symptoms are mild and go away on their own; but 10 to 20 percent of women develop a more disabling form of mood disorder called postpartum depression.

This legislation encourages the continuation of research being done by Federal agencies as to the cause of postpartum depression and how it can be better treated. And with my colleagues, I stand in support of the legislation and hope my colleagues will join me.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am pleased to yield 7 minutes to the gentleman from Illinois, the bill's author, Mr. RUSH.

Mr. RUSH. Madam Speaker, I want to thank the gentlelady from Wisconsin for yielding me this time on this very important matter.

Madam Speaker, I rise today in strong support of H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

I would like to thank Chairman DINGELL; Ranking Member BARTON; my colleague, Congressman PITTS; and the members of the Energy and Commerce Committee who unanimously supported this legislation's passage out of committee.

Madam Speaker, after 6 long, arduous years, today marks an important step in the protracted journey for Congress to recognize postpartum depression as a national priority. I am so proud that nearly 130 bipartisan cosponsors have united with me today to say no longer will postpartum depression be dismissed as mere "baby blues."

By passing H.R. 20, Congress will finally put significant money and attention into research, screening, treatment, and education for mothers suffering from this disease.

Sadly, Madam Speaker, I was moved to author H.R. 20 after watching the news accounts of the missing Melanie Stokes, a new mother, a successful businesswoman, and my constituent. Despite her family's valiant interventions, Melanie's psychosis was so severe that she slipped away from her family and from her friends and tragically ended her life.

Afterwards, I reached out to Melanie's mother, Carol Blocker, and was told of her daughter's diagnosis and suicide that occurred as a result of postpartum psychosis. And sometime later, Madam Speaker, I talked with Dr. Nada Stotland of the American Psychiatric Association, who is another constituent of mine, and she detailed the value in additional research. And she discussed the underreporting and mixed diagnosis of postpartum depression and psychosis in our country.

There is no denying, the needs for resources to combat postpartum depression grow more and more and more each year. Here are the facts, Madam Speaker:

Research indicates that some form of postpartum depression affects approximately one in 1,000 new mothers, resulting in up to 800,000 cases annually. Of the new postpartum cases this year, less than 15 percent of mothers will receive treatment. However, with treatment, over 90 percent of these mothers could overcome their depression. And approximately every 50 seconds, a new mother will begin struggling with the affects of mental illness.

Madam Speaker, these facts are profound. And in the words of Carol Blocker, "Hundreds of thousands of women who have suffered from postpartum depression and psychosis are still waiting for this Congress to act 6 years after the legislation has been introduced."

Madam Speaker, I want to thank you for this day, because today Ms. Blocker and hundreds of thousands of mothers will not have to wait any longer for Congress to act.

My legislation, to sum it up, would encourage the Secretary of Health and Human Services to further research at the National Institutes of Health on postpartum depression.

My legislation would also finance a national public awareness campaign to bring this illness out of the dark and shed new light on how to screen and treat mothers. It would also add depression to the biennial report the National Institutes of Health must submit to the Congress.

Lastly, my bill will finance much-needed grants to public and nonprofit organizations to establish and operate programs that provide screening, treatment and various health care and support services to individuals with postpartum depression or postpartum psychosis.

Moreover, Madam Speaker, this bill is an affordable approach to research and services. The CBO estimates that

H.R. 20 costs less than $500,000 per year, and $18 million over 5 years.

This is good policy, Madam Speaker. This is good politics. And this is a good public health bill.

I want to take a moment, Madam Speaker, just to thank the many organizations and groups, groups like Postpartum Support International, whose president right now sits in the gallery, Ms. Susan Stone; the Family Mental Health Foundation; the American Psychological Association; the American Psychiatric Association; the American College of Obstetricians and Gynecologists; and groups like the Children's Defense Fund, the Melanie Blocker-Stokes Foundation, Suicide Prevention Action Network, Planned Parenthood Federation of America Depression and Bipolar Support Alliance, the Mental Health Alliance, NARAL, so many organizations, including the National Alliance for Mental Illness, the Community Behavioral Healthcare Association, and the March of Dimes. I want to thank these individuals and various activists for their testimony at hearings, for their support, and for their participation.

Madam Speaker, lastly, I want to thank the Members of this Congress, those who, when I asked to become cosponsors, they indicated that they were familiar because they had personal involvement, this dreaded disease has touched them personally; and I want to thank them for their support.

Madam Speaker, I urge that this body pass this much-needed legislation, that this body, indeed, give women the help that they need in fighting this very, very difficult disease.

Mr. FOSSELLA. Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, I wish to urge my colleagues to support this important bill. As we have heard, postpartum depression is a very serious women's health issue. This bill will raise awareness about postpartum depression and will further research in an effort to find a cure.

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Again I want to commend my colleague (Mr. RUSH) for his incredibly hard work on this bill, and I urge my colleagues to support its passage.

Ms. RICHARDSON. Madam Speaker, I rise today to support H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

Postpartum depression is a serious mental health problem that can have significant consequences for both the new mother and family. Statistics show up to 800,000 women annually develop this diagnosable prenatal mood disorder; shockingly, less than 15 percent of mothers will receive treatment for the disease.

In California, the results from a 2004 California Women's Health 2007 study indicated that younger females were most at risk for postpartum depression. Females 19 and younger had rates of risk of more than 20 percent: woman 35 and older had the lowest rate, 6.4 percent. In California, woman who are young and/or without health insurance would benefit most from the screening, counseling, diagnosis, and treatment for postpartum depression that this legislation authorizes.

H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act, would ensure that woman at risk for or with postpartum depression are provided adequate and timely prevention and mental health services.

If we are to have any hope of preventing deaths among new mothers and children from this disease, we must identify ways by which we can effectively treat and prevent postpartum psychosis.

I extend my gratitude and thanks to Representative RUSH for bringing this important piece of legislation to the House. His commitment to this issue is commendable.

Ms. BALDWIN. Madam Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 20, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BALDWIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ALS REGISTRY ACT

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2295) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ALS Registry Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amyotrophic lateral sclerosis (referred to in this section as "ALS") is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and the spinal cord.

(2) The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

(3) The cause of ALS is not well understood.

(4) There is only one drug currently approved by the Food and Drug Administration for the treatment of ALS, which has thus far shown only modest effects, prolonging life by just a few months.

(5) There is no known cure for ALS.

(6) More than 5,000 individuals in the United States are diagnosed with ALS annually and as many as 30,000 individuals may be living with ALS in the United States today.

(7) Studies have found relationships between ALS and environmental and genetic factors, but those relationships are not well understood.

(8) Scientists believe that there are significant ties between ALS and other motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SOD1 database, the National Institute of Neurological Disorders and Stroke repository, and the Department of Veterans Affairs ALS Registry.

(10) A single national system to collect and store information on the prevalence and incidence of ALS in the United States does not exist.

(11) In each of fiscal years 2006 and 2007, Congress directed $887,000 to the Centers for Disease Control and Prevention to begin a nationwide ALS registry.

(12) The Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry have established three pilot projects, beginning in fiscal year 2006, to evaluate the science to guide the creation of a national ALS registry.

(13) The establishment of a national registry will help—

(A) to identify the incidence and prevalence of ALS in the United States;

(B) to collect data important to the study of ALS;

(C) to promote a better understanding of ALS;

(D) to collect information that is important for research into the genetic and environmental factors that cause ALS;

(E) to strengthen the ability of a clearinghouse—

(i) to collect and disseminate research findings on environmental, genetic, and other causes of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS;

(ii) to make available information to patients about research studies for which they may be eligible; and

(iii) to maintain information about clinical specialists and clinical trials on therapies; and

(F) to enhance efforts to find treatments and a cure for ALS.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(3), the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with a national voluntary health organization with experience serving the population of individuals with amyotrophic lateral sclerosis (referred to in this section as 'ALS'), shall—

"(A) develop a system to collect data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

"(B) establish a national registry for the collection and storage of such data to include a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to gather available data concerning—

"(A) ALS, including the incidence and prevalence of ALS in the United States;

"(B) the environmental and occupational factors that may be associated with the disease;

"(C) the age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease;

"(D) other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

"(E) other matters as recommended by the Advisory Committee established under subsection (b).

"(b) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of at least one member, to be appointed by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, representing each of the following:

"(A) National voluntary health associations that focus solely on ALS and have demonstrated experience in ALS research, care, and patient services, as well as other voluntary associations focusing on neurodegenerative diseases that represent and advocate on behalf of patients with ALS and patients with other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(B) The National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences.

"(C) The Department of Veterans Affairs.

"(D) The Agency for Toxic Substances and Disease Registry.

"(E) The Centers for Disease Control and Prevention.

"(F) Patients with ALS or their family members.

"(G) Clinicians with expertise on ALS and related diseases.

"(H) Epidemiologists with experience in data registries.

"(I) Geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases.

"(J) Statisticians.

"(K) Ethicists.

"(L) Attorneys.

"(M) Other individuals with an interest in developing and maintaining the National ALS Registry.

"(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

"(A) the development and maintenance of the National ALS Registry;

"(B) the type of information to be collected and stored in the Registry;

"(C) the manner in which such data is to be collected;

"(D) the use and availability of such data including guidelines for such use; and

"(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

"(3) REPORT.—Not later than 1 year after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

"(c) GRANTS.—Notwithstanding the recommendations of the Advisory Committee under subsection (b), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

"(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, including—

"(i) the 3 ALS registry pilot projects initiated in fiscal year 2006 by the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry at the South Carolina Office of Research & Statistics; the Mayo Clinic in Rochester, Minnesota; and Emory University in Atlanta, Georgia;

"(ii) the Department of Veterans Affairs ALS Registry;

"(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center;

"(iv) the Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

"(v) State-based ALS registries, including the Massachusetts ALS Registry;

"(vi) the National Vital Statistics System; and

"(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

"(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

"(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Notwithstanding the recommendations of the Advisory Committee established in subsection (b), and consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

"(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and $16,000,000 for each of the fiscal years 2009 through 2012.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in support of H.R. 2295 the ALS Registry Act. Amyotrophic lateral sclerosis, or ALS, more commonly known as Lou Gehrig's disease, is a fatal, progressive neurodegenerative disease affecting approximately 5,600 Americans each year. It is estimated that as many as 30,000 Americans have ALS at any given time with an average life expectancy of 2 to 5 years from the time of diagnosis. Today, no single national patient registry collects and stores information on the prevalence and incidence of ALS.

The ALS Registry Act would create a nationwide registry at the Centers for Disease Control and Prevention for ALS and other related motor neuron disorders. The patient registry would collect data which is urgently needed for ALS research, disease management, and the development of standards of care. This will allow us to make real progress toward better understanding ALS, and to develop measures for prevention, treatment and cure of this dreaded disease.

Madam Speaker, I would like to thank my friend and colleague, Representative ELIOT ENGEL, for his dedication to bringing this bill before us today. Madam Speaker, I strongly urge my colleagues to support H.R. 2295.

I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would also like to thank Congressman ENGEL and Congressman TERRY for their efforts in the establishment of the ALS Registry Act. As we know, we have an annual event here in Congress when we get visits from members of the ALS organization, the association, and their advocates, but more importantly the citizens of this country who have been afflicted with Lou Gehrig's disease. It is gut-wrenching to watch knowing full well what a debilitating disease it is, and it knows no boundaries. As has been mentioned by my colleagues, perhaps 30,000 Americans, perhaps 1,000 in New York State alone, are suffering with ALS. I know a gentleman on Staten Island who helped to have built one of the largest banks in Staten Island, if not the largest, retiring, thinking he was going to enjoy his golden years, and soon after that became diagnosed with ALS. To watch the horrific progression over the last couple of years is, as I mentioned, gut-wrenching not just to his friends but, I am sure, his family.

That is why I think it is important that Congress finally step up and act, and as a cosponsor of the legislation today, I am pleased to see it brought to the House floor today.

I would like to thank the tireless efforts of the ALS Association and advocates in educating and advocating for a cure, which is what we all want. Unfortunately, we know little about ALS, a disease that is diagnosed for 5,600 Americans each year. Without a cure and without treatments to slow the progression of the disease, as has been mentioned by Ms. BALDWIN, the average life expectancy of a person is only 2 to 5 years. It is a death sentence once diagnosed. The rapid progression, lack of understanding about its cause, and debilitating nature of the disease make it particularly hard on those afflicted with ALS, as well as their family and friends.

We need to give scientists the tools they need to find the treatment and cure for ALS. The registry does just that. It creates a single, national patient registry to collect and store information on the prevalence of incidences of ALS in the U.S. We know of several research studies ongoing at the NIH and other private facilities, investigating possible risk factors that may be associated with ALS. Researchers are working to better determine what genetics and/or environmental factors are contributing to developing ALS.

While there has been incredible and groundbreaking advances in science that give hope to people with Lou Gehrig's disease and their families, this legislation will provide an important new link that will allow scientists to take emerging new discoveries ever closer to a cure. And I pray that one day we will have that cure so no families or individuals will be afflicted by this terrible disease.

Madam Speaker, I stand in support, urge adoption and reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I yield 4 minutes to the bill's author, the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank the gentlewoman from Wisconsin for yielding to me.

Madam Speaker, I wish to thank you for bringing up the ALS Registry Act of 2007 for a vote, H.R. 2295. This is truly a bipartisan measure, as well it should be. I introduced this bill with my colleague, LEE TERRY of Nebraska, and we are proud to have the support of over 275 bipartisan members of Congress.

I know that the gentlewoman from Wisconsin who sat next to me on the committee was very concerned about this bill. I am glad that the gentleman from New York (Mr. FOSSELLA) is here, as well, because I have a picture here of Lou Gehrig who, of course, puts a face on this disease. ALS is very often known as Lou Gehrig's disease, and we all remember the Yankee Clipper, Lou Gehrig. Mr. FOSSELLA and I, both coming from New York, we know Lou Gehrig and his tradition very, very well.

Amyotrophic lateral sclerosis, or ALS, is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and spinal cord. It is very similar to multiple sclerosis. While the great baseball player, Lou Gehrig, put a national face on ALS over 65 years ago, my own family was devastated by the death of my grandmother, Dora Engel, my father's mother, who is believed to have passed away as a result of ALS when she was about 58 years old.

Unfortunately, families across the Nation face challenges and experience the suffering associated with ALS every single day. As was mentioned before, 5,600 people in the U.S. are diagnosed with ALS each year. It is estimated that as many as 30,000 Americans have the disease at any given time. The average life expectancy for a person who is diagnosed with ALS is only 2 to 5 years from the time of diagnosis.

As was mentioned, the causes of ALS are not well understood and there is no known cure. We need to provide hope to change this tragedy today.

Surprisingly, a single national patient registry which collects and stores information on the prevalence and incidence of ALS does not currently exist in the United States today. The legislation I introduced with my colleague (Mr. TERRY) would create an ALS registry at the Centers for Disease Control and Prevention and aid in the search for a cure from this devastating disease. The registry would collect key data, and information is determined by a newly created Federal Advisory Committee on the National ALS Registry.

The ALS Registry Act will also build upon a fiscal year 2006 and fiscal year 2007 congressional appropriation which directed the CDC to evaluate the science to guide the creation of a National ALS Registry.

I wish to express my gratitude to the staff of the Centers for Disease Control and Prevention, and in particular to the ALS Association, who worked for months with me and my staff to improve the bill that we had introduced in the previous 109th Congress. I also want to thank Chairman DINGELL, Ranking Member BARTON, House Subcommittee Chairman PALLONE and Ranking Member DEAL for their support of the ALS Registry Act. Finally, I especially want to thank John Ford and William Garner of Chairman DINGELL's staff and Katherine Martin of Ranking Member BARTON's staff for shepherding this bill through the Energy and Commerce Committee. I want to thank Emily Gibbons of my own staff, my legislative director, who was also my health expert and really did more for this than anybody else I know.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. I thank my colleagues, and Madam Speaker, I urge the swift passage of the ALS Registry Act, H.R. 2295, today.

Mr. FOSSELLA. I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I yield 1½ minutes to the gentlewoman from South Dakota, Congresswoman HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Madam Speaker, I rise in support of H.R. 2295, the ALS Registry Act, introduced by the gentleman from New York (Mr. ENGEL). I would like to thank my friend and colleague from Wisconsin (Ms. BALDWIN) for yielding me time.

No one who knows or has met someone diagnosed with ALS can fail to be moved by the courage, not only of those experiencing the symptoms of this disease, but of their family, who help them cope with it every day.

During the National ALS Awareness Month in May, I met with one such remarkable family. Daryl and Marlene Thorson of Brandon, South Dakota, and their granddaughter, Elizabeth Steel, took the time to visit with me. They discussed the importance of this legislation to create a National ALS Registry, and they talked about living with ALS. Daryl has been diagnosed with ALS, and his wife is a pillar of strength as they go through this together. Their love was clear, as was their determination. I was struck by their 12-year-old granddaughter, Elizabeth, who sees how the disease has affected her grandfather and sees her grandmother caring for him. Elizabeth wrote an essay for school entitled, "If I Had a Million Dollars, What Would I Buy?" And Elizabeth dedicated her entire essay to buying supplies for her grandfather, funding research, and advocating to Members of Congress.

Madam Speaker, by establishing a National ALS Registry and providing the requisite funding, we can help facilitate the efforts of so many across the country, like Elizabeth, like the scientists searching for a cure, who are working to conquer ALS and bring comfort to those afflicted with it. I urge my colleagues to support this important legislation.

Mr. FOSSELLA. Madam Speaker, I am told that my colleague has no further speakers, so I would close. And as I mentioned, I have been here now 10 years. I can recall a gentleman by the name of Gary Anderson coming up after being diagnosed, a friend from Staten Island, and passing after suffering for too long from ALS. It is a terrible indictment, Lou Gehrig's disease, that it is, and one day, as we say, perhaps this registry will get to a point where no longer will our fellow citizens have to suffer. So, for people like Gary Anderson, to this day, a gentleman I mentioned before, Harry Doherty, who is currently suffering as we speak, I would urge the adoption of this.

I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, I strongly support this bill. As we have heard, this bill would collect data which is urgently needed for ALS research and will go a long way toward moving us closer to treatments and a cure for this devastating illness.

Again, I wish to recognize my colleague (Mr. ENGEL) and other colleagues who have spoken today who put a personal face and a personal story behind this important legislation.

Madam Speaker, I urge my colleagues to support this bill.

Mr. TERRY. Madam Speaker, I rise today in strong support of The ALS Registry Act of 2007, originally introduced in May by my colleague Representative ELIOT ENGEL of New York and myself. As the bill comes to the floor, we have been joined by 275 bipartisan cosponsors in support of this important legislation.

Amyotrophic Lateral Sclerosis (ALS) is a fatal, progressive, neurodegenerative disease affecting motor nerve cells in the brain and spinal cord. Approximately 5,600 people in the U.S. are diagnosed with ALS, also known as Lou Gehrig's Disease, each year. It is estimated that as many as 30,000 Americans have the disease. The average life expectancy for a person with ALS is two to five years from the time of diagnosis. There is no known cure for ALS.

The most important provision in our bill establishes a national ALS registry. There is currently no single national registry which collects and stores information on the prevalence and incidence of ALS in existence in the United States. The establishment of a national registry will help identify the occurrence and frequency of ALS and other motor neuron disorders and collect data which is badly needed for ALS research, disease management and the development of standards of care in order to significantly enhance the nation's efforts to find a treatment and cure for ALS.

A recent article from the New England Journal of Medicine stated that "approximately 90 percent of the persons with ALS have the sporadic form, which may be caused by the interaction of multiple environmental factors and previously unknown genes." The purpose of creating a registry is to identify if there are any geographic, genetic or environmental groups of people that have been diagnosed with this terrible disease. This would then allow scientists a better opportunity to identify any relevant factors. This registry may sound simple on the surface, but it is actually a significant tool in determining the root causes of ALS, which would hopefully lead to diagnostic tests and screenings to see who is susceptible to the disease.

Although we know the debilitating effects of ALS, I am moved every year when I am visited by patients and their families in my Washington office. Despite the extremely challenging medical conditions faced by these patients, they make an extraordinary effort to travel to the Capitol and share their stories in the hope that we will soon find effective treatments and a potential cure so that no one like them will have to suffer in the future. The courage shown by ALS patients, as well as their families, is inspiring to me.

All diseases bring hardships on those afflicted, but ALS is particularly cruel in the quickness of the onset, the severity of the symptoms and the fatal nature of the condition. The provisions in our bill creating a nationwide registry for persons afflicted with ALS are important steps forward in strengthening the efforts to understand, treat and one day eradicate this terrible disease. I urge my colleagues to support the ALS Registry Act and I am proud to have worked on this very important effort with my friend Mr. ENGEL. I am also grateful that our committee, the Energy and Commerce Committee, took up this legislation and advanced the bill to the floor.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today in support of H.R. 2295, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

ALS, more commonly known as Lou Gehrig's disease, is a particularly cruel disease and is always fatal, usually between two and five years after diagnosis. One of the very few trends researchers have been able to identify is that veterans are twice as likely to die from ALS as those who have not served in the military. However, Madam Speaker, it can strike at any time, regardless of age, race, gender or nationality.

This fight is personal for me, as my good friend Shelbie Oppenheimer, and her husband Jeff have long been advocates for those with ALS.

Shelbie was diagnosed when she was just 28 years old and has since spent countless hours educating friends, family, community members and elected officials. Shelbie has been fortunate—still fighting after 10 years.

The Oppenheimers have created a wonderful organization based in my district in Bucks County, Pennsylvania: Shelbie.org.

Along with many community partners, they work tirelessly to provide opportunities for the children of ALS patients. Jeff and Shelbie, along with their daughter Isabel, are a constant inspiration to me and I join them in the fight to turn ALS from a disease to a memory.

It is for Shelbie, Jeff, Isabel and countless others that I am proud to be a cosponsor of this bill. This legislation will create, through the Centers for Disease Control and Prevention, a single, nationwide ALS registry. This Registry is essential to advancing the search for treatments and the cure.

Since we don't know the cause or the cure of ALS, research is the key. Enabling researchers, doctors and patients to understand the trends and history of the disease is vital to moving forward. The Registry will gather data on the environmental and occupational factors that may contribute to the disease, including the age, race and ethnicity of individuals with ALS, the patients' family histories and other information that may be beneficial to advancing research and care.

Madam Speaker, I urge all of my colleagues to join this fight and support the ALS Registry Act and vote yes on H.R. 2295.

Mr. SHAYS. Madam Speaker, I am an original cosponsor of H.R. 2295, the ALS Registry Act. The legislation would direct the Centers for Disease Control and Prevention to develop a system to collect data on ALS and establish a national registry for the collection and storage of this data.

Creating the registry will allow us to better understand the incidence and prevalence of the disease, the age, race and ethnicity of people who have it, and whether there are any environmental factors that are associated with the disease.

ALS, commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis and eventual death. Approximately 30,000 individuals in the United States are afflicted with ALS, with approximately 5,000 new cases each year.

The life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis. While there is no known cure or cause for ALS, aggressive treatment of the symptoms of ALS can extend the lives of those with the disease. Promising research gives hope that one day this deadly and debilitating disease will be cured.

Ms. BALDWIN. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2295, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BALDWIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1630

CHRISTOPHER AND DANA REEVE PARALYSIS ACT

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1727) to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christopher and Dana Reeve Paralysis Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PARALYSIS RESEARCH

Sec. 101. Activities of the National Institutes of Health with respect to research on paralysis.

TITLE II—PARALYSIS REHABILITATION RESEARCH AND CARE

Sec. 201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

TITLE III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

Sec. 301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

TITLE I—PARALYSIS RESEARCH

SEC. 101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this Act as the "Director"), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

TITLE II—PARALYSIS REHABILITATION RESEARCH AND CARE

SEC. 201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

TITLE III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

SEC. 301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this title referred to as the "Secretary") may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1727, the Christopher and Dana Reeve Paralysis Act. I am honored to have known Christopher and Dana Reeve, and it is fitting that we are considering this bill today just after the 3-year anniversary of Christopher's death.

As we know, sometimes hardships and painful experiences are the starting point for an incredible advocacy, and this was certainly the case with Christopher and Dana Reeve. In turn, the Christopher and Dana Reeve Paralysis Act reflects our desire to carry out their work and improve the lives of, and hasten better treatments and cures for, people living with paralysis.

Madam Speaker, as many of my colleagues may be aware, millions of Americans live with paralysis. Two million Americans live with paralysis of the extremities; a quarter million Americans live with spinal cord injuries; 4 million Americans live with the effects of stroke; 250,000 to 350,000 Americans have been diagnosed with some form of multiple sclerosis; half a million children and adults in the U.S. have been diagnosed with cerebral palsy; and 30,000 Americans, as we have just heard, live with ALS, also known as Lou Gehrig's disease.

This legislation is multifaceted and seeks to address several aspects of paralysis research and quality-of-life issues. The bill expands research on paralysis at the NIH by encouraging collaborative research to connect scientists doing similar work and enhanced understanding and speed discovery of better treatment and cures. The bill also encourages research to enhance the daily function of people with paralysis, including improving their functional mobility, assessing the efficacy and outcomes of medical rehabilitation therapies, and developing improved assistive technology to improve function and independence.

Lastly, the bill seeks to improve the quality of life and health of persons with paralysis and other physical disabilities by supporting programs to disseminate information involving care and rehabilitation options. It also coordinates best practices designed to support and advance quality-of-life programs for persons living with paralysis and other physical disabilities.

Madam Speaker, Christopher and Dana Reeve used their visibility to work on behalf of families in all parts of this country who face the challenges of paralysis and impaired mobility. I have been honored to carry on their work and am honored to work on this legislation with Congresswoman BONO, Congressman LANGEVIN, and Congressman BILIRAKIS. I am also thankful to have had the opportunity to work with the Christopher and Dana Reeve Foundation and the thousands of paralysis advocates who have worked for the passage of this bill.

Madam Speaker, I urge all of my colleagues to join me in supporting the Christopher and Dana Reeve Paralysis Act.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as well in support of H.R. 1727, the Christopher and Dana Reeve Paralysis Act, introduced by Representatives BALDWIN, BONO, and BILIRAKIS. My colleague from Wisconsin stated very eloquently the statistics and the justification for this act, and it is long overdo. As was mentioned, the legislation would authorize the Director of the National Institutes of Health to coordinate paralysis research through the NIH Institutes and Centers.

Research would be focused on basic, translational, and multicenter networks of clinical sites focused on designing clinical rehabilitation protocols for one or more forms of paralysis. Such paralysis research would include paralysis from the central nervous system trauma, disorders, stroke, or any combination of such conditions. Additionally, the legislation would authorize the Secretary of Health and Human Services to award grants for activities related to paralysis, including grants to establish paralysis registries and disseminate information to the public.

Madam Speaker, we have seen over the years how the Reeves served as strong advocates for the paralysis community, meeting with a wide variety of colleagues in the House and the Senate over the last several years. Their dignified presence in Washington will be greatly missed. I believe that through legislative initiatives such as this one the work done by the Christopher and Dana Reeve Foundation will continue that work that was left unfinished, and will be done so in a respectful manner.

As the population continues to grow and to age, I think more and more of society will be confronted with the likes of paralysis. It is our job, and I think responsibility, to partner with the private sector to bring awareness, funding, and education to ensure that as few people as possible are brought down by this illness.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I have no further Members seeking time, and continue to reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, it is my pleasure and honor to yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), a leader in this cause and a sponsor of this legislation.

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H.R. 1727, the Christopher and Dana Reeve Paralysis Act. Millions of Americans suffer from paralysis and mobility impairment. They struggle each and every day to perform even the most basic of tasks that most of us take for granted. The impact this impairment has on the lives and the lives of those who love them and care for them is staggering. As one who has struggled with hearing and vision problems nearly my entire life, I know how difficult any physical impairment can be, both physically and emotionally; but I cannot imagine what people with severe paralysis go through and their constant struggle to maintain hope that they one day will walk or move again.

Madam Speaker, I am very proud to be an original cosponsor of this bill, which will encourage collaborative research in paralysis and hasten the discovery of treatments and potential cures to improve the lives of people with paralysis. I am especially pleased that this bill is modeled after legislation I introduced at the beginning of this Congress. My bill, the language of which this bill includes, also has provisions to utilize VA facilities to improve paralysis research and better track the work that is being done in this area within the world's largest system of hospitals.

Madam Speaker, I want to thank Congresswoman TAMMY BALDWIN for sponsoring this bill, and also Energy and Commerce Committee Chairman JOHN DINGELL and Ranking Member JOE BARTON for moving it through their committee. I also want to give special thanks to my father, former Congressman Mike Bilirakis, who first introduced this bill several years ago after meeting the extraordinary men and women for whom this bill was named. His persistence and determination helped build the necessary support to get us where we are today.

Although I never had the honor of meeting Christopher or Dana Reeve personally, my father has shared with me their strength, dignity, and courage in dealing with what only people similarly situated can fully understand. They pushed to the national forefront the issue of the need for better research into paralysis and greater emphasis on rehabilitation. I wish they were here to share this moment with us today, though I am sure they are both smiling down on our efforts here today.

Madam Speaker, I believe we can and must do more for those suffering from paralysis and mobility impairment. I urge all my colleagues to help take a significant step forward in this area by supporting this bill today.

Ms. BALDWIN. Madam Speaker, I continue to reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, let me just once again thank Mr. BILIRAKIS and, of course, his father for spearheading this when he was in the House, and Ms. BALDWIN and Mrs. BONO for bringing this to the floor. We know how paralysis, especially sudden paralysis, can damage one's life and that of their family, and it becomes a lifelong commitment. Once again, I think Congress has a real fundamental responsibility to ensure we can bring as much peace and peace of mind to those families. With that, I urge the adoption of this bill.

Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, as we remember Christopher Reeve just after the third anniversary of his passing, we honor him by having the House consider today and pass one of the truly first comprehensive bills focused on paralysis research and care for those who are paralyzed. I urge Members to strongly support this bill.

Ms. SUTTON. Madam Speaker, I rise today in strong support of H.R. 1727, the Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act. And as I express my support for this legislation today, I would like to recognize an outstanding organization in my district, Linking Employment, Abilities, and Potential, or LEAP.

LEAP provides hope and empowerment for tens of thousands of people with disabilities and their families throughout Northeast Ohio.

Through legislation such as the Christopher and Dana Reeve Paralysis Act, Congress sends a message about people with disabilities—that they matter, that they can and do make valuable contributions to society. That is a message that LEAP and so many disability rights advocates send every day.

LEAP is deeply committed to empowering people with disabilities in the workplace through specialized skill development programs, at home through independent living training, in the medical system through access to the best medical care, and in so many other aspects of society. LEAP's Disability Employment Training Program, in particular, aligns with the goals of Christopher and Dana Reeve, who fought so hard for integration and acceptance for those with disabilities in our communities. LEAP has an 80 percent success rate in employment training and placement and has a tremendous impact on the community, recognizing the many talents of people with disabilities and the potential to be productive citizens.

Once again, I rise to express my support for H.R. 1727, and to honor Linking Employment, Abilities, and Potential.

Ms. BALDWIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 1727, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A LONG-TERM CARE AWARENESS WEEK

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 133) supporting the goals and ideals of a Long-Term Care Awareness Week.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 133

Whereas the Department of Health and Human Services has reported that approximately 60 percent of individuals who are over the age of 65 will need some kind of long-term care services and at some point more than 40 percent of such individuals will require nursing home care;

Whereas in 2005 the Government Accountability Office projected that by 2040 the number of individuals in the age group of individuals who are 85 years of age or older, which it finds is the age group most likely to require long-term care services, is projected to increase more than 250 percent from 4,300,000 individuals in 2000 to 15,400,000 individuals;

Whereas the Internet site of the National Clearinghouse for Long-Term Care Information notes that the Medicare program does not generally pay for most long-term care services that are needed and that the Medicare program pays for skilled nursing facility services only after a recent hospital stay, that Medicare beneficiaries generally pay more than $118 in daily coinsurance beginning on the 21st day of coverage and coverage ends after 100 days, and that the Medicare program does not cover a stay in an assisted living facility or adult day care;

Whereas an AARP study in 2006 found that 59 percent of people in the United States who are 45 years of age or older overestimated the level of coverage under the Medicare program for nursing home care and more than half of such people who are 45 years of age or older indicate they believe such program provides coverage for assisted living, which it does not;

Whereas the 2006 AARP study concludes that given the already high costs related to long-term care and the projected growth in the size of the older population in future years, it is essential for people in the United States to learn more about the costs of long term care, about ways to prepare for and pay for long term care, and State and community resources that are available to assist in these challenges;

Whereas the Government Accountability Office has reported that broad-based misperceptions regarding the Medicare program's level of long-term care coverage significantly contributes to the lack of personal preparation of people in the United States for the financing of long term care and advises that the government can play a significant part in enhancing personal preparedness by educating people in the United States about the scope of coverage of long-term care under public programs such as the Medicare program;

Whereas people in the United States have a right to know what long-term care coverage is available to them so that they are able to make informed retirement choices;

Whereas the first phase of the Department of Health and Human Service's pilot program to raise awareness regarding planning for long-term care obtained a less than 8 percent response rate by consumers requesting information in selected States;

Whereas in 2002 the Government Accountability Office reported that less than 10 percent of the elderly population in the United States and a lower percentage of those aged 55 to 64 years of age in the United States have purchased long-term care insurance;

Whereas the Department of Commerce indicates that savings as a percentage of after tax income declined from approximately eight percent in 1990 to less than zero since 2005;

Whereas in 2005 the Government Accountability Office reported that spending on long-term care services solely for the elderly is projected to grow at least two-and-a-half times and could grow almost four-fold to $379 billion in 2050;

Whereas the Government Accountability Office has reported that many people in the United States have neared impoverishment by depleting their assets to pay the significant costs of their long-term care;

Whereas AARP reports that an estimated 44,400,000 individuals who are 18 years of age or older provide unpaid care to another adult and others have estimated the value of such unpaid services to be approximately $257 billion annually;

Whereas advance planning by family members will help to protect caregivers' health, financial security, and quality of life;

Whereas our Nation's long term care challenges will significantly impact women, who make up more than 58 percent of people in the United States who are 65 years of age and older, and greater than two-thirds of people in the United States who are 85 years of age and older;

Whereas encouraging people in the United States to anticipate and plan for their future long-term care needs will help them achieve greater health and financial security, as well as greater independence, choice, and control over the services they need in the setting of their choice; and

Whereas a long term care awareness week has been observed during the first full week in November, which in 2007 will be the week of November 4th through 10th: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of a Long-Term Care Awareness Week;

(2) encourages the Secretary of Health and Human Services to continue working to educate people in the United States about long-term care; and

(3) urges the people of the United States to recognize such a week as an opportunity to learn more about the potential risks and costs associated with long-term care and the options available to help meet their long-term care needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and exclude extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 133, supporting the goals and ideals of a Long-Term Care Awareness Week. Long-term care is an often overlooked part of the continuum of care for many Americans, and many of us find ourselves ill informed and ill prepared to make choices for our own long-term care needs and those of our loved ones.

According to the U.S. Department of Health and Human Services, long-term care represents a variety of services that include medical and nonmedical care for people who have a chronic illness or disability. Most long-term care is to assist people with the activities of daily living, such as dressing, bathing, and using the bathroom. It is important to remember that you may need long-term care at any age. The need for support and health services for persons who have diminished capacity for self-care is projected to strain both public and private resources.

Madam Speaker, H. Con. Res. 133 calls for public education about the need for long-term care so that people of all ages throughout our Nation are better prepared to meet their own long-term care needs. Planning for long-term care requires us to think about possible future health care needs. Making the right decision about long-term care requires us to look at all of the options before us and to make informed decisions.

I want to recognize and thank my colleague from South Dakota (Ms. HERSETH SANDLIN) for introducing this resolution and carrying it to the floor. I urge my colleagues to join me in support of it.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 133, supporting the goals and ideals of a Long-Term Care Awareness Week. As designated, the first week in November is designed as the opportunity to educate Americans on the likelihood of one needing long-term care. Additionally, greater education is needed as to what types of long-term care programs are available and what the various costs of services are. Families should take this opportunity to discuss the options to help plan and pay for their future.

We know the baby boomer generation is now becoming eligible for Social Security, so it is sort of a wake-up call for what it will be, not just for having some financial independence, but what it would be and what it means to take care of dealing with their health care and the notion of rising health care costs. So the sooner one prepares, the better off they will be when they reach that age.

Madam Speaker, health care costs are increasing, people are living longer, and I think we have a real responsibility here to educate constituents who need to become actively involved in ways in which they can provide for their own future of health care, as well as the care of their family member. I stand in support of this and ask my colleagues to support the resolution as well.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am pleased to yield 4½ minutes to the bill's author, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

☐ 1645

Ms. HERSETH SANDLIN. Madam Speaker, I rise in support of H. Con. Res. 133, a bipartisan resolution supporting the goals and ideals of Long-Term Care Awareness Week during the week of November 4 through 10, 2007. I would like to thank Chairman DINGELL and committee staff for moving this resolution to the floor, and the gentlewoman from Wisconsin (Ms. BALDWIN) for yielding to me once again.

I would like to urge my colleagues to support this commonsense, bipartisan resolution which I introduced with the gentleman from Louisiana (Mr. BOUSTANY), along with the gentleman from Maine (Mr. ALLEN) and the gentleman from New Jersey (Mr. FERGUSON).

I am proud that this resolution has earned the support of AARP, Families USA, the Alzheimer's Association, the National Council on Aging, the American Council of Life Insurers, the Association of Health Insurance Advisors, and America's Health Insurance Plans. They have come together in recognizing the immediacy of the need to raise awareness about planning for long-term care needs.

This resolution is part of my commitment to addressing the many challenges associated with long-term care. Designating a week to focus on long-term care is one meaningful step we can take.

Our Nation needs to address these issues sooner rather than later so that Americans are anticipating and fully prepared to meet their long-term care needs.

Studies show that many Americans don't have a clear perception of what long-term care costs and to what extent long-term care is covered by public programs.

Experts have projected strong growth and demand for long-term care services as the baby-boom generation grows older and have emphasized the related challenge of paying for long-term care services.

The Department of Health and Human Services has reported that approximately 60 percent of people over the age of 65 will need some kind of long-term care services.

The Government Accountability Office has reported projections of significant growth in spending on long-term care services for seniors such that spending could approach $379 billion by 2050.

Our Nation's long-term care challenges will have a particularly significant impact on women, who make up more than 58 percent of Americans over the age of 65 and greater than two-thirds of people 85 years of age or older.

Yet when it come to preparing to meet these costs, many Americans are not adequately prepared. For instance, a 2006 AARP survey on the cost of long-term care found that 60 percent of people age 45 and older said they believe Medicare will pay for extended nursing home stay, which it does not. And more than 50 percent of people age 45 or older said they believe Medicare covers assisted living, which it does not.

And private-pay costs for this kind of care continue to go up. In South Dakota, the average cost of a year in a private room in a nursing home is $53,000, and a double-occupancy room averages well over $47,000. According to one recent national survey, a year in a private room in a nursing home averages more than $74,000, and a double-occupancy room averages nearly $66,000 a year.

An essential step in meeting the challenges posed by long-term care needs and costs is raising awareness about planning for long-term care.

Education will help people understand the likelihood of needing long-term care, the types and costs of available services, and the options to help plan and pay for those services. The more people know, the greater opportunity people have to plan for their future and the more likely they are to receive the services they need in the setting of their choice.

That's the motivation for this Long-Term Care Awareness Week resolution. I urge my colleagues to support this bipartisan resolution. By passing it today, supporting the goals and ideals of Long-Term Care Awareness Week during the week of November 4 through 10, we can take another step forward to prepare our constituents and the Nation to meet the already high cost of long-term care and the growing challenges ahead.

Mr. FOSSELLA. Madam Speaker, it is my privilege to yield 2 minutes to the lead sponsor and a true champion of this effort in the House, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I would like to thank my friend from New York for yielding me this time.

I rise in support of H. Con. Res. 133 because many Americans lack protection from catastrophic long-term care expenses related to chronic illnesses and disability. And worse yet, most families assume that Medicare will actually pay for these long-term care services, while it generally does not; and oftentimes they find out in the midst of a family crisis when a loved one is ill, placing intensive emotional burdens as well as financial burdens on families.

I want to thank my colleague, Congresswoman HERSETH SANDLIN, for working with me on this and really for being a champion on this issue. She and I have worked together, and we have had some success in persuading HHS and Social Security to clarify these widespread perceptions.

I am hopeful that the passage of this resolution will encourage Secretary Leavitt, President Bush and the future administration to discuss this critical retirement security issue with the American people. A recent poll found that the majority of voters want to hear more about plans on how we will deal with this problem, and they desire more information on this. And that perception out there that exists that Medicare covers this is a real problem. The more we can get this information out to the American people, the greater the service we will be doing to help them deal and to cope with these problems.

We clearly must do more to expand coverage for long-term care, to assist family caregivers, particularly those coping with the onset of chronic conditions such as Alzheimer's disease. So I urge my colleagues to support H. Con. Res. 133.

Ms. BALDWIN. Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, let me commend the gentlelady from South Dakota and the gentleman from Louisiana for bringing this to the floor. I think what they said is totally accurate in the sense that as our population lives longer and lives more healthy lives, along with that comes an understanding and an obligation to begin preparing for those long-term health care needs as part of their retirement.

As I mentioned before, baby boomers officially begin to receive, for those early retirees, Social Security in just a few months. That population, as we know, is large. I just think the more we can emphasize and educate the people of this country on what their options can and should be as they retire, the better off we will be when that day arrives.

Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, I too want to add my words of congratulations to the bill's authors, the gentlewoman from South Dakota and the gentleman from Louisiana.

I know from my own personal experience you are never fully prepared for having to make some of these choices on behalf of loved ones, and it can happen at any time. We are going to be very well-served by the passage of this bill to increase awareness among people of all age groups about the decisions and options they have. We have to understand that long-term care is part of the continuum of health care in this country. More education is needed. I recommend its passage.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BERKLEY). The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 133.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING ESTABLISHMENT OF A NATIONAL CANCER RESEARCH MONTH

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 448) expressing the sense of the House of Representatives that there should be established a National Cancer Research Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 448

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was founded on May 7, 1907, at the Willard Hotel in Washington, DC, by a group of physicians and scientists interested in research to further the investigation and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection tools which have increased survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has yielded substantial returns in terms of research and advances and lives saved, with a scholarly estimate that every 1-percent decline in cancer mortality saves our national economy $500,000,000,000;

Whereas cancer continues to be one of the most pressing public health concerns, killing one American every minute, or a dozen people worldwide every 60 seconds;

Whereas the American Association for Cancer Research Annual Meeting on April 14–18, 2007, was the world's largest and most comprehensive gathering of leading cancer researchers, scientists, and clinicians engaged in all aspects of clinical investigations pertaining to human cancer as well as the scientific disciplines of cellular, molecular, and tumor biology; carcinogenesis; chemistry; developmental biology and stem cells; endocrinology, epidemiology, and biostatistics; experimental/molecular therapeutics; immunology; and radiobiology/radiation oncology; imaging; prevention and survivorship research;

Whereas, as part of their Centennial, the American Association for Cancer Research has published "Landmarks in Cancer Research" citing the events or discoveries after 1907 that have had a profound effect on advancing our knowledge of the causes, mechanisms, diagnosis, treatment, and prevention of cancer; these landmarks are intended as an educational, living document, an ever-changing testament to human ingenuity and creativity in the scientific struggle to understand and eliminate the diseases collectively known as cancer;

Whereas more than 60 percent of all cancer occurs in people over the age of 65, and issues relating to the interface of aging and cancer, ranging from the most basic science questions to epidemiologic relationships to clinical and health services research issues, are of concern to society;

Whereas the American Association for Cancer Research is proactively addressing these issues paramount to our aging population through a Task Force on Cancer and Aging, special conferences, and other programs which engage the scientific community in response to this demographic imperative; and

Whereas May would be an appropriate month to recognize as National Cancer Research Month: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that there should be established a National Cancer Research Month to support the American Association for Cancer Research in public education efforts to make cancer research a national and international priority so that one day the disease of cancer will be relegated to history; and

(2) the House of Representatives—

(A) congratulates the American Association for Cancer Research on its 100-year anniversary: "A Century of Leadership in Science—A Future of Cancer Prevention and Cures";

(B) recognizes the invaluable contributions made by the American Association for Cancer Research and its quest to prevent and cure cancer and save lives through cancer research; and

(C) expresses the gratitude of the people of the United States for the American Association for Cancer Research's contributions and the progress in advancing cancer research.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Wisconsin (Ms. BALDWIN) the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I rise in support of H. Res. 448, expressing the sense of the House of Representatives that there should be established a National Cancer Research Month.

Preventing and ultimately finding a cure for cancer is a major public health challenge. The resolution before us calls for the establishment of a National Cancer Research Month, a time to bring public awareness of the nearly 200 forms of cancer and bring hope and a cure that cancer research provides. Providing a National Cancer Research Month will remind us that basic, clinical, epidemiological, and behavioral research are integral to identifying causes and developing strategies for prevention, diagnosis, treatment and cures for cancer.

This resolution also highlights the contributions of the American Association for Cancer Research, an organization that has been on the forefront of cancer research for more than 100 years. The American Association for Cancer Research was founded in 1907 by a group of 11 physicians and scientists interested in cancer research.

As the oldest and largest scientific organization in the world focused on every aspect of high quality, innovative cancer research, the American Association for Cancer Research has established a reputation for scientific breadth and excellence as premier researchers in the field.

Today, the American Association for Cancer Research accelerates progress towards the prevention and cure of cancer by promoting research, education, communication, and advocacy and fostering the exchange of knowledge and new ideas among scientists dedicated to cancer research, providing training opportunities for the next generation of cancer researchers and increasing public understanding of cancer.

On this, their centennial year of service, we commend the work of the American Association for Cancer Research and applaud their effort to make cancer research a national and international priority. We owe a debt of gratitude to organizations like the American Association for Cancer Research for their contributions in advancing the public awareness of cancer and for excellence among its membership in the field of cancer research.

I would like to thank my colleague, the gentleman from Utah (Mr. MATHESON), for his work in raising this important issue, and I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a dreaded word in the English language, and it is called "cancer." Not a family in America is left unscathed or untouched by cancer and what it means to the families, and very often the terrible outcomes.

If there is a positive light, we know over the last several decades in particular, many health care professionals, organizations and groups have dedicated not just time and money and research, but their true passion to helping find a cure and treat cancer in many different ways.

I know on Staten Island this week we will have the annual breast cancer walk that will attract thousands of people, many of whom are survivors, and many who will work in remembrance and memorial of loved ones.

That is why I join my colleague, the gentlewoman from Wisconsin (Ms. BALDWIN), in support of H. Res. 448, expressing the sense of the House that there should be established a National Cancer Research Month. Perhaps it should be all year. I think it is important to at least acknowledge that National Cancer Research Month be this month.

The purpose of establishing this month is to provide an opportunity to better educate the public in an effort to make cancer research a national priority.

At the NIH, the National Cancer Institute conducts research into cancer in conjunction with numerous other institutes and centers. The NCI alone comprises one-third of the NIH's $30 billion budget. The work being done at the NIH towards cancer research is invaluable. Establishing a Cancer Research Month can help highlight what is being done by the scientific community and how the public can become involved.

While acknowledging and putting aside this month is important, what is even more important is continuing to support the research of those caring, compassionate health care professionals and researchers who will one day find the cure for all cancers, and that should be our wish and national goal and priority.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I reserve the balance of my time to close.

Mr. FOSSELLA. Madam Speaker, I join my colleague from Wisconsin in supporting the resolution, and ask Members to support the resolution.

Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, I urge my colleagues to support this bill. As our Nation's researchers continue to move us closer to a cure for cancer, it is important for us to recognize the work that these researchers do. Each piece of research, each project is a vital part of the solution that we will achieve when a cure is discovered. I thank my colleague, Mr. MATHESON, for his work on this issue and urge passage of the resolution.

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 448. This bipartisan resolution expresses the sense of the House of Representatives that the United States should establish a National Cancer Research Month.

This year marks the 100th anniversary of the American Association for Cancer Research.

Thanks to research and expanded cancer education, we have more early detectors, preventative measures, and treatments for cancer than ever before.

But we still have a long road ahead of us. The American Cancer Society estimates that in the San Bernardino County alone, nearly 2,500 Americans will die from a cancer-related illness in the upcoming year.

Every American is touched by this horrible disease; thanks to great strides, the number of cancer-related deaths is declining.

Strengthening research and public awareness of cancer will lead to more scientific breakthroughs that can increase survival rates for cancer patients—and give our cancer survivors a better quality of life.

I urge my colleagues to cast a vote for hope, and to support this vital resolution.

Mr. LOEBSACK. Madam Speaker, I rise today in strong support of this important bill to establish a National Cancer Research Month.

Sadly, cancer is the second leading cause of death in the United States. This disease will claim the lives of almost 560,000 Americans and over 6,500 Iowans this year. However, the more we know about this deadly disease the more we can do to eradicate it. Research is the key to saving lives.

I'm proud to represent the University of Iowa and commend them on their commitment to cutting edge research. The University just broke ground for the Iowa Institute for Biomedical Diversity, and the College of Public Health. Both facilities will work to research, develop and advance treatments for a wide array of human diseases, including cancer.

We must encourage and support cutting edge cancer research so that lives are no longer lost to this disease. I urge my colleagues to support this bill.

☐ 1700

Ms. BALDWIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 448.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 182) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 182

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas more than 128,000 United States citizens have idiopathic pulmonary fibrosis, and more than 48,000 new cases are diagnosed each year representing a 156-percent increase in mortality since 2001;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under diagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years; about two-thirds of idiopathic pulmonary fibrosis patients die within 5 years; and approximately 40,000 patients die each year; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and under diagnosed disorder as well as all incarnations of pulmonary fibrosis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) welcomes the issuance of a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Con. Res. 182, recognizing the need to pursue research into the causes, treatment and eventual cure for idiopathic pulmonary fibrosis, IPF, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Week, and for other purposes.

IPF is a debilitating and generally fatal disease which afflicts more than 128,000 Americans, with more than 48,000 new cases diagnosed each year. IPF is often undiagnosed or misdiagnosed and is a disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen.

The legislation before us today recognizes the need to pursue research into the causes of IPF. H. Con. Res. 182 expresses support for the work of advocates and organizations in educating, supporting and providing hope for individuals who suffer from the disease and supports the designation of National Idiopathic Pulmonary Fibrosis Awareness Week.

This is an important piece of legislation, and I would like to commend my colleague and friend Mr. DEAL for all of his hard work on this issue. I urge my colleagues to join me in support of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join my colleague from Wisconsin in urging the support of H. Con. Res. 182 and at the outset commend our colleague Mr. DEAL from Georgia for introducing the resolution.

We all knew and remember Charlie Norwood who served in this House with honor and distinction, and those who knew Charlie Norwood well knew he was a fighter, passionate about his constituents, his belief, and passionate about this country, and many fights he won. But the fight he did not win was when he was diagnosed with a serious lung disorder in 1998 called, shortly, IPF.

He received a single lung transplant but passed away in February of this year and for that we miss him.

IPF is a progressive and generally fatal lung disease. It's marked by debilitating scarring of delicate lung tissue and hinders the lungs' ability to transport oxygen to vital organs. 40,000 people, 40,000 Americans will die this year from IPF, and there's no cure or treatment for this debilitating irreversible disease. Far too many of those with IPF face severe disability or death within a few short years, and we saw that progression here with our colleague Mr. Norwood.

The purpose of this resolution is to bring awareness to the severity of this devastating disease. Additionally, the resolution will support the goals of the National Idiopathic Pulmonary Fibrosis Awareness Week and encourage the work being done by the Coalition for Pulmonary Fibrosis and partner organizations in educating the public about IPF.

40,000 people die in a year, Madam Speaker. We should do what we can to bring attention and education and awareness to ensure it doesn't happen.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am delighted to yield 5 minutes to my friend and colleague from Washington State (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentlelady, and I thank my colleague from New York as well.

My colleague from New York did a very nice job of honoring our dear friend Charlie Norwood who perished of this disease. My interest comes from the fact that my father died of the disease, and I want to also talk about MIKE CASTLE who has been a strong supporter of this legislation. MIKE lost a sister and a brother to this disease.

What I would share with people is imagine getting a diagnosis for a disease you may never have heard of, for which there is no known cause and no known treatment, but it will be fatal. That's IPF, and as the gentleman from New York pointed out, it is estimated that the deaths, at least by some sources, that the deaths caused by IPF on an annual basis exceed the number of breast cancer deaths in this country. But my understanding is NIH currently allocates about $14 million total to research on IPF.

So we have a disease that is growing in prevalence, that is fatal, that we have no known cause and no known cure of, and it has claimed the life of one of our dear colleagues here and the family members of Members of the Congress. That's why we've introduced this resolution.

I want to commend families and friends from the Coalition for Pulmonary Fibrosis who were here a couple of weeks ago on Capitol Hill lobbying in support of this legislation. I'm pleased to see our leadership bring this up.

We would hope that this is a first step. Our hope is that by increasing the awareness of our colleagues here in Congress and of the American public that we can not only increase awareness of the disease but begin to work towards actual dedicated funding for this.

This is a cruel illness. Anyone who has seen a family member suffer from it has seen the actually rather desperate effort to try to simply breathe, and that's what happens when your lungs scar up and one goes from a stage of diagnosis where you have a little shortness of breath. Then you begin to need oxygen, to then you flat just cannot breathe and you die of this thing. There are a host of other complications that happen along the way that are not particularly pleasant, to say the least.

So I want to urge my colleagues to support this resolution, and I would urge them to look forward to ways that we can actually do more to actually identify the causes. There is believed to be some genetic component. I know of one woman who has had five family members die of the same illness. We don't know whether that is the cause of all cases. We don't know how it's passed on.

But this is the kind of illness that is killing a number of our friends, now one of our colleagues and many family members of Members of Congress right here. So I urge my colleagues to support the resolution.

I thank the gentleman from New York. I thank the gentlelady from Wisconsin, and I particularly want to commend NATHAN DEAL who was one of Charlie Norwood's closest friends. It's very personal for NATHAN. Obviously, it's personal for myself and MIKE CASTLE. I would urge passage, and I thank the gentlelady.

Mr. FOSSELLA. Madam Speaker, let me just in closing commend Mr. BAIRD for his advocacy. I can only imagine what it meant to him and his family in seeing the passing of his dad from this dreaded illness.

So in his honor and that of Mr. CASTLE, Mr. Norwood and especially practically 40,000 fellow Americans, it's so important to solve the problem, to acknowledge it exists, and become aware and educated on how to solve it.

Let's not just acknowledge and become more aware, but give the resources and funding and support those who ultimately want to find a cure.

Madam Speaker, with that, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, I think my colleagues have most eloquently made the case for support of this resolution.

IPF is a debilitating disease and increased awareness will certainly move us closer to finding the answers to the many unanswered questions surrounding IPF.

Again, I commend my colleague Mr. DEAL for his authorship and urge passage of this resolution.

Madam Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 182.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BALDWIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO DIAMOND-BLACKFAN ANEMIA

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 524) expressing the sense of the House of Representatives with respect to Diamond-Blackfan Anemia, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 524

Whereas Diamond-Blackfan Anemia ("DBA") is a rare genetic bone marrow failure disorder affecting children and adults, 90 percent of whom are younger than 1 year of age when they are diagnosed, and results in severe anemia due to failure to produce red blood cells;

Whereas individuals and families suffering with rare diseases such as DBA not only face the challenges of their debilitating and life-threatening diseases, but must also confront the consequences of their rare disease status;

Whereas individuals suffering from rare diseases need access to treatment options and the potential for a cure;

Whereas research is proving the study of complex, rare diseases such as DBA yield tremendous advancements in other, larger disease areas that affect millions of Americans;

Whereas the children living with DBA have an increased risk of leukemia, solid tumors, and complete bone marrow failure, and 50 percent of patients with DBA are born with birth defects including abnormalities to the face, head, upper arm and hand, genitourinary, and heart with 21 percent of affected patients having more than 1 defect;

Whereas the study of DBA will yield the true incidence of aplastic anemia, myelodysplastic syndrome, leukemia, and the predisposition to cancer in DBA and will serve as an important model for understanding the genetics of birth defects;

Whereas treatments for DBA, including the use of steroids (such as prednisone) and blood transfusions, have potential long-term side effects, including osteoporosis, impaired growth because of the steroids, diabetes, and iron overload because of the transfusions;

Whereas the only cure for DBA is a bone marrow transplant, a procedure that carries serious risks and, since most patients lack an acceptable donor, is an option available for only about 25 percent of patients;

Whereas rare diseases, such as DBA, benefit greatly from well-established comprehensive care centers such as the DBA Comprehensive Clinical Care Center at Schneider Children's Hospital in New Hyde Park, New York (the "Center"), which has become the multidimensional hub for the care and treatment of DBA patients across the country, as well as the home of the DBA Patient Registry which has become a valuable national resource for investigators utilizing the Center to accomplish research in a multitude of areas not specific only to DBA;

Whereas the successful establishment of the Center became a model for how to diagnose, treat, and improve the lives of patients with rare diseases, while learning from the disorder to yield advancements in other areas of disease research;

Whereas the success of the initial Center prompted the Centers for Disease Control and Prevention's DBA Public Health Outreach and Surveillance Program to establish 3 additional DBA Centers in Texas, California, and Massachusetts to further patient access to information, treatment, and care by DBA experts, which has resulted in a doubling of patient care visits for DBA care and surveillance since their establishment;

Whereas the DBA Public Health Outreach and Surveillance Program at the Centers for Disease Control and Prevention ("CDC") has resulted in the completion of the first CDC brochure for the DBA patient population, the introduction of a DBA hotline and dedicated DBA nurse, and has resulted in a 25-percent increase of enrollment of DBA patients into the DBA Patient Registry in the first 2 years of the program;

Whereas the collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention and their close collaboration with the Daniella Maria Arturi Foundation and the DBA Foundation have driven the many recent successes in the DBA field and serve as a model for addressing rare disease research efforts through close public and private collaboration to achieve the highest levels of success in the areas of improved patient care and disease research;

Whereas the interagency collaboration achieved within the National Institutes of Health between the National Heart, Lung, and Blood Institute, the National Institute of Diabetes and Digestive and Kidney Diseases, the National Cancer Institute, and the Office of Rare Diseases to advance the research and understanding of DBA has resulted in significant advancements not only in the DBA scientific arena, but in understanding its many links to more prevalent disorders; and

Whereas the DBA research initiatives have already yielded tremendous success including the discovery of 2 ribosomal protein ("RP") genes and the identification that DBA is the first human disease linked to a ribosomal protein problem which, as a fundamental unit of cellular function, has been implicated in a wide range of human disorders including cancer, making this discovery a profound example of the additional benefits that may result from the study of DBA: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the identification of Diamond-Blackfan Anemia ("DBA") may advance the understanding of DBA, identify implications of cancer predisposition, and serve as an important model for understanding human development and the molecular basis for certain birth defects;

(2) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient, leading to an increase in correct and early diagnosis;

(3) commends Schneider Children's Hospital for providing the first DBA Comprehensive Clinical Care Center for patients across the country, for developing the DBA Patient Registry which has proven a robust surveillance tool to understand the epidemiology, biology, and treatment of DBA, and for proving a valuable resource for investigators at a national level, working to understand DBA's link to more prevalent disorders facing Americans;

(4) commends the Daniella Maria Arturi Foundation and the Diamond-Blackfan Anemia Foundation for their efforts to facilitate the successful collaboration among the National Institutes of Health and the Centers for Disease Control and Prevention to achieve a successful multidisciplinary approach between clinical and scientific DBA efforts with the goal of shortening the life cycle of success realized between the laboratory and applied patient care; and

(5) encourages research efforts to further understand ribosomal protein deficiencies in rare inherited diseases and to advance the treatment options available to those with DBA.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as may consume.

I rise in support of H. Res. 524, expressing the sense of the House with respect to Diamond-Blackfan anemia, DBA.

DBA is a rare genetic bone marrow disorder affecting children and adults, 90 percent of whom are younger than 1 year of age when they are diagnosed. DBA results in severe anemia due to the failure to produce red blood cells. The symptoms may vary greatly, from very mild to severe and life-threatening. Unfortunately, because DBA is a rare disease, there is limited research being done, and treatment options are not optimal.

The resolution before us today as amended expresses the sense of the House of Representatives that we should encourage further efforts to clarify the natural history of DBA, continue efforts to raise awareness and ease access of information about DBA, encourage research efforts that will advance treatment options and seek a cure and encourage cross-institutional research initiatives to study the intricacies involved in this rare inherited disease.

This is an important piece of legislation, and I would like to acknowledge and thank my colleague Representative CAROLYN MCCARTHY for her hard work and dedication on this issue. I urge all of my colleagues to join me in support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I yield myself such time as I may consume.

Let me join my colleague from Wisconsin in supporting H. Res. 524 and also acknowledging again at the outset the work and efforts of my colleague from New York (Mrs. MCCARTHY).

As was mentioned, the resolution recognizes the elements of the Diamond-Blackfan anemia and the research being done on the disease.

DBA is a blood condition, as mentioned, present at birth which is characterized by failure of the bone marrow to produce red blood cells, and unlike other types of anemia, DBA relates to a bone marrow failure. It's been the result of a genetic mutation and has generally been diagnosed at birth.

The purpose of this resolution is to bring awareness to this disease and the research and education surrounding Diamond-Blackfan anemia. As is always the case, although the word is rare and operative, the point is if somebody is suffering from DBA they're suffering, and just because there may not be tens of thousands a year, the fact is that suffering doesn't go away.

So I would urge the adoption.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am now proud to yield 5 minutes to my colleague, the author of this resolution, the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Madam Speaker, I'd like to thank my colleague Ms. BALDWIN for her support, and I'd also like to thank my colleague from New York, VITO FOSSELLA, for taking a strong stance on this issue.

I also want to say that this bill would not have made it to the floor without the help of my good friend and colleague, Congressman PALLONE from New Jersey, for his support in bringing it up.

It was mentioned that Diamond-Blackfan anemia, or DBA, is a rare genetic bone marrow failure disorder that affects children and adults, stopping the body's ability to produce red blood cells.

A lot of our colleagues might remember, every year I go around and ask all of my colleagues to sign a book so that I can have the opportunity to teach my colleagues about DBA, so as we go down the road mostly hopefully to get more research money.

Ninety percent of those suffering this disease were younger than 1 year old when they were diagnosed. Children living with DBA have an increased risk of leukemia, solid tumors, and complete bone marrow failure. Fifty percent of patients with DBA are also born with birth defects, including abnormalities to the face, head, upper arm and hand, and heart. Twenty-one percent of affected patients suffer from more than one defect.

The individuals and families suffering from rare diseases such as DBA not only face the challenges of their life-threatening diseases, but they must also confront the limited treatment and the research options.

Researchers believe that the study of DBA will yield clues to several other widespread diseases, providing valuable insights into the biology of blood disorders, blood cell formation, leukemia, and serve as an important model for understanding the genetics of birth defects.

Unfortunately, many of the long-term treatments for DBA have the potential for serious side effects, including impaired growth, diabetes, and iron overload.

The only cure for DBA is a bone marrow transplant, a procedure that carries serious risks. And since most patients lack an acceptable donor, it's an option available for only about 25 percent of the patients.

□ 1715

Rare diseases, such as DBA, where there are no regional or ethnic trends and a small number of patients, make progress in treatment and research difficult. Thankfully, there are centers across the Nation that devote countless hours into understanding this disease. One such center is based out of my district on Long Island. The DBA Comprehensive Clinical Care Center at Schneider Children's Hospital in New Hyde Park, New York, has become the hub for the care and treatment of DBA patients across the country. The facility is also home of the DBA Patient Registry, which has become a valuable national resource for families and the researchers.

The success made at Schneider's Children's Hospital have prompted the Centers for Disease Control and Prevention's DBA Public Health Outreach and Surveillance Program to establish three additional DBA centers in Texas, California, and Massachusetts to further patient access, information, treatment, and care by DBA experts. This has resulted in a doubling of patient care visits for DBA since their establishment.

The effects are also felt on a national level. The CDC has dedicated resources and manpower to the study of DBA as well as patient outreach. Because of these efforts, we have seen a 25 percent increase of enrollment of DBA patients into the DBA Patient Registry in the first 2 years of the program. The collaboration achieved through Federal programs such as NIH and the CDC and private groups such as the Daniela Maria Arturi Foundation and the DBA Foundation have driven the many recent successes in the DBA field. This partnership should serve as a model for addressing rare disease research efforts through close public and private manners. I have been working with the Arturi family for many years. Their daughter Daniela was affected by this rare disease, and they have been the vocal voices for increased funding for research and treatment. Today, we in Congress will give them and all families suffering from this rare disease a chance of hope.

Let me say that we hear constantly of these very rare diseases, and the families sometimes feel they have no hope. I would encourage them to reach out on the Internet to find the information they need to. The foundation that was started 10 years ago has come such a long way where researchers from across the world now come in for a conference every year to find out more and what work has been done. And even though the cure for DBA has not happened yet, the other research has helped many, many other families. So, please, join me in supporting this resolution and telling the families and the children with DBA that they are not alone. I ask my colleagues to support H. Res. 524.

Mr. FOSSELLA. Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am pleased to yield 2 minutes to my colleague from New York, Congressman BISHOP.

Mr. BISHOP of New York. Madam Speaker, I rise in strong support and as a proud cosponsor of this resolution, recognizing the importance of the Federal Government's continued support for research into the rare bone marrow failure disorder for which there is no known cure known as Diamond-Blackfan anemia.

I am very proud to represent Manny and Maria Arturi of Remsenberg, NY, located in my district. After the loss of their daughter Daniela Maria nearly 12 years ago, the foundation they created and that bears her name continues making great strides toward the ultimate goal of finding a cure.

When a tragic disorder like this strikes infants within the first year of their lives, it is all the more important for Congress to go on record voicing our unwavering support to raise awareness and broaden support for funding rare disease research. Accordingly, this resolution demonstrates we support giving experienced doctors the resources for the most complete care for those patients. And by encouraging the National Institutes of Health and Centers for Disease Control to coordinate a multidisciplinary approach toward a cure, this legislation brings hope that other parents will be spared from the kind of devastation felt by the Arturis once they learned of their child's diagnosis.

Therefore, Madam Speaker, I encourage my colleagues to support this resolution as well as other measures that will ultimately bring about a cure for Diamond-Blackfan anemia.

Mr. FOSSELLA. Madam Speaker, let me again congratulate Mrs. McCARTHY for bringing this to the floor, and constantly, not just here but constantly bringing attention to DBA.

Whenever a parent gets bad news on a child and an illness, you know it takes to the heart. And there are so many innovative, wonderful, compassionate health care professionals who try to bring a level of comfort to those families, and I know that here in Congress we do the same and try to bring awareness. And although rare, or rarer than many illnesses, nevertheless, the pain and suffering remains the same.

I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, Diamond-Blackfan anemia is such a serious condition; and because it is such a rare disease, there is a real need for increased awareness and research. I commend my colleague Mrs. McCARTHY for her advocacy on this issue, and I urge my colleagues to support the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 524, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2007

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 970) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dextromethorphan Distribution Act of 2007".

SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK DEXTROMETHORPHAN.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) is amended—

(1) in section 501, by inserting at the end the following:

"(j) If it is unfinished dextromethorphan and is possessed, received, or distributed in violation of section 506D."; and

(2) by inserting after section 506C the following:

"SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK DEXTROMETHORPHAN.

"(a) RESTRICTIONS.—No person shall—

"(1) possess or receive unfinished dextromethorphan, unless the person is registered under section 510; or

"(2) distribute unfinished dextromethorphan to any person other than a person registered under section 510.

"(b) EXCEPTION FOR COMMON CARRIERS.—This section does not apply to a common carrier that possesses, receives, or distributes unfinished dextromethorphan for purposes of distributing such unfinished dextromethorphan between persons registered under section 510.

"(c) DEFINITIONS.—In this section:

"(1) The term 'common carrier' means any person that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(2) The term 'unfinished dextromethorphan' means dextromethorphan that is not contained in a drug that is in finished dosage form.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 970, the Dextromethorphan Distribution Act of 2007.

Dextromethorphan, commonly known as DXM or DEX, is an active ingredient in many over-the-counter cough and cold medications. When used as directed, DEX has proven to be an effective cough suppressant; but sadly, an alarming number of teenagers and young adults are abusing prescription and over-the-counter medications by taking much larger than recommended doses to get high.

H.R. 970 attempts to curb the misuse and abuse of DEX by restricting the sale, purchase, trade, and distribution of DEX to registered producers of drugs and devices. The legislation is aimed at preventing would-be drug dealers from purchasing DEX wholesale and selling it over the Internet and on the streets.

Similar legislation passed the House during the 109th Congress but was not enacted into law. Today, we renew our commitment to America's young people by passing this legislation. We are also reminding parents and guardians to remain vigilant in the often difficult task of talking with our young people about drug misuse and abuse. Even if your child does not abuse products containing DEX or any other over-the-counter medications, odds suggest that they know somebody who does.

I want to acknowledge and commend our colleagues, particularly Congressman FRED UPTON and Congressman RICK LARSEN, for their committed work on this issue, and I urge my colleagues to support H.R. 970.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I am proud to rise in favor along with my colleague from Wisconsin and support H.R. 970. At the outset, I would also like to thank Mr. UPTON of Michigan and Mr. LARSEN of Washington for their work on this important legislation. Mr. UPTON in particular has been a true champion and is one of the reasons why we are here.

Dextromethorphan, or DXM or DEX as it is sometimes called, is an ingredient found in cough medicine. The ingredient relieves the coughing associated with the cold or flu, which is a positive, and cough medicines containing this drug are common and can be obtained without prescription, as we full know. While the drug is safe and effective, it is also dangerous if too much is taken.

Reports have shown that some segments of the population, particularly young people, will take large amounts of this medicine in an attempt to absorb large amounts of DXM to get high. The abuse of this drug can cause death as well as other serious adverse events, such as brain damage, seizure, loss of consciousness, and irregular heartbeat.

Madam Speaker, at this point, I yield to my colleague and a true champion of this, Mr. UPTON, for 4 minutes.

Mr. UPTON. Madam Speaker, I also want to compliment our fine Reading Clerk for getting the pronunciation of dextromethorphan correct. I know she has been practicing for days, as many of us have.

But I too rise in strong support of this bill, H.R. 970, the Dextromethorphan Distribution Act, I am going to call it DXM, of 2007, legislation that I introduced with my friend and colleague Mr. RICK LARSEN of Washington. He has been absolutely a champion as we have worked this issue on both sides of the aisle to restrict the distribution of this product to entities registered with the FDA.

I want to thank the House leadership for scheduling this bill; I want to thank my friend and chairman, Mr. DINGELL of our committee, as well as Mr. BARTON, the ranking member, as well as the chairman and ranking member of the Energy and Commerce Health Subcommittee for allowing this bill in fact to come to the floor, not only in this session but in the last session of Congress as well. When we did pass it on the House floor, I think it was actually one of the last bills that was passed in the 109th Congress in the House, but the Senate failed us at the end. We are hoping that by passing it at this point the Senate, in fact, will move together.

I also want to thank my staff, particularly Jane Williams, who has sat in countless meetings as we have worked and finessed this legislation, not only the industry folks here, but obviously with House and Senate leaders on both sides of the Capitol.

This drug normally is a safe and effective nonnarcotic cough suppressant that is used in many over-the-counter cough and cold medicines. While medicines containing DXM are used safely and effectively by millions of Americans every year, taken in extremely large quantities this drug produces a high that can cause brain damage, seizure, and obviously death.

Studies have shown that teenagers are obtaining unfinished DXM on the Internet to get high by consuming large amounts or mixing it with alcohol. And already there have been too many deaths linked to the abuse of pure DXM. According to the DEA, abuse among adolescents is increasing. Abuse of DXM has been found in several forms, but has been increasingly found in an encapsulated powder form which is now being sold over the Internet. Currently, there are no restrictions, none, on the restriction of raw bulk dextromethorphan, and this bill would help to ensure that DXM is used only for legitimate purposes and stays out of the hands of drug dealers and adolescents. FDA would have the authority to seize bulk dextromethorphan if found in the possession of anyone not authorized to have it, and those measures would cut off the supply chain of unfinished DXM to those purchasing it on the Internet to get high or to sell it as a street drug.

This bill has been endorsed by the American Pharmacists Association, the Consumer Healthcare Products Association, the Food Marketing Institute, the National Association of Chain Drug Stores and Partnership for a Drug-Free America.

As the parent of two teenagers, I am certainly alarmed by the number of teens who are abusing cough syrup and pure DXM to get a high. They are under the false impression that getting high off this drug is harmless because it is an ingredient in cough syrup. Nothing can be further from the truth. Our kids are playing a game of Russian roulette every time they get high off this drug, and sooner or later someone will die, as they have already. Enough is enough.

This commonsense bipartisan piece of legislation will certainly put an end to the bulk sale of DXM on the Internet and will keep our kids safe from the dangers of this type of drug abuse. I hope that all of our colleagues can support this even on a voice vote, and I hope and pray that the Senate will take action as soon as they can so that we can get this bill to the President's desk where I expect him to sign it.

Ms. BALDWIN. Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, let me again commend Mr. LARSEN, and of course Mr. UPTON and my colleague from Wisconsin, and urge the adoption.

I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, I want to state that this bill and its passage will certainly begin to curb the abuse of dextromethorphan. I would like to thank the gentleman also for his leadership on this bill and that of Mr. RICK LARSEN's. This will begin a process of educating about the harm that such abuse of over-the-counter drugs can cause, and I urge my colleagues to join me in supporting this bill.

Mr. LARSEN of Washington. Madam Speaker, our society tends to think of drugs only as illicit, illegal products sold on the street. Yet there are other dangers closer to home, in our own medicine cabinets and a click of the mouse away. Common household products, such as cough syrup, contain ingredients that can provide a high if taken in large enough doses.

The Partnership for a Drug Free America estimates that 1 in 10 teenagers or approximately 2.4 million young people have intentionally abused cough medicine in order to get high. The primary active ingredient in most cough medicines is dextromethorphan, also known as DXM.

While medicines containing DXM are used safely by millions of Americans each year, some teenagers are taking excessive amounts of over-the-counter cough medications in order to get high. Moreover, many teens are abusing the unfinished, pure form of DXM which under current law can be obtained legally over the Internet.

Pure DXM is extremely dangerous when taken in large amounts, and can cause hallucinations, seizures, brain damage, and even death. In 2005, two teenagers in my district died from overdosing on unfinished DXM, which they had obtained from a company over the Internet. In the same year three boys from Virginia and Florida died as a result of abusing unfinished DXM, which they had acquired through the same means. The loss of these children is a tragedy that will forever be felt by their families and their communities.

There is no need to risk the reoccurrence of these tragic events in the future. H.R. 970, the Dextromethorphan Distribution Act, will prohibit the distribution of unfinished DXM to anyone not registered to possess it. It will cut off the supply of unfinished DXM to those looking to use it to get high or sell it as a street drug.

This commonsense legislation will eliminate the abuse of unfinished DXM, while still allowing drug manufacturers and registered pharmacists to use the substance as it was intended.

I would like to thank my friend and colleague FRED UPTON for his leadership on this issue, and I applaud the House leadership for sending this bill to the House floor. I urge the Senate to act quickly to turn this commonsense bill into law.

Ms. BALDWIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 970, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1730

VISION CARE FOR KIDS ACT OF 2007

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 507) to establish a grant program to provide vision care to children, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vision Care for Kids Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Millions of children in the United States suffer from vision problems, many of which go undetected. Because children with vision problems can struggle developmentally, resulting in physical, emotional, and social consequences, good vision is essential for proper physical development and educational progress.

(2) Vision problems in children range from common conditions such as refractive errors, amblyopia, strabismus, ocular trauma, and infections, to rare but potentially life- or sight-threatening problems such as retinoblastoma, infantile cataracts, congenital glaucoma, and genetic or metabolic diseases of the eye.

(3) Since many serious ocular conditions are treatable if identified in the preschool and early school-age years, early detection provides the best opportunity for effective treatment and can have far-reaching implications for vision.

(4) Various identification methods, including vision screening and comprehensive eye examinations required by State laws, can be helpful in identifying children needing services. A child identified as needing services through vision screening should receive a comprehensive eye examination followed by subsequent treatment as needed. Any child identified as needing services should have access to subsequent treatment as needed.

(5) There is a need to increase public awareness about the prevalence and devastating consequences of vision disorders in children and to educate the public and health care providers about the warning signs and symptoms of ocular and vision disorders and the benefits of early detection, evaluation, and treatment.

SEC. 3. GRANTS REGARDING VISION CARE FOR CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

(1) providing comprehensive eye examinations by a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

(2) providing treatment or services, subsequent to the examinations described in paragraph (1), necessary to correct vision problems; and

(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

(b) CRITERIA AND COORDINATION.—

(1) CRITERIA.—The Secretary, in consultation with appropriate professional and patient organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

(A) governing the operation of the grant program under subsection (a); and

(B) for the collection of data related to vision assessment and the utilization of follow-up services.

(2) COORDINATION.—The Secretary shall, as appropriate, coordinate the program under subsection (a) with the program under section 330 of the Public Health Service Act (relating to health centers) (42 U.S.C. 254b), the program under title XIX of the Social Security Act (relating to the Medicaid program) (42 U.S.C. 1396 et seq.), the program under title XXI of such Act (relating to the State children's health insurance program) (42 U.S.C. 1397aa et seq.), and with other Federal or State programs that provide services to children.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such information as the Secretary may require, including—

(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

(3) a plan to determine if a grant eligible child has been identified as provided for in subsection (a); and

(4) a description of how funds will be used to provide items or services, only as a secondary payer—

(A) for an eligible child, to the extent that the child is not covered for the items or services under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) for an eligible child, to the extent that the child receives the items or services from an entity that provides health services on a prepaid basis.

(d) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

(3) such other information as the Secretary may require.

(e) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will not expend more than 20 percent of the amount received under the grant to carry out the purpose described in paragraph (3) of such subsection.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the activities to be carried out with a grant under subsection (a), a condition for the receipt of the grant is that the State involved agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(g) DEFINITION.—For purposes of this section, the term "comprehensive eye examination" includes an assessment of a patient's history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $65,000,000 for the period of fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 507, the Vision Care for Kids Act of 2007.

A small but significant portion of children have visual impairments. It is estimated that vision impairment affects approximately 1.2 out of every 1,000 8-year-olds. When detected early, many childhood vision abnormalities are treatable, but the potential for correction and normal visual development diminishes with age. Vision problems can occur at any point during a lifetime, but tend to be particularly damaging to school-age children.

Impaired vision can result in adverse physical, emotional, and social consequences. For instance, a child may miss learning opportunities by failing to explore his or her environment. Additionally, if a child is visually impaired, he or she may be unable to imitate social behavior or understand nonverbal cues.

Early recognition of eye disease results in more effective treatment and that can be sight saving and sometimes even life saving. Yet, many children under the age of 5 do not receive any vision screening at all.

The Vision Care for Kids Act of 2007 would authorize a grant program to provide comprehensive eye exams for uninsured children with vision disorders, with priority for children under the age of 9. Funds would be used for treatment and services to correct vision disorders identified through eye exams and to increase public awareness of visual impairment in children. H.R. 507 would require States receiving funds to contribute a 25 percent match of funds for each Federal dollar obtained through the program.

The bill before us today makes great strides in providing access to an array of vision-related services, including vision screening services that can help uninsured children in low- to moderate-income families.

I want to thank my colleagues for their commitment and strong support of this legislation, and particularly commend my dear friend and colleague, Representative GENE GREEN, for his unwavering dedication to this issue.

I urge my colleagues to support this vital and important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Madam Speaker, I rise in support of H.R. 507, the Vision Care for Kids Act, and join my colleague in asking for its adoption.

And at the outset, let me thank a few individuals for bringing this bill to the floor: of course, Chairman DINGELL and Ranking Member BARTON. I'd also like to thank Representatives GREEN, SULLIVAN, and ENGEL for their leadership and support in bringing the Vision Care for Kids Act to the floor, and Mr. PASCRELL, who's been very, very passionate about this issue for many years. I've had the privilege and pleasure of working with him, and I know how passionate he is, like so many of us, to get quality vision care for kids who need it.

We've been working on this bill for about 6 years; and after countless modifications, negotiations and compromise, I'm proud to say we have a bill that is unanimously supported by the entire vision community.

And my colleague from Wisconsin put it very simply: There are many kids today who have problems with their eyes; who have an inability to see properly; who, if left untreated, obviously, leads to negative consequence in social interaction, not to mention their poor performance in school and academic achievement because of their inability to see, and not to mention the fact that they're not getting the appropriate care that in some cases leads to greater illnesses and in some cases leads to death.

The legislation we hope to pass today represents the kind of quality, sound public policy that can only come about through the bipartisan cooperation and a willingness to compromise by many interested parties.

H.R. 507 represents a responsible and sensible approach to public health. It's well documented that without the adequate access to vision screening and treatment for eye disorders, a child's entire learning and development can be adversely affected. And we say that for children who do not qualify for a public program and did not have health insurance, our assisting in catching potentially eye disorders is critical.

The bill strikes an effective balance with a shared relationship between Federal and State governments. Once States have identified, through the screening mechanism of their choice, that a child may have an eye disorder, this legislation will provide Federal funding for follow-up comprehensive eye exam and the necessary treatment.

By incorporating a 3-to-1 Federal-State match, we maintain incentives for States to run their programs efficiently, providing additional assurances to taxpayers that we're maximizing the use of each dollar spent.

I'd like to thank the American Academy of Ophthalmology, the Vision Council of America, Prevent Blindness of America, the American Optometric Association for their support of the legislation, that of my colleague, and know full well that if this bill does become law, there will be children who currently don't have access to quality treatment that will get the treatment they deserve and need so that they can live a more full and healthy and happy life.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am delighted to yield 5 minutes to the gentleman from New Jersey (Mr. PASCRELL), a passionate advocate of this legislation.

Mr. PASCRELL. Madam Speaker, I want to thank the gentlelady from Wisconsin (Ms. BALDWIN), who is a model of sensitivity to the needs of all of our children.

I want to thank Congressman FOSSELLA, who's been at the forefront of this.

Madam Speaker, I rise today regarding an issue that has long been near to my heart. I've been listening to these other bills that have been put forth in bipartisan fashion. This is a good example of what we can do together when it comes to our children, their health care and their education. This is critical. This is important. So anybody who says we can't do it is not listening today.

I also want to thank Chairman DINGELL, Chairman PALLONE for their thoughtful consideration and support for preventive vision care for children. Many a kid has been put in the back of the class or sent out of the room because it was misinterpreted, misunderstood, and many times, that child had a problem with vision, with seeing and was too embarrassed to say so, or couldn't recognize it within himself. So preventive vision care is critically important to avoid vision loss and blindness in our Nation's children.

Untreated vision problems can affect a child's physical, educational, and emotional development. That is why for many years, as my good friend from Staten Island has pointed out, we have fought for legislation to set up a grant program to provide comprehensive eye exams and the necessary follow-up care for children whose families do not have the resources or access to such care.

The Center for Disease Control states that approximately 1.8 million children under the age of 18 are blind or have some form of visual impairment. Fortunately, vision loss can be avoided with early diagnosis and treatment. That is not so revealing, is it? On any such disease, early vision, early problems affecting vision, early problems affecting hearing, early problems of detection of teeth, et cetera, et cetera, many of these visual deficits are caught only after they have impaired the child's early and most critical education. That's the rub.

Eye health has a direct impact on learning and achievement. That's the core of the fight that we have waged. It is a national disgrace, Madam Speaker, that only 1 in 3 children receive preventive vision care before they are enrolled in elementary school. That's not acceptable.

So I'm pleased to introduce this, along with Congressman GENE GREEN, and there are many others that we need to salute here who have fought this fight with us, and that is Representative ILEANA ROS-LEHTINEN, Representative JOHN BOOZMAN. Senator KIT BOND on the other side of the building has waged that fight over there. A truly bipartisan effort.

It's so easy. I know it's difficult for us as Congressmen to understand that, including myself. But it's so easy that we can come together when the problem is defined and we can work together, together on a solution.

Here's a perfect example. The 7 bills, the 8 bills that we just have gone through, Commerce, these affect people's lives. They're not esoteric. They're not up in the sky someplace. These affect people.

H.R. 507 will establish a Federal grant program to provide for timely diagnostic examination, treatment and follow-up vision care for children.

This legislation will complement existing State programs and allow eye exams for a vulnerable pediatric population that does not qualify for Medicaid and does not qualify for SCHIP and do not have access to private health insurance. Critical that we understand this. Very important here. Very significant for those families.

Better eye care will significantly mitigate the effects of visual impairment. So it's important to act now, Madam Speaker. The prevention is more than half the battle.

Madam Speaker, I urge my colleagues to vote in favor of the Vision Care for Kids Act. Kids out there are waiting for us in all 50 States to act on this.

Thank you, Mr. FOSSELLA. Thank you to my good friend, the gentlelady from Wisconsin. And I think that we've hit a home run here for the last hour and a half, thanks to you both.

Mr. FOSSELLA. Madam Speaker, I continue to reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I am pleased to yield 4 minutes to the lead author of this bill, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I'd like to thank my colleague on our Energy and Commerce Committee and Health Subcommittee for allowing me to rush in from the airport to be able to put a statement on this bill.

I rise, obviously, in support of H.R. 507, the Vision Care for Kids Act. This bill has been crafted in a very bipartisan fashion with the leadership of my colleagues, Mr. FOSSELLA, Mr. PASCRELL, Mr. SULLIVAN, Mr. ENGEL, and Ms. ROS-LEHTINEN. I'd like to thank them for their dedication to children's vision issues in this legislation in particular.

The Vision Care for Kids Act establishes a much-needed grant program to provide follow-up vision care to uninsured children with vision disorders. As we tried to target the program to the children most in need, we learned very quickly that a child's access to vision screening and comprehensive vision care varies widely depending on individual State laws. For example, some States have no vision screening requirements, whereas 30 States currently mandate vision screening. Twenty-eight of these States with screening mandates, however, do not have or offer any guarantee that children who fail the screening will receive a follow-up eye exam.

On a nationwide basis, as many as 80 percent of the children who fail a vision screening do not get the follow-up care they need. Among the parents of these children, 25 percent cite financial constraints as a primary reason their child does not receive important follow-up care more than any other factor influencing their lack of care.

This lack of vision care jeopardizes a child's development and can unfortunately lead to lifelong vision impairment. These children deserve a healthy start to their educational and social development, yet the reality is that nearly two of three children entering elementary school have never received preventive vision care. Unfortunately, the lack of health experience presents a barrier to the delivery of appropriate vision care in this country. For many children who are lucky enough to have health insurance for medical care, their policy doesn't cover vision coverage. This is precisely why this bill is necessary.

□ 1745

By targeting the program toward children who are school age, uninsured, and at risk for vision disorders, the bill is designed to spend scarce health care dollars in the wisest manner possible. A portion of the grant funds will also be used to increase education and awareness of vision disorders so that the warning signs can be recognized and any problems can be detected in a timely fashion.

During the committee consideration of this legislation, we made several changes in the underlying bill. Specifically, we clarified that the Secretary should consult with professional and patient organizations when developing the criteria associated with the grant program's operations and data collection. This amendment also specifies an authorization level of $65 million over 5 years and includes a State-matching requirement of 25 percent.

The compromise could not have been developed without the dedication of key members of the vision community, including the American Academy of Ophthalmology, the American Optometric Association, the Vision Council of America, and Prevent Blindness America.

As a founding member of the Congressional Vision Caucus, I am particularly pleased to see this bill on the House floor today and consider it a milestone for our very young caucus. In 2003, I joined my colleagues DAVID PRICE, ILEANA ROS-LEHTINEN, and PAT TIBERI in establishing the Congressional Vision Caucus. Today the Vision Caucus is comprised of more than 100 Members of the House, both Republican and Democrat, House Members and Senators. While our initial goal was to raise the awareness of vision disorders in Congress, the caucus has developed and endorsed 2 key pieces of vision legislation, including the Vision Care for Kids Act before us today.

It is particularly gratifying to see our efforts result in legislative success, and I thank the members of the Vision Caucus and the 152 cosponsors of this legislation for their support. I would also like to thank Chairman DINGELL and Ranking Member BARTON of the Energy and Commerce Committee, as well as the chairman and ranking member of the Health Subcommittee, Mr. PALLONE and Mr. DEAL, for their support of this legislation.

And I would also like to thank John Ford and William Garner of the committee's majority staff for their expertise, as well as Ryan Long and Katherine Martin of the minority staff for their willingness to work with us in a bipartisan fashion on this legislation.

With that, I encourage my colleagues to join us in passing this important bill to improve vision care for America's children.

Mr. FOSSELLA. Madam Speaker, let me again, in closing, thank the sponsors, Mr. GREEN and, of course, Mr. PASCRELL for really helping us to get to this point. I failed to mention Ms. ROS-LEHTINEN before. She was instrumental as well, and Mr. SULLIVAN and Mr. ENGEL. Let me commend and thank my colleague Ms. BALDWIN for her eloquence in shepherding all these bills to the floor.

As it relates to this bill, early detection, early diagnosis, and early treatment, we know that those are the magical things that have to happen in order for a child to lead a more forward, healthy life. Without the access to the care that a child needs, we know that that life is going to be compromised in some way, shape, or form.

I think that this bill helps to get us to that point. I think it will help a lot of children who currently have no help and no access.

I would also like to thank Ryan McKee from my office, who has worked on this bill for several years in our efforts.

Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, in closing, visual impairments can have lifelong consequences for children. As we have heard, this bill will help identify these impairments early so that our kids can live up to their full potential. This bill and the others that preceded it are prime examples of bipartisan cooperation.

I urge my colleagues to support this bill and those that have preceded it. And I also thank the gentleman from New York (Mr. FOSSELLA) for his assistance in expeditiously, yet comprehensively, managing the nine vital important and bipartisan health bills that were before us this afternoon.

Mr. MURPHY of Connecticut. Madam Speaker, I rise today in strong support of H.R. 507, the Vision Care for Kids Act of 2007.

This issue is simple, Madam Speaker, kids can't learn if they can't see. Providing early vision screening for our nation's children will make sure they are all ready to learn when they enter school and the Vision Care for Kids Act will help provide states with the means to offer this important care.

When I was in the Connecticut State Senate, I championed an initiative which made school-based vision screening a priority through the mandated reporting of pediatric vision screening on school health assessment forms. The passage of today's legislation will enhance my state's ability to enhance vision programs for children by providing a much needed federal stream of funding. Importantly, it will allow Connecticut's children to receive followup care when uninsured children are identified through my state's existing vision screening program.

The passage of today's legislation is another example of how this Congress is actively working to provide health services to our nation's children. This week, as the House contemplates whether we should provide 10 million American children with health insurance through the SCHIP program, we should take today as an opportunity to affirm our commitment to comprehensive health screening and coverage for all American children.

Madam Speaker, I urge all my colleagues to support H.R. 507 and yield back the balance of my time.

Mr. CLYBURN. Madam Speaker, I rise today in strong support of H.R. 507 Care for Kids Act of 2007. As you know, this bill would award grants to states to: (1) provide comprehensive eye examinations by a licensed optometrist or ophthalmologist for children identified by a licensed health care provider or vision screener, with priority to children under age nine; (2) provide treatment or services to correct vision problems of such children; and (3) develop and disseminate educational materials on recognizing signs of visual impairment in children.

Madam Speaker, studies have shown that African-Americans were most likely to report that they do not have a regular eye care professional (21 percent). And Hispanics were least likely to have seen an eye care professional in the last year (43 percent).

Madam Speaker, like many diseases, vision problems can disproportionately affect certain ethnic groups. For example, African-Americans are five times more likely to have glaucoma, Hispanics are at the greatest risk for cataracts, and myopia or near-sightedness is much more common among Asians than other ethnic groups.

But the story doesn't end there, a new study by University of Michigan pediatricians suggests that poor, uninsured, black and Hispanic children are getting the least vision care services in this country. In all, non-Hispanic and non-black children were 47 percent more likely than Hispanic children—and 59 percent more likely than black children—to have received eye care in the last year. In addition, the study showed that uninsured black or Hispanic children were less likely than uninsured children of other races or ethnicities to have corrective lenses.

Madam Speaker, we have to do better on providing care to these communities and giving these communities the healthcare professionals to deliverer such care. To date, the current enrollment percentages of African-American and Hispanic students in optometry school is dismal at best. In the United States, only 3.5 percent of currently enrolled optometry students are African American. Hispanics do not fare much better, when including the InterAmerican University of Puerto Rico, the enrollment of Hispanics in U.S. optometry schools and Canada is even lower than that of African Americans.

So Madam Speaker while I strongly support this bill we must do more to address these disparities. Thus, the reason behind my outspoken wish to mandate vision care to the State Child Health Insurance Program (SCHIP) reauthorization. The lack of vision care for children can not be tolerated in this country and I look forward to working with the Congress in bringing this issue to the forefront of our dēbate around SCHIP.

Mr. LOEBSACK. Madam Speaker, I rise today in support of H.R. 507, the Vision Care for Kids Act of 2007. I applaud Congressman GREEN for introducing this important legislation and for recognizing the importance of vision screening for our children.

It is estimated that one in four children in school and one in twenty children in preschool develop eye disorders. Screening for vision problems in children is extremely important as it can be difficult to recognize these types of problems in children, and children are often not capable of expressing they are experiencing vision issues.

Ambiyopia is cited as the most common vision problem in children. This affects one or both eyes and can lead to permanent vision loss and long term problems. As many as 9,000 children in Iowa under the age of 4 suffer from this problem. Thankfully for children in Iowa, the University of Iowa Department of Ophthalmology and Visual Sciences and the Lions Club of Iowa teamed up in 2000 to create a program called Iowa KidSight. Iowa KidSight provides free vision screening for infants and young children throughout every county in Iowa and also serves to educate parents and the public on the benefits of vision screening.

Since 2000, Iowa KidSight has screened over 90,300 children from the ages of 6 years to 48 months. Unfortunately not every child who is referred to see a specialist is able to do so for a variety of reasons, which is why the Vision Care for Kids Act is so important. This legislation will help supplement the program in my state and others by awarding grants to help ensure these children are able to see a licensed optometrist or ophthalmologist, receive the treatment they need, and also inform and educate parents, teachers, and others who work with children on recognizing early signs of vision problems.

Detecting early signs of vision problems in children and getting them the medical attention they need can be crucial for development and well-being for the rest of their lives. The Vision Care for Kids Act recognizes this fact and will make significant improvements in the amount of children who are able to receive the care they need to learn and grow. I strongly support H.R. 507, the Vision Care for Kids Act and urge its passage.

Ms. BALDWIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BERKLEY). The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 507, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 49 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 738, by the yeas and nays;

H.R. 2089, by the yeas and nays;

H.R. 20, by the yeas and nays.

The votes on H.R. 2295 and H. Con. Res. 182 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minutes votes.

EXPRESSING SENSE OF THE HOUSE REGARDING SYRIA'S CONTINUED INTERFERENCE IN THE AFFAIRS OF LEBANON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 738, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 738.

The vote was taken by electronic device, and there were—yeas 375, nays 5, answered "present" 1, not voting 50, as follows:

[Roll No. 961]

YEAS—375

Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—5

Hinchey
Jones (NC)
McDermott
Paul
Waters

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—50

Alexander
Bean
Bishop (UT)
Boozman
Brady (PA)
Carson
Conaway
Costello
Cubin
Cummings
Ellison
Gordon
Graves
Gutierrez
Hastert
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Larsen (WA)
Larson (CT)
Lewis (CA)
Lowey
Lynch
Maloney (NY)
Marchant
Melancon
Mica
Murtha
Musgrave
Nadler
Neal (MA)
Pastor
Peterson (PA)
Pickering
Pryce (OH)
Reyes
Rogers (KY)
Sánchez, Linda T.
Schakowsky
Sessions
Smith (WA)
Souder
Tancredo
Weiner
Weldon (FL)
Weller
Whitfield
Wilson (OH)
Woolsey

☐ 1855

Mr. MARIO DIAZ-BALART of Florida and Mrs. JONES of Ohio changed their vote from "nay" to "yea."

Mr. ABERCROMBIE changed his vote from "nay" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHAKOWSKY. Madam Speaker, on rollcall No. 961, had I been present, I would have voted "yea."

LOUISIANA ARMED SERVICES VETERANS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2089, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2089.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 48, as follows:

[Roll No. 962]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)

Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—48

Bean
Bishop (UT)
Boozman
Brady (PA)
Carson
Conaway
Cubin
Cummings
Ellison
Gilchrest
Gordon
Graves
Gutierrez
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Larsen (WA)
Larson (CT)
Lewis (CA)
Lynch
Maloney (NY)
Marchant
Melancon
Murtha
Musgrave
Nadler
Neal (MA)
Pastor
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Reyes
Rogers (KY)
Sánchez, Linda T.
Sessions
Smith (WA)
Souder
Sullivan
Tancredo
Watson
Weiner
Weldon (FL)
Weller
Whitfield
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MELANIE BLOCKER-STOKES POSTPARTUM DEPRESSION RESEARCH AND CARE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 20, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 20, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 3, not voting 46, as follows:

[Roll No. 963]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—46

Bean
Bishop (UT)
Boozman
Brady (PA)
Carson
Conaway
Cubin
Cummings
Ellison
Gordon
Graves
Gutierrez
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Larsen (WA)
Larson (CT)
Lewis (CA)
Lynch
Maloney (NY)
Marchant
Melancon
Murtha
Musgrave
Nadler
Neal (MA)
Pastor
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Reyes
Rogers (KY)
Sánchez, Linda T.
Sessions
Smith (WA)
Souder
Tancredo
Weiner

Welch (VT)
Weldon (FL)
Weller
Whitfield
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I was not present to vote on rollcall vote Nos. 961, 962, and 963. Had I been present, I would have voted:

"Yea" on rollcall vote No. 961 on H. Res. 738 expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon; "yea" on rollcall vote No. 962 on H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office"; and "yea" on rollcall vote No. 963 on H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106 AND H. RES. 610

Ms. KILPATRICK. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor from H. Res. 106 and H. Res. 610.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. ROSS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. BERRY. Mr. Speaker, I ask unanimous consent for my name to be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. BOYD of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor for H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. HERGER. Mr. Speaker, I request unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. BISHOP of Georgia. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL EXPLANATION

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, the rules of the House do not allow me to remove myself from cosponsor at this time of H.R. 811, but this statement serves that I am not to be perceived as a cosponsor of this bill at this time.

OVERRIDING THE VETO ON SCHIP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in a little less than 72 hours, this House will have the opportunity to make one of the most definitive and powerful stands for the Nation's children.

Let me go on record by indicating that this Nation has over a period of time mistreated her children. Now we have the opportunity to insure millions of children with health coverage through the SCHIP program, a program now that has seen itself last for a decade of success in preventing devastating health conditions for young children.

I know this because just last week I visited St. Joseph's Hospital, the neonatal unit. We heard stories from young mothers talk about children who have been saved and, yes, talk about those who have not been saved because they could not enroll in the SCHIP program.

Why in the world would we suffer a veto to deny our children a mere $35 billion to cover them for preventative health care?

I ask my colleagues to overturn this veto, and I join the Congressional Black Caucus to ensure that that happens. The fight is for our children. We cannot yield.

□ 1915

GOD & CENSORSHIP

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, good news. That which has been removed has been returned. That which has been censored is censored no more. Let me explain.

The Architect of the Capitol took it upon himself to remove references of God from the official certificates that accompany flags that are flown over the Capitol. These flags and certificates are given to schools, citizens, and the military. Some Members of Congress, for example, request the words "God" and "Country" to be incorporated into the certificate. However, the word "God" was unilaterally stricken and censored from the document by the Architect. But those days are over. The Architect will now allow the word "God" on such certificates.

The national motto is "In God We Trust." We pledge allegiance saying "one Nation under God." Our history is based upon a belief in the Supreme Being. And much of this Capitol has references to the Almighty.

Mr. Speaker, many Americans are tired of paranoia government censorship of God, and consider attempts to remove God from America a violation of their constitutional rights. Thank God.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, Members, last Friday, Retired Lieutenant General Ricardo Sanchez, who led U.S. forces in Iraq following the invasion in 2003, became the latest in a growing list of retired military officers who harshly criticize the war in Iraq. He said that the United States is "living a nightmare with no end in sight." General Sanchez also lambasted the latest strategy in Iraq calling it, again, "a desperate attempt by the administration that has not accepted the political and economic realities of this war."

These startling revelations from the highest ranks of our military should shake us to our very core. The man who was personally responsible for conducting the war in Iraq is trying to convince us that we should have no faith in the administration now waging the war.

General Sanchez went on to say, "There has been a glaring unfortunate display of incompetent strategic leadership within our national leaders," and that "the American people must hold them accountable."

But, General Sanchez, how can the American people hold their elected officials accountable? As we all know, they can make a lot of noise by calling congressional offices, writing letters, and attending marches; but at the end of the day, the American people hold their elected officials accountable at the ballot box.

To my colleagues in the House of Representatives, our constituents have already made up their minds. An overwhelming majority of people think it was a mistake to invade Iraq and believe that setting a timetable for withdrawal is the correct course of action. Most Democrats and Republicans agree that an open-ended occupation of Iraq is an awful idea. But the Iraqi people don't want us there, and we have no timetable for withdrawal.

What do we have if not an open-ended occupation? What more do we need to learn before deciding that this war must be brought to a halt? Day after day, the grim realities unfolding in Iraq paint a picture of futility and mismanagement. More lives are lost, more money is squandered, and Iraq falls deeper and deeper into chaos and civil war.

President Bush has had our military in pursuit of a victory that is perpetually "just around the corner." Well, we have been around the corner and back again. There is no victory to be found. The time to end this debacle has long since passed. The United States military presence has reinforced in the minds of the Iraqis the most damaging lesson an emerging nation can learn: that problems are solved with bullets and bombs instead of compromise and cooperation. Instead of encouraging compromise and fostering cooperation among the various warring tribes, we have done the exact opposite. We continue to spend billions of dollars blindly arming Iraqis who volunteer to serve in the Iraqi security forces with no thought as to where their loyalties might lie when we hand them weapons.

On one hand, as Anthony Cordesman of the Center for Strategic and International Studies points out, we have not addressed the degree to which all elements of the Iraqi security forces, from the Prime Minister's office down, have links to Shiite efforts to retain and expand power and carry out sectarian cleansing in mixed areas.

On the other hand, the bottom-up reconciliation that Bush brags about is arming and empowering the Sunni militias in Anbar province and elsewhere. This is, as a recent article in the Economist suggests, a recipe for civil war and only serves to undermine the central government of Iraq.

These irresponsible and dangerous tactics not only harm future prospects for stability in Iraq, but seriously erode our standing in the Middle East and larger international community.

I would like to commend General Sanchez for speaking out against the Bush administration. But how many more General Sanchezes will it take before the last Congressperson turns against the occupation of Iraq? How many more investigations of Blackwater's abuse, of Halliburton's fraud, how many more reports of our overstretched military at its breaking point, or about the damage our occupation is doing to our international standing? How much more of this debate do we need before our national leaders accept that the Iraq war is actually making our country less safe?

For the good of this great Nation and for the good of Iraq, it is time to bring our troops home and end the occupation of Iraq.

Mr. Speaker and Members, I know that there is an attempt to put a good face on the surge and to try and make us believe that the surge is working, but just read your newspapers every day and see the number of lives that are being lost, not only of our own soldiers, but of the Iraqis.

CORPORAL DONALD E. VALENTINE III—U.S. ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "The soldier is the Army, and wars may be fought with weapons, but they are won by men. While we mourn those men who die, we should thank God such men ever lived." These are the words of General George Patton in World War II.

Mr. Speaker, one of those soldiers was Corporal Donald E. Valentine III of the United States Army. He was born in Houston, Texas, on March 5, 1986. Donald Valentine joined the United States Army because of the 9/11 attack on this country.

His mother Anna said, "My husband and I were behind Donald 100 percent. I was so proud of him no matter what he ever did. He made me very proud to be his mother." Words from another of America's Gold Star Mothers.

I met Anna Valentine and many members of the Valentine family recently at Veterans National Cemetery in Houston, where mothers like Anna who had children killed in Iraq and Afghanistan were being honored. We call those noble women Gold Star Mothers. Anna Valentine's son is buried on that hallowed ground of the fallen in Houston, Texas.

Corporal Valentine was killed along with two other soldiers on September 18 in Muqdadiyah, Iraq, when an IED, an improvised explosive device, detonated near him.

Mr. Speaker, you understand the use of an IED by America's enemy is a coward's way of fighting the war. These enemies rant and rave and preach hate in the name of religion, but they cover their faces with masks and hide in caves and dark, dusty ditches. They are afraid to come out in the open and face the American soldier, so our enemy detonates remote-controlled bombs.

Corporal Donald Valentine III comes from a military family. His father, Donald II, is a Navy veteran. His brother Daniel wanted to enlist to be with his brother Donald in Iraq, and Daniel, 19, still intends to join the military. Mr. Speaker, America owes much to families like the Valentines.

Donald was married 1 year to Lucia, who said Donald had all the qualities any girl would want. She had talked to Donald on their first anniversary, 3 days before his death in Iraq. Corporal Valentine told his family that, if he did not survive the war, they should stay strong. He is the 91st fallen servicemember with ties to the Houston area to have been killed in Iraq or Afghanistan.

Corporal Donald Valentine was assigned to the 2nd Battalion, 23rd Infantry Regiment, 4th Brigade, 2nd Infantry Division of the Stryker Brigade Combat Team from Fort Lewis, Washington.

Being from a military family, he moved around a lot as a child. He lived in Florida most of his life and in Idaho, but wanted to be buried in "Big H," as he called Houston, Texas, because of many reasons. One of those reasons was because he spent so much time growing up with his grandparents who live in Houston. Mr. Speaker, Donald's grandparents, Thomas and Lupe Cortez, and his other grandmother Geneva Fernandez, survive their grandson.

As a grandfather of five with two more grandkids on the way, I think it would be a most difficult task to bury a grandson in the vigor of their youth.

In the official statement on Donald's death, the family said, "Donald touched the lives of so many with his big heart. We will cherish the beautiful memories we shared with you. You made us so very proud. Now heaven has another hero. And, continue to watch over us as an angel in heaven."

On September 28, 2007, taps played for the last time as 21 guns saluted this American soldier. This is a photograph of Donald Valentine III.

A statement has been credited to one of Rome's centurions when he told his troops, "How you yet live will echo throughout eternity." Corporal Valentine lived a short but faithful life to the things that were important to him: family and country. He was 21 when he was killed.

Mr. Speaker, General George Patton was right about such warriors. We should thank God that such men as Corporal Donald Valentine III died and lived.

And that's just the way it is.

☐ 1930

IN OPPOSITION TO RESOLUTION REGARDING ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I want to come to the floor of the House tonight and add my voice to a lot of my colleagues in opposition to the dangerous resolution condemning Turkey for reported atrocities against the Armenian people. Everyone regrets what happened at the end of the First World War; but, Mr. Speaker, we are in the midst of a very complicated war, a complicated war in which every ally is valuable to our war effort.

This resolution, Mr. Speaker, this resolution has the potential to inflict damage on the United States-Turkish relationship such that it would be very difficult to repair it, and this should be at the forefront of our minds as we consider bringing to the floor for a vote.

I am concerned about this resolution, and I urge the Speaker not to allow these actions.

I am asking us to consider the long-lasting negative effects that this resolution could have on our foreign policy interests. The last thing we need is for an American ally to stray from the path of victory in Iraq, and with President Abdullah Gul threatening to withdraw Turkey's support of the Iraq war should we vote on and pass this risky resolution, this possibility unfortunately is moving ever closer to reality.

Mr. Speaker, Turkey continues to be a consistent U.S. partner in developing some of the crucial defense equipment we're going to need to protect our country into the future. Currently, Turkey is aiding in the development of Lockheed Martin's F-35 Lightning fighter. I can testify to the significant importance of sustaining positive relations with Turkey, because the final assemblage of the aforementioned aircraft will, in fact, take place at Lockheed Martin's Ft. Worth plant which is very near my district in North Texas. These are important developments in the war on terror and now is not the time to compromise these efforts.

But more importantly, Mr. Speaker, this resolution, this resolution is ill timed and ill suited for a country at war. What will happen to the transport of goods, fuel, food, fiber through Turkey into northern Iraq?

And if those shipments, if those shipments of food, fuel and fiber are delayed or ended by the Turks, who wins and who loses?

Mr. Speaker, I will submit that the average American probably doesn't know the answer to that question. It's not that they're indifferent, but they just don't know if there's going to be a winner or a loser. The average Turk, while he may care, is really just pretty mad about it all.

But, Mr. Speaker, I would submit it is the Iraqi citizen who is on our side who will lose. They will be denied sustenance. They will be denied food for their family. They will be denied fuel to heat their homes in the coming winter in the northern part of Iraq, in a country that has been ravaged by war.

Well, if Iraqis who are friendly to us are likely to be hurt, what about the enemy in Iraq? Well, Mr. Speaker, they may be the indirect winner because after all, we know they love chaos; and anything that increases disorder in Iraq's fragile social system benefits our enemy.

Mr. Speaker, I am not connecting dots that have not already been connected. Right as we left before the August recess the majority whip was quoted as saying if things go well in Iraq, it's bad for us; it's bad for our majority party.

Mr. Speaker, sadly, then we've seen several times during the month of September where it does seem like sometimes they're invested in defeat.

But who really bears the brunt is the United States soldier. And, Mr. Speaker, this is not just a theoretical concern. October 2000, same bill, conflicts are a little bit different. Northern watch, keeping the Iraqis from attacking the Kurds. Those planes in northern Iraq to enforce the no-fly zone and keep Saddam from attacking the Kurds, those F-16s flew out of Turkey and they kept watch every day of every week during what we now know as Northern Watch. They kept the Iraqi Republican Guard in a box and kept them from attacking Kurds.

Mr. Speaker, I was not in Congress in October of 2000. But I will tell you that a young man who is now a constituent, actually stationed in Clovis, New Mexico, but was moved to Incurlik, Turkey, and was on duty then, he talked to me back in October of 2000. He said, we were away from home in a place that really was awfully strange for a 21-year-old. And then we picked up our newspapers one morning and there's a big hole in the side of a United States ship, the USS *Cole* which was bombed in October of 2000. The tension was mounting daily. Other attacks were a possibility. And then all hell broke loose outside the base. There was protests, there was shouting, there were people yelling at us at the gate. None of us were allowed off the base. And why? Because the House of Representatives was going to take up the Armenian genocide resolution.

Mr. Speaker, this constituent was my son. He asked me then, Dad, why is Congress making things tougher for us over here? I didn't have an answer for him now and I don't have an answer for him now. President Clinton did not support this bill in 2000. Majority Leader Armey refused to allow it to come to the floor. Don't make life tougher for our soldiers. We're a country at war. Let's act like it for once.

PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, in the coming days Congress will consider the Peru Free Trade Agreement. I rise tonight to ask why are we in such a rush to approve a flawed and misguided trade policy.

The Peru Free Trade Agreement doesn't enjoy the support of any of the constituencies which it's supposed to benefit. No labor unions vocally are out supporting this agreement. Why would they? The labor standards are unenforceable. It doesn't protect "buy America." It promotes off-shoring of our industries.

The Peru Free Trade Agreement is just like the NAFTA-CAFTA framework. NAFTA has cost Maine over 23 percent of our manufacturing base. The new labor environmental language will do nothing to improve the situation.

The Bush administration claims that the agreement will improve labor standards in Peru and, in the next breath, Tom Donahue, president of the United States Chamber of Commerce states that he is "encouraged by assurances that the labor provisions cannot be read to require compliance with the ILO conventions."

So why are we rushing to approve such a toothless measure?

Why is Congress moving so fast to approve a trade policy which has not been subject to a full hearing since the deal was announced? The last hearing on the Peru Free Trade Agreement in the Ways and Means Committee was held in 2006. There are no environmental groups that are rallying support for the unenforceable environmental protections. That includes the Sierra Club and Friends of the Earth.

So why are we not taking the time to consider the impact the Peru FTA will have on our environment, our intellectual property or privatization of Social Security?

Even the labor leaders of major Peruvian labor organizations oppose this agreement. They urge Congress to vote "no," claiming that it will weaken labor standards, encourage illegal immigration to the United States, and increase the rates of drug trafficking and violence.

So who supports this agreement? Big Business. It's the large multinational companies who seek to profit off the backs of working men and women in our country.

Remember back on May 10 when we heard about the new trade model? Well, if it's so new and great, then why aren't we hearing from all sides on the trade debate asking us to support it? There is a reason: there is not much new about it. It's the same old model with a little fancy title.

I ask my colleagues to take a step back and consider this agreement carefully, demand the enforcement of the labor standards that conform with the ILO Conventions and environmental protection that might actually protect the environment.

I ask my colleagues to consider the impact of this agreement and to question why we are moving so quickly to box ourselves into a corner. And I'm asking Members to listen to their constituents.

All across this country, the American citizens are opposed to these bad, flawed trade deals. This is more of the same. We must have a new trade model. We have to start thinking globally of how we're going to deal with the globalization in this world today. So I encourage my colleagues to vote "no" on the Peru trade deal.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, we've been talking the last several weeks here in Congress about the SCHIP, the State Children's Health Insurance Program. This is the SCHIP face I'd like to show America. Before I discuss with you in the next several minutes the SCHIP program, I'd like to show you the face of Kailee Meronek from Appleton. I represent her. She's not here to speak for herself, so I have the great honor and duty of speaking on her behalf. She has a younger sister who is 3 months of age, and a young mother who's earning $2.33 an hour at a restaurant. She qualifies for SCHIP. She has benefited from SCHIP; and because she is covered by this state-run program, she sees her doctor in the doctor's office and not in the emergency room. Kailee needs our help and she needs our support. She will some day have to pay for a war that is costing the American taxpayers $400 million a day. And yet we're not even paying for this war. The occupation of Iraq is being paid for by borrowed money from China that Kailee and her younger sister, Cassidy, will have to pay back some day.

The SCHIP program is a state-run program that's been very successful. We aim to reauthorize this program and expand its coverage to all children in America who are eligible. That's up to about 10.8 million to 11 million children who are the lowest income strata in the country.

The SCHIP program will focus on the working families who need the help the most. It will guarantee access to health care at the doctor's office, not at the expensive emergency room. If anyone listening thinks that SCHIP is not a good deal, you're going to spend much more money taking care of Kailee and her family at the emergency room than at the doctor.

SCHIP reduces your taxes. It cuts the cost of caring for families who are most in need.

How about the money? $3.50 a day. Kailee is not asking for that money; she deserves it.

What kind of Nation are we? What kind of Nation would turn their back on Kailee and Cassidy and their mother, Wendy? Not this America.

I want my country back. I want a country that still cares about people more than corporations. I want a country that respects its laws and obeys all of its laws, including signing statements. We don't need signing statements. We need someone in our offices in the administration who cares about people.

Kailee and her sister, Cassidy, need our help. I'm asking all Republicans, all Democrats, forget your party leadership. Forget your association with your party. Think about the people you represent, like this young girl.

We aim to cover 57,778 people in Wisconsin on the SCHIP program, and hope to expand it another 37,000. We do it in a fair way, in a way that's called pay-as-you-go, not like our occupation of Iraq. We're going to pay as we go.

I ask America tonight to put a human face on the SCHIP program. Help Kailee. Support Kailee, her sister and her family and everyone in this country who needs our help.

What kind of Nation are we? We'll find out on Thursday. America is listening.

My colleagues, Mr. Speaker, I ask you to support the SCHIP bill and override the Presidential veto.

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HEALTH CARE FOR IRAQ AND AFGHANISTAN WAR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I think it's important for the President of the United States to pay attention to the over 100,000 Iraqi and Afghani veterans that are coming back to our country, U.S. citizens who have been wounded. 100,000.

This House passed a bill that increases spending in the Department of Veterans Affairs by 18 percent, the largest increase in American history, which is deserved because we have injured soldiers coming back to us who are not being treated. That bill is log jammed in the Senate. I invite the President of the United States to call over to the leadership in the Senate to say he's going to sign that bill and to move that bill this week.

Yesterday, I was out welcoming in an official ceremony the 983rd Combat Engineer Unit Heavy from the State of Ohio. It's a Reserve unit, over 1,000 soldiers who have been deployed to the theater in Iraq who came home, and this was the official welcome home ceremony to present them their warrior citizen flags and medals. It was a moving ceremony honoring their valor and their service to our country.

I had the opportunity at that ceremony to talk to Mrs. Tiffany Eckhart, the widow of Andy Eckhart, who lost his life in Iraq. And he was on his second deployment to Iraq.

She said several things to me. She said, MARCY, my husband never should have been deployed a second time because he had been injured in his first deployment. He had had a head injury, and she said, I want you to go back to Washington this week and tell the Congress and tell the Secretary of Defense and tell the President of the United States that every soldier who has been in combat in Iraq or in Afghanistan if they have had a head injury, before they are sent back again, they should be examined to make sure that there's nothing wrong, that there isn't a problem that affects their vision or in some way affects their functioning, which she claims is the reason for his death.

Now, if we are rotating people through so quickly and we aren't paying attention to the soldiers who are in theatre, particularly the Guard and Reserve, which never get the attention that they should, shame on us. Shame on us.

The impact of these head injuries on our soldiers is serious, and with the explosions that are occurring, we are losing 80 percent of those who have lost their lives, 80 percent of our soldiers have died from IEDs, which are explosive devices, or from sniper shots to the back of the head, 80 percent. So the individual soldier is receiving these wounds largely in the head area, or if they have heard the explosive devices going off, they have had damage sometimes inside the head that you can't see. You can't see. So the Department of Defense should have a policy not to redeploy unless that soldier is reexamined.

It's almost like having shaking baby syndrome is what Mrs. Eckhart said to me, where after a baby has been damaged, unless they are really examined, sometimes you can't tell that there has been brain damage. It's no different for our soldiers. She begged me to change the policy of the Department of Defense in this regard.

In addition to that, I met so many soldiers who had come home because the unit returned in 2005, who had other symptoms that are not being treated. There is PTSD inside this particular battalion, but are doctors easily available to them? No. And are they available locally? No. If they are forced to travel somewhere because they are Reserve members, they have got to take off work. Guess what. They have to lose their pay because they have to go to get taken care of at a hospital 2, 3, 4 hours away from them. That's wrong. Those services should be provided to our soldiers when they are ill, particularly if they have something like PTSD, which demands such careful attention from a neuropsychiatrist and the distribution of medicines and the kind of therapeutic care that is important for them.

Another soldier came up to me. He had ripped cartilage and tendons in his knee. He has been home for over 1½ years. He said, Congresswoman, why didn't the DOD operate on me while I was in theater? He said, When I came home, they discharged me. He said, You know what? I came home. I am now in the Reserve. For me to get this taken care of, I will be off work for week. He said, I can't afford to do that. He said, Why didn't they tell me? Why didn't they tell me to take care of it while I was under the umbrella of the Department of Defense?

The PTSD and neurological disorders just in that unit, now that people have been home, while we were at the ceremony, several F–16 jets which are based near a school overhead, you could just see the reaction of the soldiers.

I would invite the President of the United States to urge the Senate of the United States to move that legislation so that we can move the resources we need into the Department of Veterans Affairs and take care of the veterans of this country, over 100,000 of whom have come home now who are injured.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 734, EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–382) on the resolution (H. Res. 741) providing for consideration of the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–383) on the resolution (H. Res. 742) providing for consideration of the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, let me seek unanimous consent that my colleagues will have 5 days within which to revise and extend their remarks on the subject matter of my Special Order.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE PRESIDENT'S VETO OF BIPARTISAN CHILDREN'S HEALTH INSURANCE BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased once again to host the Congressional Black Caucus message hour on Monday, the first hour of the week.

In the past weeks we have talked about all kinds of issues affecting the American people and have focused on issues particularly affecting African American families. Once again, however, we are compelled to this week focus in on the State Children's Health Insurance Program, which the President chose to veto a couple weeks ago.

This week on the floor of the House we will again be debating SCHIP and the President and our effort to override that veto. I am confident that my colleagues will join me in overriding that veto because they understand the importance of children in the United States having health care.

I am joined this evening by several of my colleagues who will be speaking on this very issue. And I also want to say on behalf of the Chair of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, who appointed me to lead this message hour, I want to thank the American public for listening in to our messages.

I am pleased at this time to yield to my colleague, my good friend, and my sister from Oakland, California, Congresswoman BARBARA LEE.

Ms. LEE. Mr. Speaker, first let me thank the Chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK, for her leadership and for her vision in making sure that really the conscience of America is heard on these Monday nights. And also let me thank Congresswoman STEPHANIE TUBBS JONES for her leadership and for her vigilance and also, as a member of the Ways and Means Committee, for her strong voice on behalf of our country's children.

I rise tonight in strong support for overriding the President's misguided veto on the State Children's Health Insurance Program.

Does the President want to relegate parents of sick children to frantic calls to 911, late night visits to emergency rooms, and tragic and preventable deaths due to undiagnosed illnesses? The Congress must say no and override his veto Thursday so that our children have access to regular checkups, preventative care, and a primary physician.

We must stand with the American people who overwhelmingly support increasing access to children's health care. We must stand with nearly every single health organization, every single children's organization in America, like the American Medical Association, the American Academy of Pediatrics, the Children's Defense Fund, Easter Seals, the March of Dimes, and countless others who support their bill because they all understand the devastating impact of being uninsured.

We must stand with the largest health insurance trade association in the country, America's Health Insurance Plans, who praised expanding the State Children's Health Insurance Program as a vital step in ensuring the health security of millions of America's children.

Sadly, I believe, like many of us believe, that the President is totally disconnected from the reality of our children's lives. He has asked Congress for another $190 billion, $190 billion, to fund his occupation of Iraq, while he has vetoed a fraction of that amount for our children. This is a shortsighted assault on our Nation's children, and we cannot stand for it.

This program is one of the most successful programs in the Nation, and it should be reauthorized and it should be expanded.

When I was a State Senator in California, I helped write the California State program called Healthy Families, and now Healthy Families provides low-cost access to health care for over 800,000 children, more than any other State. The flexibility built into SCHIP has allowed California to provide access to health, dental, and vision coverage for children. And, also, let me just say that if this doesn't get overridden, we don't know what is going to happen in California, like in other States; so this needs to continue.

Comprehensive health coverage for children is also a very vital step towards eliminating the continuing health disparities that plague minority populations, including 800,000 Asian Pacific Americans, 1.4 million African Americans, and 3.4 million Hispanics.

Providing health care coverage for our children is one of the most cost-effective investments that America can make. Children are the least costly to provide coverage for, and giving children access to adequate primary health care will create a generation of healthier, better educated and, in the end, more productive adults.

It's mind-boggling that President Bush vetoed a children's health bill. It is a shame and disgrace that our children are not his priority. So the House must stand with America's 10 million children and vote "yes" to override his veto on Thursday. This is the right thing to do. Voting to override the President's veto is the moral and it is the ethical vote to cast. Our children deserve nothing less.

Let me thank my colleague again from Ohio, Congresswoman STEPHANIE TUBBS JONES, for making sure that the voice of children are heard once again on this floor.

Mrs. JONES of Ohio. I want to engage in a conversation with you just for a moment, Congresswoman LEE.

The cost of providing health care to children is $3.50 per child. Now, those of us who drink expensive coffee spend more than that on a cup of coffee every day. And wouldn't it just make sense? With all due respect to President Bush, but on this issue he is just totally incorrect. And all the newspapers and organizations are saying just that, that he is incorrect.

Ms. LEE. He is totally incorrect, first of all, and I think that $3.50 example explains why he's incorrect.

It is about priorities, Congresswoman TUBBS JONES. It is about where we put our tax dollars. Do we care about securing the future of our country? Do we care about our children's future? And that is what this is about. He has asked for $190 billion, as I said earlier, to continue to fund this occupation in Iraq. Well, I would think that a pittance of that money, when we know how much this would cost, would go to cover our children. And our children deserve it.

Mrs. JONES of Ohio. Mr. Speaker, the amazing thing is he is trying to talk about this whole piece of being conservative, fiscally conservative in the dollars he is expending, but this President has put us in greater deficit than all the Presidents predating him. From George Washington on up to Bill Clinton, he has spent more money. So being fiscally conservative really doesn't make a whole lot of sense.

Ms. LEE. When the President took office, we had a surplus in our country, and now we are in a deficit spending mode. And I will tell you, it is mortgaging and making our children pay for the mistakes of this administration. So we have to dig ourselves out of this. And I think this is a first step to making sure that our children are healthy enough to move forward to be able to take over and try to help figure out how they can secure this country for America's families and children.

Mrs. JONES of Ohio. Thank you, Congresswoman LEE, for leadership in this area but also in the whole HIV/AIDS area. You are a beacon of light for the Congressional Black Caucus and for the Nation. So I thank you for joining me this evening, and I hope you have a great evening.

Ms. LEE. Thank you very much.

Mrs. JONES of Ohio. Mr. Speaker, one thing that we all know is that the Children's Health Insurance Program, the acronym which is SCHIP, State Children's Health Insurance Program, has always been a bipartisan piece of legislation. We have seen Governors from both parties across this country in strong support of the bill. Senate Republicans and Democrats have joined together on a veto-proof vote that the President has ignored. In the House we have strong bipartisan support as well.

I am pleased at this time to yield to my colleague and good friend from Brooklyn, New York, and I hate that we beat the Yankees, but my good friend from New York, YVETTE CLARKE.

Ms. CLARKE. Mr. Speaker, I want to thank the gentlewoman from Ohio for her leadership and for being here to give guidance during this hour for the CBC. And I want to thank our chairwoman, Ms. CAROLYN KILPATRICK, for seeing fit to add this particular perspective to the conversation that we are having with our Nation around the Children's Health Insurance Program in our States.

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And, Mr. Speaker, I'm elated to stand with my colleagues today to once again voice my support, my wholehearted support for children's health insurance coverage, also known as SCHIP.

Just over a week ago, the President vetoed bipartisan legislation that would have provided 10 million American children health coverage through SCHIP. Since the beginning of my tenure here, you know I'm a freshman, in this 110th session, this is the second time the President has vetoed important health care legislation with broad bipartisan support; the other veto being an expansion of potentially life saving stem cell research.

Mr. Speaker, it is my honor and duty to stand with my fellow Democrats, telling this administration that this veto will not deter nor distract us from protecting the health and well-being of our children.

The people that I represent in central Brooklyn have spoken loud and clear, and so has the rest of America. Republicans and Democrats alike have expressed their dismay with the President's decision to veto this bipartisan legislation. Additionally, the country overwhelmingly supports the Children's Health Insurance Program. A recent Washington Post-ABC News poll indicates that 72 percent of the country supports the extension and reauthorization of the CHIP program. Governors of both parties across the country support the bipartisan bill.

Now, following the veto, the fight for health insurance for 10 million low-income children moves back to this body where the hard work of rebuilding and building consensus among both Democrats and Republicans has already taken place. Now, the rubber-stamp Republicans who have sided with the President and are standing between 10 million low-income children and their health care must hear from the American people. We will override the President's rejection of health coverage for 10 million children, but the voices of the American people must be heard by those in Washington.

SCHIP was created to provide health care coverage for children and families who earn too much to qualify for Medicaid, but not enough to afford private insurance. It costs, as my colleague, STEPHANIE TUBBS JONES, has already stated, less than $3 a day to cover a child through the Children's Health Insurance Program.

Ensuring kids is also cost-effective for taxpayers, who pick up the tab for indigent care in emergency rooms, the most expensive way to care for a child's health, as well because a healthy child is more likely to succeed in education and life.

Over the last 10 years, the children's health program has proven to be popular and successful, with 6 million children now enrolled in the program. The bipartisan children's health insurance bill has broad bipartisan support. It's supported by 68 Senators, including 18 Republicans; it's supported by 43 Governors, including 16 Republicans; it's supported by more than 270 organizations representing millions of Americans; and it's supported by a strong majority of the American people.

This bipartisan bill renews and improves the Children's Health Insurance Program, providing health care coverage for 10 million children, preserving coverage for 6 million children currently covered by SCHIP, and extending coverage to nearly 4 million uninsured children according to the nonpartisan CBO.

Ironically, this morning I had an opportunity, along with my colleague, NYDIA VELÁZQUEZ, to attend a press conference hosted by the Working Families Party, ACORN, SCIU and Mothers in Our Community to reach out to a corporation in New York called KKR in midtown Manhattan. This is an investment firm that owns Toys-R-Us and Dollar General. These two toy retailers have already subjected America's families to massive and unprecedented recalls of millions of poisonous lead toys that have flooded the market. This is a great concern. If we don't get a commitment for a code of conduct protecting our children from lead poison, our holiday toy-buying season could mean putting the health of millions of American children at risk.

This concern is compounded by this administration's reckless disregard for our most vulnerable, our children. Just imagine the confluence of two of these things happening at the same time. Right now, parents and families, mothers are concerned about lead-tainted toys. And at the same time, when we need health care coverage that can identify lead poisoning, that can help to ameliorate some of those concerns, because, on the one hand, our safety is not being protected through the consumer protection, we need to have SCHIP in place.

Two-thirds of uninsured children are currently eligible for SCHIP or Medicaid. This bill is simply designed to give States the resources and incentives to enroll children who are eligible but not signed up for SCHIP and Medicare.

Mr. Speaker, I just wanted to be here to say that when we look at communities of color, in particular, black communities across this Nation, it has been this type of safety net health care that enables our communities to grow from strength to strength. These are just those American policies we need to give our families the boost they need so that when children go to school with asthma, they can be treated, they don't have to be out for days on end. When our children have hepatitis, tuberculosis, when they have any type of communicable disease, these diseases can be treated quickly before they reach the level of crisis in the emergency room.

SCHIP gives us that tool to be able to make sure that Americans are safe and secure, that their health and wellbeing is something that we all value as part of the American fabric of who we are.

And so I want to thank you, STEPHANIE TUBBS JONES, for anchoring this hour for the CBC. When we think about our communities and how critical this legislation is, not only for our communities, but for all Americans, this transcends race, ethnicity, gender. It's American children. I want to thank you for giving me the opportunity to share this time with you.

Mrs. JONES of Ohio. The people of Brooklyn need to know that this congresswoman has come in here, put her running shoes, we call them high-heeled sneakers, put those running shoes on and really has done a fantastic job. We're so very proud of what she's doing, the leadership she's showing; and I thank you for joining me for this message hour this evening.

Ms. CLARKE. Thank you very much.

Mrs. JONES of Ohio. SCHIP, one of the best ways to deliver health care to America's children. SCHIP, one of the best ways and cost-effective ways to deliver health care.

You know, I was stunned when I heard President Bush tell the people of America, well, these children have health care already; all they have to do is go to an emergency room. I don't know how many of you had the opportunity, just very recently, to see the news show talking about how the emergency rooms in this country are overladen and overburdened by so many people coming into emergency rooms across the country.

In my efforts of obtaining earmarks over the past 4 years in my congressional district, I have sought money for improving the emergency rooms in several hospitals in my congressional district. I've been in the emergency room. I've been there, and the pictures show it, where there are people laying on gurneys in the hallways because there are not enough private spaces for them to use. There are children, seniors, people of all ages in these hospitals and using the emergency room as their primary care. Emergency rooms were created just for that, emergencies, not for the delivery of ongoing preventative care.

And the only way that we can make sure that our children are more healthy, the only way that we can ensure that children who are being educated, they have to be healthy in order to get a good lesson. That's why we started Head Start and we started lunch programs and breakfast programs at school so that children could go to school and they wouldn't be hungry. So now that we're feeding them and they go to school and they're not hungry, we ought to make sure they have health care coverage so they go to school healthy.

And I don't know how many of you there are listening, but I know you've heard the story where your granddaughter or your niece or your nephew or your child goes to a day care facility for the first time and they come home with all kinds of whooping cough or something, running noses, and it's because a lot of young children come to day care without having received any health care. It will make a real difference in the lives of a lot of people if we provide health care to our children, and particularly preventative health care.

The other reason it becomes so important is that an unhealthy child is not going to be able to pay attention in school. An unhealthy child who is not paying attention in school, is not doing well, is unlikely to do well in junior high school, unlikely to do well in high school, unlikely to make it to college. It may be the precursor to dropping out for a number of children here in the United States of America. And that is why this issue becomes so very important and vital to all of our communities.

Let me just read to you some of the things that some of the national newspapers have said about SCHIP. The Miami Herald said: "Vote to Override the Veto of Children's Health Bill." "President Bush's veto of the children's health insurance bill is like Imelda Marcos denying a barefoot child a pair of shoes." That makes me laugh because I think about all my girlfriends who have lots of shoes, and they're much like Imelda Marcos. "The President complains that expanding health care coverage for low-income children will cost too much and lead to socialized medicine. Neither assertion is true. Now it's up to Congress to override this veto. We urge the Representatives who voted against the bill, most of them Republican, to reconsider. Instead of supporting the questionable priorities of a lame-duck President, they should vote to improve the health prospects of low-income children."

The St. Louis Post-Dispatch said: "Some People, All the Time." "Caring for and protecting children is among the highest values of society, and one of its most crucial obligations. On Wednesday, President Bush vetoed a bill to renew and extend the reach of a program that provides health insurance to American children whose families can't afford it or can't get it at any price. Congress now must stand up for children's health and override the President's veto. Mr. Bush's misleading rhetoric calls to mind the warning about gullibility made by a very different Republican President, Abraham Lincoln. As Congress prepares to override the President's veto, those who voted against the SCHIP plan should take care to ensure that they're not fooled all the time."

The Philadelphia Inquirer: "The SCHIP Veto: Children Last." "There was no convincing reason for President

Bush to deliver on his long-standing threat of veto for the SCHIP bill other than that he hoped to score political points. Bush's stated reason for opposing the congressionally approved $35 billion increase in the program was that somehow it was a step towards socialized government-run medical coverage benefiting low-income families. That doesn't square with the facts, since most of the kids helped by the program are in working-class households. And it doesn't jive with the widespread support for SCHIP among the American public, not to mention the impressive number of Republicans who backed the veto measure. So it's difficult to see how the President's strategy on SCHIP puts any more children first."

The Columbus Post-Dispatch: "Veto Lament." "President Bush's veto yesterday of the expansion of SCHIP not only leaves millions of children without health care coverage; it can leave many of Bush's fellow Republicans exposed to political attacks in next year's election. Bush said the expansion passed by Congress would cost too much. At $35 billion over 5 years, it certainly is expensive, but this investment in the health of America's children will pay big dividends. Healthy children do better in school and in life. And those who get well-child care in a doctor's office take some of the burden off the Nation's crowded emergency rooms, saving on medical costs overall. Congress' plan, which has the support of the public and backers from both sides of the aisle, would add 4 million children to the rolls."

The Seattle Post Intelligencer: "Children's Health: Overturn the Veto."

It said: "In vetoing a much-needed expansion of children's health coverage, President Bush distorted the issues, put partisanship over compassion, and defied the goodhearted will of the public."

And finally, in terms of newspaper endorsements, Waterloo-Cedar Falls Courier of Iowa: "Bush Should Have Compromised on SCHIP Program." "President Bush's veto Wednesday of a bill that could have dramatically expanded children's health insurance came as no surprise. He had promised to do so even before a compromise was hammered out in Congress. Bush's determination, in the face of bipartisan support for the bill and with polls showing the bill is favored by nearly two-thirds of Americans, is troubling."

All of these newspapers have said pointblank that President Bush is wrong on this issue, that President Bush should not use this as a political partisan dagger, that he should move forward and allow the children of America across the board to have access to health care coverage.

□ 2015

The other reason this bill becomes so very important is because a lot of employers no longer are providing health care coverage for their employees. A number of employees can't afford the health care coverage that employers provide. So it is particularly important for these young children to have access to well care, as well.

Let me tell you what Senator CHARLES GRASSLEY, Republican, said, "The President's understanding of our bill is wrong. I urge him is to reconsider his veto message." Senator ORRIN HATCH, another Republican, said, "We are talking about kids who basically don't have coverage. I think the President had some pretty bad advice on this." I want to echo that. I think whoever is advising President Bush on this issue is doing a detriment to the President as well as a detriment to the people of America. Senator SUSAN COLLINS, a Republican, has said, "I can't believe the President would veto a program that benefits low-income children." I couldn't believe it either, Senator COLLINS. He should not have vetoed it. But he did. So our job, as Members of Congress, is to override this veto on Thursday of this week.

Today, 50 million Americans have no health insurance. That includes more than 8 million children. Eight out of the 10 uninsured Americans either work or are in working families. Jesse Jackson, when he was running for President, Rev. Jackson, used to use the term the "working poor." They get up every morning. They go to work. They work 40, 50 hours a week. They come home every evening. The kind of money that they are receiving, even with the increase in minimum wage, still puts them below or within 200, 250 percent of poverty. So not only do we have poor people who are with no income or low income, we have working poor who need health care coverage.

My colleague, BARBARA LEE, spoke to earlier the whole issue of disparity in health care. The studies say that an African American male and a Caucasian male can have the same health care coverage but that the delivery of that health care to the African American male is less than the delivery to the Caucasian male. There are all kinds of disparities in what is going on in health care in our Nation, and this is one of the ways that we can level the playing field. We can get rid of some of the disparities within our support of SCHIP.

Being uninsured means going without needed care. It means minor illnesses become major ones because care is delayed. Tragically, it also means that one significant medical expense can wipe out a family's life savings. Right now, everybody is talking about the problem with the mortgage industry, and one of the reasons there are a significant number of foreclosures and bankruptcies is because there are families who have had to pay for health care coverage, and as a result of being required to pay for health care coverage, they are losing their houses. That should not be happening. There are millions of working uninsured Americans who go to bed every night worrying what will happen to them and their families if a major illness or injury strikes.

In Ohio, my home State, there are currently 1,362,000 uninsured. It is an increase of 18,000 people since 2003. We have also seen this drain on many of the local hospitals in my district when people are forced to use emergency rooms. The problem is getting worse. As the price of health care continues to rise, fewer individuals and families can afford to pay for coverage. Fewer small businesses are able to provide coverage for their employees, and those that do are struggling to hold on to the coverage.

It is a problem that affects all of us. We cannot sit idly by while the people of this country continue to go without health care coverage. We must continue to push. And today is Monday. On Thursday, this House will vote to override the veto of SCHIP. Those of you who are listening across this country, if you have not contacted your Member of Congress, if you have not contacted your Senator and said to them that they need to vote to override this veto, I encourage you to fax, call, e-mail, stop by the office, whatever you need to do so that we can advocate on behalf of our people. This will be an opportunity this week for the people of America to stand up and say to this President that health care is a priority for us. But more importantly, health care coverage for our children is our highest priority.

I am pleased to have had the opportunity to work on the Health Subcommittee of the Ways and Means Committee. I wanted to get on that committee because that is an opportunity for me to be engaged in long-term policy development of health care in this country. In my congressional district, the largest employers are the health care industry. We have a large number of hospitals. I want to work to assure the people of the 11th Congressional District that they are going to have access to health care. I want to work to assure that people of America, black, white, brown, yellow, that we are working in order to make sure that they have health care coverage.

It has been a privilege to serve on the Health Subcommittee with my good colleague, PETE STARK, from California and a privilege to serve on the Ways and Means Committee under the leadership of CHARLES RANGEL. I have the privilege of leading this Special Order, this message on behalf of the Congressional Black Caucus and our leader CAROLYN CHEEKS KILPATRICK. It is so very, very important that we continue, the Congressional Black Caucus continues to lead on these issues. I am pleased to have the opportunity to lead this message hour in and around SCHIP this week.

Again, everyone needs to pay attention to this issue and pull out all the stops and say to President Bush that we are going to override your veto. We understand that you have chosen to go down the wrong path, that you are reaching out to the wrong people and supporting the wrong people. And you are overlooking the most important group of people in our country, and that is our children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank my dear friend, Ms. TUBBS JONES of Ohio, for organizing this special order on the very important subject of SCHIP Reauthorization. I have very serious concerns about the compromised SCHIP legislation that will come before this House later this week. My major concern is that the version of the legislation that will come before the House in response to the President's veto will be even less expansive than the version the House voted on previously.

This is extremely important because reauthorization of SCHIP is crucial to closing the racial and ethnic health disparities in this country. Narrowing health care coverage of our children, as this newly agreed upon version does, clearly falls far short of the goal that we had hoped for in our efforts to decrease health disparities. It is crucial that this Congress continue to bring awareness to the many health concerns facing minority communities and to acknowledge that we need to find solutions to address these concerns. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges.

Reauthorization of the SCHIP is crucial to realizing those solutions. However, we must not compromise away the health of millions of children who will under this new SCHIP version go without health care coverage. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities. I thank all of my CBC colleagues who have been toiling in the vineyards for years developing effective public policies and securing the resources needed to eradicate racial and gender disparities in health and wellness.

We know that the lack of healthcare contributes greatly to the racial and ethnic health disparities in this country, so we must provide our children with the health insurance coverage to remain healthy. SCHIP, established in 1997 to serve as the healthcare safety net for low-income uninsured children, has decreased the number of uninsured low-income children in the United States by more than one-third. The reduction in the number of uninsured children is even more striking for minority children.

In 2006, SCHIP provided insurance to 6.7 million children. Of these, 6.2 million were in families whose income was less than $33,200 a year for a family of three. SCHIP works in conjunction with the Medicaid safety net that serves the lowest income children and ones with disabilities. Together, these programs provide necessary preventative, primary and acute healthcare services to more than 30 million children. Eighty-six percent of these children are in working families that are unable to obtain or afford private health insurance. Meanwhile, health care through SCHIP is cost effective: it costs a mere $3.34 a day or $100 a month to cover a child under SCHIP, according to the Congressional Budget Office. There are significant benefits of the State Children's Health Insurance Program when looking at specific populations served by this program.

MINORITY CHILDREN

SCHIP has had a dramatic effect in reducing the number of uninsured minority children and providing them access to care:

Between 1996 and 2005, the percentage of low-income African American and Hispanic children without insurance decreased substantially.

In 1998, roughly 30 percent of Latino children, 20 percent of African American children, and 18 percent of Asian American and Pacific Islander children were uninsured. After enactment, those numbers had dropped by 2004 to about 12 percent, and 8 percent, respectively.

Half of all African American and Hispanic children are already covered by SCHIP or Medicaid.

More than 80 percent of uninsured African American children and 70 percent of uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support for SCHIP will be crucial to insuring this population.

Prior to enrolling in SCHIP, African American and Hispanic children were much less likely than non-Hispanic White children to have a usual source of care. After they enrolled in SCHIP, these racial and ethnic disparities largely disappeared. In addition, SCHIP eliminated racial and ethnic disparities in unmet medical needs for African American and Hispanic children, putting them on par with White children. SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has healthcare coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

TEXAS CHILDREN

The reauthorization of SCHIP is crucial for children in Texas. Texas has the highest rate of uninsured children in the nation, and Houston/Harris County the highest in the state. The SCHIP would go a long way to provide coverage for the 585,500 children enrolled in Texas's CHIP program; and to reach the 998,000 children in families with incomes under the 200 percent Federal Poverty Level (FPL) who remain uninsured.

Almost 40 percent of young children in Houston lack immunizations that help prevent deadly childhood illnesses like measles, mumps, pneumococcal disease and whooping cough. I applaud the efforts of the Houston Department of Health and Human Services (HHDHS), the Harris County Public Health and Environmental Services (HCPHES), the Texas Department of State Health Services (DSHS), Texas Children's Hospital, the Rotary Club of Houston, and the national organization Every Child By Two (ECBT) who have created a new partnership and campaign, "Immunize On Time, Every Time" to increase vaccination rates among Houston's infants and toddlers. To sustain programs such as these, we need to provide our children with the health insurance coverage they so desperately need and deserve.

According to the Immunization Bureau, Houston Department of Health and Human Services, Houston's childhood immunization rates are below average for both Texas and the country, leaving our children—and our wider community—vulnerable to potentially life-threatening illnesses.

In Texas, the SCHIP bill is the only hope for securing health care and increasing the quality of all aspects of health care for our children. Far too often in Texas, those who lack health care coverage frequently delay seeking medical care until they are seriously ill. That fact does nothing more than exacerbate the health care problem because it leads to the overload of emergency rooms which are required by law to treat them even if the patient has no ability to pay. Since emergency care is far more expensive than a scheduled visit to a doctor or clinic, hospitals end up with large costs that they, in turn, pass on to insured patients using their overtaxed facilities. As a result, insurance companies raise their rates even higher to cover the increased payouts, making their policies too expensive for more working families. The result is a health care system spiraling out of control and more children left unprotected and in poor health. Reauthorization of SCHIP would reverse this trend.

CHILDREN IN URBAN AREAS

SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has healthcare coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

CHILDREN IN RURAL COMMUNITIES

SCHIP is significantly important to children living in our country's rural areas. In rural areas: One in three children has health care coverage through SCHIP or more than half of all children whose family income is under $32,180 received healthcare coverage through Medicaid or SCHIP. Seventeen percent of children continue to be of the 50 counties with the highest rates of uninsured children, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because the goal is to reduce the number of uninsured children, reauthorizing and increasing support for SCHIP will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

Mr, Speaker, I would much rather have extended the deadline for reauthorization of SCHIP, while we diligently and reasonably consider the unsettled issues in this debate so that millions of the most vulnerable population, including many African American and other minority children can receive the health care coverage they need to remain healthy and develop into productive citizens of this great country. It is not as important to reauthorize an inferior bill under pressure of fast-approaching deadlines, as it is to ensure that we provide health care to those children who remain vulnerable to health disparities. I urge my colleagues to join me in ensuring health care coverage for millions of children and reducing health disparities among the most vulnerable populations.

I will continue to fight vigorously to ensure that we provide health coverage for millions of this nation's uninsured children. As leaders of this great nation, we have no other choice. The health of our children should not be compromised while we spend billions of dollars in other countries in the name of ensuring the health and safety of our international neighbors. While it is honorable to love thy neighbor as thyself, charity must certainly begin at home.

There is no reason why this country should continue down a dreadfully deleterious road of denying healthcare to any citizen of this country who needs it. Many of the health conditions, such as diabetes, obesity, kidney failure, cancer, hypertension and HIV/AIDS, the prevalence of which plagues minority communities most, could be curtailed or even prevented if everyone had access to health insurance. I will continue to fight hard for the most effective policy measures that aim to narrow the racial health disparity gap.

Mrs. JONES of Ohio. Mr. Speaker, I am very pleased to have been granted this message hour, and I am very pleased to yield back my time early so that the next Special Order can begin.

HOUSE RESOLUTION 106, THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, I appreciate very much that recognition, and I appreciate the Republican leader giving me this opportunity tonight to participate in our Special Order.

I am here tonight to talk about something that happened last week in the Foreign Relations Committee and to talk about something that is proposed to happen here in the House between now and the middle of November when we are supposed to be taking a break for Thanksgiving. I am here to talk about House Resolution 106, the Armenian genocide resolution. I am, as I have said before here many times, an extremely proud Member of the House of Representatives. I am so pleased to be able to represent the people of the Fifth District of North Carolina. However, when I came here, I took an oath, an oath to defend the Constitution and uphold the Constitution. I did not take an oath to say that I would ignore the good of the United States for the good of the Fifth District of North Carolina.

I thought that everyone who came here understood that our Number 1 responsibility is to work together as a group on behalf of the entire United States of America. Certainly we should do all we can to represent our districts, and I believe that every Member does that. But there are times when we must put aside provincial interest for the good of this country.

I am very disappointed that last week the Foreign Relations Committee voted out of that committee a resolution that I think puts the good of the United States in second place to the good of a small interest group. We should never do that as Members of Congress. We should assume that the oath that we take is like the doctor's oath, above all, do no harm. The resolution that was passed out of that committee last week does harm to the United States of America and does harm to people in Turkey and in other parts of the world. That is not what we should be about. The action that was taken last week and the proposed action for a vote on the floor by the entire House has been called by many others the most irresponsible act of this Congress. I agree with that.

I am particularly concerned that the Speaker of the House is the person pushing this resolution. She is third in line to be President of the United States. And exhibiting behavior that shows such provincial interest does not give me great comfort in thinking that if something were to happen and the Speaker were to assume the Presidency, that she would have the presence of mind to do what needs to be done for the good of this country. It is simply not being exhibited by her behaviors, by pressing this resolution and by other things that she has done. I am quite concerned about it.

Many people have written this Speaker, many editorials have been written saying, don't do this. This will do harm to the United States. This will do harm to Armenians. This is not the right thing to do.

I want to talk a little bit about the history of Turkey, our relationship with Turkey, and give a little bit of background to people who may not be so familiar with Turkey as a country and with what has happened there and talk about why, again, this resolution is so wrong not just at this time, but at any time in the history of this country. The Republic of Turkey was formally established on October 29, 1923, with the leadership of Mustafa Kemal Ataturk. He was the visionary leader of modern Turkey and became its first president. You see, Turkey wasn't even a country in 1915 at the time that the events that are being discussed in House Resolution 106 are talked about. The fall of the Ottoman Empire was occurring during that period of time. And so bringing these charges against Turkey is wrong because Turkey didn't exist as a country.

Turkey is the only secular pluralistic westward-looking democracy with a predominantly Muslim population. I have been to Turkey. I have been to Turkey several times. I have gotten to know the Turkish people and know them for the wonderfully warm, kind, intelligent and entrepreneurial people that they are. We are so fortunate to have them as our ally. Turkey has a significant and constructive physical and influential reach in the Balkans, the Middle East, the Caucasus and Central Asia. The United States and Turkey share common values of democracy, diversity, tolerance, social mobility, the separation of religious and civic life.

Anatolia, the home of the Republic of Turkey, has been the cradle of civilizations for millennia. The city-states of the Lycian Federation located in Patara, Turkey, inspired the Founding Fathers of the United States as they wrote the Constitution of the United States. Indeed, there is a figure of Suleyman here in the House Chamber. We recognize Suleyman as one of the great lawgivers of the world.

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Again, the United States and Turkey have been close friends and allies for more than half a century. Turkish Americans are leaders in many walks of life, ranging from the arts, science, academia and business, and have a proud heritage. Turkish Americans are good-will ambassadors of the friendship between the United States and Turkey. In celebrating their rich cultural heritage, Turkish Americans enrich society in the United States and the United States' understanding of that part of the world.

Mr. Speaker, Turkey is becoming a reliable energy hub for the Western world, in a highly volatile region, completing the East-West Energy Corridor. For decades, Turkey has stood as the bulwark of the North Atlantic Treaty Organization, NATO, on the southeastern flank of the alliance, and guarded a long common border with the Soviet Union.

Turkey has become an important partner of the United States in facing new, major challenges, such as international terrorism, ethnic and religious extremism and fundamentalism, energy and security and diversity, proliferation of weapons of mass destruction and international organized crime, including drug and human trafficking. This has been especially true since the Cold War ended.

In July, 2006, the United States and Turkey signed a "shared vision document" outlining a strategic vision for bilateral cooperation and coordination on a wide range of international matters of common concern. In 2006, and so far in 2007, Turkey has been the 30th largest market for United States exports and the 44th largest source of imports.

Mr. Speaker, Turkey continues to play an important role in Afghanistan, having twice commanded the International Security Assistance Force, and maintains a provincial reconstruction team in Afghanistan which builds hospitals, schools and roads. It plays a crucial role in helping supply services and equipment to United States forces in Iraq.

Turkey, again, has had an extraordinarily proud history and has been a very close collaborator with the United States in doing good things all over the world, but especially in its part of the world. We as Americans need to recognize the important role that Turkey has played, again, from the early millennium, and the importance that it plays in keeping peace in that part of the world.

I had the opportunity to go to Turkey in May of this year, along with five other Members of Congress. There were three Democrats and three Republicans. We visited the Armenian Patriarch and we visited the Jewish community while we were there. We visited all the major players in the Turkish government while we were there.

Turkey this year has gone through some challenges to its constitution. It has worked out those challenges. It has held elections. It has gone through some crises and handled them extremely well. We are very proud of the way that all of those things have been handled.

When we talked with people in Turkey, we heard over and over and over again how devastating this resolution would be to our relationship with the Turkish people. We heard from the Armenians in Turkey that this was a mistake. They told us over and over again that this is something people in the United States are pushing, that Armenians in the United States are pushing. They said "We do not want this done. We are working out our differences here in Turkey, and working them out very well. Please do not pass this resolution."

My three Democratic colleagues who went on that trip are all opposed to this resolution. The Republicans are opposed to it. This is a mistake. The Speaker should not be pandering to people in her own district and risking the friendship that we have with Turkey, and indeed risking our military endeavors in the Middle East. But that is what she's doing.

Again, I want to say that many people have called this the most irresponsible act of this Congress. I think that that is appropriate.

Mr. Speaker, let me share with you some other people who have expressed their interest and concern and opposition to this resolution. Eight former Secretaries of State, Democrats and Republicans, sent a letter to Speaker PELOSI. I want to quote from that letter, dated September 25, 2007:

"We are writing to express concern that H. Res. 106 could soon be put to a vote. Passage of the resolution would harm our foreign policy objectives to promote reconciliation between Turkey and Armenia. It would also strain our relations with Turkey and would endanger our national security interests in the region, including the safety of our troops in Iraq and Afghanistan.

"We do not minimize or deny the enormous significance of the horrible tragedy suffered by ethnic Armenians from 1915 to 1923. During our tenures as Secretaries of State, we each supported Presidential Statements recognizing the mass killings and forced exile of Armenians. It has been longstanding U.S. policy to encourage reconciliation between Turkey and Armenia and to urge the government of Turkey to acknowledge the tragedy. We understand the administration continues to urge the Turkish government to re-examine its history and to encourage both Turkey and Armenia to work towards reconciliation, including normalizing relations and opening the border.

"There are some hopeful signs already that both parties are engaging each other. We believe that a public statement by the U.S. Congress at this juncture is likely to undermine what has been painstakingly achieved to date."

They go on to say: "We must also recognize the important contributions Turkey is making to U.S. national security, including security and stability in the Middle East and Europe. The United States continues to rely on Turkey for its geostrategic importance. Turkey is an indispensable partner to our efforts in Iraq and Afghanistan, helping U.S. troops to combat terrorism and build security. By providing the U.S. military with access to Turkish airspace, military bases and the border crossing with Iraq, Turkey is a linchpin in the trans-shipment of vital cargo and fuel resources to U.S. troops, coalition partners and Iraqi civilians.

"Turkish troops serve shoulder to shoulder with distinction with U.S. and other NATO allies in the Balkans. Turkey is also a transit hub for non-OPEC oil and gas, and remains key to our efforts to help the Euro-Atlantic community bolster its energy security by providing alternative supply sources and routes around Russia and Iran.

"It is our view that passage of this resolution could quickly extend beyond symbolic significance. The popularly-elected Turkish Grand National Assembly might react strongly to a House resolution, as it did to a French National Assembly resolution a year ago. The result could endanger our national security interests in the region, including our troops in Iraq and Afghanistan, and damage efforts to promote reconciliation between Armenia and Turkey. We strongly urge you to prevent the resolution from reaching the House floor."

It is signed by eight former Secretaries of State, and I will submit this for the record with their signatures.

There is another letter sent to the Speaker of the House by three former Secretaries of Defense dated September 7, 2007.

"We write today to convey our deep concern regarding the damage that passage of H. Res. 106 could do to relations between the United States and Turkey, a long-time NATO ally and a country which plays a critical role in supporting the U.S. national security interests in the Balkans, greater Middle East, the Black Sea region and Afghanistan.

"The depth and breadth of our defense and security relationship with Turkey are considerable, and, as former Secretaries of Defense, we value Turkey's friendship and partnership. Turkey makes numerous and substantial contributions to U.S. goals and interests abroad, including its close relationship with Israel, its deployment of military forces to the Balkans and its contribution to the NATO effort to defeat terrorism and support democracy in Afghanistan.

"Just as public opinion plays a crucial role in our own country, the reaction of the Turkish public to the passage of H. Res. 106 would be considerable. Passage of H. Res. 106 would have a direct detrimental effect on the operational capability, safety and well-being of our armed forces in Iraq and in Afghanistan, because the Turkish parliament would likely respond to the Turkish public's call for action by restricting or cutting off U.S. access to the Turkish air base at Incirlik and closing the crossing into Iraq at the Habur Gate. The Turkish parliament would also likely retract blanket flight clearances for U.S. military overflights, which are vital to transporting supplies and fuel to our troops.

"We also believe the increasingly open debate about this issue in Turkey would surely be restricted by negative public reaction to U.S. congressional action. We are also concerned that any potential steps toward better relations between Turkey and Armenia will be set back by any action in the U.S. Congress.

"In stating our opposition to H. Res. 106, we do not suggest that anything other than the most terrible of tragedies took place as the Ottoman Empire disintegrated in the early part of the last century. As President Bush and other presidents before him have done, we recognize the need to acknowledge and learn from the tragedy.

"We respect that this issue is of great concern to you, and hope that you can consider other appropriate ways to highlight, commemorate and honor the memory of the victims, without doing damage to our contemporary relations with modern Turkey."

Again, I will submit this letter for the RECORD.

Editorials have come out in most of the major newspapers, newspapers that are not generally opposed to the

Speaker. The Washington Post editorial was titled "Worse Than Irrelevant."

"A congressional resolution about massacres in Turkey 90 years ago endangers present day U.S. security. It is easy to dismiss a nonbinding congressional resolution accusing Turkey of "genocide" against Armenians during World War I as frivolous," and "genocide" is in quotations. "Though the subject is a serious one, more than 1 million Armenians died, House Democrats pushing for a declaration on the subject have petty and parochial interests.

"The problem is that any congressional action will be taken in deadly earnest by Turkey's powerful nationalist politicians, and therefore its government, which is already struggling to resist a tidal wave of anti-Americanism in the country."

I am going to submit this entire editorial also, because it refers again to some of the letters that I have already read. But the Washington Post has said this is worse than irrelevant, because it will do harm. Again, what we should practice here is the same thing that doctors practice: Above all else, do no harm.

There is an excerpt from an editorial in the Wall Street Journal, October 2, 2007. "History is messy enough without politicians getting into the act. As a general rule, legislatures in far-off countries ought to think carefully before passing judgment on another people's history. When their sights turn in that direction, it is a fair bet that points are to be scored with powerful domestic lobbies. Playing with history often complicates the implementation of foreign policy goals as well. Politicians are paid to think about the future, not the past. Many would say, why are we doing this? Why should the Congress not be dealing with the future, instead of the past?"

I question that too, and I am going to come back to that in a minute in terms of what may be one of the real underlying reasons for all of these things coming out.

☐ 2045

Some have said that Congress rarely holds the key to America's foreign relations with a critical ally. But now with Turkey, the only Muslim country in the world allied with the United States and NATO, the future of Turkish-American relations are very much in the hands of the Congress.

This is from a survey conducted by Terror Free Tomorrow, an organization that did a survey in Turkey earlier this year. It was the first nationwide public survey of Turkey on the issue and what the survey found was that it would actually set back the cause it purports to achieve, namely Turkey's recognition of its own past and reconciliation with Armenia today.

I have a chart on this showing 78 percent of the Turkish people who were surveyed opposed this resolution, any congressional resolution dealing with the Armenian situation. Almost three-quarters of them felt that passage of an Armenian regulation resolution would worsen their opinion of the United States. Only 7 percent favored no action by the government or favored such a resolution. And three-quarters of Turks, though, would accept scholarship by independent historians on what occurred between Turks and Armenians during 1915.

Also, Turks do not consider the U.S. Congress a neutral judge of this issue. Instead, they see the resolution as driven by anti-Muslim feelings and American domestic politics. And 73 percent of Turks think a resolution will have the opposite effect and actually worsen relations between Turkey and Armenia. Again, this was a poll done in January and February of this year by Terror Free Tomorrow and the ARI Foundation. These are groups that wanted to study this issue to gather information to help people be informed of what the effect would be. The survey was done all over the country of Turkey, and the views that were held were held firmly regardless of age, income, education, or even their present view of the United States.

And 84 percent of those who now have a very favorable opinion of the United States responded that their opinion would deteriorate if the resolution were to pass. And of course the resolution has passed in the committee and the Speaker has said that she will bring it to the floor for a vote which most people in Turkey believe would be a terrible, terrible mistake.

Turkey again is a stable, moderate Muslim democracy. It is our most strategic and valuable Muslim ally. This resolution would help the cause of those extremists in Turkey who wish to reduce the nation's ties with the United States. It would discredit those within Turkey who continue to call for greater openness and plurality.

The Turkish people who answered the survey felt that it would alienate the Armenians and the Turks who through fits and starts have been slowly moving toward reconciliation of this important and divisive historical question. It could scuttle dialogue to establish a joint commission to examine the events of 1915.

Turkey is a country of considerable nationalism. The passage of this resolution would likely produce a nationalistic backlash against the United States. The whole issue of probing and making amends for the wrongs of history would be completely lost in this onslaught of Turkish nationalism. It would probably dramatically and perhaps permanently damage U.S. relations with Turkey.

As the Turkish community of Turkey recently said in a statement: "What happened to the Armenians of the Ottoman Empire during World War I—death, destruction, displacement—was a terrible tragedy, but eminent historians do not agree whether the term 'genocide' is the appropriate description of that tragedy." I certainly agree with that.

In another article by the Washington Post it said: "It is true that Turkey's military and political class has been slow to come to terms with the history and virulent nationalism, but Turkish writers and intellectuals are pushing for a change in attitude and formal and informal talks between Turks and Armenians are making slow progress. A resolution by Congress would probably torpedo rather than help such efforts. Given that reality and the high risk to vital U.S. security interests, the Armenian resolution cannot be called frivolous. In fact, its passage would be dangerous and grossly irresponsible."

Now I want to go to a piece that has been written that I certainly hope is not true. Jed Babbin, Deputy Under Secretary of Defense in President George H.W. Bush's administration, has written in Human Events magazine: "According to Defense Secretary Robert Gates, Incirlik Air Base near Adana, Turkey, is the transshipment point for about 70 percent of all air cargo, including 33 percent of the fuel going to supply U.S. forces in Iraq. Included are about 95 percent of the new MRAP, mine-resistant ambush protected vehicles, designed to save the lives of American troops.

"Turkey's Erdogan government has indicated that if the House of Representatives takes action on a nonbinding resolution being pushed by Speaker PELOSI, Turkey might revoke our ability to use Incirlik as a waypoint for Iraq supplies."

And Mr. BOEHNER has said if the Turks cut off our ability to use Incirlik, there is no question this could jeopardize our troops on the ground in Iraq. And, frankly, if this is just the latest in the Democrat string of backdoor attempts to force a retreat against the war against al Qaeda, it is certainly the most dangerous."

Mr. Babbin comes to a chilling conclusion in his analysis of the resolution and its impact on our Nation's relations with the nation of Turkey. This is what gives me great pause. He writes: "Speaker PELOSI is apparently so intent on forcing an end to American involvement in Iraq that she is willing to interfere in our tenuous friendship with Turkey. When she does, it will be an historic event. The House of Representatives will be responsible for alienating a key ally in time of war and possibly interdicting supplies to U.S. troops." If his prediction proves true, it will be a low point for the history of this noble body.

I hope that what Mr. Babbin is saying is not true. I hope that this is not an attempt by the Speaker to sabotage our efforts in Iraq and in Afghanistan because it puts our troops in harm's way and we have been hearing over and over again that this is not what she wants or that others in the majority want. But it would have the effect of doing that. We as Members of Congress should never take a position that would in any way put our troops in harm's way.

I am urging the Speaker to rethink her statements that she will put this resolution, H. Res. 106, on the floor for a vote. It is a nonbinding resolution. It will go nowhere else. People outside here don't understand how these resolutions work, but it would not go to the Senate to be passed. It would not go to the President to be vetoed as I feel certain the President would veto if it went there. It is a resolution only from the House of Representatives. This is a body that is capable of doing so much good, but we also have the capability of doing harm. We should practice again what physicians take an oath to do: Above all, do no harm.

I urge the Speaker: rethink your commitment to put H. Res. 106 on the floor for a vote. Realize the significant responsibility that has been given to you not just as a Member of the House of Representatives but as the Speaker of the House of Representatives, an extraordinarily great honor, the first woman in this country to be named Speaker of the House.

What message are we sending to our troops if we pass such a resolution or even consider such a resolution that puts our troops in harm's way, damages our relationship with a country that has been such a wonderful ally to us and does damage to our relationship for a long, long time to a government that has been working very hard to do the right things, to promote democracy in the Middle East, to shore up other countries that are working to promote democracy. What messages are those going to send to other people.

I urge the Speaker to rethink her commitment to put this resolution on the floor. I urge the Speaker to get above petty and parochial interests, to think about the tremendous responsibility she bears as the Speaker of the House.

We are not often involved in foreign relations on the scale that we are being asked to be involved in the House at this time. It is an awesome responsibility. We all should remember that we have taken an oath to defend the Constitution and to defend this country. Bringing such a resolution to the floor will do damage to our country, to our relationship with a valued ally, and I believe ultimately will do harm to our efforts to bring peace and stability to the Middle East.

I urge the Speaker to rise above again petty parochialism, come to the realization that this is an extremely serious matter that needs to be dealt with in a very different way than it has been dealt with thus far, and reject petty parochialism in favor of looking to the larger issue, looking to the future, not to the past, and helping the Armenians and the Turks come to grips with this difference of opinion that they have, resolve it within their own country, keep the United States looking for those things that are important to the United States, not getting involved with the internal affairs of other countries and promoting peace and stability in the Middle East.

☐ 2100

Let us let the 110th Congress not be thought of as passing the most irresponsible resolution that could be passed in this session of Congress. Let us focus on positive things, things that will move this country forward and not things that will do harm to this country, to other countries and, most of all, not to our troops serving overseas, protecting us so we can be here to practice the free speech that they make possible for us.

I will insert the material I previously referred to in the RECORD at this point.

TCA ISSUE PAPER 25

October 1, 2007, Former Secretaries of State and Defense Object to H. Res. 106

The following letters have been sent to the Honorable Nancy Pelosi, Speaker of the House of Representatives, by former U.S. Secretaries of State and former U.S. Secretaries of Defense voicing their objection to House Resolution 106, which asks for U.S. recognition of Armenian allegations of genocide.

LETTER BY SECRETARIES OF STATE TO SPEAKER PELOSI

SEPTEMBER 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: We are writing to express concern that H. Res. 106 could soon be put to a vote. Passage of the resolution would harm our foreign policy objectives to promote reconciliation between Turkey and Armenia. It would also strain our relations with Turkey, and would endanger our national security interests in the region, including the safety of our troops in Iraq and Afghanistan.

We do not minimize or deny the enormous significance of the horrible tragedy suffered by ethnic Armenians from 1915 to 1923. During our tenures as Secretaries of State, we each supported Presidential statements recognizing the mass killings and forced exile of Armenians. It has been longstanding U.S. policy to encourage reconciliation between Turkey and Armenia and to urge the government of Turkey to acknowledge the tragedy. We understand the Administration continues to urge the Turkish government to reexamine its history and to encourage both Turkey and Armenia to work towards reconciliation, including normalizing relations and opening the border. There are some hopeful signs already that both parties are engaging each other. We believe that a public statement by the U.S. Congress at this juncture is likely to undermine what has been painstakingly achieved to date.

We must also recognize the important contributions Turkey is making to U.S. national security, including security and stability in the Middle East and Europe. The United States continues to rely on Turkey for its geo-strategic importance. Turkey is an indispensable partner to our efforts in Iraq and Afghanistan, helping U.S. troops to combat terrorism and build security. By providing the U.S. military with access to Turkish airspace, military bases, and the border crossing with Iraq, Turkey is a linchpin in the transshipment of vital cargo and fuel resources to U.S. troops, coalition partners, and Iraqi civilians. Turkish troops serve shoulder-to-shoulder with distinction with U.S. and other NATO allies in the Balkans. Turkey is also a transit hub for non-OPEC oil and gas and remains key to our efforts to help the Euro-Atlantic community bolster its energy security by providing alternative supply sources and routes around Russia and Iran.

It is our view that passage of this resolution could quickly extend beyond symbolic significance. The popularly elected Turkish Grand National Assembly might react strongly to a House resolution, as it did to a French National Assembly resolution a year ago. The result could endanger our national security interests in the region, including our troops in Iraq and Afghanistan, and damage efforts to promote reconciliation between Armenia and Turkey. We strongly urge you to prevent the resolution from reaching the House floor.

Sincerely,
Alexander M. Haig, Jr., George P. Shultz, Lawrence S. Eagleburger, Madeleine K. Albright, Henry A. Kissinger, James A. Baker III, Warren Christopher, Colin L. Powell.

[From the Washington Post, Oct. 10, 2007]

WORSE THAN IRRELEVANT: A CONGRESSIONAL RESOLUTION ABOUT MASSACRES IN TURKEY 90 YEARS AGO ENDANGERS PRESENT-DAY U.S. SECURITY.

It's easy to dismiss a nonbinding congressional resolution accusing Turkey of "genocide" against Armenians during World War I as frivolous. Though the subject is a serious one—more than 1 million Armenians may have died at the hands of the Young Turk regime between 1915 and the early 1920s—House Democrats pushing for a declaration on the subject have petty and parochial interests. Rep. Adam B. Schiff (D-Calif.), the chief sponsor, says he has more than 70,000 ethnic Armenians in his Los Angeles district. Speaker Nancy Pelosi (D-Calif.), who has promised to bring the measure to a vote on the House floor, has important Armenian American campaign contributors. How many House members can be expected to carefully weigh Mr. Schiff's one-sided "findings" about long-ago events in Anatolia?

The problem is that any congressional action will be taken in deadly earnest by Turkey's powerful nationalist politicians and therefore by its government, which is already struggling to resist a tidal wave of anti-Americanism in the country. Turkey's prime minister, Recep Tayyip Erdogan, called President Bush on Friday to warn against the resolution. Turkish politicians are predicting that responses to passage by the House could include denial of U.S. access to Turkey's Incirlik air base, a key staging point for military operations in Iraq and Afghanistan. The Turkish parliament could also throw off longstanding U.S. constraints and mandate an invasion of northern Iraq to attack Kurdish separatists there, something that could destabilize the only region of Iraq that is currently peaceful.

No wonder eight former secretaries of state, including Henry A. Kissinger, James A. Baker III, George P. Shultz and Madeleine K. Albright, have urged Ms. Pelosi to drop the resolution, saying it "could endanger our national security interests in the region, including our troops in Iraq and Afghanistan, and damage efforts to promote reconciliation between Armenia and Turkey." Yet the measure is proceeding: It is due to be voted on today by the House Foreign Affairs Committee.

Supporters say congressional action is justified by the refusal of the Turkish government to accept the truth of the crimes against Armenians, and its criminalization of statements describing those events as genocide. It's true that Turkey's military and political class has been inexcusably slow to come to terms with that history, and virulent nationalism—not Islamism—may be the country's most dangerous political force. But Turkish writers and intellectuals are pushing for a change in attitude, and formal and informal talks between Turks and Armenians are making slow progress. A resolution by Congress would probably torpedo rather than help such efforts. Given that reality, and the high risk to vital U.S. security interests, the Armenian genocide resolution cannot be called frivolous. In fact, its passage would be dangerous and grossly irresponsible.

LETTER BY SECRETARIES OF DEFENSE TO SPEAKER PELOSI

SEPTEMBER 7, 2007.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: We write today to convey our deep concern regarding the damage that passage of H. Res. 106 could do to relations between the United States and Turkey, a long-time NATO ally and a country which plays a critical role in supporting U.S. national security interests in the Balkans, greater Middle East, the Black Sea region and Afghanistan. The depth and breadth of our defense and security relationship with Turkey are considerable, and, as former Secretaries of Defense, we value Turkey's friendship and partnership.

Turkey makes numerous and substantial contributions to U.S. goals and interests abroad, including its close relationship with Israel, its deployment of military forces to the Balkans and its contribution to the NATO effort to defeat terrorism and support democracy in Afghanistan.

Just as public opinion plays a crucial role in our own country, the reaction of the Turkish public to the passage of H. Res. 106 would be considerable. Passage of H. Res. 106 would have a direct, detrimental effect on the operational capabilities, safety and well being of our armed forces in Iraq and in Afghanistan because the Turkish parliament would likely respond to the Turkish public's call for action by restricting or cutting off U.S. access to the Turkish air base at Incirlik and closing the crossing into Iraq at the Habur Gate. The Turkish parliament would also likely retract blanket flight clearances for U.S. military overflights, which are vital to transporting supplies and fuel to our troops. We also believe the increasingly open debate about this issue in Turkey would surely be restricted by a negative public reaction to U.S. Congressional action. We are also concerned that any potential steps toward better relations between Turkey and Armenia will be set back by any action in the U.S. Congress.

In stating our opposition to H. Res. 106, we do not suggest that anything other than the most terrible of tragedies took place as the Ottoman Empire disintegrated in the early part of the last century. As President Bush and other Presidents before him have done, we recognize the need to acknowledge and learn from the tragedy. We respect that this issue is of great concern to you, and hope that you can consider other appropriate ways to highlight, commemorate and honor the memory of the victims without doing damage to our contemporary relations with modern Turkey.

Sincerely,

FRANK CARLUCCI.
WILLIAM COHEN.
WILLIAM PERRY.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. HOYER) for today and through October 31 on account of convalescence.

Mr. CUMMINGS (at the request of Mr. HOYER) for today.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. LYNCH (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and October 16 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.
Ms. LEE, for 5 minutes, today.
Mr. MICHAUD, for 5 minutes, today.
Mr. HARE, for 5 minutes, today.
Mr. KAGEN, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. SOLIS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 22.
Mr. BURTON of Indiana, for 5 minutes, today and October 16, 17, and 18.
Mr. BURGESS, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, October 22.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 1 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 16, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3701. A letter from the Chairman, National Transportation Safety Board, transmitting a report of a violation of the Antideficiency Act by the National Transportation Safety Board, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3702. A letter from the Secretary of the Army, Department of Defense, transmitting a review of the Armed Reconnaissance Helicopter's (ARH) Program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

3703. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting the Department's report on the Joint IED Defeat Organization (JIEDDO) and the Office of the Director of Defense Research and Engineering (DDR&E) survey of international techology and research; to the Committee on Armed Services.

3704. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Exemptions for Banks Under Section 3(a)(5) of the Securities Exchange Act of 1934 and Related Rules [Release No. 34-56502; File No. S7-23-06] (RIN: 3235-AJ77) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3705. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — DEFINITIONS OF TERMS AND EXEMPTIONS RELATING TO THE "BROKER" EXCEPTIONS FOR BANKS [Release No. 34-56501; File No. S7-22-06] (RIN: 3235-AJ74) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3706. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on the Child Care and Development Fund (CCDF) for FY 2004 and FY 2005, pursuant to Public Law 104-193, section 658L; to the Committee on Education and Labor.

3707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-2007-28707] (RIN: 2127-AJ59) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3708. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mercury Switches in Motor Vehicles; Significant New Use Rule [EPA-HQ-OPPT-2005-0036; FRL-8110-5] (RIN: 2070-AJ19) received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3709. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Carbon Monoxide Maintenance Plan Update; Limited Maintenance Plan in

Philadelphia County [EPA-R03-OAR-2007-0511; FRL-8476-9] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3710. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Clean Air Interstate Rule [EPA-R04-OAR-2007-0360-200737; FRL-8478-1] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3711. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Clean Air Interstate Rule [EPA-R04-OAR-2007-0251-200738; FRL-8478-6] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3712. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Erie 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0476; FRL-8478-9] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3713. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of South Carolina: Clean Air Interstate Rule [EPA-R04-OAR-2007-0424-200746(a); [FRL-8478-3]] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3714. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Consumer and Commercial Products: Control Techniques Guidelines in Lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings [EPA-HQ-OAR-2007-0454; FRL-8478-7] (RIN: 2060-A014) received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3715. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications [EPA-HQ-OW-2005-0034; FRL-8476-5] (RIN: 2040-AE83) received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under Section 451 of the Foreign Assistance Act for the Use of Funds for Counterdrug and Law Enforcement Programs in Central America, pursuant to 22 U.S.C. 2261; to the Committee on Foreign Affairs.

3717. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-09, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

3718. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report pursuant to Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3719. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Russia, Ukraine, and Norway (Transmittal No. DDTC 096-07); to the Committee on Foreign Affairs.

3720. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3721. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3722. A letter from the Deputy Assistant General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3723. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the "Fiscal Year 2006 Accounting of Drug Control Funds," pursuant to Public Law 105-277, section 705(d)(Div. C-Title VII); to the Committee on Oversight and Government Reform.

3724. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's strategic plan covering fiscal years 2007 through 2012, pursuant to the Government Performance and Results Act; to the Committee on Oversight and Government Reform.

3725. A letter from the Director, Congressional Budget Office, transmitting the Office's report entitled, "Potential Cost Savings from the Pre-Disaster Mitigation Program," as required by the Predisaster Mitigation Program Reauthorization Act of 2005; to the Committee on Transportation and Infrastructure.

3726. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Establishment of Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2268-F] (RIN: 0938-AO96) received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER, of California: Committee on Education and Labor. H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; with an amendment (Rept. 110–374, Pt. 1). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; with an amendment (Rept. 110–374, Pt. 2). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 20. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis, with an amendment (Rept. 110–375). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 507. A bill to establish a grant program to provide vision care to children, and for other purposes; with an amendment (Rept. 110–376). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 970. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; with an amendment (Rept. 110–377). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1727. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; with an amendment (Rept. 110–378). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2295. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; with an amendment (Rept. 110–379). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2868. A bill to eliminate the exemption from State regulation for certain securities designated by national securities exchanges (Rept. 110–380). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1567. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; with an amendment (Rept. 110–381, Pt. 1). Ordered to be printed.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 741. Resolution providing for consideration of the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq (Rept. 110–382). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 742. Resolution providing for consideration of the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media (Rept. 110–383). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Energy and Commerce discharged from further consideration. H.R. 1567 referred to the Committee of

the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than October 29, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ROYBAL-ALLARD (for herself, Mr. SIMPSON, Mr. REYNOLDS, and Mr. WAXMAN):

H.R. 3825. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOREN:

H.R. 3826. A bill to amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program for information leading to the capture of Osama bin Laden; to the Committee on Foreign Affairs.

By Mr. ALTMIRE:

H.R. 3827. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mr. ELLISON, Mr. TOWNS, Mr. HONDA, Mr. PASTOR, Mr. VAN HOLLEN, Mr. HINOJOSA, Mr. STARK, Mr. RANGEL, Mr. SHAYS, Mrs. MYRICK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, and Ms. NORTON):

H.R. 3828. A bill to reduce the backlog in processing requests made by U.S. Citizenship and Immigration Services to the National Name Check Program of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. WHITFIELD):

H.R. 3829. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, Mrs. MCMORRIS RODGERS, Mr. WU, and Mr. BLUMENAUER):

H.R. 3830. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. CAMP of Michigan, Mr. BRADY of Texas, Mr. NUNES, and Mr. TIBERI):

H.R. 3831. A bill to amend the Internal Revenue Code of 1986 to increase, and make permanent certain improvements to, the child tax credit; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3832. A bill to clarify and extend the commitment of the United States to pursue economic cooperation with Costa Rica and other nations in the Caribbean Basin, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 3833. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 3834. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3835. A bill to restore the Constitution's checks and balances and protections against government abuses as envisioned by the Founding Fathers; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. WATSON, Mr. GRIJALVA, Mr. BERMAN, Mr. SPACE, Ms. MATSUI, Mr. GONZALEZ, Ms. GIFFORDS, Mr. GEORGE MILLER of California, Mr. BILBRAY, Mr. HINCHEY, Mr. GENE GREEN of Texas, Mr. FILNER, Mr. REYES, and Mr. ISSA):

H.R. 3836. A bill to require that funds awarded to States and political subdivisions for the State Criminal Alien Assistance Program be distributed no later than 120 days after the last day of the annual application period for such Program; to the Committee on the Judiciary.

By Mr. ROYCE (for himself and Ms. WATSON):

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself, Mr. LANTOS, Mr. ISSA, and Mr. BOUSTANY):

H. Res. 738. A resolution expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon; to the Committee on Foreign Affairs. considered and agreed to.

By Mr. COOPER:

H. Res. 739. A resolution honoring Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change, Winners of the 2007 Nobel Peace Prize; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CHABOT, Mr. LANTOS, Ms. ROS-LEHTINEN, Ms. LEE, Mr. MCCAUL of Texas, Mr. BISHOP of Georgia, Mrs. TAUSCHER, Mr. DOGGETT, Mr. FORTUÑO, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. WYNN, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. CLARKE, and Mr. RUSH):

H. Res. 740. A resolution condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007; to the Committee on Foreign Affairs.

By Mr. ROTHMAN:

H. Res. 743. A resolution honoring Varian Fry on the 100th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mrs. WILSON of New Mexico (for herself and Ms. HERSETH SANDLIN):

H. Res. 744. A resolution recognizing the contributions of Native American veterans and calling upon the President to issue a proclamation urging the people of the United States to observe a day in honor of Native American veterans; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 745. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 92: Mr. CARTER.

H.R. 138: Mr. BURTON of Indiana.

H.R. 321: Mr. GOODLATTE.

H.R. 333: Mr. SIRES.

H.R. 337: Mr. SKELTON.

H.R. 369: Mr. ALLEN.

H.R. 394: Mr. BROWN of South Carolina.

H.R. 549: Mr. FATTAH.

H.R. 618: Mr. GARRETT of New Jersey.

H.R. 699: Mr. BROUN of Georgia and Mr. PICKERING.

H.R. 719: Mr. COURTNEY and Mr. ROSS.

H.R. 758: Mr. COSTELLO, Mr. FILNER, Mr. GOODE, Mrs. JONES of Ohio, and Mr. JONES of North Carolina.

H.R. 760: Ms. SHEA-PORTER.

H.R. 767: Mr. GOHMERT.

H.R. 871: Mrs. MCCARTHY of New York.

H.R. 897: Mr. ALLEN and Ms. WATERS.

H.R. 1023: Mr. PETRI, Mr. DONNELLY, Mr. AL GREEN of Texas, Mr. WELCH of Vermont, Mr. FRANKS of Arizona, and Mr. BACHUS.

H.R. 1026: Mr. NEUGEBAUER.

H.R. 1043: Ms. CLARKE.

H.R. 1063: Mr. PICKERING.

H.R. 1071: Mr. SHAYS.

H.R. 1072: Ms. BERKLEY and Ms. CARSON.

H.R. 1073: Mr. FERGUSON and Mrs. GILLIBRAND.

H.R. 1076: Mr. LOEBSACK, Ms. MOORE of Wisconsin, and Mr. GERLACH.

H.R. 1077: Mrs. BIGGERT.

H.R. 1088: Mr. DANIEL E. LUNGREN of California.

H.R. 1102: Mrs. BOYDA of Kansas and Mr. ALTMIRE.

H.R. 1108: Mr. LEVIN.

H.R. 1110: Mr. BARTLETT of Maryland.

H.R. 1125: Ms. GINNY BROWN-WAITE of Florida, Ms. LORETTA SANCHEZ of California, and Mr. SALI.

H.R. 1127: Mr. ROGERS of Michigan and Mr. HOEKSTRA.

H.R. 1135: Mrs. MCCARTHY of New York.

H.R. 1147: Mr. RYAN of Wisconsin.

H.R. 1148: Mr. MICHAUD.

H.R. 1166: Mr. JACKSON of Illinois.

H.R. 1192: Mr. SMITH of New Jersey.

H.R. 1205: Ms. ROS-LEHTINEN.

H.R. 1228: Mr. COSTA.

H.R. 1248: Mr. MARKEY and Mr. FERGUSON.

H.R. 1275: Mr. LARSEN of Washington and Mr. LANGEVIN.

H.R. 1282: Mrs. NAPOLITANO.

H.R. 1352: Ms. WASSERMAN SCHULTZ.

H.R. 1357: Mr. FORBES.

H.R. 1409: Mr. PICKERING.

H.R. 1419: Mr. GRAVES, Mr. LYNCH, and Mr. SALI.

H.R. 1424: Mr. SHULER.

H.R. 1474: Ms. SLAUGHTER, Mr. ENGLISH of Pennsylvania, Mr. MANZULLO, Mr. SOUDER, Mr. ROHRABACHER, and Mr. BLUNT.

H.R. 1481: Mr. BARRETT of South Carolina.

H.R. 1497: Mr. KILDEE.

H.R. 1528: Mr. MARKEY.

H.R. 1552: Mr. SHUSTER, Ms. WOOLSEY, and Mr. MEEK of Florida.

H.R. 1566: Mr. CUMMINGS.

H.R. 1584: Ms. SUTTON and Mr. HIGGINS.

H.R. 1610: Mr. POE and Mr. UDALL of Colorado.

H.R. 1619: Mr. RAHALL.

H.R. 1621: Mr. NADLER.

H.R. 1687: Mr. MANZULLO.

H.R. 1738: Mr. UDALL of Colorado, Mr. MARKEY, Mr. ENGLISH of Pennsylvania, Mr. HASTINGS of Florida, Mr. CLAY, Ms. HERSETH SANDLIN, Mr. CAPUANO, Mr. LOBIONDO, and Mr. BOSWELL.

H.R. 1746: Mr. BILIRAKIS, Mr. GALLEGLY, Mr. MAHONEY of Florida, Mr. WILSON of South Carolina, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1755: Mrs. CAPPS.

H.R. 1767: Mr. SPACE.

H.R. 1818: Mrs. TAUSCHER and Mr. PETERSON of Minnesota.

H.R. 1823: Ms. BALDWIN.

H.R. 1843: Mr. PICKERING and Mr. BOYD of Florida.

H.R. 1869: Mr. CRAMER.

H.R. 1927: Mrs. MALONEY of New York.

H.R. 1953: Mr. GENE GREEN of Texas.

H.R. 1959: Mr. GALLEGLY and Mr. HULSHOF.

H.R. 1964: Ms. SCHWARTZ.

H.R. 1983: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1992: Ms. CORRINE BROWN of Florida, Mr. FILNER, and Mrs. GILLIBRAND.

H.R. 2033: Mr. COBLE.

H.R. 2067: Mr. FERGUSON.

H.R. 2108: Mr. MICHAUD.

H.R. 2116: Mr. CAPUANO and Mr. MILLER of North Carolina.

H.R. 2169: Mr. LIPINSKI.

H.R. 2236: Mr. HONDA and Mr. KUCINICH.

H.R. 2265: Ms. WATERS.

H.R. 2266: Ms. LEE.

H.R. 2280: Mr. MORAN of Kansas.

H.R. 2295: Mr. LARSON of Connecticut.

H.R. 2315: Mr. HULSHOF.

H.R. 2331: Mr. LINCOLN DAVIS of Tennessee.

H.R. 2332: Mrs. SCHMIDT, Mr. BRADY of Pennsylvania, Mr. FRELINGHUYSEN, Mr. HOLDEN, Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. FORBES, and Mr. CARTER.

H.R. 2380: Mr. COSTELLO, Mr. LAHOOD, Mr. GOODLATTE, and Mr. BACHUS.

H.R. 2391: Mr. CRAMER.

H.R. 2416: Mr. NEUGEBAUER.

H.R. 2417: Ms. HIRONO and Mrs. EMERSON.

H.R. 2452: Ms. DELAURO, Mr. WYNN, and Ms. MCCOLLUM of Minnesota.

H.R. 2464: Mr. EHLERS and Mr. HOLDEN.

H.R. 2505: Mr. KAGEN.

H.R. 2514: Mr. COSTELLO, Mr. ORTIZ, Mrs. DAVIS of California, Mrs. CAPPS, Mrs. MALONEY of New York, Mr. HOLT, Mr. WYNN, Mr. TOWNS, Mr. MEEK of Florida, Mr. ETHERIDGE, Ms. DELAURO, Mr. BISHOP of Georgia, Mr. PAYNE, and Mr. CUMMINGS.

H.R. 2574: Mr. WYNN.

H.R. 2578: Mr. SNYDER.

H.R. 2596: Ms. WASSERMAN SCHULTZ.

H.R. 2610: Mr. PORTER.

H.R. 2620: Mr. HONDA.

H.R. 2634: Mr. CARNAHAN.

H.R. 2639: Mr. BACHUS.

H.R. 2651: Mr. HINCHEY and Ms. WOOLSEY.

H.R. 2668: Mr. JACKSON of Illinois, Mr. FATTAH, and Mr. VAN HOLLEN.

H.R. 2677: Mr. MILLER of North Carolina.

H.R. 2686: Mr. COOPER.

H.R. 2702: Mr. MCNERNEY.

H.R. 2772: Mr. NEUGEBAUER.

H.R. 2894: Mr. SOUDER.

H.R. 2910: Ms. WATERS.

H.R. 2915: Mr. WAXMAN and Mr. LATOURETTE.

H.R. 2927: Mr. JINDAL and Mr. PORTER.

H.R. 2933: Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Ms. FOXX, and Ms. WATSON.

H.R. 3028: Mr. MANZULLO, Mr. DANIEL E. LUNGREN of California, Mr. RANGEL, and Mr. JEFFERSON.

H.R. 3029: Ms. MCCOLLUM of Minnesota.

H.R. 3033: Mr. MILLER of North Carolina.

H.R. 3040: Ms. HIRONO.

H.R. 3090: Mr. JINDAL, Mr. PRICE of North Carolina, Mr. WALDEN of Oregon, and Mr. MANZULLO.

H.R. 3109: Mr. BILIRAKIS and Mr. MCHUGH.

H.R. 3119: Mr. STARK, Ms. WATERS, and Ms. HIRONO.

H.R. 3156: Mrs. MUSGRAVE.

H.R. 3167: Mr. CUMMINGS and Ms. HIRONO.

H.R. 3175: Mr. MOORE of Kansas.

H.R. 3191: Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. KENNEDY, Mr. VAN HOLLEN, and Mr. PAYNE.

H.R. 3202: Mr. KIRK.

H.R. 3203: Mr. KIRK.

H.R. 3219: Mr. FRELINGHUYSEN, Mr. PRICE of North Carolina, Mr. BROWN of South Carolina, Ms. CLARKE, Mr. MCCOTTER, Mr. HALL of New York, Mr. OLVER, and Mr. FORTUÑO.

H.R. 3256: Ms. BORDALLO.

H.R. 3281: Ms. ZOE LOFGREN of California.

H.R. 3282: Mr. LEVIN, Mr. WALBERG, Mr. LOBIONDO, and Mr. MILLER of North Carolina.

H.R. 3298: Ms. HIRONO.

H.R. 3317: Ms. BORDALLO and Mrs. EMERSON.

H.R. 3327: Mr. FRANK of Massachusetts, Mr. MCCOTTER, Mr. HALL of New York, Ms. HIRONO, and Mr. FORTUÑO.

H.R. 3334: Mr. MCHUGH.

H.R. 3368: Mr. SMITH of New Jersey, Mr. PAYNE, and Mr. HINCHEY.

H.R. 3369: Mrs. MYRICK.

H.R. 3378: Mr. MILLER of North Carolina, Mr. FILNER, Mr. VAN HOLLEN, Mr. MCNERNEY, Mr. HASTINGS of Florida, and Mr. CLAY.

H.R. 3380: Mr. LOBIONDO and Mr. BAIRD.

H.R. 3381: Mr. BRADY of Pennsylvania.

H.R. 3389: Mrs. MCCARTHY of New York.

H.R. 3397: Ms. CARSON and Mr. COHEN.

H.R. 3438: Ms. SUTTON.

H.R. 3453: Mr. CONAWAY and Mr. CAMP of Michigan.

H.R. 3498: Mrs. JONES of Ohio.

H.R. 3512: Mr. JEFFERSON.

H.R. 3533: Mr. VELÁZQUEZ, Mr. BISHOP of Utah, Mr. WAMP, Mr. WEXLER, Mr. UDALL of Colorado, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, and Mr. BACA.

H.R. 3544: Mr. CLAY, Mr. ETHERIDGE, Mr. ALLEN, and Ms. SUTTON.

H.R. 3548: Mr. HARE and Mr. GORDON.

H.R. 3558: Mr. HOLDEN.

H.R. 3577: Ms. KILPATRICK and Mr. SIRES.

H.R. 3584: Mr. SAXTON.

H.R. 3585: Mr. PETERSON of Minnesota, Mr. INSLEE, Ms. SUTTON, and Mr. FARR.

H.R. 3609: Mr. VAN HOLLEN, Mr. STARK, Mrs. JONES of Ohio, Ms. WASSERMAN SCHULTZ, and Mr. HASTINGS of Florida.

H.R. 3622: Mr. MORAN of Kansas, Mr. MANZULLO, Mr. WALSH of New York, Mr. GRAVES, Mr. PAUL, Mr. TOM DAVIS of Virginia, and Mr. LEWIS of Georgia.

H.R. 3629: Mr. PAUL and Mr. GORDON.

H.R. 3660: Mr. BACHUS and Mr. SOUDER.

H.R. 3663: Mr. HOLT, Ms. SHEA-PORTER, Mr. HONDA, and Mr. HARE.

H.R. 3665: Mr. BRADY of Pennsylvania.

H.R. 3666: Ms. CLARKE, Mr. BUTTERFIELD, Mr. MARSHALL, and Mr. VAN HOLLEN.

H.R. 3674: Ms. HIRONO.

H.R. 3687: Mr. PASTOR, Mr. TOWNS, and Mr. GENE GREEN of Texas.

H.R. 3689: Ms. DEGETTE.

H.R. 3691: Mr. TIERNEY and Mr. DEFAZIO.

H.R. 3692: Mr. CROWLEY, Mr. RUSH, Mr. HINCHEY, Mr. FATTAH, Ms. SOLIS, Mr. FURTUÑO, Mr. TOWNS, Mr. KLEIN of Florida, and Ms. WASSERMAN SCHULTZ.

H.R. 3697: Mr. BAIRD.

H.R. 3700: Mr. WEXLER and Mr. RANGEL.

H.R. 3705: Ms. CLARKE, Mr. BUTTERFIELD, and Ms. BORDALLO.

H.R. 3723: Mr. KING of New York.

H.R. 3738: Mr. BROWN of South Carolina, Mr. KING of Iowa, and Mr. PEARCE.

H.R. 3757: Mr. LIPINSKI, Ms. SHEA-PORTER, and Mr. SHAYS.

H.R. 3779: Mr. ROYCE, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ALEXANDER, and Mr. WALBERG.

H.R. 3781: Mr. LIPINSKI.

H.R. 3793: Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. BRALEY of Iowa, Mr. TOWNS, Mr. BERRY, Mr. HOLDEN, Ms. BERKLEY, Mr. DOYLE, and Mr. PAYNE.

H.R. 3797: Mr. ETHERIDGE, Ms. HOOLEY, Mr. LIPINSKI, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, and Ms. HIRONO.

H.R. 3799: Ms. WOOLSEY.

H.R. 3807: Ms. KAPTUR, Mr. MORAN of Virginia, and Ms. HIRONO.

H.R. 3808: Ms. CLARKE.

H. Con. Res. 154: Mr. PENCE, Mr. MANZULLO, Mr. KIRK, Mr. LAMBORN, Mr. INGLIS of South Carolina, Mr. HOEKSTRA, Mr. RENZI, Mr. SMITH of New Jersey, and Mr. MCCOTTER.

H. Con. Res. 163: Mr. MCHUGH.

H. Con. Res. 182: Mr. MCHUGH, Mr. DELAHUNT, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. OBERSTAR, Mr. BRADY of Texas, Mr. HASTERT, Mr. LINDER, Mr. BARROW, Mr. LINCOLN DAVIS of Tennessee, Mr. RAMSTAD, Mr. CARNEY, Mr. MCNERNEY, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mrs. CAPPS, Mr. CANNON, and Mr. UDALL of Colorado.

H. Con. Res. 197: Mr. FARR.

H. Con. Res. 221: Mr. COHEN.

H. Con. Res. 228: Mr. MCCAUL of Texas.

H. Con. Res. 230: Mr. REYES, Mr. TOWNS, Mr. PUTNAM, Ms. MOORE of Wisconsin, Mr. LEVIN, Mr. FORBES, and Mr. KING of New York.

H. Res. 111: Mr. FRELINGHUYSEN, Mr. KINGSTON, Ms. HIRONO, and Mr. BROWN of South Carolina.

H. Res. 169: Mr. LATOURETTE and Mr. MANZULLO.

H. Res. 185: Mr. BRADY of Pennsylvania.

H. Res. 194: Ms. RICHARDSON.

H. Res. 237: Mr. BOSWELL and Mr. MORAN of Virginia.

H. Res. 245: Mr. ENGEL, Ms. BERKLEY, Mr. LAMPSON, Mr. CARDOZA, Ms. WASSERMAN SCHULTZ, and Mr. FILNER.

H. Res. 356: Mr. LIPINSKI.

H. Res. 415: Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, and Mr. BACA.

H. Res. 448: Mr. DINGELL and Mrs. DAVIS of California.

H. Res. 499: Mr. LINCOLN DAVIS of Tennessee.

H. Res. 542: Mr. BRADY of Pennsylvania and Mrs. GILLIBRAND.

H. Res. 616: Ms. HARMAN.

H. Res. 618: Mr. CARNAHAN and Mr. KUCINICH.

H. Res. 666: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. HINOJOSA.

H. Res. 684: Mr. ALTMIRE, Ms. HIRONO, and Mr. WELCH of Vermont.

H. Res. 700: Ms. BORDALLO.

H. Res. 707: Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. CARSON, and Mr. CONYERS.

H. Res. 708: Mr. COHEN, Mr. TANNER, Ms. WATSON, Mr. MILLER of North Carolina, Mr. COSTA, Mr. ACKERMAN, Mr. CARNAHAN, Mr. SHERMAN, Mr. PAYNE, Mr. DELAHUNT, Mr. JONES of North Carolina, and Mr. BERMAN.

H. Res. 713: Ms. SCHWARTZ and Mr. WEXLER.

H. Res. 721: Ms. LORETTA SANCHEZ of California.

H. Res. 725: Mr. PAYNE, Mr. KIND, Mr. LEVIN, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. THOMPSON of California, Mr. MCDERMOTT, Mr. WU, Mr. ALLEN, Mr. EMANUEL, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM of Minnesota, Ms. MOORE of Wisconsin, Ms. SOLIS, Mr. FILNER, Mr. KILDEE, Mr. DOYLE, and Mr. FARR.

H. Res. 726: Ms. HOOLEY, Mr. MEEK of Florida, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ROTHMAN, Ms. BERKLEY, Mr. HIGGINS, Ms. CLARKE, Mr. BARROW, Mr. COSTA, Mr. HINCHEY, Mr. CAPUANO, Mr. SHERMAN, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. WOLF, Mr. VAN HOLLEN, Ms. CASTOR, Ms. MATSUI, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. HINOJOSA, Mr. KIRK, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. GUTIERREZ, Mr. FARR, Mr. MURPHY of Connecticut, Mr. LARSON of Connecticut, Mr. COURTNEY, Mrs. DAVIS of California, and Ms. ESHOO.

H. Res. 730: Mr. BILIRAKIS, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 734: Mr. HIGGINS and Mr. CUMMINGS.

H. Res. 735: Ms. ZOE LOFGREN of California, Ms. WATSON, Mr. MICHAUD, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. ALLEN, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Mr. SHAYS, Mr. ELLISON, and Mr. COOPER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY RICK BOUCHER

The amendment to be offered by Representative Boucher or a designee to H.R. 2102, the Free Flow of Information Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY JOHN CONYERS, JR.

The amendment to be offered by Representative Conyers or a designee to H.R. 3773, the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" (RESTORE Act of 2007), does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. BOYD of Florida, Mr. HERGER, Mr. BERRY, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, and Mr. ROSS.

H. Res. 610: Ms. KILPATRICK.

EXTENSIONS OF REMARKS

HONORING LINDA FAGAN HALDERMAN, M.D., FACS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Doctor Linda Halderman upon being named one of "The 2007 Women of Distinction" by The Fresno County and City Republican Women Federated.

Doctor Linda Halderman graduated with honors and high distinction from the University of Illinois at Chicago in 1991. She then continued to Hahnemann University School of Medicine, where she received an MD degree in 1997 and academic honors in the following areas: CT surgery, CT surgery subinternship, critical care/SICU, general surgery, surgery research, psychopathology, clinical medicine, obstetrician/gynecologist, pediatrics, family medicine, psychiatry and pathology. Doctor Halderman started her general surgery residency at Vanderbilt University Medical Center and completed her residency at University of California, San Francisco in Fresno, CA.

In her career Doctor Halderman has focused on serving those that live in underserved rural areas of California. For a year she practiced general and trauma surgery coverage in the underserved communities of King City, Needles, Porterville, Selma, and Truckee. About 4 years ago she opened her own practice in Selma, CA. At her private practice she offers numerous services; from focusing on gallbladder disease, to benign and malignant breast disease (and mastectomies) to cosmetic dermatology. Her practice encompasses many areas of general surgery. Her work is important, but it is what she does away from the office that is even more amazing.

Doctor Halderman is involved in government reform, research and volunteer activities. She has over 50 publications and presentations that have focused on the role of government in healthcare. She has spoken on local radio and television news outlets, discussing various medical matters, particularly in regards to the latest medical breakthroughs with breast cancer. Further, Doctor Halderman has served on many panels and roundtables, including a Healthcare Town Hall Meeting co-hosted by California State Assemblyman Bill Maze and Porterville/Tulare/Visalia Chambers of Commerce, "The California Common Sense Healthcare Revolution: Solving the crisis" a panel sponsored by College Community Congregational Church, and the "Business Healthcare Summit" a panel co-hosted by Assemblyman Mike Villines and the Fresno Farm Bureau. She has also made presentations to various Republican party organizations, the American Cancer Society, high schools, and University of California, San Francisco in Fresno.

Doctor Halderman is extremely active within the community on many different levels. She is involved in several community service and professional organizations. Most recently she has been affiliated with American College of Surgeons, American Society of Breast Surgeons, California Health Collaborative Cancer Detection Program (Continuous Quality Improvement Committee Board Member and Physician Educator), California Medical Association, Fresno–Madera Medical Society (Board of Governors 2005, Editorial/Publications Board Member 2003–2004), Selma Community Hospital Foundation (Board of Trustees 2004–2006) and the Selma Community Hospital Foundation (Executive Board Member 2005–2008). She is an amazing advocate for healthcare reform that is beneficial for the patient as well as the physician.

Madam Speaker, I rise today to commend and congratulate Doctor Linda Fagan Halderman upon being awarded with "The 2007 Women of Distinction". I invite my colleagues to join me in wishing Doctor Halderman many years of continued success.

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HONORING RABBI CAROLE MEYERS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. SCHIFF. Madam Speaker, today I would like to take a moment to honor the memory of a good friend and a community leader, Rabbi Carole Meyers. Rabbi Meyers died at the age of 50 on Thursday, July 26, after a brief battle with bone cancer. She served as Rabbi of Temple Sinai in Glendale, CA, from 1986 to 2001.

Over the 15 years Rabbi Meyers served at Glendale's Temple Sinai the congregation nearly doubled in size, boosting its education programs for both children and adults.

Rabbi Meyers significantly raised the profile of the temple through her extensive work in the community. Rabbi Meyers was involved with Habitat for Humanity and the Glendale Community Foundation. She served on the Mayor's Task Force on Hate Crimes, helping to craft a citywide response plan to fight hate crimes. Rabbi Meyers also trained as a chaplain for the Glendale Police Department and helped to create an annual AIDS Awareness Prayer Service with other Glendale religious leaders.

After retiring in 2001 to spend more time with her family, Rabbi Meyers remained active in our community serving on the board of the Central Conference of American Rabbis, developing curriculum for Hebrew Union College in Los Angeles, and presiding at marriages and bar and bat mitzvahs.

In 2001, shortly after the tragic events of 9/11, Rabbi Meyers had the distinction of delivering the opening prayer in the House of Representatives. In such a sad and somber time Rabbi Meyers's prayer was uplifting and life-affirming. Her words helped console our nation. And her words that day still ring true today as we try to find answers to her untimely death.

On this floor in November 2001, Rabbi Meyers prayed,

> It takes courage to pray meaningfully in the wake of events shaping our lives.
>
> It is not that we do not turn to God, we do. We come with our praise and with our entreaties, but we strain to hear an answer, to sense God's presence radiating back to us, over the abyss that grief and fear have created.
>
> Shall we this morning, just for a moment, stop speaking to God, asking God, about God, entreating God, and instead make an effort to find once again that experience of God's presence that grounds our faith.
>
> Come with me to that place. Perhaps it was when you witnessed the birth of your child, new life so precious and pure, perhaps when you saw your soul reflected back at you in the eyes of someone whose love was infinite. Perhaps in the tangle of pain and darkness when somehow there was a presence to call, to let you know you would move forward. Perhaps when a piece of music shook you to your core, bringing an exquisite awareness of the depth of human experience.
>
> Perhaps when you truly saw the miracle of nature surrounding us, the sun rising and setting, day after day of nature in its magnificent order, there was a moment when you knew that an Other exists before whom we stand in awe and whose greatness we strive to reflect in the actions of our lives.
>
> Eternal God, be with us as we move through this time of uncertainty. Help us know that we can lend Your presence and use our lives to reflect it. Then we will have the faith to bring light and joy, peace and comfort, justice and goodness to this magnificent world God has created. Amen.

* * *

IN RECOGNITION OF FOR THE LOVE OF THE LAKE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. SESSIONS. Madam Speaker, I rise today to recognize a local community conservation organization of which I have been a volunteer and supporter, For the Love of the Lake.

This group of enthusiastic and dedicated volunteers generously gives of its time and effort to help preserve and enhance White Rock Lake Park in Dallas, Texas. As a member of this local community, I understand the desire to ensure White Rock Lake stays clean and beautiful. I also labor alongside many volunteers as an Adopt-a-Shoreline Leader by picking up litter and recyclables to maintain this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

urban oasis so that it can continue to be enjoyed by families, local citizens, and visitors. These regularly scheduled weekend clean ups help build a strong sense of community and civic duty, essential to the American spirit.

Beyond preservation, For the Love of the Lake has also sought out innovative opportunities to enhance and renovate White Rock Lake Park. They have built partnerships with the Dallas Parks and Recreation Department to implement new programs such as the White Rock 'n' Roll Run and, have created "Litter-free Louie," a mascot to help educate others on the importance of keeping our lake clean. I am proud to be associated with this valuable organization and am grateful for all that they do for White Rock Lake Park and the city of Dallas.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing their passion and hard work.

HONORING READERS' BOOKS, OF SONOMA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Readers' Books, which has been named the 2007 Sonoma Valley Business of the Year. This store has become an institution for Sonoma and the surrounding communities as a source not simply of literature, but intellectual fulfillment in many different forms.

Sixteen years ago, Andy and Lilla Weinberger dropped by my office to run an idea past me: they wanted to move into the Bay Area, and were hoping to open a bookstore that would do more than sell books. They imagined a location for the community to gather to enjoy books and hear authors, but also to serve as a forum for local issues and current events. Sonoma was suggested, and after a visit they were off and running.

Readers' Books has been an incredible resource to the community over the last 16 years, and has played host to a wide variety of groups and events. The Weinbergers have supported programs for young and old, such as sponsoring authors at the Vintage House Senior Center. They have worked to bring many of these authors into schools to read for students, and have helped serve as judges for a students' writing contest. Similarly, they provide a meeting space for many community groups, and offer the store as a forum for political discussion, including an impartial explanation of ballot measures around election time.

Readers' Books exemplifies the importance of independent stores for the sense of community in a town. Despite the rise of chain stores and Internet shopping, Readers' Books and small, independent stores like it continue to offer an irreplaceable location not just for shopping, but for communities to come together.

Readers' Books is indeed a wonderful bookstore. With a friendly staff happy to step forward with assistance or recommendations, the Weinbergers have created a bibliophile's heaven. If something isn't available from their selection, they can help a customer find it quickly and efficiently.

Madam Speaker, it is appropriate at this time that we congratulate Andy and Lilla Weinberger on the occasion of Readers' Books being named the 2007 Business of the Year. They are truly pillars of their community, and we have all greatly benefited from the wonderful store they started 16 years ago.

HONORING VIOLET HEINTZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Violet Heintz upon being named one of "The 2007 Women of Distinction" by The Fresno County and City Republican Women Federated.

Mrs. Heintz served on the Fresno County Board of Education for 32 years. She has demonstrated her lifelong commitment to community service through numerous education projects and community activities benefiting the children of Fresno County. Her dedication to education advancements led Mrs. Heintz to serve on the original governing board and licensee for the local television channel KVPT Channel 18. KVPT is better known as Valley Public Television and is one of only 14 channels in California that is part of the Public Broadcasting System. The mission of the station is to "deliver information through broadcast programming and related services to enhance and promote life long learning." This is also the mission of Mrs. Heintz. She has served on the Fresno County Trustees Association's Executive Board, the Central Valley Technology Center committee and the Fresno County Educator of the Year committee.

Her involvement in and contributions to the community have been recognized through many awards, including; the Fresno County Association of California School Administrator's Golden Apple Award, California and National PTA Honorary Service Award, Women of the Year finalist, Fresno County Status of Women, Phi Delta Kappa Community Education Award, the William E. Nili Scholarship Service Award, and the Alison Berg Award. In recognition of her timeless service, on April 23, 1999, The Elkhorn Correctional Facility Boot Camp in Fresno County was dedicated in her honor. The school is now called the Violet Heintz Education Academy. The Academy is designed to educate students that have been committed by the Juvenile Court to a long-term program for non-violent offenders. This dedication is a tribute to all of the great things that Mrs. Heintz has done for the Fresno County Department of Education.

Madam Speaker, I rise today to commend and congratulate Violet Heintz upon being awarded "The 2007 Women of Distinction". I invite my colleagues to join me in wishing Mrs. Heintz many years of continued success.

COMMEMORATING 100TH ANNIVERSARY OF THE ORANGE GROVE MONTHLY MEETING OF RELIGIOUS SOCIETY OF FRIENDS IN PASADENA, CA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. SCHIFF. Madam Speaker, I rise today to commemorate the 100th anniversary of the Orange Grove Monthly Meeting of Religious Society of Friends in Pasadena, CA.

The Orange Grove Monthly Meeting of Friends was founded in 1907 by a group of 20 Eastern Quakers who had moved to Pasadena. Quakers have played leading roles in working for peace and an end to war, promoting racial and gender equality, and supporting environmental and other social justice causes. After World War I, the Meeting members supported the American Friends Service Committee, AFSC, which engaged in post-war relief efforts in Western Europe and Russia, and also helped establish AFSC's Pacific Coast branch.

During World War II, the Meeting house served as a hostel for Japanese-Americans being sent to internment camps, and aid was sent to those already interned. The Meeting members provided hospitality and financial support to area conscientious objectors and their families, and after the end of the war, hosted families displaced by the war and its aftermath.

Meeting members have frequently led the way in civil rights and social justice movements. Meeting members took part in efforts to desegregate the Pasadena school system, participated in freedom rides in the South and attended the Selma, AL, protests.

The Orange Grove Monthly Meeting of Friends founded educational institutions that provide a nurturing educational environment for children. Pacific Ackworth Friends School (1942) and Pacific Oaks School (1945) were established by Meeting parents. In 1961, Mara Moser, an Orange Grove Friends member, established Mothers' Club to support families of men in prison. Mothers' Club later evolved into a child development and family center serving low-income families.

Members of the Orange Grove Monthly Meeting of Friends are active participants in the community. Meeting members routinely provide dinner for the homeless at Union Station in Pasadena, participate in many prison visitation programs and allow the meeting house to be used by local groups for activities such as a tutoring program for elementary school children.

It is my pleasure to recognize the Orange Grove Friends Meeting of Pasadena on its 100th anniversary of active participation in the life of our community. I ask all members to join me in extending a hearty congratulations.

HONORING NANCY GARDNER, OF SONOMA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today in honor of Nancy Gardner, who is leaving the North Bay Regional Center after 15 years as that group's executive director. She is moving on to serve as CEO of Guide Dogs for the Blind, but she leaves behind an organization that she has developed into an incredible resource for people with developmental disabilities, families, and our community.

Ms. Gardner was born in Kansas, and graduated from the University of Nebraska in 1974 with a bachelor's degree in psychology. She received a master's degree in special education and human development from the University of Kansas in 1976 before moving to California and working for with NBRC from 1980–1982. During this time she also taught courses on developmental issues and adult education at local community colleges. From 1983 to 1992, she helped coordinate several different efforts to provide services at the county and State level to adults and children in need of a helping hand. She also served the State Assembly as an analyst on legislation relating to social and developmental services, mental health and rehabilitation.

In 1992, Ms. Gardner joined NBRC as executive director, taking responsibility for leadership and management of this $105 million organization. NBRC serves a population of over 6,000 people with developmental disabilities around the North Bay region of Sonoma, Napa, and Solano counties. Based on a belief that people with developmental disabilities should have access to the same opportunities available to other citizens, NBRC offers a wide variety of services tailored to the individual. These services include diagnostic functions, individual planning, family support, advocacy and transition services, as well as an excellent array of community education and program development opportunities. The work Ms. Gardner has led at NBRC has been of immense value to thousands of individuals and families throughout the North Bay to help them rise above disability.

Ms. Gardner has served on too many boards and commissions to enumerate them all. Her work with non-profits and commissions throughout California has made her a truly valued member of our community and an acknowledged leader in her field. In addition to her work on disabilities, she remains dedicated to her husband, five children, five grandchildren, and two dogs.

Madam Speaker, it is appropriate at this time that we thank Nancy Gardner for 15 years of hard work guiding the North Bay Regional Center. Her determined leadership has bettered the lives of thousands of individuals throughout the region. Her work is not done, however, and she is moving on to fuse her love of dogs with her deep passion for aiding people with disabilities.

HONORING DR. LUIS LEAL ON HIS 100TH BIRTHDAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mrs. CAPPS. Madam Speaker, today I rise to honor Professor Luis Leal on the occasion of his 100th birthday. Professor Leal is a distinguished member of the Santa Barbara community. He is a man who has devoted his life to scholarship and education, a man dedicated to expressing and revealing the richness of Mexican, Latin American, and Chicano literature and culture.

Luis Leal was born in 1907 and grew up in Mexico City during the Mexican Revolution. He came to the United States seeking a college education and earned a bachelor's degree at Northwestern University. After a hiatus to serve in World War II, Leal earned his doctorate from the University of Chicago.

After a career teaching at the University of Mississippi, Emory University, and the University of Illinois, Leal "retired" to the Santa Barbara area at the age of 69, only to be invited to join the faculty at UC Santa Barbara as a scholar and teacher, first in the Spanish and Portuguese Department and then in the newly established Center for Chicano Studies.

Leal has enjoyed a distinguished career as one of the most highly regarded scholars of Mexican and Latin American literature, and was one of the first to draw attention to this relatively new field of study. He is the author of over 30 books and 300 articles. In 1988, he received the Distinguished Scholar Award from the National Association for Chicana and Chicano Studies in recognition of his lifetime achievement. In 1995, UCSB created the Luis Leal Endowed Chair in Chicano Studies in recognition of his accomplishments.

Leal has also received renowned cultural honors from the Mexican and American governments. In 1992, Mexican President Salinas awarded Leal the Mexican Order of the Aztec Eagle, the highest award granted to foreign citizens. It was President Bill Clinton who presented Leal with the National Humanities Medal in 1997.

As a man who has devoted his life to education and to advancing the study of Mexican, Latin American, and Chicano literature, I today recognize Luis Leal as a distinguished scholar and professor, and as a man dedicated to making our community and this Nation a richer, more vibrant place.

HONORING JUDGE DEBRA KAZANJIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Honorable Debra Kazanjian upon being named one of "The 2007 Women of Distinction" by the Fresno County and City Republican Women Federated.

Judge Kazanjian is a graduate of California State University, Fresno where she received a bachelor of arts degree, summa cum laude. She earned her juris doctor degree from McGeorge School of Law at the University of the Pacific. After completing her education, she returned to Fresno, CA, where she was born and raised. She practiced as an attorney for 19 years before being elected superior court judge in 2000. Currently, she is assigned to the probate court.

Aside from being a Superior Court Judge, Judge Kazanjian has served the legal community of Fresno County in many different capacities, including: president of the Board of Trustees of the Fresno County Law Library, two terms as a member of the Board of Directors of the Fresno County Bar Association, President of the Fresno County Young Lawyers Association, Chair of the Family Law Section of the Bar Association, member of the Domestic Violence Roundtable, and Scoring Judge at the Fresno County Mock Trial Competition. She has also spoken at numerous legal and community forums. Judge Kazanjian's community service record is as long as the list of legal services. Her community service includes: 5 years on the Fresno County Planning Commission where she also served as Chairwoman in 1995, member of the City of Fresno Charter Review Committee, one of the 1993 Top 10 Business/Professional Women of the Year, Member and Chairwoman of the Little Hoover Commission City Clerk's Office Task Force, and member of the City of Fresno Blue Ribbon Task Force on City Council Ethics and Operations. Further, she is a past president of the Fresno State Alumni Association, and a member of the Channel 18 Business Advisory Committee and the Junior League of Fresno. Lastly, she has served in the Fresno Public Education Fund's "Principal for a Day" program.

Madam Speaker, I rise today to commend and congratulate the Honorable Debra Kazanjian upon being awarded with "The 2007 Women of Distinction". I invite my colleagues to join me in wishing the Honorable Debra Kazanjian many years of continued success.

HONORING THE WORK OF WILLIE GALVAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to Willie Galvan for his role as a dedicated advocate of Hispanic and Veterans' family rights. As National Hispanic Heritage month comes to a close, I am honored to recognize a truly invaluable member and voice of our Hispanic community.

For the last 25 years, Willie has been an active member of the American GI Forum of California, an organization that works with returning Hispanic veterans and citizens to find avenues that can improve community conditions. In addition to his long-term commitment as a member, Willie also currently serves as the organization's state commander.

Originally from Victoria, TX, Willie Galvan's community organizing amongst Hispanic veterans and families began in his hometown after his honorable discharge from the U.S. Army. His work to address inequity continued when Willie and his family moved to California in the early 1970s. In the central coast communities, Willie has maintained his support for veterans while also dedicating himself to the needs of low-income families. Willie has worked tirelessly on a range of initiatives, from organizing youth development programs to starting a non-profit health care clinic, later to become Marian Community Clinic.

As a man who has spent his life committed to alleviating the struggles within the Hispanic community, Willie deserves this and many more honors. Today I stand before you expressing thanks and respect for Willie Galvan, a man whose compassion and service to those community members most in need is an example to all.

IN HONOR OF BIG BETHEL AFRICAN METHODIST EPISCOPAL (AME) CHURCH

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. LEWIS of Georgia. Madam Speaker, it is an honor that I am able to help celebrate the 160th Anniversary of Big Bethel African Methodist Episcopal, AME, Church in Atlanta. For 160 years, Big Bethel AME Church has been a leader in the Atlanta area and a cornerstone of the community. Big Bethel AME Church stands as one of the oldest and most successful churches in Atlanta, and continues its strong community work today. Big Bethel's anniversary, on October 21, 2007, is truly a day for celebration.

Big Bethel AME Church has a rich and remarkable history. After the Civil War ended slavery, Bethel Church joined the African Methodist Episcopal connection in 1865. The AME Church was founded by Richard Allen, a former slave who had purchased his freedom and started the AME Church partly in response to discrimination. Out of the AME church emerged schools, social welfare programs, character building campaigns and national leaders. Big Bethel AME Church was at the cutting edge of these programs and served as a platform for opportunity in the South, especially for African Americans. For example, in 1879, the Gate City Colored School, the first public school for African Americans in the city, was founded in the basement of Big Bethel. Big Bethel AME Church also played a key role in the early development and growth of Morris Brown College, with the college's first classes being held at the church. Throughout its history the pews of Big Bethel AME Church have held such eminent dignitaries as: Booker T. Washington (early 1900s), President William H. Taft (1911), Mary McLeod Bethune (1937), former Georgia governor and former President Jimmy Carter (1970), Nelson Mandela (1990), and, as a successful presidential candidate, William J. Clinton (1992).

Over the many years, trials and tribulations, successes and honors, Big Bethel AME Church has withstood the test of time. Big Bethel AME Church has been well served throughout its history by dedicated leaders, and active congregations. This tradition continues today under Reverend Gregory V. Eason, Sr., who I would like to recognize for his leadership in the community.

In conclusion, it is my belief that we must all dedicate ourselves to the idea of creating what Dr. Martin Luther King used to call the "Beloved Community." Big Bethel AME Church in Atlanta has been building such a community for 160 years and I am excited for this community to grow and prosper for another 160 years and beyond.

TRIBUTE TO DR. RODNEY ROBERTSON, MR. LARRY BURGER, AND DR. JAMES T. BLAKE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to three patriots who labor in the nuanced field of missile technology for the United States: Dr. Rodney Robertson, Mr. Larry Burger, and Dr. James T. Blake.

Their work—individually and collectively—offers insight into why the United States is a world leader on the cutting edge technology that will determine the future of our nation.

Dr. Rodney Robertson is the Director, U.S. Space and Missile Defense Technology Center where he directs the development of space and directed energy programs for support of Army forces worldwide.

Under his leadership, several notable programs were developed that will keep our Nation free and safe: a solid state laser to destroy artillery and rocket fire aimed at U.S. combat forces; a high altitude sensor to provide persistent surveillance and communications over large combat operations; general space-based information (including satellite communications, imagery distribution, and tracking of friendly and enemy forces).

Mr. Larry Burger is the Director of the Space and Missile Defense Future Warfare Center where he leads efforts to bring space and missile defense capabilities and concepts to the men and women who fight in theatre.

His technical direction has brought the warfighter experimentation element at U.S. Army Strategic Command (ARSTRAT) in Colorado Springs together with the simulation and analysis capabilities of SMDC in Huntsville, AL to develop advanced warfighting techniques and procedures for the U.S. Army.

To accomplish this mission, Mr. Burger organized the Future Warfare Center into several novel divisions to bring new concepts and technologies to our warfighters. The Frontiers Division, which Mr. Burger also directs, looks carefully at the needs of the Army Future Force more than 15 years out. This division works with the U.S. Strategic Command and participates in wargames at that level.

Dr. James T. Blake is the U.S. Army Program Executive Officer for Simulation, Training and Instrumentation, which provides modeling, simulation, training and testing to support the soldier in the field. This work informs the Army leadership and tactical commanders in the development of warfighting analysis and alternative solutions.

Dr. Blake joined the Army as a private in 1968 and retired as a Colonel in 1995. He is a Master Army Aviator and served as the Army's Senior Uniformed Army Scientist. After retirement, Dr. Blake joined Texas A&M University as the Program Manager for the Institute for Creative Technologies, an internationally recognized research Center for Advanced Modeling and Simulation.

Dr. Blake received his B.S. degree in accounting from University of Tampa, an M.S. degree in systems engineering from the Naval Post Graduate School, and a Ph.D. degree in computer science from Duke University.

Madam Speaker, I ask you and my colleagues to join me in honoring these great patriots for their work—past and present—which serves to keep the U.S. military the only superpower on the planet.

HONORING STANISLAUS COUNTY BINATIONAL HEALTH WEEK COMMITTEE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Stanislaus County Binational Health Week Committee upon their diligent work and commitment to bring Binational Health Week to their community.

Binational Health Week, BHW, began in 2001 with seven California cities, 98 activities, and 115 agencies involved. There were an estimated 18,720 people that were reached. This service has grown tremendously over the last 6 years. In 2006 those numbers grew to include: 31 states, 42 California cities, 1,014 activities, with about 3,000 agencies involved and an estimated 300,000 people reached. This year the event will take place throughout 31 states in the United States and three provinces in Canada. BHW has extended its outreach to include participation from 46 Mexican, 11 Guatemalan and 15 Salvadoran consulates.

With the efforts of all participating parties, BHW has become one of the largest mobilization efforts in the Americas to improve the health and well-being of an underserved population, including immigrants and migrants of Mexican and Central American descent. It encompasses an annual week long series of health promotion and health education activities that include workshops on health care and health insurance referrals, health education and health promotion by encouraging healthy behaviors and routine health care. They also provide information about local social services and clinics. The success of BHW is due to the thousands of organizations and volunteers dedicated to a common cause.

Madam Speaker, I rise today to commend and congratulate the Stanislaus County Binational Health Week Committee on their success in bringing the Binational Health Week to their county. I invite my colleagues to join me in wishing the committee many years of continued success.

CONTINUED PROHIBITION OF INTERNET GAMBLING

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. FEENEY. Madam Speaker, last year, I cosponsored legislation with Congressman BOB GOODLATTE to help stop the widespread growth of gambling over the internet. Though Federal law already prohibits gambling over telephone wires, the passage of this legislation was necessary to maintain the original intent of the law while also bringing it up to speed with the explosion of current and future technology. However, this update of the law made clear that it would only affect interstate commerce, respecting the rights of States by leaving to them the decision whether and how to regulate gambling within their own borders. New legislation before the Financial Services Committee attempts to undo all of this previous work, instead granting the Federal Government the expansive and exclusive right to regulate all online gambling. This new legislation would represent the first time in history that the Federal Government would be given power to issue gambling licenses, and it marks a significant shift away from allowing States to determine for themselves what type of policy is best. Proponents of this legislation state that the bill offers States the right to "opt out" of this regulation, but the truth is that the States already have the right to determine their own policy towards gambling without any broader Federal regulation that threatens to undermine their control over licensing standards and enforcement actions.

SEPTEMBER 28, 2007.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress: We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may "opt out" of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18–year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, "harmonizing" the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

DOUGLAS GANSLER,
Attorney General of Maryland.
BILL MCCOLLUM,
Attorney General of Florida.

CELEBRATING NATIONAL LATINO AIDS AWARENESS DAY AND 25TH ANNIVERSARY OF HIV/AIDS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. GRIJALVA. Madam Speaker, today we celebrate National Latino AIDS Awareness Day, and the 25th anniversary of HIV/AIDS. Let us mark this day with a renewed spirit and effort to battle against this deadly virus.

HIV/AIDS disproportionately affects Latinos in this country, for while Latinos only represent 14 percent of the population of this country, 19 percent of those with HIV/AIDS are Latinos. 100,000 Latinos have died from this disease. We cannot continue to allow HIV/AIDS to ravage our communities.

Educating and reaching out to our children, family, and friends to address drug use, sexuality, and sexual activity should be our number one priority, because knowledge is the first step in successful prevention. The fact that these are topics that have been deemed unmentionable for generations is one of the reasons the epidemic of HIV/AIDS affects Latinos disproportionately; this is something that we must strive to change.

We must utilize our strengths to defeat this epidemic in our communities; we cannot allow silence and lack of information on this virus to be the cause of such tragic illness and death any longer.

Access to care is also a major issue for many Latinos. This week the House will be voting to override the President's veto of the Children's Health Insurance Program, legislation which will provide 10 million low-income children with health insurance. This access to health care will allow these children to begin and continue to live healthy lives.

For a person with HIV/AIDS, access health care is imperative. Many cannot obtain private insurance, are uninsured, or do not know how to apply for public insurance. This lack of insurance leads to less access to care, which further stymies the possibilities of successfully living with HIV/AIDS. I believe that access to appropriate and affordable health care is a basic human right, and while the passage of the Children's Health Insurance Program, SCHIP, will be a good first step, it is by no means the only step we need to take.

This has been a long, frustrating battle, and it is far from over. Today I join in solidarity with those who have suffered or watched a loved one suffer from HIV/AIDS. As I recommit myself to the fight against this virus I ask you to please join me.

TRIBUTE TO JUNIUS W. WILLIAMS, ESQ.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to recognize and honor a good friend of my Congressional District and dedicated public servant, Junius Williams, Esq., a multi-faceted contributor to the community. Mr. Williams is being honored for his many years as a torch bearer in a variety of disciplines. Fortunately, for all of us in the Greater Newark Community, Mr. Williams has complete mastery of all these disciplines, which include academia, activism, Christianity, legal proficiency and mentorship.

In his role as an advocate for urban revitalization, Junius Williams served as the Director of Community Development and was at the helm of one of Newark's most significant projects, the Model Cities Program in the early 1970s. He also led the University Heights Neighborhood Urban Renewal Development Corporation. As a planner and developer, he had responsibility for the construction of over 1,200 housing units and accompanying amenities in Newark.

In 1978, Mr. Williams was elected as the youngest president of the National Bar Association. During his tenure as president, he presented a critique to the United Nations of the proposed constitution for the African nation of Zimbabwe. As an attorney, Mr. Williams was successful in representing Rev. Jesse Jackson in the historic court decision to bring single-lever voting to New Jersey, making it possible to cast one vote for the Presidential candidate and all of his delegates. He received his law degree from Yale University.

Mr. Williams has held other significant roles over the years including serving on the board of trustees for Essex County College, chairman of the Board of Education Law Center, chairing the board of trustees at Greater Abyssinian Baptist Church and serving as an official observer of the first South African National Elections in 1994. He is an accomplished musician, producer and performer. He currently serves as the director of the Abbott Leadership Institute, where he teaches parent advocacy skills to parents and professional educators at Rutgers University in Newark.

Madam Speaker, I am sure my colleagues agree that Junius Williams deserved to be feted at a celebration in his honor on Friday, October 12, 2007, for his many years of dedicated service to the community. I am proud to have him working in the 10th Congressional District and wish him continued success in his future endeavors.

HONORING BINATIONAL HEALTH WEEK COMMITTEE: COUNTIES OF FRESNO, MERCED, TULARE AND KERN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Binational Health Week Committee for the Counties of Fresno, Merced, Tulare, and Kern upon their diligent work and commitment to bring Binational Health Week to their community.

Binational Health Week, BHW, began in 2001 with seven California cities, 98 activities, and 115 agencies involved. There were an estimated 18,720 people that were reached. This service has grown tremendously over the last six years. In 2006 those numbers grew to include: 31 states, 42 California cities, 1,014 activities, with about 3,000 agencies involved and an estimated 300,000 people reached. This year the event will take place throughout 31 states in the United States and three provinces in Canada. BHW has extended its outreach to include participation from 46 Mexican, 11 Guatemalan and 15 Salvadoran consulates.

With the efforts of all participating parties, BHW has become one of the largest mobilization efforts in the Americas to improve the health and well-being of an underserved population, including immigrants and migrants of Mexican and Central American descent. It encompasses an annual week long series of health promotion and health education activities that include workshops on health care and health insurance referrals, health education and health promotion by encouraging healthy behaviors and routine health care. They also provide information about local social services and clinics. The success of BHW is due to the thousands of organizations and volunteers dedicated to a common cause.

Madam Speaker, I rise today to commend and congratulate the Binational Health Week Committee for the counties of Fresno, Merced, Tulare and Kern on their success in bringing the Binational Health Week to their counties. I invite my colleagues to join me in wishing the committee many years of continued success.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. TERRY. Madam Speaker, on October 2, I inadvertently voted "no" on rollcall 931, Expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi. I intended to enter an "aye" vote on this rollcall.

HONORING THE LIFE AND LEGACY OF WILLIAM JOHN NATHEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of William John Nathey for his contributions to the settlement of Niceville, a City in my district in Northwest Florida.

William Nathey, born in England in 1820, traveled to the United States on a timber ship. After settling in the community of Boggy, he built a large gristmill in 1857. He traveled as far as Mobile, AL, to retrieve gristmill stones, which he brought back by oxen. The stones from the Nathey Gristmill have been preserved and are now located at the Heritage Museum of Northwest Florida.

The Nathey legacy extends much further than the gristmill stones. When he settled in Northwest Florida, he met and married a woman from North Carolina. Their first child, William John, born in 1846, carried on the Nathey family legacy and went on to be a key figure in the establishment of the City of Niceville.

William John followed in his father's footsteps and set up his homestead in Northwest Florida. While his father had worked the land to support his family, William John sold carpentry shingles and often traveled to neighboring cities to support his family.

Strong family values and a solid Christian foundation also carried on from generation to generation in the Nathey family. William John and his wife, Mary Jane, were 2 of the founding members of the First United Methodist Church in Niceville. The Nathey family tree continued to grow with their children and grandchildren and carries on today. Many of William Nathey's descendents still reside in Northwest Florida.

To commemorate the 150th anniversary of the Nathey Gristmill, Governor Charlie Crist recently approved the designation of the William Nathey Bridge, which is to be celebrated with a dedication ceremony on November 12, 2007. Appropriately, the William Nathey Bridge crosses Boggy Bayou, which was the southern border to William John's original homestead.

I would like to offer my sincere gratitude to a man and a family who have served as an inspiration to us all. Such a unique family history stretching back so many years is something to truly be admired and honored.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the life and legacy of William Nathey, and as we celebrate the 150th anniversary of the construction of the Nathey Gristmill, our community reflects upon how this family has helped to create a home for so many. May God continue to bless them.

REGARDING H.J. RES. 52

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker. I rise to oppose the escalating rhetoric in Washington that is dividing our Nation, diverting attention and resources from the needs of Americans, and extending President Bush's failed policy in Iraq. I join the majority of Americans in seeking an end to the Iraq war and allowing U.S. troops to return home safe and soon.

Americans are united in support of our troops. Americans are beginning to unite behind ending the war. Ratcheting up rhetoric only divides Americans and distracts from the stark reality facing our Nation—our Nation is bogged down in President Bush's Iraq war.

My vote to recommit and amend H.J. Res. 52 was a vote to return to substantive debate of policy and priorities. This was a vote against the rising level of incivility in American political discourse. This was a vote to repudiate the MoveOn.org advertisement questioning General David H. Petraeus' loyalty to our Nation.

While members of MoveOn.org have been allies with Democrats and the majority of Americans who are seeking an end to the Iraq war, the decision by the group's National leaders to attack General Petraeus only contributed to the vitriol in Washington and provided a rally point for those who wish to extend the failed Iraq policies of President Bush and Congressional Republicans.

Just as the Swift Boating of Senators JOHN KERRY and Max Cleland poisoned the political process and disenfranchised the public by questioning the patriotism and character of honorable men, the attempt to discredit General Petraeus is equally damaging. General Petraeus is an honorable person who deserves respect, even as the public deserves to hold him accountable for the policies he implements.

Irresponsible and heated rhetoric has resulted in the current impasse on Federal funding for Government operations. To prevent funding shortfalls that would force a Government shutdown, Congress was forced to pass H.J. Res. 52 as a stopgap bill.

With bipartisan support, the House of Representatives has passed all 12 of the appropriations bills necessary to fund Government operations in Fiscal Year 2008 under pay-as-you-go balanced budget discipline. However, President Bush's combative posturing and veto threats have so thoroughly blocked progress that the Senate has only approved a third of those bills.

During the short 9 months that Democrats have led the House of Representatives, we have taken America in a new direction by developing a fiscally responsible record accomplishment. We are putting the needs of the American people first and making long-delayed investments in our future with no new deficit spending. We are investing in health care for America's children and veterans, strengthening homeland security to better protect the American people and creating American jobs by building safer roads and bridges.

President Bush has responded with vetoes, tough talk of veto threats, including a threatened veto on the bipartisan reauthorization of the Children's Health Insurance Program H.R. 976, which passed the House with 45 Republicans joining the vast majority of Democrats. A veto of this legislation by the President would deny 10 million low-income children the health care they need and deserve.

While President Bush claims that a $35 billion increase for children's health care is too much, he is seeking $190 billion in additional funding for the wars in Iraq and Afghanistan—the largest single-year amount so far. The President continues to pursue an open-ended and dangerous commitment of American troops in Iraq and an open wallet from the American people to pay for it.

It is time for Americans to stand together—Republicans and Democrats—to end the Iraq war.

CONGRATULATING MRS. DONNA DOHERTY, RECIPIENT OF THE 2007 "SAM AND JANE CALI STAR AWARD" PRESENTED BY THE BROADWAY THEATRE LEAGUE OF NEPA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mrs. Donna Doherty, this year's recipient of the Sam and Jane Cali Star Award presented by the Broadway Theatre League of NEPA in Scranton, Pennsylvania.

Each year the award is presented to a distinguished community leader who has demonstrated exemplary dedication and service to the arts in Northeastern Pennsylvania. Named for the current president of the Broadway Theatre League of NEPA, Sam Cali and his late wife, Jane Nicolais Cali, the award is sponsored by the Fidelity Deposit Discount Bank and will be presented this year at the BTL's season opening gala on November 3.

Married to Scranton Mayor Chris Doherty, Donna Doherty has a long history of dedicated service in promoting the arts. In addition to serving on the board of trustees of the Everhart Museum in Scranton, Mrs. Doherty served as Scranton coordinator for "Miles of Mules," an initiative of the Delaware and Lehigh National Heritage Corridor that combined history and art, linking communities in eastern Pennsylvania.

Her long-standing enthusiasm for the arts is evidenced by the success of her numerous arts related community efforts. In 2001, Mrs. Doherty committed herself to "Art and Jazz on the Ave," a project that showcased the energy, diversity and skills of the region's many artists. Using empty retail stores on a historically preserved block of downtown Scranton as gallery space, the event offered juried competition that included over 100 local artists. Accompanied by a street festival featuring local jazz musicians and culinary stylists, the event attracted the attention of thousands of people.

Mrs. Doherty has also served as co-chair of "Arts in Bloom," a fund raising event that benefits the Everhart Museum. Mrs. Doherty is currently the owner of Heart to Art, a full service design and marketing company dedicated to building better communities through collaborative art experiences. Mrs. Doherty and her husband are the parents of six children.

Madam Speaker, please join me in congratulating Mrs. Doherty on this auspicious occasion. Her selfless devotion to the arts has been an enriching experience for so many and has had a lasting positive impact on improving the quality of life for all who live and work in Northeastern Pennsylvania.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. COOPER. Madam Speaker, I inadvertently missed last Wednesday's vote on final passage of H.R. 2895. Had I been present for the vote, I would have voted "yes" on the National Affordable Housing Trust Fund Act of 2007.

VISION CARE FOR KIDS ACT 2007

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. MACK. Madam Speaker, I rise today to express my continued support for children's vision awareness and the Vision Care for Kids Act of 2007 (H.R. 507). Unfortunately, millions of children in the United States suffer from vision problems, many of which go undetected and negatively affect a child's life.

I know all too well how important it is to have a regular eye exam. When I was young, my own eyesight problems caused me to struggle in school until those problems were properly diagnosed and corrected.

This legislation will help improve access to eyesight testing and follow-up treatment for children so they can see, study, and learn to the best of their ability. I hope the Senate will pass this critical legislation so we ensure that our children are receiving the best eye care possible.

Madam Speaker, I urge everyone to support this legislation and I look forward to working with my colleagues as we strive to increase awareness in preventive vision care for children.

HONORING YUM! BRANDS AND THE WORLD FOOD PROGRAMME

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to acknowledge the partnership of YUM! Brands and the World Food Programme (WFP) for their efforts during World Hunger Relief Week.

A 2006 report by the Food and Agriculture Organization estimated that 854 million people worldwide suffer from hunger. This is more people than the populations of the United States, Canada and the entire European Union combined. Hunger is the number one risk to health worldwide. It weakens the immune system, making people, especially children, vulnerable to life-threatening diseases. A report by the American Journal of Clinical Nutrition found that over 5 million children die before the age of 5 from malnutrition.

YUM! Brands, which is headquartered in Louisville, Kentucky has been fighting hunger in the United States for over 10 years. During this period, they have donated over 97 million pounds of food to combat hunger in the United States.

When YUM! Brands wanted to expand their efforts worldwide, they searched for a well established organization that shared their same long-term global mission of eliminating hunger. After an extensive search YUM! Brands teamed with the World Food Programme (WFP). The WFP has been providing food aid to the world for over 41 years. Given the background of both these organizations I know they will make a significant difference toward eradicating this epidemic.

The partnership has already launched an important initiative to bring awareness to and stop world hunger. During World Hunger Relief Week, October 14th–20th, YUM! Brands will be activating a global campaign of TV advertisements, print ads and public service announcements. YUM! Brands employees will mobilize in their communities to bring awareness to this cause. The company will simultaneously promote the partnership and raise millions in funds for the WFP to use in feeding the hungry around the world.

I salute YUM! Brands and their partnership with WFP to end world hunger. I encourage my colleagues in the U.S. House of Representatives to join me in supporting this partnership during World Hunger Relief Week.

HONORING DR. HOWARD KNOBLOCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Howard Knobloch of Bay City, Michigan. The Bay Medical Foundation will honor Dr. Knobloch for over 60 years of work as a pediatrician in the Bay City community at a dinner to be held on October 24th.

Dr. Knobloch graduated from Maryland University Medical School in 1936. After completing his internship and pediatric residency, Dr. Knobloch joined the practice of Dr. Fernald Foster in 1940. From 1942 to 1946 he served as an Army captain. Once his military service was completed, Dr. Knobloch returned to Bay City and resumed his illustrious career as a pediatrician.

His motto is, "If this were my child, what would I do for him?" and Dr. Knobloch has lived this philosophy daily. In the beginning, he charged $2 for an office visit and $3 for a home visit. He was still making home visits at the age of 77. He never turned away a patient and held office hours 6 days a week. He also served on the staff of Bay Regional Medical Center for 60 years, holding various positions during that time. He was Chief of the Medical Staff for two terms, Medical Staff Secretary/Treasurer for two terms, Vice-President for eight terms and Chairman of the Department of Pediatrics for 35 years.

His peers have recognized Dr. Knobloch on numerous occasions. The Michigan Academy of Pediatrics has awarded him the Franklin D. Roosevelt Service Award, the Harry S. Truman Service Award, and in 1996 named him Doctor of the Year. The American Academy of Pediatrics presented him with the Pediatric Review and Education Program Award. In 1990 the Michigan State Medical Society recognized him as the oldest practicing physician in their membership and in 2002 Bay Regional Medical Center presented the first Excellence in Teaching Award. This award was created in honor of Dr. Knobloch for his dedication, commitment and compassion for the health care of the community. Recently at the age of 96, Dr. Knobloch published an autobiographical book entitled, "An American Pediatrician's Odyssey."

Madam Speaker, I ask the House of Representatives to join me in applauding the life and career of Dr. Howard Knobloch. He is an inspiration to all health care providers, and anyone desiring to improve and deliver quality healthcare to our children.

NATIONAL LATINO AIDS AWARENESS DAY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. RODRIGUEZ. Madam Speaker, today I would like to recognize National Latino AIDS Awareness Day. Today marks the fifth consecutive year that the U.S. has acknowledged October 15th as National Latino AIDS Awareness Day. This day presents us with the important opportunity to remember that Latinos, who represent only 14 percent of the population, account for nearly 19 percent of all AIDS cases. Today there are approximately 200,000 Latinos living with AIDS in the U.S.

Latinos make up the fastest growing minority population in the United States. Therefore, it is increasingly important that we work to achieve equality in treatment and ensure that Latinos who suffer from HIV and AIDS do not face barriers to care. National Latino AIDS Awareness Day serves both as a day of remembrance for those who are living with or have lost their lives to AIDS as well as a day to promote awareness of this disease among the Latino population.

TRIBUTE TO LAWRENCE TECHNOLOGICAL UNIVERSITY STUDENTS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. LEVIN. Madam Speaker, I rise today to recognize the accomplishments of a talented group of students from Lawrence Technological University in Southeastern Michigan for being selected to compete in the U.S. Department of Energy's 2007 Solar Decathlon. Lawrence Tech's AloeTerra team is one of just twenty teams from across the United States, Europe and Canada chosen to participate in this event.

The Solar Decathlon is an international competition organized by the Department of Energy that brings together young people from many countries to design, build and operate an energy-efficient, completely solar-powered house. More than that, the Solar Decathlon is a chance to engage the public on how small changes in building and design practices can have a big impact. With rising energy prices and increased public concern over global warming, Americans want to know what they can do in their own lives to use energy more efficiently and cleanly. Indeed, the name of the Lawrence Tech team says it all: AloeTerra means "healing the land."

At the same time, there is a large and growing world market for renewable energy and efficiency technologies. This market is worth hundreds of billions of dollars over the next decade. Clean energy creates good jobs, and that is something that all of us should encourage.

I am proud that Lawrence Technological University is in the 12th Congressional District and I am proud to represent these bright young people who have worked so hard to show how sustainability, aesthetics, and comfort can coexist. I urge all my colleagues to go down to the National Mall where the 20 Solar Decathlon teams have assembled their homes into a solar village.

TRIBUTE TO MARY LEE SLATER, A LIFE OF ACCOMPLISHMENTS, CARING AND PROMISE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. MEEK of Florida. Madam Speaker, it is with great sadness that I rise today to pay tribute to the late Mary Lee Slater, a mother of four, and grandmother to an only grandson. She died on Tuesday, October 9, 2007 and will be buried this Friday October 19, 2007 at Bethany Seventh Day Adventist Church in Miami, Florida where she was a member for many years.

Born on March 1, 1935 to the late Murdic and Illinois Jordan in Soperton, Georgia, she was the oldest of four siblings: James, Elvin, Floyd and Randolph. She moved to Miami, Florida with her family where she attended public schools, graduating from Booker T. Washington High School in 1953. She attended Hampton University in Hampton, Virginia.

Mary worked in the insurance industry for more than 30 years as an agent for such companies as Atlanta Life and American General. Because of her outstanding professionalism, work ethic and dedication to her career, she received numerous honors and awards including National Sales Achievement Award and Outstanding Sales Achievement Recognition.

Effectively balancing work and family, Mary was the dedicated mother of four loving children, Michael, Ronald, Surette and Illka. She was also the proud grandmother of one grandson, David "Boom Boom" Jonathan whom she loved and adored.

Always demonstrating love for her community, Mary was President of the High Ridge Neighborhood Improvement Association. With a reputation for helping others, solving problems and improving her community, she was a source of inspiration and wisdom. One of Mary's favorite programs was the Association's annual Thanksgiving Dinner, which provided an opportunity for residents, families and friends to gather in fellowship to give thanks to God for His many blessings. Mary received numerous awards and honors for her dedication and commitment to the community, including Making a Difference Award from Team Metro and Inner City Education Foundation Parent Club. She also served on the Model City/Brownsville Charrette Steering Committee.

A committed servant of God, whatever church Mary was a member of, she stood out as a beacon of light, who demonstrated the love of God to whomever she met. An active member in her church, Mary served on several ministries. She was a Deaconess, Sabbath School Teacher and dedicated servant. Her walk with God was evident. At Bethany Seventh Day Adventist Church, she was honored by the Sabbath School Department for Outstanding and Dedicated Service. Mary loved her church family.

Last Tuesday, Mary heard and answered her Lord's call to rest. She leaves to cherish and celebrate her life 4 loving children, Michael, Ronald, Surette Sands (Christopher), and Illka; 1 grandson, David "Boom Boom" Jonathan; 3 brothers James Jordan (Loretta) of Myrtle Beach, South Carolina, Elvin Floyd Jordan (Sandra) of Oakland, California and Randolph of Miami, Florida; and a host of relatives and friends. May God bless her soul and grant her eternal rest.

MOTIVA ENTERPRISES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. POE. Madam Speaker, on January 10, 1901, the world changed. It was on this cold day in Jefferson County, Texas, the Gladys City Oil, Gas, and Manufacturing Company discovered the largest oil reserve the world had ever seen. Since that day the modern petroleum age has been upon us and Jefferson County, Texas, has been a leader in the oil and gas industry, fueling our Nation's economy. With Motiva Enterprises recently announced expansion of their Port Arthur Refinery, this tradition of leadership will continue into the future.

Motiva Enterprises will be expanding their 104-year-old Port Arthur Refinery, becoming the largest refinery in the Nation. When construction is complete, it will produce 600,000 barrels of crude oil per day. This project will generate an economic boost to southeast Texas by bringing in 5,000 construction jobs and 300 permanent jobs.

Motiva is more that just an oil company; it is an active corporate citizen concerned about all aspects of the community where it resides. By putting together a community Citizens Action Committee composed of representatives from across the community, Motiva has helped address the community's concerns about health, jobs, environment, education, and children. Through the work of this committee and Motiva, the Motiva Youth Training Academy was opened. This academy partners with local businesses to provide juniors and seniors at local high schools with training to help them transition from high school into a professional career or to higher education.

Motiva is to be commended on its corporate citizenship and giving back to communities not only in southeast Texas but across the Nation.

And that's just the way it is.

IN HONOR OF THE EXTRAORDINARY PUBLIC SERVICE OF MICHAEL J. MADONNA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend Michael J. Madonna for his extraordinary service to the people of the State of New Jersey, and particularly to its law enforcement community.

Last month, Mike retired as President of the New Jersey State Policemen's Benevolent Association. He's been active with the PBA since 1968, when be became the State Delegate of the Oakland PBA. He later went on to serve on the State PBA Executive Board. In 1996, he began a nearly 11-year tenure as President of the State PBA. Mike has dedicated his life to keeping the people of New Jersey safe, putting his life on the line and sacrificing so much on our behalf.

The PBA is the largest union of law enforcement officers in New Jersey, with more than 350 Locals representing more than 30,000 municipal, county, state, and Federal officers. These officers have benefited greatly from the hard work and dedication that Mike has given the PBA these last forty years.

Tonight, the members of the PBA and community leaders from all across New Jersey will be honoring Mike for his career of service. I join them in thanking Michael J. Madonna for demonstrating such tremendous commitment to the safety and well-being of New Jerseyans statewide. The Garden State is a better place because of the service of people like him.

REMEMBERING NICHOLAS PALMIOTTO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. WOLF. Madam Speaker, I bring to the attention of the House Mr. Nick Palmiotto, a dedicated soldier, a leader, a father, a husband, a member of my Service Academy Advisory Board and my constituent from Sterling, Virginia, who passed away at the age of 44 on October 6 after a valiant fight against leukemia.

It was an honor to have Nick serve as a member of my Academy Board which assists in the selection of nominees for military academies. As a 1984 graduate of the Naval Academy, Nick recognized the character and integrity that would enable young men and women to become leaders and heroes, much like himself. Nick was the embodiment of what it meant to be a soldier and a true gentleman.

Nick Palmiotto was born on November 18, 1962, in Mount Kisco, New York. After completing high school at the top of his class, Nick attended the Naval Academy and graduated 11th in his class. He was accepted at the prestigious Nuclear Power School and was commissioned as a nuclear power submariner. Shortly thereafter, however, Nick was medically retired from the Navy after learning of a blood disorder that would prevent him from serving at sea.

Upon leaving the Navy, Nick continued his involvement with the military as a defense contractor, developing many high-tech programs which enhanced operations training and helped to save the lives of many soldiers on the battlefield. During the final years of his career he served in support of the Joint Chiefs of Staff.

Nick was an asset to the community and he will be greatly missed by all those who knew and loved him, including his 2 children, Kyleigh and Chad, and his wife, Janelle, of 19 years. We send our condolences to his family and friends and salute Nick Palmiotto for his life of service to his country.

HONORING MS. JANE DECKER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise, not only for myself, but also on behalf of Congress Members ANNA ESHOO and MIKE HONDA, to honor Ms. Jane Decker who is retiring after 35 years of dedicated and honorable service in county government.

The County of Santa Clara encompasses what is popularly known as Silicon Valley. While the rest of the nation may speak of "Googling" or "Podcasting" as tech tools, those of us lucky enough to live there tend to regard the companies who invented those terms as neighbors, employers and members of the community.

Known internationally as the high tech center of the universe, Santa Clara County's people are diverse. In addition to those who are highly successful, the County also encompasses individuals who face challenges from life. It is especially those persons upon whom County government focuses. Jane Decker, in her long service to the County, helped make sure that as the County's people celebrated success, they did not forget those who suffered, whether from poverty, health troubles or tragedies. Jane Decker, with her high degree of professionalism, ethics and knowledge helped craft the strategies that allowed the government of Santa Clara County to meet its challenges successfully.

While Congressman HONDA and I served on the County Board of Supervisors, we had the pleasure of working closely with Ms. Decker. We appreciated her outstanding service then. In the roles we three Members of Congress play, each of us can attest to the high degree of intelligence, caring and dedication Ms. Decker has exhibited in her professional life.

Jane Decker joined the County of Santa Clara in 1979 as the Director of Intergovernmental Relations. Because of her demonstrable leadership qualities, she has been promoted several times until her most recent post as Deputy County Executive.

In addition to her professional commitments, Jane Decker is a committed and valued volunteer for several prominent organizations in the County of Santa Clara.

We collectively extend our thanks to Ms. Decker for her years of excellent service and wish her the best upon her retirement and this new phase in her life. She has served the people of Santa Clara County well.

KINGWOOD CIVILIAN SERVES ALONGSIDE THE TROOPS IN IRAQ

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. POE. Madam Speaker, Linda Shafer Mehrmann, of Kingwood, Texas, has recently returned from Iraq not as a member of our armed forces but as a civilian contractor. She has spent much of her previous working career in fine jewelry sales. Instead of being in an air-conditioned building, surrounded by diamonds and jewels, 2 years ago she decided to go to a land of sand and rocks in order to support our troops.

In 2004, she was attending a job expo with her brother who was trying to get a job as a truck driver in Iraq. While she was waiting for him, a job recruiter struck up a conversation with Mehrmann and described a unique company position that she might be interested in because of her outgoing personality.

After discussing the position further and thinking about it for a week, she decided to become a Morale Welfare and Recreation Coordinator in Iraq. Even though she was a civilian, she worked alongside our troops in Balad, Iraq working 12 hour days 7 days a week. Her duties included operating a recreation center and a workout area for the troops.

She wanted to go to Iraq during Christmas because she felt that this would be a difficult time for the troops that were away from their families. While the troops defended our Nation's freedom in war, Mehrmann's job was to lift their spirits and be an inspirational force in their lives in Iraq.

She boosted morale by writing what she called, "love notes" to the soldiers which were small pieces of hot pink paper with inspirational quotes typed on them from a quote book. The notes were placed in an aluminum coffee can for anyone to reach in and take. At first, the macho soldiers were reluctant to accept the love notes from the 54-year-old grandmother of 4, but after the first person took 1 the popularity of the notes quickly took off.

Her quotes became a commodity on the base and were sought by many from privates up to generals. The quotes became so popular that other areas of the base created their own quote cans and quotes even started to appear on the menu board of the mess hall.

She also distributed stickers and match box cars to the troops which they greatly appreciated and sent to their children in the U.S. The small gifts made a huge impact in brightening the day of the troops and their children were glad to receive a gift from their faraway parent. Some of her other activities on the base included hosting pool tournaments, talent shows and Texas Hold'em tournaments at the recreation center.

When she returned to the U.S. after 2 years, Mehrmann decided to create a support group for those that have returned from Iraq and for those that have friends and family overseas. The group Combat Zone Here and There meets once a month in a local church in Kingwood so that servicemembers and their families can discuss their Iraq War experiences at home and abroad. When Mehrmann describes the activities that other civilians like her do to boost morale with the troops, she said it helps put the friends and family of our servicemembers at ease.

Her job as a civilian support member brought colorful life to troops living in a land of brown sand and rocks. She turned a gym for the troops into a comfortable home away from home. Mehrmann said that she didn't go to Iraq for political reasons, but to share random acts of kindness with the troops.

I salute Linda Shafer Mehrmann for her bravery and willingness to assist our Nation abroad during a time of war. Her courage and support of our troops is an inspiration to us all. And that's just the way it is.

IN HONOR OF JACK KURLANDER AND HIS LIFE OF SERVICE TO SUSSEX COUNTY, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the late Jack Kurlander, who spent a lifetime turning Sussex County, New Jersey into a destination for tourists and recreation-seekers. His vision truly transformed this picturesque region of the Garden State.

Born in Rhode Island and raised in Nutley, New Jersey, Jack Kurlander had been New Jersey's boys tennis champ while at Nutley High School. But, his love of sports extended to golf and skiing, as well. Spurred by his love of outdoor sports and recreation, Jack Kurlander set about turning this quiet Highlands region into a popular destination for a variety of outdoor sporting activities.

Jack Kurlander and his business partners, first the Fitzgerald Family and later the Mulvihill Family, were the force behind the development of ski resorts, tennis and swim clubs, picnic grounds, spa resorts, and major golf courses over the course of 4 decades. The Ballyowen Golf Course, in fact, is the top-rated public golf course in New Jersey.

Long before his vision took hold, Jack Kurlander was an avid inventor. He manufactured the first nylon tennis nets with his friend John Fitzgerald in the basement of a Nutley bakery. He created a ski-waxing machine, using his mother's disassembled washing machine to develop his invention.

This evening, outdoor enthusiasts will join together to dedicate the Memorial Garden at the 7th Hole of the Black Bear Golf Course and to pay tribute to their friend and patron. Jack suffered a heart attack in 1977, but it barely slowed him down from his mission to transform this beautiful region. Nearly 30 years later, a heart attack took his life in 2006 at the age of 76. It is said that Jack Kurlander was able to see things that were unapparent to anyone else. His gift for vision and his love of life are truly missed.

TRIBUTE TO PRIVATE FIRST CLASS THOMAS R. WILSON

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. GOODLATTE. Madam Speaker, last month we marked the sixth anniversary of the September 11th terrorist attacks against America. The terrorists responsible carefully selected their targets; the World Trade Center standing for America's success, and the Pentagon for America's strong defense. These extremists sought to bring down the greatest democracy in the history of the world. They thought we were weak—or unprepared to defend our freedom. They were wrong. The terrorists soon discovered America is not comprised of buildings; America is made up of her people. We are strong. We stand together against those who seek to destroy us.

And so it is with great sorrow but immense pride that I recognize one of my own constituents who paid the ultimate price for our freedom. Private First Class (PFC) Thomas R. Wilson, United States Army, was killed on August 27, 2007, while proudly serving his country in Afghanistan as part of the 1st Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team.

PFC Wilson, who was only 21 years old at the time of his death, grew up in Maurertown located in the beautiful Shenandoah Valley of Virginia. He was a typical all-American boy. He loved being outdoors enjoying nature. His hobbies included hunting, fishing, and hiking and he possessed a great love of art and photography. He was an active member of the 4-H and local chapter of Future Farmers of America (FFA). In high school PFC Wilson excelled in the classroom and on the athletic field. He was a member of the National Honor Society in addition to playing on Central High School's basketball and track teams. In 2004, he graduated from high school, where he is remembered by teachers and friends as "a student leader at all times."

After graduation, PFC Wilson went on to West Virginia University where he completed two years before joining the U.S. Army. Upon his completion of boot camp and airborne school, PFC Wilson was sent to Camp Ederly, in Vicenza, Italy and from there was deployed to Afghanistan.

PFC Wilson was a proud soldier. In e-mails he sent home from the war zone, he shared his commitment to the mission and his pride in the U.S. Army. According to his commanding officer, PFC Wilson's fearless actions on the day of his death saved the lives of many of his fellow soldiers. PFC Wilson has been posthumously awarded the Bronze Star, the Combat Infantryman's Badge, and the Purple Heart for these noble actions.

We extend our deepest sympathies to Julie Hepner, PFC Wilson's mother, and his siblings, Chloe, Chelsea and Ethan. Not only did Tom answer the call of his country and in doing so protect the freedoms that we so cherish, but he also paid a dear price to bring freedom to people he had never met. He gave his life in order to make our Nation stronger and safer for future generations.

In 1962, speaking to a gathering of cadets at West Point General Douglas MacArthur delivered stirring remarks in which he described the "American man at arms." He said, "His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, or from any other man."

In an age when the word 'hero' is tossed around casually to describe everything from sports stars to singers in bands, PFC Thomas R. Wilson is a hero in the truest sense of the word—a possessor of courage and strength who pursued feats of noble purpose.

HONORING LAVENIA "BEANS" VANDIVER, A TRUE TEXAS ORIGINAL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. EDWARDS. Madam Speaker, I rise today to honor a true Texas original, Lavenia "Beans" Vandiver who recently passed away. Born and raised in Moody, Texas, Beans was an inspiration and true friend to many, including a young state senator running for Congress in 1990. Beans stayed true to her Central Texas roots attending Moody schools and later attended Mary Hardin Baylor University. A devoted wife to her husband of 50 years Bert Vandiver Sr. and a loving mother to her children and grandchildren, Beans Vandiver was the best America and Texas has to offer, a vibrant force of nature that will be dearly missed.

As a businesswoman, Beans was the hard-working driving force behind several successful local businesses and real estate endeavors. Some of her proudest moments were helping young couples to realize a dream of owning their first home. Because of her success, Beans proved to be ahead of her time setting a positive example for others while shattering the glass ceiling for women in the business world.

As her beloved daughter Karen Vandiver-King also reminded us, Beans was a generous person who cared for the less fortunate and dedicated herself to giving back to the community.

Madam Speaker, today's world needs more people like Beans Vandiver and I join those who mourn her loss but celebrate the many lasting contributions and joys of her wonderful life.

I thank God for the life of Lavenia "Beans" Vandiver and ask his blessings for her family.

STATEMENT INTRODUCING AMERICAN FREEDOM AGENDA ACT OF 2007

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. PAUL. Madam Speaker, today I am introducing a comprehensive piece of legislation to restore the American Constitution and to restore the liberties that have been sadly eroded over the past several years.

This legislation seeks to restore the checks and balances enshrined in the Constitution by our Founding Fathers to prevent abuse of Americans by their government. This proposed legislation would repeal the Military Commissions Act of 2006 and re-establish the traditional practice that military commissions may be used to try war crimes in places of active hostility where a rapid trial is necessary to preserve evidence or prevent chaos.

The legislation clarifies that no information shall be admitted as evidence if it is obtained from the defendant through the use of torture or coercion. It codifies the FISA process as the means by which foreign intelligence may be obtained and it gives members of the Senate and the House of Representatives standing in court to challenge presidential signing statements that declares the president's intent to disregard certain aspects of a law passed in the U.S. Congress. It prohibits kidnapping and extraordinary rendition of prisoners to foreign countries on the president's unilateral determination that the suspect is an enemy combatant. It defends the first amendment by clarifying that journalists are not to be prevented from publishing information received from the legislative or executive branch unless such publication would cause immediate, direct, and irreparable harm to the United States.

Finally, the legislation would prohibit the use of secret evidence to designate an individual or organization with a United States presence to be a foreign terrorist or foreign terrorist organization.

I invite my colleagues to join my efforts to restore the U.S. Constitution by enacting the American Freedom Agenda Act of 2007.

CLUBCORP, THE WORLD LEADER IN PRIVATE CLUBS CELEBRATING 50 YEARS OF SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, congratulations are in order for ClubCorp of Dallas, TX. ClubCorp, the World Leader in private clubs, is celebrating 50 great years of service and tradition.

It is an honor and a privilege to represent the numerous employees at ClubCorp who have generated millions of dollars for charitable causes and philanthropic events.

On October 19, 2007, ClubCorp will host the world's largest one-day charity golf and dining event to commemorate their anniversary.

Instead of receiving gifts for their 50th anniversary, ClubCorp will again be giving back and helping as many lives as possible. The tournament, the dinners, and the auctions are all designed to give aid to four different foundations and charities.

All proceeds raised during ClubCorp Charity Classic will be divided and donated to The Muscular Dystrophy Association (MDA), the PGA Foundation, the Susan G. Komen for the Cure Foundation, and ClubCorp's Employee Partners Care Foundation.

ClubCorp continues to provide great service and tradition to its members and charities.

Congratulations again, and thank you, to ClubCorp.

HONORING THE SERVICE OF SERGEANT ADAM QUINN TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. MICA. Madam Speaker, I rise today to honor and pay tribute to SGT Adam Quinn, 22, who died October 6, 2007 while serving our Nation in Afghanistan.

Prior to joining the Army, Adam graduated from DeLand High School in DeLand, Florida where he was a leader in the Junior ROTC program. He also attended the First United Methodist Church in DeLand with his family.

Adam joined the Army and took great pride in serving his country. His colleagues remember a compassionate individual who cared deeply for others while his family recalls his uncanny ability to make people laugh. Adam's character earned him the respect of his family, friends and fellow soldiers. He was assigned to the 82nd Airborne Division based in Fort Bragg, North Carolina which was deployed to Afghanistan. Adam served with great distinction—the recipient of the Bronze Star Medal, the Purple Heart and numerous other awards and citations.

We should all remember Adam's courage and his ultimate sacrifice for our nation. The freedom and liberty we enjoy and the peace in the world for others for which he fought are part of the great legacy that SGT Adam Quinn leaves behind. He was laid to rest at Oakdale Cemetery in DeLand, Florida on October 12.

To Adam's wife, Faye; their child who will arrive in March of 2008; his parents, Charles and Sherry; his brother, Asa; and his entire family, we extend our deepest sympathy.

Madam Speaker, because of SGT Adam Quinn's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

CONGRATULATIONS TO DR. DREW MAYS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. BACHUS. Madam Speaker, today I rise to commend an individual from the District I represent, the Sixth Congressional District of Alabama, whose recent achievement in the field of music deserves the accolades and esteem of this body.

On June 3, 2007, Dr. Drew Mays of Birmingham took top honors in the world renowned Van Cliburn Foundation International Piano Competition for Outstanding Amateurs in Forth Worth, Texas. His winning performance in the final round included Beethoven's Sonata in C major, Op. 53 "Waldstein" and Liszt's Mephisto Waltz No. 1.

This event, whose prestigious sponsor has long been recognized internationally as a champion of musical excellence, gives its participants from around the world an opportunity to compete for top honors as amateur pianists. Created in 1999, the Van Cliburn Foundation's amateur competition is the most respected amateur piano competition in the United States, and was created to "celebrate the amateur spirit."

It is remarkable to note that as amateurs, competitors may not derive their principal source of income from public performances or piano instruction. Therefore, the level of artistic ability and expression is reached in tandem with balancing the pressures and concerns of daily life. This is an achievement indeed.

In addition to being a master of the piano, Dr. Mays is an ophthalmologist in private practice, specializing in glaucoma. He also serves on the staff of Birmingham's VA Medical Center, and serves as residency program director for the Department of Ophthalmology at the University of Alabama in Birmingham. However, before his medical career began, Dr. Mays studied advanced music both at the Manhattan School of Music and at the Conservatory of Music in Hannover, Germany. In 1987, he earned a master's degree in music from the University of Alabama in Tuscaloosa, the same year he began to work on his medical degree.

What is even more fascinating in my opinion is that Dr. Mays ended his musical career when he started medical school, starting a 15-year hiatus from playing the piano. Only in 2002 did Dr. Mays start to regularly play the instrument again, which culminated with his winning the Van Cliburn Foundation competition only 5 short years later.

In closing, I must remark that Dr. Mays' achievements are a realization of his unwavering commitment to the art of musical performance. Not only is Dr. Mays now a world renowned pianist committed to sharing the gift of music, but he is also a respected physician committed to helping patients with the gift of sight. Our great Nation should congratulate him on his achievements as one of Alabama's finest, and be honored to call him one of our own.

HONORING JOHN J. DUPLESSIS, SR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize John J. DuPlessis, Sr., a remarkable man with a long history of service to the Commonwealth of Kentucky. Mr. DuPlessis, a resident of Elizabethtown, will receive the Distinguished Citizen Award from the Boy Scouts of America on October 17, 2007.

John J. DuPlessis earned his undergraduate and graduate engineering degrees from North Carolina State University. He was employed for over thirty years with the Magnetic Division of Crucible Materials Corporation. He served as the President of the Crucible Magnetics plant in Elizabethtown from 1985 until his retirement in 1992. During his business career he was an active member of the Magnetic Materials Association, the Associated Industries of Kentucky, and the Gorham International Conference on Magnetic Materials.

Mr. DuPlessis has been an extremely active member of his community. He has served on the Board of Directors of the Elizabethtown Jaycees, was the first President of Let's Spruce Up, and has been active with the Elizabethtown Lions Club. He was also a board member and Chairman of the Elizabethtown Independent School System, and has been involved with Habitat for Humanity, Sigma Phi Epsilon Fraternity, St. James Catholic Church and Baptist Builders.

John DuPlessis has had a long association with the Boy Scouts of America serving as Scout Master for Troop 829. Mr. DuPlessis was also Fundraising Chairman of the Lincoln Trail District Sustaining Membership Enrollment, Lincoln Trail Camping Chairman, Wood Badge trained, and a Silver Beaver recipient.

It is my privilege to recognize John J. DuPlessis, Sr. today, before the entire United States House of Representatives, for his hard work and service to his community.

RECOGNIZING THE TOPOFF EXERCISE IN GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Ms. BORDALLO. Madam Speaker, I rise today to underline the importance of territories in Homeland Security operations. I commend the Department of Homeland Security (DHS) recognizing the importance of United States territories to the defense of the homeland and including Guam as the first U.S. territory to actively partake in the Top Officials or TOPOFF exercise being held this year in Arizona, Oregon, and Guam from October 15th to the 24th.

The 106th Congress directed that TOPOFF exercises be conducted biennially. Originally the TOPOFF exercise was to be conducted by the Department of Justice but was transferred to the DHS on March 1, 2003 along with the Office for Domestic Preparedness. These operations are designed to improve the Nation's capacity to manage complex and extreme terrorist events.

TOPOFF exercises began in 2000 and took place in Denver, Colorado and Portsmouth, New Hampshire. In focused on two different attacks one in each operational area including a bioterrorist attack and a chemical attack. TOPOFF 2 and 3 each incorporated lessons learned from the previous exercises and simulated different manmade and natural disaster events. Most recently, during TOPOFF 3 local, Federal and private sector organizations began to interface with international actors—a facet that is once again included in TOPOFF 4. Moreover, DHS has refined each subsequent exercise to reflect a more realistic scenario for local and Federal first responders.

TOPOFF 4 which begins today, October 15th, will be a 10-day exercise and will focus on five objective areas: prevention, intelligence and investigation, incident management, public information, and evaluation. The simulation will involve a series of radiological detonation devices, better known as "dirty bombs", being simultaneously detonated in the participating regions and will involve the interaction of Federal, State, and Territorial officials along with international regional partners and private sector participants. The scenario though plausible is entirely fictional and is based on no specific military or government intelligence and has been tailored to ensure participants' specific training objectives are met.

I am encouraged that Guam will be included in TOPOFF 4 exercises. The inclusion of Guam in TOPOFF 4 adds a new layer of difficulty for national disaster planning and cooperation because it involves dealing with a massive event not in the continental United States. It also shows an underlying commitment by the U.S. government to the territories and their importance to maintain security for the entire Nation. Guam's participation in TOPOFF 4 exercises continues to demonstrate its strategic importance to overall U.S. security posture.

TOPOFF 4 will highlight the ability of Guam's local first responders to respond to a lethal radiological attack on Guam. I know that Guam's emergency first responders have been working closely with the Guam National Guard's 94th Civil Support Team in preparing how to handle radiological release from a "dirty bomb". It is this type of coordination at the local level that makes this exercise important and useful. The delayed Federal response following Hurricane Katrina reminds us that our local first responders must be ready and capable of responding to a variety of dangerous scenarios. The TOPOFF exercise is critical to helping our local first responders be prepared for events that are similar if not larger in scale to what happened during Hurricane Katrina so that we may be able to avoid the mistakes of the past and be more successful, as a nation and region, to responding to such catastrophes.

I commend the Department of Homeland Security in its choice to include Guam in the TOPOFF 4 exercise. The knowledge and experience gained from this experience will ultimately strengthen our national security. I also commend the Government of Guam and Federal officials on Guam who have worked very hard over the past several months in preparing for these exercises.

PAYING TRIBUTE TO BOULDER CITY CHAMBER OF COMMERCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Boulder City Chamber of Commerce. The Boulder City Chamber of Commerce has been dedicated to serving the community of Boulder City since its founding in 1932. The Boulder City Chamber of Commerce meets the specific needs of its community members in acting as a tourism bureau, a convention bureau and a business promoter.

The Boulder City Chamber of Commerce is the voice of small business for the Boulder City establishments. The Chamber consists of 408 dues paying members. The logistical operations of the Chamber are run by only two employees and a vast team of active volunteers and ambassadors who contribute their time and energy to serve their community. The Chamber is governed by a Board of Directors who work in and with the community in order to better anticipate its needs.

The Boulder City Chamber of Commerce has always provided extensive services to its members as well as the entire city of Boulder City. They act as the voice of the community on both a statewide and national level. The Chamber also hosts several significant annual events which include Spring Jam and Hometown Christmas. These events are looked forward to yearly and happen because of the tireless and dependable efforts of the members of the Boulder City Chamber of Commerce.

Madam Speaker, I am proud to honor the Boulder City Chamber of Commerce. I would personally like to thank Jill Lagan and Goldie Begley for taking time out of their lives in order to come to Washington, DC. Meeting with members of Congress and participating in the "Las Vegas Chamber Goes to Washington" event strengthens their status as pillars of the community. The dedication and service of the Boulder City Chamber of Commerce should set an example for all businesses and members of the community alike. I applaud all their efforts and look forward to watching their future accomplishments.

TRIBUTE TO DR. BERNARD SLIGER

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. ALTMIRE. Madam Speaker, I rise to pay tribute to the late Bernard F. Sliger, Ph.D., who served as Florida State University's President from 1977 to 1991.

Dr. Sliger will be remembered for his outstanding academic service to the university, as well as for his commitment to FSU's students. During his tenure, student enrollment at Florida State increased by nearly one-third. Dr. Sliger was especially proud to establish the FAMU-FSU College of Engineering and to initiate the Panama City Campus.

Dr. Sliger also led the university to its prominent rise in intercollegiate athletics. Under his leadership, Florida State University decided to join the Atlantic Coast Conference. As a 1990 graduate and former student-athlete at Florida State, I am proud and thankful for these achievements.

His colleagues remember Dr. Sliger for his easygoing nature and love for his school and his students. I will always remember the annual ice cream socials at his residence that brought together students, faculty, and administrators. It was considered one of the highlights of the year among students.

Dr. Sliger is survived by his wife, Greta, and four children, and I want to commend Dr. Sliger in their honor for his noble service to Florida State University.

PAYING TRIBUTE TO COLONEL TERRY S. ROBINSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Colonel Terry S. Robinson and congratulate him upon his retirement. Colonel Robinson has committed his life to serving others. He served over 26 years in the Air Force and has held numerous positions at the Salvation Army Adult Rehabilitation Program in Las Vegas over the past 12 years.

Colonel Terry Robinson was born and raised in Cleveland, Ohio. He remained in Ohio to continue his formal education and received his Bachelor's and Masters Degrees in Psychology. Upon graduation from college, Mr. Robinson joined the U.S. Air Force to fulfill his military obligation. Determined and dedicated to achievement while serving his country, he stayed in until he earned the rank of full colonel. Upon retirement from the United States Air Force, Colonel Robinson began working at the Nevada Power Company supervising their security forces as the Chief of Security and acting as a consultant to ensure a safe working environment for all employees and customers.

Colonel Robinson began serving specialized needs of the citizens of Nevada when he began with the Salvation Army Rehabilitation Program as a Certified Alcohol and Drug Abuse Counselor. He advanced to Clinical Supervisor and he worked his way up to his current position of Clinical Program Director from which he is retiring.

Madam Speaker, I am proud to honor Colonel Terry S. Robinson who has served the citizens of the State of Nevada diligently. His commitment to his work in facilitating and supervising the assistance of the people in Nevada is valued and should be applauded by all. I would like to thank him for his military and civilian service and wish him well upon his retirement.

PAYING TRIBUTE TO ROB WIGTON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Rob Wigton, the incoming President of the Nevada Association of REALTORS.

Mr. Wigton's career as a realtor started in 1995 when he began working at CENTURY 21 Clark Properties. In his first three years, he became one of the company's top producing agents. Then in 1998, he was offered an opportunity to purchase an interest with the company. In 2000, he joined Patty Clark and Shele Pandl and built an 18,000 square foot "Real Estate Mall" which housed many necessary services in real estate such as sales and property management, mortgage brokerage, and homeowner's insurance. This innovative idea has become a model in the real estate industry and remains one of the most ground-breaking ideas in Nevada real estate today.

Mr. Wigton has been actively involved in his local realtor board, serving as the chair of multiple committees and as the president of the board. He has also been actively involved in the Sierra Nevada Association of REALTORS and the Nevada Association of REALTORS.

Madam Speaker, I am proud to honor Rob Wigton. His hard work and dedication to the Nevada REALTORS Association is to be admired, and I wish him well in his upcoming term as President.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 16, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 17

9:30 a.m.

Environment and Public Works

Superfund and Environmental Health Subcommittee

To hold oversight hearings to examine the federal Superfund Program's activities to protect public health.

SD-406

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs and Department of Defense collaboration, focusing on the report of the President's Commission on Care for America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission, and other related reports.

SD-562

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled "Sudan Accountability and Divestment Act of 2007," an original bill entitled "Terrorism Risk Insurance Program Reauthorization Act of 2007," and an original bill entitled "Flood Insurance Reform and Modernization Act of 2007."

SD-538

Commerce, Science, and Transportation

To hold hearings to examine consumer wireless issues.

SR-253

Judiciary

To hold hearings to examine the nomination of Michael B. Mukasey, of New York, to be Attorney General.

SH-216

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Homeland Security, focusing on contractors and the work of the government.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the digital television transition, focusing on government and industry perspectives.

SR-253

Foreign Relations

To hold hearings to examine the nominations of Daniel V. Speckhard, of Wisconsin, to be Ambassador to Greece, Thomas F. Stephenson, of California, to be Ambassador to the Portuguese Republic, and Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic.

SD-419

OCTOBER 18

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine a parliamentary perspective of challenges facing today's Europe.

B-318RHOB

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Department of Transportation.

SR-253

Environment and Public Works

To hold hearings to examine lead and children's health.

SD-406

Finance

To hold hearings to examine international trade, focusing on import health and safety for today and the future.

SD-215

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine politics in government, focusing on the scope and enforcement of the Hatch Act.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine science parks, focusing on bolstering United States competitiveness.

SR-253

Intelligence

Closed business meeting to markup pending intelligence matters.

SH-219

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service.

SD-342

OCTOBER 23

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the efficacy of the Energy Employees Occupational Illness Compensation Program, focusing on our Cold War heroes.

SD-430

OCTOBER 24

9:30 a.m.

Veterans' Affairs

To hold hearings to examine to consider pending legislation.

SD-562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of radio.

SR-253

OCTOBER 25

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.

SD-430

OCTOBER 31

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine vocational rehabilitation.

SD-562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR-253

NOVEMBER 7

10 a.m.

Rules and Administration

To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR-301

SENATE—*Tuesday, October 16, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, for Your marvelous grace that enables us to live victoriously, we thank You. Thank You for strength during life's monotony and emergencies. Help us to express our gratitude by promoting Your work in our world.

Lord, guide our lawmakers with Your higher wisdom. Empower them to walk the path that surrenders to Your will. Replace their fear with faith, their confusion with clarity, and their error with truth. Let love prevail over hate, justice triumph over greed, and harmony defeat discord. Make them willing to listen both to You and to each other. O God, give them tough faith for troubled times.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you very much, Mr. President.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for an hour. The time will be equally divided and controlled. The Republicans have the first half. We have the second half. Following morning business, Senators MIKULSKI and SHELBY, as managers of the bill, will resume consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Last night, I indicated we would work and complete this bill, either tonight or in the morning—and by "in the morning," I mean after midnight. We are going to work until we complete this bill, if, in fact, it is ever going to be completed. I am not filing cloture on the legislation. We have a finite number of amendments, and we are going to work through these amendments.

As I indicated last night, we have had good cooperation from the minority on our appropriations bills, and I hope that continues. I am confident it will. But if anyone who is mischievous thinks they will stop us from voting tonight, we will have votes. I do not need to be voting on these matters of this bill. If people think they can stop us from voting, we will have votes. Even if we have to instruct the Sergeant at Arms or do whatever is necessary, we are going to have votes tonight, unless this bill moves forward more quickly than some have said.

We need to complete this legislation. We have things that are so very important. The President yesterday said he wants appropriations bills. We cannot do the appropriations bills unless we have cooperation from Democrats and Republicans. Right now, we have 29 amendments that are here that Republicans want to deal with. There are 8 Democratic amendments. We want to get this bill done. We need to do Labor-HHS, and, hopefully, by that time we can have something ready to send to the President—any one of the six bills we would have passed. I think it is important we get this process done. The President said he wants to veto a bill. We will send him one he wants to veto if, in fact, that is what he wants to do. Hopefully, that may not be the case. But if it is, that is where we have to start with him. So there are going to be votes. There probably will be votes before our 12:30 mandated recess time.

There are other items we need to work on. For example, one reason we need to finish this bill and the Labor-HHS bill is the manager of the farm bill is HARKIN from Iowa, and we have to have him free so he can do the markup of the farm bill next week—a very important piece of legislation. In the Democratic caucus—I do not know of the Republican caucus—more than half of the Democrats are vitally interested in the farm bill because it affects their States. We have to do a farm bill. We have not done 1 in 5 years. I think it would be negligent on our part to leave here without doing a farm bill.

There are many important issues. There are people who want to change the standard farm bill we have done in years past. This is what legislating is all about. It is extremely important we work toward completing this legislation. So that is why we have the press we are having now.

I would also say, after we finish this week, we only have 4 weeks left until Thanksgiving, and then we have 2 weeks we will be out for Thanksgiving, and then, if we come back, we are going to have only 3 weeks before Christmas. We have a lot to do. I will not go through the list of what we are obligated to do, but it is a lot of stuff. I hope everyone would understand that and be thoughtful and considerate of others.

We may have to work some late nights. We may have to work some weekends. We have been very fortunate this whole year. We talked about working weekends a lot, and we have not had to do it except on a couple of occasions. The reason we have not had to do it more is because of the press of the weekend coming upon us we get our work done. That may be the case this week. I hope so. But if not, everyone should understand, if they have obligations at home, they better have some alternatives or consider missing some votes.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes within our allotment of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL GOVERNMENT SPENDING

Mr. CORNYN. Mr. President, I have, as the saying goes, some good news and some bad news. The good news is the budget deficit has dropped in the last year from 1.9 percent of the gross domestic product of this Nation down to 1.2 percent—a historic low level for the budget deficit. But as Members of the Senate know, the budget deficit is just a year-to-year statement of what the financial obligations are of the Federal Government. The figure that is the bad news is the debt; that is, the bills, if you will, owed by the American people to finance the cost of Government. The bad news is on September 27—a short time ago—this Congress voted to increase the debt ceiling for the United States of America from $8.965 trillion to $9.82 trillion.

Now a "trillion" is more money than any of us can possibly imagine, but let me break it down to what it means for every man, woman, and child in America. It means today, every man, woman, and child in America owes $30,000 of the Federal debt—the cost of the Federal Government doing business.

So instead of passing on to our children and grandchildren the kind of prosperity and opportunity to start on a level playing field and to reach their God-given potential to achieve their dreams, we are burdening our children and grandchildren today, if we do not do anything about it, with a minimum of $30,000 of debt.

The fact of the matter is, it is actually worse than that. As to Social Security, we understand from the Social Security trust fund, they will be running red ink by the year 2017, unless we do something about that. In other words, as to the Social Security taxes that are deducted from your paycheck and mine and everybody's in America to help pay our share of Social Security, the money that has to be paid out will exceed the amount of money coming in as a result of those Social Security taxes by 2017, if we do not do anything about it.

In addition, Medicare is even in worse shape. By 2013, the amount of money coming in to pay for Medicare for seniors will be exceeded by the outflow of funds. So instead of being in the black and being able to sustain itself, both Social Security and Medicare are on the road to insolvency and worse.

Just when you think the story, the financial picture, could not be any worse, there comes the revelation that actually Congress is spending the current surplus for Social Security, for Medicare, for Civil Service Retirement, and the Transportation trust fund, spending money that is a surplus now and issuing debt to be paid by our children and grandchildren—in other words, funding out of the Civil Service Retirement Fund, Medicare, Social Security, and the Transportation trust fund, taking money out of that to pay the current bills of the Federal Government.

This is a dire financial circumstance that only the Federal Government could ignore. No family, no business, no one in America could run their finances this way and get by with it, except for the Federal Government because the Federal Government can continue to issue debt to borrow from surpluses in one fund to pay for bills in another. Frankly, this is a train wreck we are beginning to see in slow motion taking place right before our eyes and will be played out over the next few years, unless we act in a more fiscally responsible way right now.

The President has vetoed the State Children's Health Insurance Program, and I want to talk about that in a minute. Thursday, I believe the House will vote on whether to override that veto and there has been a lot of misconceptions about that and I wish to clarify that with my remarks.

But I want to suggest to you that before Congress votes to expand current programs, even successful programs, beyond their original scope, such as the SCHIP program, which has been enormously successful, targeted at low-income kids whose families earn too much to qualify for Medicaid but not enough to buy private health insurance—before we expand that, not by 40 percent, which I support, but by 140 percent, to cover adults in 14 States, and with a combination of waivers that can be issued by the executive branch of Government to potentially cover people up to 400 percent of the poverty level, displacing private health insurance and taking individuals who currently have health insurance and replacing it with Government—read "taxpayer"—subsidized free health care for people, families making up to $82,000 a year—before Congress should attempt to expand programs in this sort of irresponsible manner, in my view, we ought to take a look at the programs that have been rated by the Federal Government in terms of their effectiveness and look at opportunities for cost savings there.

I think the American people do not resent paying their fair share of taxes for efficient Government and for a consensus role in what Government should be doing as opposed to the private sector. What they have a right to resent is the fact the Federal Government wastes their money and grows Government at the expense of the private sector in ways that crowd out the private sector.

I would like to suggest to my colleagues they look at a Web site called Expectmore.org. This is a Government Web site that, through the Office of Management and Budget, rates various Federal programs and agencies. What they have concluded—the Office of Management and Budget—is that out of 1,016 programs they have evaluated, 22 percent—almost a quarter of them—have been rated as ineffective or, perhaps even worse, we cannot tell whether they are working as intended—22 percent.

Only 18 percent have been rated as effective; 31 percent, moderately effective; and 29 percent, adequate. This is a miserable scorecard for the Federal Government in terms of the taxpayers' dollars actually delivering the kind of services we should expect Government to deliver, efficient use and respectful use of the taxpayers' dollars.

Before we talk about growing any program—even the SCHIP program—by 140 percent to cover adults and people in the upper middle class with free taxpayer-subsidized health insurance, should we not try to eliminate some of these ineffective programs that have been inconclusive in terms of the evaluation?

As it turns out, I have introduced legislation, along with some of my colleagues, designed to do this, building on the successful sunset commission programs in Texas and elsewhere, which periodically—say every 10 years or so—take an agency and evaluate it and make the agency justify its continued existence, start with a zero-base budget and justify each and every dollar they use in order to perform that function, in order to make sure it actually is effective.

In my State of Texas, the sunset commission has been responsible for eliminating a number of different programs and saving taxpayers a lot of money. We can do the same thing for the Federal Government in Washington if Congress would merely have the will.

Another idea, another proposal I have made, along with some colleagues, is modeled off of the enormously successful Base Realignment and Closing Commission, the BRAC Commission. This, as my colleagues know, is a way for Congress to make sure we eliminate unneeded and unnecessary military installations. When trying to do it on an individualized basis, is very hard because there is always a constituency for maintaining a military base someplace, even if it is not needed by the military. But the BRAC situation is an independent commission that collects recommendations for all of the unneeded bases and presents it to Congress for an up-or-down vote. No cherry picking, no putting some in and taking some out. We have to vote on all of them up or down. That

BRAC Commission has been enormously successful in eliminating unnecessary, unneeded, and costly military installations. We need to do the same for the Federal Government. Before we spend any more of the Federal taxpayer dollars, I think we need to show the taxpayers we are being good stewards of the money they faithfully pay to the Federal Government for their tax obligation.

In addition to not taking care of this growing crisis I have described, Congress continues not to keep its fiscal house in order. It is common knowledge that we have not passed a single appropriations bill for the current fiscal year, and we are operating on a continuing resolution that Congress passed because we have not been able to take care of the simple matter of paying the bills—again, something no family or business could get away with. But the Federal Government is guilty of fiscal mismanagement, once again, by failing to pass a single appropriations bill and sending it to the President.

What this is leading up to, as we all know—and this is no secret—is likely pulling together all of the various appropriations bills, all 12 of them, or some combination of them, into an omnibus appropriation, which somebody told me the other day is Latin for "watch your wallet." We are going to have a huge game of chicken between the President of the United States, who wields the veto pen, and the Congress over how much excessive spending Congress is going to be able to pass against the President's stated intention to veto excessive spending.

Again, this is not for the benefit of the American people; it is, rather, for partisan political benefit—a big game of chicken and potential Government shutdown because Congress isn't taking care of its business and its fiscal house is in a state of disarray. The American people are enormously skeptical, and they have every right to be given what I have described a moment ago. What they want us to do is quit the partisan game playing and trying to score points, and simply work things out in the best interests of the American people, being respectful of their tax dollars and not wasting 1 penny more than we must.

This is especially true in the SCHIP program, the State Children's Health Insurance Program, which I described. It is currently, again, on a continuing resolution. It is currently in effect and not in any danger whatsoever of coming to an end. There is bipartisan support for the continuation of this successful program, if it is intended and does affect children of low incomes, up to 200 percent of poverty. There is not a political consensus; indeed, there are those who object—and I am one—to a radical expansion of this program to cover adults in 14 States and to go up to, along with the Presidential waiver, 400 percent of the poverty level for a family of four making $82,000 a year. At that level, for every two people added, one of them will get Government-subsidized health care by dropping their private health insurance—an unhealthy development, to say the least.

Here again, Congress is up to its old tricks. It relies on an unsustainable funding stream, a regressive tax that hits low-income Americans the hardest, and a budget gimmick that will demand that either Americans' taxes be raised by 2012 to continue the program or children will be dropped from the program.

I have a prediction to make. There is, as Ronald Reagan said, no such thing as a "temporary" Government program from the Federal Government. I believe he said that a temporary Government program in Washington is the closest thing we have to eternal life here on Earth. I think he has been proven right.

What I would hope that the leadership—Majority Leader REID and Speaker PELOSI—would do is sit down with Republicans and with the President and try to work out our differences. As I said, everybody supports continuation of this program. I am willing to predict, without equivocation, that this program will continue; it will continue to help poor children—and it should—on a bipartisan basis. We should not have a game of chicken where, as Leader REID said and Speaker PELOSI said—Senate Majority Leader REID said this:

> If the President says let's sit down and talk about it, it is something that is not going to happen.

He said that in Congress Daily on September 28, 2007. Later, he said on that same day:

> We have compromised all we are going to compromise.

What we see here is more political theater and partisan point scoring, as opposed to working together to try to find ways to resolve this impasse. We can do it. It is strictly a matter of political will and, frankly, I think it is what the American people want us to do. They are sick and tired of Congress being dysfunctional when it comes to meeting the very clear needs of the American people. I have described some of them. But at least we can try to work out this SCHIP impasse in a way that is fiscally responsible and meets the intended goals of this important Children's Health Insurance Program.

Today, a Gallup poll reported, for what it is worth, in USA Today that 52 percent agreed with President Bush that most benefits should go to children and families earning less than 200 percent of the Federal poverty level, about $41,000 for a family of four. Only 40 percent in the Gallup poll reported today in the USA Today said benefits should go to families earning up to $62,000. As I said, there is a provision for a waiver that can go up even higher if, for example, President Clinton is in the White House after the next election.

The Gallup poll says 55 percent of those polled are very or somewhat concerned that the program would create an incentive for families to drop their private health insurance.

At a time when the American people are taxed at huge levels, you can see that this chart says "living essentials squeezed by Federal taxes." The American wage earner has to work 120 days a year to pay all their State, local, and Federal taxes, while they work 62 days a year to pay housing, 52 days a year for health care, 30 days for their food, and 30 days for their transportation. But, again, it is 120 days to pay Uncle Sam and State and local taxes.

Should we not be taking care of our finances in a way that does not pass a huge IOU down to our children and grandchildren that we will never repay? Should we not quit robbing from the surpluses of Social Security and Medicare today rather than using that money to finance other programs? Should we not be eliminating ineffective programs or those programs that have been rated as inconclusive in terms of whether they are actually effective? Should we not take a more restrained approach to the growth of Government programs, including programs that have worked, such as SCHIP?

Instead of a 140-percent increase and transforming it into something that bears very little similarity to what Congress originally intended when they started this program, should we not take a more restrained and careful approach?

Rather than drawing lines in the sand and threatening the termination of benefits of their health care to poor kids, shouldn't the majority leader, the Speaker of the House, the President of the United States, and the folks on the Republican side of the aisle sit down and try to work it out?

As I said, everybody in Congress supports this program, virtually without exception. The only difference is between those who believe this is an irresponsible, radical expansion of the program beyond recognition, and one that others have offered—including me—is a reauthorization of the program designed to meet its original target, and that is poor and low-income kids.

I hope the leadership will listen and make a sincere attempt to try to meet in the middle on this. The children of this country will benefit, and I think the American people will be enormously relieved.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Texas for leading the national dialog on health care. I think Americans expect us to address this issue and not just fight about it, as the Senator from Texas has said.

This national discussion is bringing us to some agreement, at least. I think all of us have decided in Congress—or at least most of us—that every American should have access to a health insurance policy they can afford and own and keep. Where we disagree is how we get to that point. I think the disagreement in this body goes to how we do that. Do we do it more like Canada did, where we say, OK, everybody needs to have insurance, so let's let the Government take it over; let's have Government-run health care?

Some are saying the Canadian system works fine, until you talk to doctors and patients from Canada and find out that every year the waiting lines get longer, every year the program gets more expensive, and every year the health care is of less quality. So now the people in Canada who have the means come to the United States to get health care.

The reason we have had such good health care in the United States for most of our history is that it has been done by private doctors working with patients, hospitals that are independent of Government; our free enterprise system has worked to a great degree.

Government programs, such as Medicare and the program we are talking about today, such as the children's health plan, have helped those in need to buy health insurance and have access to health care. But for the most part, Americans have resisted Government-run health care.

We do know in the early nineties there was an attempt to move totally to Government health care. When that failed, we were able to see that the advocates of Government-run health care believed the best way to get to Government health care was to do it one step at a time with the children first because it is very hard to vote against expanding health care for children.

Certainly, all children should have health care. They should have health insurance. But the fact is, every American should have health insurance, and it is not good enough just to expand a Government program from covering poor kids to covering middle-class kids.

We do not need to mistake the fact that this is moving us toward Government health care. If my Democratic colleagues get their way on this children's health bill, over 70 percent of the children in this country are going to have Government health care. What happens to them once they become adults we have not discussed. We need to help every American own a health insurance policy.

What Republicans want to do is continue this children's health plan, to add additional funding to cover inflation and additional children. We have some good proposals. One of them, by Senator MARTINEZ, would continue the program as it is but also offer tax credits to children and families who are 200 and 300 percent of poverty so they can buy their own insurance, believing that the best thing we can do for families in this country is to help them have insurance they can afford, own, and keep.

There are other Republican proposals that we will be talking about that include tax credits for every family who buys their own insurance. It would also allow employers to give money to individuals to help buy their insurance. We do not do that now. Employers are not allowed to contribute to an individual's health plan.

We also have proposals that would allow individuals to shop for health insurance all over the country. A lot of folks don't know that we don't allow that now. You can only shop in your own State.

There is a proposal that would allow people who put tax-free money in a health savings account to use that money to buy their own health insurance plan. It is pretty amazing that as a Congress, we will not allow people to use their own health savings account to pay for health insurance premiums. And there are proposals to allow small businesses to come together to buy health insurance that is less expensive than when they buy it individually.

There is a lot we can do as a Congress that does not cost taxpayers any money but would make it easier for individuals to have health insurance they can afford, own, and keep.

I hope this debate will continue to open this issue in a way that Americans can really understand. The goal is that everyone has affordable health insurance, good health insurance. The goal is not to turn more and more of our health care and health insurance over to the Government because we know that won't work, we know it is not efficient, and we know the children we are trying to help are eventually going to have to pay the debt we put on their heads by paying for something we cannot afford.

The fact is, we can get better health insurance, better health care for less money, if we do it with private health insurance just by helping individuals buy health insurance they can afford, own, and keep.

We started the national discussion on health care. I hope as we look at this debate, specifically children's health care, that we will see it as part of a larger issue and decide today that it is not good enough just to get a few more children insured.

Every American needs a health insurance policy, and we can do it, first of all, by taking down the barriers that Congress has put in front of individuals when they are trying to buy their own insurance, but we can also look at those in need. Whether it is tax credits or tax deductions, we can help every American have a health insurance policy they can afford, that they can keep from job to job and throughout their life. We can have better health care, and it is better for our future.

I thank you, Mr. President, for the opportunity to speak. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

EXTENSION OF MORNING BUSINESS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the time for morning business be extended by 5 minutes for each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 5 minutes, and that following my presentation, Senator CHAMBLISS from Georgia have the remaining 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WATER MANAGEMENT

Mr. ISAKSON. Mr. President, we pass lots of laws in the Congress of the United States, and from time to time there is a byproduct of the passage of some of those laws. It is called the law of unintended consequences. Such is the case with the Endangered Species Act.

In my State of Georgia, we are in a level 4, 100-year drought. As many as 7 million citizens in my State are looking at the possibility of there being no drinking water in less than 120 days. Our State has imposed restrictions of every kind. Landscapers are out of business, car washes are threatened, and there is no outdoor watering.

My home county of Cobb, in the last 14 days, has reduced, through conservation, water consumption by 20 percent. I personally commend commission chairman Sam Owens and the entire North Georgia Water Planning District for everything they are doing. But in the absence of rain, there is nothing we can do.

Why does this affect the Endangered Species Act? Very simply because a court case was filed a few years ago under the Endangered Species Act asking for the management of the Chattahoochee River basin to be controlled so as to protect sturgeon. The judge in that case finally ruled as much and developed the judge's own interim operating plan for the Chattahoochee River. That plan means the Corps of Engineers makes releases to keep the flow in the Chattahoochee River where the sturgeon exist at a level sufficient to sustain the sturgeon. The problem is the level is insufficient to sustain human life in North Georgia if it continues.

This morning, just a few minutes ago, on behalf of myself and Senator CHAMBLISS, I introduced an amendment to the Endangered Species Act to deal with this law of unintended consequences. It very simply says the following: The head of the Army Corps of Engineers or the Governor of a State, within which a region lies where there is a drought that threatens the health, safety, and welfare of the people in that region, may suspend the course and effect of the Endangered Species Act until that endangerment has passed.

It is a simple request. We are at a place in time in our country and in a region, my home region, the State I represent, where the health, safety, and welfare of my people are threatened. They are threatened by an act this Congress passed that had no intention to threaten them. If we have the power to do that, we also have the power to make the exception to see to it that their drinking water is safe and their livelihood is safe and at hand.

This is a critical, critical emergency. It is time sensitive. I urge each Member of the Senate to follow this simple amendment and this simple proposal and think about what they might do if it was their State, if it was their people. It is time we gave the Army Corps the latitude and the Governors of the States the authority to protect our people.

I stood in this Chamber 3 years ago and raised my right hand and agreed to defend the Constitution of the United States and protect the domestic tranquility from enemies foreign and domestic. Today I stand recognizing there is a domestic enemy, and that enemy is the Endangered Species Act which controls the Chattahoochee River and limits access to drinking water and safe water for the people of north Georgia. I urge Members of the Senate to join myself and Senator CHAMBLISS in this critical and important amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in support of this legislation. Georgia is in a critical time in the history of our State. Atlanta, GA, is a great place to live, a great place to work, a great place to visit, but we are in a crisis. The water supply system for metropolitan Atlanta depends on two basins, Lake Altoona and Lake Lanier. Lake Altoona and Lake Lanier are fed by nature, by rainfall that every year, thus far in the history of those basins, has filled those basins since they were built decades ago.

Unfortunately, during the month of August, we received very little moisture. But at the time we were receiving very little moisture, we had more 100-degree day temperatures than we have ever had in the history of Atlanta. A combination of natural forces has put us in this situation of crisis, but there is also an unnatural source that has helped produce this crisis, and the legislation that Senator ISAKSON has proposed, along with my cosponsorship, seeks to address this critical problem and seeks to help find a solution to this problem for the short term.

Georgia's lakes are low and continue to decline as the Army Corps of Engineers releases water to protect a handful of sturgeons and mussels in the Appalachicola Bay in the State of Florida. Understandably, folks who have had mandatory water restrictions for months in our State, who are watching these lakes slowly decrease, are wondering where the common sense in Washington has gone. They are calling my office and asking: How can our Government care more about mussels and sturgeons than human beings? Obviously, that is not the case. But water continues to be released, and estimates are that Lake Lanier, Atlanta's main source of water, will be empty—and I repeat, will be empty—by January 2008 if the Corps does not stop releasing so much water or if we do not get rainfall. That is less than 3 months away.

It is clear that we are in a crisis. We need to do something to ensure we are not cutting off the drinking supply to 7 million people in the metropolitan Atlanta area. This legislation does something very simple and practical to address this crisis in the short term. It says, if the Secretary of the Army, in consultation with the Governor of a State, determines that a drought is in effect in a region in which there is a Federal river basin that is managed by the Corps of Engineers, and the drought threatens the health, safety, and welfare of the human population in that region, the Secretary of the Army can temporarily suspend provisions of the Endangered Species Act until such time as the drought is over and the health, safety, and welfare of humans is no longer at risk.

We have larger issues to address in the long term. Updating the water control manuals by which the Corps of Engineers operates the river basins in Georgia and getting the Governors of our neighboring States together to apportion the water among the States for the long term are critical issues that have to be addressed.

As resources get scarce, these things become more difficult to accomplish. Unfortunately, the people of Georgia cannot wait. They need immediate relief, and swift passage of this legislation will certainly help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the majority has time now under morning business.

The ACTING PRESIDENT pro tempore. Thirty-five minutes.

Mr. DURBIN. I ask for 10 minutes of that time, and I ask to be notified when I have completed 4 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH INSURANCE

Mr. DURBIN. Mr. President, I wish to discuss two issues this morning that I believe are important not only to Members of the Senate but everybody across America.

You cannot go home and visit your home State and talk to real families and real businessmen and real workers without coming back feeling that the No. 1 issue on their minds, after the war in Iraq, is health care. Time and again people tell us stories from their own lives, troubling, challenging stories about trying to find the best health care and pay for it. They are concerned about the cost of health insurance. The cost of health insurance goes up every single year and covers less each year. That is the real family squeeze in America.

It isn't just from families we hear these stories. We will learn the same thing with businesses. Howard Schultz is a fellow I respect very much. He is a pretty prosperous man in America. A lot of us buy his products with frequency. Howard Schultz of Brooklyn, NY, now living in Seattle, is the owner of Starbucks. When he started a little company selling coffee, I don't know if he had any idea that someday he would have 14,000 stores across America. But he knew if he started a company, there was one thing he was going to do. He was going to guarantee everybody who worked in a Starbucks store had health insurance because he had a personal experience after his father lost health insurance after being laid off from a job, and he decided as a business leader that he would take care of that issue.

So if you pay an extra 50 cents to a buck for that double, double skim latte, you are subsidizing the health insurance of the person making the coffee for you. I think it is a pretty good deal. It is a deal I am willing to make regularly and do most mornings.

Howard Schultz said to me and Members of the Senate: I cannot keep up with the cost of health insurance. The cost keeps going up. I can't raise the cost of a cup of coffee to keep up with this. You have do something.

He told us this 2 years ago. I saw him recently. Same challenge, same issue—his business is trying to do the moral, conscientious thing to cover its employees, even part-time employees, and is having a tough time.

Large corporations, like General Motors, finally struck a deal with United

Auto Workers, and the biggest problem, the biggest challenge in their negotiation is what to do with the health insurance of employees and retirees.

So when you hear this over and over again, you think to yourself: Well, what is Congress going to do? And the answer is: Virtually nothing. There is no leadership in Washington. And it has to start in the White House when it comes to health care reform, with one exception—an important exception.

Ten years ago, we said: With 40 million uninsured Americans—15 million being kids—it is time we provide health insurance for those uninsured children in America. It was a Republican Congress, but Democrats supported it. That bipartisan bill passed; it was signed by the President and went into effect.

In a span of 10 years, we moved from covering zero children to 6.6 million children, who were given help through their families to buy health insurance from private insurance companies. Mr. President, 6.6 million out of 15 million were covered—a bipartisan proposal that worked.

Now that law is about to expire. It is called the Children's Health Insurance Program. So we decided we needed to not only keep this program going, but we needed to expand it from 6.6 million kids to 10 million—or 10.5 million kids. Let's keep moving until every kid in America, every child has health insurance. Well, we put together another bipartisan proposal, brought together some very conservative Republican Senators, such as CHUCK GRASSLEY of Iowa, ORRIN HATCH of Utah, and many others, and said: Let's work out something in a cooperative way that extends this program responsibly. And we did it. We ended up with an increase in the Federal tobacco tax and the revenues dedicated to covering more children with health insurance. I like that because more expensive tobacco products means fewer kids will buy them. I like to keep tobacco out of the hands of kids until they become adults and can make a responsible decision about a product that can lead to addiction and disease and death. So I like the tradeoff here from a public health viewpoint.

We passed that bill extending the Children's Health Insurance Program—over 10 million to be covered—with 69 votes in the Senate. That is pretty good here. We have these death-defying struggles and end up passing amendments by 1 or 2 votes, but we passed this by a big margin and then sent it over to the House, and they passed it. It was then sent to the President of the United States, where he had his chance to extend children's health insurance, and he vetoed the bill. He said no. He said it is socialized medicine, too much government involved in it.

Well, I disagree with the President. First, this is insurance from private health insurance companies; it is not Government insurance. Secondly, this isn't socialism. What we are talking about is helping working families. The poorest families in America and their children are already taken care of. We have Medicaid in every State in the Union. The poorest kids have that. They have that Government health insurance protection. And the kids of families where mom and dad get benefits are already covered. It is the kids who fall in between, the kids of mothers and fathers who go to work every day and have no health insurance, those are the kids we are trying to help. So this isn't about poor people; this is about middle-income working families who don't have health insurance at work.

What if you had to go out tomorrow and buy a health insurance plan for your family. Assume your employer doesn't offer any benefits. What are you going to pay? Well, if you happen to have a pretty healthy family and you don't want a lot of coverage and you have a big deductible and a big copay, you may get by for $600 a month. But if there is a complication there—a sick child, your wife has had some problems, you have had some problems—you know what happens to those premiums. Pretty soon, they are $800 a month, $1,000 a month, and people who are making regular, middle-class incomes in America cannot afford them. That is the reality. So when someone in the White House says we shouldn't be helping families making $60,000 a year to pay these health insurance premiums, I think they are really out of touch with reality.

This morning, two of my colleagues, Senator CORNYN of Texas and Senator DEMINT of South Carolina, came to the floor to talk about health care. Good. We need more conversation. But we also need their support. They didn't support the passage of the Children's Health Insurance Program. I wish they had. We really need to make this a broader, bigger, bipartisan issue.

In just 2 days, the House of Representatives will try to override the President's veto. I don't know if they will make it. They need 15 Republican Congressmen to switch over to override the President's veto to extend the Children's Health Insurance Program. Maybe they can't do it. If they fail, it means, at the end of the day, this program will cover fewer children in America. Is that our goal? I think our goal should be the other way. We need to reach a point where everybody in America has the peace of mind of health insurance.

I am lucky. As a Member of the Senate and a Congressman, I get to enroll, as other colleagues do, in the Federal Employees Health Benefits Program. This is a great deal. For 8 million Federal employees and their families, we get to choose open enrollment every year—in my case, for my wife and myself, from nine different private health insurance plans offered in my home State of Illinois. Nine choices. It is like shopping for a car, my friends: if I don't like last year's model, I am trading in for a new model. I can go to a new company. Now, this is something most Americans would dream of, to have that kind of opportunity. It is available to me as a Federal employee.

Shouldn't every American have that peace of mind? Shouldn't we all understand that if you go to work every day, and you love your family, that you ought to be able to provide them the protection of health insurance? For 47 million Americans, the answer is no, they do not have it. For 9 million kids out of that 47 million across America, they have no health insurance.

A child without health insurance is a child without a regular doctor, a child without regular checkups, a child who may not get the immunizations they need. That is what kids face when they do not have a medical home, or a health insurance policy. I need not tell you what happens when a medical disaster strikes a family like that. It becomes overwhelming. It can bankrupt a family that thinks it is in a pretty comfortable situation.

So I urge my colleagues in the Senate and in the House, on both sides of the aisle, to get together. There has to be some common ground here. I thought children's health insurance was a great place to start. I hope the House will override President Bush's veto. I think the President is out of touch with working families in America and the reality of the challenge they face with health insurance. So I hope that we can override his veto, that we can extend this program and cover many children today who don't have protection.

NOMINATION OF STEVEN BRADBURY

Mr. DURBIN. Mr. President, tomorrow the Senate Judiciary Committee will hold hearings on the nomination of Judge Michael Mukasey to be Attorney General. I look forward to those hearings and hope to ask some questions about his plans—if he, in fact, is confirmed as our next Attorney General—to repair some of the damage that has been done at the Justice Department. I am concerned that progress really isn't going to be possible without some significant changes there. In particular, I think we need new leadership at the Justice Department's Office of Legal Counsel.

Today, I am joined by Senators TED KENNEDY and RUSS FEINGOLD in sending a letter to President Bush calling on him to withdraw the nomination of Steven Bradbury to be head of the Office of Legal Counsel and to submit another nominee.

The OLC—the Office of Legal Counsel—is a small office. Most people don't even know it exists. But it really has a lot of power, especially in this administration. Their legal opinions are binding on the executive branch of Government.

In August of 2002, OLC issued the infamous torture memo. This memo narrowly defined torture as limited only to abuse that causes pain equivalent to organ failure or death. It also concluded the President has the right as Commander in Chief to ignore the torture statute—the law of the land—which makes torture a crime. This memo was the official Bush administration policy for over 2 years. This was a memo produced by the Office of Legal Counsel.

Jay Bybee, who was then head of that office, signed the torture memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment as judge on the Ninth Circuit Court of Appeals before Congress and the American people learned about this infamous torture memo.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. We only recently learned about the critical role Mr. Goldsmith played. As head of the office, he revoked the misguided Office of Legal Counsel opinions regarding warrantless surveillance.

Deputy Attorney General Jim Comey has emerged as an almost heroic figure time and again as we have learned of his role in the Justice Department under Attorneys General Ashcroft and Gonzales. Mr. Comey supported Mr. Goldsmith's actions. This led to the infamous showdown at the bedside of Attorney General John Ashcroft where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales, then White House Counsel, tried to strong-arm Mr. Ashcroft into overruling Mr. Goldsmith.

In June 2004, Mr. Goldsmith revoked the Bybee torture memo. Shortly afterward, he left the Justice Department.

In 2005, President Bush nominated Steven Bradbury to succeed him. He has been the de facto head of the Office of Legal Counsel for over 2 years.

During the confirmation process, Mr. Bradbury has refused to answer questions from Judiciary Committee members regarding torture.

In November 2005, I initially objected to Mr. Bradbury's nomination, and I said:

> Mr. Bradbury is currently the acting head of the Office of Legal Counsel. In this capacity, he approves Justice Department legal opinions. Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics, such as waterboarding, mock execution, and physically beating detainees.

There are also seriously unresolved questions about Mr. Bradbury's role in the NSA warrantless surveillance programs. Last year, the Justice Department's Office of Professional Responsibility opened an investigation into the conduct of the Justice Department attorneys who authorized the NSA program. In an unprecedented move, President Bush personally denied security clearances to the Justice Department investigators, effectively blocking the investigation. Documents provided to the Senate Judiciary Committee suggest that this internal investigation was looking into whether OLC engaged in misconduct while Mr. Bradbury was acting head of OLC.

In August 2006, Senator KENNEDY, Senator FEINGOLD, and I sent a letter to President Bush calling for him to allow an internal investigation relative to this issue. We have not received a response.

Recent reports regarding Mr. Bradbury's involvement in approving the legality of abusive interrogation techniques provide further evidence of his unsuitability. According to an October 4 article in The New York Times, Mr. Bradbury signed two OLC legal opinions approving the legality of abusive interrogation techniques.

Mr. Bradbury reportedly authored an opinion on so-called "combined effects," which authorized the CIA to use multiple abusive interrogation techniques in combination. According to The Times, then-Attorney General Alberto Gonzales approved this opinion over the objections of then-Deputy Attorney General Comey, who said the Justice Department would be "ashamed" if the memo became public.

The Times also reports that Mr. Bradbury authored and Alberto Gonzales approved an OLC opinion concluding that abusive interrogation techniques such as waterboarding do not constitute cruel, inhuman or degrading treatment. This opinion was apparently designed to circumvent the McCain Torture Amendment, then being considered by Congress, which clarified that such treatment is absolutely prohibited.

Mr. President, in the interest of turning the floor over to my colleague from North Dakota, I will not read this entire statement, but I do wish to tell you that I believe the cumulative evidence against Mr. Bradbury raises serious questions as to whether he should even continue in this interim capacity as head of the Justice Department's Office of Legal Counsel.

We are not asking the President to nominate some Democrat for the position. We don't expect that. But we ask him to nominate someone with professional integrity who can restore the morale of this Department and the luster which should be part of this important office. Jack Goldsmith describes himself as a conservative Republican, but he stood up to a White House when it came to issues of torture and warrantless surveillance.

I urge the President to withdraw Steven Bradbury's nomination and submit another nominee for Assistant Attorney General for the Office of Legal Counsel.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Twenty minutes.

THE OIL CRISIS

Mr. DORGAN. Mr. President, the front page of a recent New York Times article and front page of a Wall Street Journal issue said: "Ethanol's Boom Stalling As Glut Depresses Price." Wall Street Journal article says: "Ethanol Boom Is Running Out of Gas." Last night on "NBC Nightly News," featured a piece about the closing of ethanol plants and the problem with the production of ethanol as a substitute for oil.

Mr. President, I want to talk a moment about that because we are unbelievably dependent on foreign oil. If anybody thinks they should nap through this or sleep through this vulnerability, they are dead wrong because 60 percent of the oil we need in this country and use every day we get from outside of our country. We stick little straws in this planet of ours and suck oil out. We suck out about 84 million barrels of oil every single day. We use one-fourth of that in this country every day, or about 21 to 22 million barrels of oil. So of all the oil we suck out of this planet every day, we use one fourth of it just in this little space called the United States of America.

The problem with using one fourth of it is that 60 percent of that oil which we use comes from other countries, much of it from troubled parts of the world, such as Saudi Arabia, Kuwait, Iraq, and Venezuela. Well, if tomorrow, God forbid, somehow the import of oil into this country were interrupted, we would be flat on our back economically.

We get up in the morning and just take it all for granted. We get up, we get out of bed and rub our eyes, then flick a switch, and the lights go on. We get in the car, turn the key, and the engine starts. We take it all for granted. But what happens at some point if we shut off the petroleum, shut off the electricity, and see what life is like, see what our economy is like?

So we decided to do something about that. If we are unbelievably dependent on and vulnerable when it comes to foreign oil, what do we do? We begin to produce energy in our farm fields.

We produce biofuels. That is not a new thing. It has been around over a century. I was at a biodiesel plant the other day. It was a grand opening. I pointed out there that the first known use of vegetable oil as fuel for a diesel engine was a demonstration at the World's Fair in the year 1900. Rudolf Diesel later experimented with fuel made from peanut oil or biodiesel for engines he was developing. So this is not new.

All of a sudden our country has decided we should produce biofuels—ethanol, for example—and we have begun to do that. Oil companies don't like it very much. The OPEC countries don't like it very much. The last thing they want to see is for us to begin to produce not only the fossil fuels in our country, including oil and natural gas, but also biofuels and the renewable energy that can grow in our farm fields. We can take a kernel of corn, and from that kernel of corn with various processes produce fuel that will substitute for fuel oil we now get from troubled parts of the world. That makes a lot of sense to me.

We use about 140 billion gallons or 145 billion gallons of fuel a year. If every single gallon of fuel were blended with ethanol, our total market for ethanol would be about 14.5 billion gallons. The President says let's go to 35 billion gallons. I agree with that. So do most of my colleagues. The Senate has already voted on a bill to produce 36 billion gallons. But how are we going to use 36 billion gallons if we are only blending ethanol at 10 percent? We have to have the E85 pumps. They are producing flex-fuel vehicles in Detroit now, and they have said they are going to get to 50 percent of all the vehicles they produce being flex-fuel vehicles so we can run a fuel that is 85 percent ethanol. E85 they call it.

You might have a flex-fuel vehicle right now—in my State there are about 16,000 to 18,000 flex-fuel vehicles—and there are 23 places in the entire State where you can pull up to a pump and get E85.

In California there are over 270,000 flex-fuel vehicles, and there is one reported gasoline pump in the entire State of California that pumps E85. Think of that, one pump.

Let me describe what some of the obstacles are. I have long been concerned if we are going to produce ethanol—and we should and we must—we have to not only produce it, we have to market it. We have to produce it, then we have to run it through the carburetors and fuel injectors of vehicles. If we don't have the market, that whole industry collapses.

Let me give some examples of why we don't have more E85 pumps. No. 1, we have some folks in here who want to produce ethanol and support all that, but they don't support any kind of mandate that would require that we have an infrastructure out there to actually use the ethanol. We are now starting to see the results of that. Let me describe that with an article in the Wall Street Journal: "Fill Up With Ethanol? One Obstacle Is Big Oil." April 2, this year:

> Oil companies employ a variety of tactics that help keep the E85 fuel out of the stations that bear the company name. For instance, franchisees are sometimes required to purchase all the fuel they will sell from the oil company. Since oil companies generally don't sell E85

That is, 85 percent ethanol that you would use in a flex fuel vehicle—

> the station can't either.

Let me describe some of the ways the major brand retailers are trying to prevent the widespread marketing of ethanol. ExxonMobil and BP require their franchise stations—and this is directly from the Wall Street Journal article—require their franchise stations to buy fuel exclusively from them. Neither company offers E85. So the station owners must apply for an exception if they wish to sell E85, or 85 percent ethanol.

> A ConocoPhillips memo to franchisees says the company doesn't allow E85 sales on the primary island, under the covered canopy where gasoline is sold. Stations must find another spot. As a result, it isn't quite as simple for a driver to decide on the spur of the moment to fill up with E85.

ConocoPhillips says you can't market E85 with the same bank of pumps on the same island.

> Chevron says it requires Chevron-Texaco branded stations to keep E85 off their primary signs listing fuel prices. To show the fuel's price, and alert approaching drivers that E85 is for sale, the stations have to erect a separate sign.

BP will not allow its franchisees to offer payment by credit card for E85.

Does anybody see a pattern? These companies sell oil and gas. I want them to do well. But I hope they want our country to do well at the same time. Our country will do well by becoming less dependent on the Kuwaitis and Saudis, the Venezuelans. And we do that by expanding our supply of renewable energy.

Guess what. These companies say we are not interested in that. That is not our product. So, by the way, we have 170,000 gasoline stations in our country, about 170,000 gas stations on every corner of this country, virtually, and 1,200 of them have E85 pumps. There are 170,000 places you can pull up to buy gasoline, and 1,200 of them have E85.

If you drive a flex-fuel vehicle and you can run it on 85 percent ethanol—that is the way they sell the vehicle, you can run on either gasoline or 85 percent ethanol—and you want to choose one of 170,000 gas stations in this country, 168,800 or so are not going to have E85.

Assistant Secretary Andrew Karsner, who is the Assistant Secretary of the Office of Energy Efficiency and Renewable Energy at the Department of Energy, said at a hearing I chaired earlier this year that last year we installed around 450 E85 pumps across the entire country. As I calculate it, if we continue to install 450 E85 pumps a year, that means in about 100 years we will have almost 50,000 pumps, or in less than one-third of the stations where they are selling gas.

My point is simple. I see these stories in the Wall Street Journal and the New York Times. I know, based on what is reported, what the major oil companies are doing. It is not just setting ethanol up for failure, it is setting this country up for failure. We cannot move from 60 percent dependence on foreign oil to 69 percent dependence on foreign oil, and that is where the experts say we are headed.

If we don't find a way to be less dependent on foreign oil, this country is in trouble. How do we become less dependent? We expand our opportunities for renewable energy, including ethanol. But if we do that, and when we do that, we are set up for failure if the 170,000 gas stations across this country have decided: You can't advertise E85. You have to erect a separate sign. You can't sell E85 at our franchise, we will not allow it. You can't pump it at the main island where you pump other gasoline, we will not allow it. With that sort of thing, it sets this country up for failure, in my judgment.

What should we do about it? The Energy bill we moved through the Senate recently was an Energy bill that provides some grant programs—not nearly enough—some grant programs to help some service stations install biofuels pumps. We are going to need to pump E85 percent ethanol. We are going to need to have blend pumps that blend 30 percent, 40 percent, and 50 percent blends of ethanol and gasoline. We have to do all these things if this country is determined to move in a direction that makes us less dependent on foreign oil.

But our country, it seems to me, is willing to sit back, and Congress is willing to sit back and say: Whatever happens.

We have to make things happen. An infrastructure bill that says if we are going to produce biofuels—and we are, and if we are going to aspire to get 36 billion gallons of biofuels—and we should, then you have to have a plan by which you market that. If you produce it and don't market it, the market for that particular energy collapses, and it will set us back decades.

What should we do? We should, in my judgment, as we move this Energy bill, have an infrastructure provision in the Energy bill that is strong, assertive, bold, and moves in the right direction and sets up a circumstance where either this happens by the market system or you have mandates.

I know nobody likes mandates. But if we are going to be less dependent on foreign oil, we have to find a way to make this happen and make this work.

I believe we have an opportunity to do something good for this country. We can just sit back and exhibit a posture somewhere between day dreaming and thumb sucking and just act as if we are thumbing our suspenders, smoking our cigars, and saying: Ain't it a good life? We are 60 percent on foreign oil. Ain't it a shame ethanol don't work somehow? I know you can't find it down at the local service station because they will not let them market it down there. Ain't it a shame?

It is not going to be a good life if we find someday we don't have this energy coming in, with 60 percent coming from offshore, and it is not going to be just a shame, it is going to be a catastrophe for this country if we don't put in place the infrastructure to expand our opportunities to produce renewable energy in this country and therefore make us less dependent on sources of foreign oil.

We are going to use our fossil fuels. I support the production of domestic oil and natural gas. I support the continued use of our coal. I increased the President's request by 30 percent for the fossil fuels account, in the appropriations bill that is written in the Energy and Water Development Appropriations Subcommittee that I chair. The President talks a lot about this stuff, but he doesn't commit himself to it. I increased by 30 percent his fossil fuels account. Why? Because coal is our most abundant resource. We are going to have to use it. The question is not whether, it is when we use it, and how. We ought to invest in the research and technology to allow us to use coal in zero emissions plants. I believe we can do that. We can't do this with the baby steps coming from this President. He wants to just baby-step along; a little money here, a little money there. If we are going to make a commitment to use our fossil fuels, we have to make that commitment. But even as we do that, much more needs to be done to deal with the renewable side. We can't at the same time try to advance the interests of fossil fuels in a way that does not contribute to climate change and then say we are going to ignore the renewable side. We have to do both. We have to use the research and the capability of technology to unlock our opportunity to continue to use fossil fuels, but then we have to commit ourselves—our country has to commit itself to renewable energy and to the ethanol and biofuels industry.

The reason I wanted to make this point is, I saw last evening on "NBC News" a big feature story about this subject. I saw it in the New York Times. I saw it in the Wall Street Journal.

You ought not be surprised. I mean, bowl me over? The major gasoline companies do not want to sell E85 because they believe it competes with them? The fact is, what competes with them is the solution to making us less dependent on foreign sources of oil.

It is unbelievable to me that we have this little planet of ours. We circle the Sun, we have 6.4 billion neighborhoods, and half of them have never made a telephone call, half live on less than $2 a day, and we end up on this little spot called the United States. Our lifestyle is pretty unbelievable. What we have built is special. But we are prodigious consumers of energy, and now we have worked ourselves into a position where we use so much energy in the form of oil from outside of our country, and so much of it comes from very troubled areas of the world, that if we do not in a sober way understand our responsibility to address that, shame on us; and our future will not be very bright.

This is not just some other issue. This is a big issue. The standard of living in this country rests on the issue of our being able to provide the energy. The quality of life in this country rests on our ability to get the energy and produce the energy and acquire the energy, even as we protect the airshed with respect to climate change. All of that is important.

Mr. President, I think this is an important issue. I am going to work with my colleagues. Hopefully, we can get an Energy bill, and when we get this Energy bill we will get this resolved in the right way.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 3½ minutes.

CHINA

Mr. DORGAN. I don't have enough time, but I want to show my colleagues something I find absolutely fascinating. Let me suggest on a different subject I will consume the 3.5 minutes.

This is the Nail House. This house is in the middle of a whole dug-out excavation area. This is in China. The Chinese Government, the developers, decided we are going to go in, and we are clearing this whole place out. One family said: No, you can't do that to me. It is not legal. It is not fair. We are not going to move. So they came in and excavated around the entire house. Here is the little house in China.

I tell you that because we just released, last week, the Congress Executive Commission on China Annual Report. It is the 2007 annual report. I am a cochairman, SANDY LEVIN, Congressman SANDY LEVIN, is the chairman. I am the cochairman of the Congressional Executive Commission on China. This describes a whole series of things on China, those who are in prison today in China as a result of advocating for human rights and other related issues.

I will tell this story about the Nail House. They call it the Nail House because it is stuck right up out of the excavation. The story did not have such a happy ending for the Nail House. The Chinese, eventually—they must have thought this was funny, the Chinese authorities, by digging around this fellow's house—but they eventually came in and tore the whole thing down and this property was lost. It is pretty hard to take on the Chinese Government.

But one of the things in this report we talk about is what is happening with technology in China, and the ability, outside of the purview of the Communist Government, to control everything; the ability of people to communicate.

Now, the Chinese have thousands of thought police trying to figure out who is visiting the Internet and trying to prevent them from visiting certain sites on the Internet. But there is a trend that is going on in China that is very interesting. Internet use rose from 620,000 in the last 10 years, 620,000, to 160 million Internet users.

Mobile phone ownership went from 3 million to 500 million in the last 12 years, 500 million. China has an estimated 20 million blogs, where people are talking among bloggers' personalized Web pages. In the entire year of 2003, about 4 years ago, the Chinese people sent 137 billion text messages.

Now, I tell you all of that because I think it is going to change things in China. Part of this China Executive Commission is trying to understand what is happening in China. What does that mean for our future? But there are some striking examples of citizen activism these days which are very interesting. This is one, the "nail house," this family, that did not end so well.

But the local officials ignored the mass complaints. But what happened was this picture was on all of the blogs in China, it stirred up a hornet's nest of people willing to demonstrate in the streets on behalf of this family.

But there is one other issue, chemical factory protests in the southeast corner of Xiamen. The local government planned to build a hazardous chemical plant near the center of town. They publicized the information on Web sites and blogs, and citizens responded by overwhelming the local Chinese officials with a million text messages. Later they used blogs and text messages. They organized massive protests and marches that attracted thousands, and finally the local officials suspended the building of a chemical factory in the middle of Xiamen.

Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Another use of the Internet in China was on a slave labor scandal. In May and June of this year, citizen activists broke open a scandal that rocked China. Thousands of brick kilns were using kidnaped slave labor. They were men, boys, mentally ill, forced to work under heavy guard, often with no pay and very little food.

Parents looking for their missing sons organized on the Internet in China, and they were pleading for Government assistance. They were forced to cover the story in the Chinese press because there was such a mass uprising here. Finally, the Chinese Prime Minister ordered an investigation. Five hundred workers were freed. One hundred sixty people who ran the kilns were arrested. Very few party officials were seriously punished.

But the point is, things are changing. The technology is changing in China. The Burmese monks protest, the activism continues right up to today. While the Chinese Government is attempting to shut down this open and free communications with the thought police, they have got thousands of people trying to regulate Internet use, the fact is, it is not working, and technology and communications are having a profound impact and I believe will continue to have a significant impact in the future. But I would say to my colleagues, we have some very skilled people who have worked with Congressman LEVIN and myself on the Congressional Executive Commission on China, the Annual Report, 2007.

We have the most complete list of those who are being held prisoner in China, particularly as a result of human rights issues. This booklet, if you have a chance to read it, is a great description put together by some very skilled people on exactly what is happening in China.

There is some progress, and there are areas that are of great concern. We continue to monitor and work on these issues.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

Bingaman-Smith amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Vitter amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thune amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for U.S. attorneys to prosecute violent crimes in Indian country.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are resuming consideration of the appropriations on Commerce, Justice, and Science. Working on a very collegial and bipartisan basis, our staffs, the Mikulski staff and the Shelby staff, have worked through the evening working to clear amendments. We believe we are making very good progress.

Where we are now is the Senator from South Carolina will be offering some amendments, and we will probably be having a debate before the noon hour, and at that time we would like to have our colleagues visit with us on how they intend to deal with the amendments they have filed.

I wish to share with my colleagues on both sides of the aisle, it is intent of the Democratic leader, Senator REID that we will finish this bill tonight. Senator REID has instructed me as the manager of this bill to complete action, even if it means staying well into the evening.

We do not have to do that because we have just a core group of amendments. If the Democrats would talk to me during the first vote, and the Republicans would talk to Senator SHELBY, we can move to dispose of them, either to withdraw them, clear them or we ask our colleagues to offer them.

I wished to thank the Senator from South Carolina for being here so promptly. I wish to thank Senator SHELBY and his staff for their work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3286

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3286.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3286.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3286) is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a member of Congress, and for other purposes)

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. Mr. President, I actually have two amendments this morning. I will speak briefly on both of them.

I believe both sides have agreed these are good ideas, and I believe one will be accepted, and the other we are going to have a vote at 12, as I understand it.

But the first amendment relates to earmarking and the wasteful earmarks we have talked about often on the Senate floor. Much has been done to make earmarks more transparent, to have more earmarks disclosed.

I think as we do that, we are probably getting a better focus as a Federal Government of how we should be spending our money. But old habits die very hard. It has been very difficult for a number of Members of the House and the Senate to give up this practice of being able to send money wherever they want back in their own State or anywhere in the country.

As we have made it harder to do earmarks in the open, we have found that a number of Members of Congress or their staffs have been calling agencies to request that earmarks be done without Congress's approval at all. This type of "phone marking" has created a new loophole.

This amendment we are offering would disallow any use of funds for that type of earmarking. If I can read the amendment it is very simple. Again, I believe both sides agree on it.

It says:

None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

That is all there is to this amendment, is to disallow this whole idea of picking up the phone and deciding where taxpayer money should go. I understand the other side is prepared to accept or have a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to acknowledge the spirit of reform of the Senator from South Carolina. We too support the spirit of reform on these matters. I support this amendment. I do believe we can accept it.

Mr. President, I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3286) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3289

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3289.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3289.

Mr. DEMINT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.

Mr. DEMINT. Mr. President, this is another simple amendment designed to get more accountability in Federal agencies. The Government Accountability Office recently published a report that has been in the media all over the country, pointing out that millions of taxpayer dollars are being wasted as employees of the Federal Government are flying all over the world in premium business class or first class, when the rules of these agencies specifically say that should not be done.

My amendment does not change any rules of the Federal agencies; it says the rules have to be complied with or the money that is in this bill cannot be used.

I will read this amendment as well:

None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent [with the number of sections that are listed] of the Code of Federal Regulations.

Again, we are not changing any regulation. We are demanding that the Federal agencies comply with their own rules and save the taxpayers hundreds of millions of dollars a year.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at noon today the Senate proceed to vote in relation to the DeMint amendment No. 3289 and that no amendment be in order to the amendment prior to the vote and that the time until then be equally divided between Senator DEMINT, Senator SHELBY, and myself, Senator MIKULSKI.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I neglected to add a cosponsor of this amendment. Senator MCCASKILL would like to be our lead cosponsor on this amendment. I appreciate her support as well as the chairman's.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Ms. MIKULSKI. Mr. President, I want my colleagues to know I rise in support of the DeMint amendment. I think it is a very commonsense amendment. I believe that when we are regulating how Government employees travel, I do believe they follow the rules. I do not believe they travel in a lavish lifestyle.

I wish to acknowledge the fact of two things: One, our colleague from South Carolina has a GAO report that indicates reform is needed; reform and clarity are needed on what our Government employees, traveling on official business, can do.

We have heard all kinds of stories about some going on business class, some going on first class, some where it is even short trips, and so on. We acknowledge, of course, as always, the validity of the GAO report. What I also want to say is this subcommittee, chaired by myself and my ranking member, Senator SHELBY, is on the side of reform. Our three themes this year were security for our country, innovation to keep us competitive, and, at the same time, accountability. We have done a major set of reviews on things such as cost overruns in the NOAA satellite program. We have also taken on things where we offered an amendment together dealing with discipline in the funding of conferences. We stopped the lavish conferences, the so-called $4 Swedish meatball amendment.

We believe the DeMint amendment is also in that same spirit of reform Senator SHELBY and I brought to this subcommittee and we now bring with our bill to the floor. We are deep down reformers. We want to make sure we accomplish the mission of the agencies for which we are the guardians of the purse. But at the same time, we want to make sure taxpayers are getting value for their dollar. Where there is excess, poor judgment, or poor management, we are going to hold agencies to the fire. We are going to hold agencies accountable. Therefore, when this vote is taken, I urge, in the spirit of reform, the spirit of accountability, that we join, once again, on a bipartisan basis and pass this amendment. We so appreciate the work of the GAO, a wonderful independent watchdog that Congress can turn to where it is not the Senator from South Carolina's opinion or the opinion of the Senator from Maryland about what is going on or the need for reform, but we work on clearheaded analysis, intellectual rigor, let the facts speak for themselves.

When you look at this GAO report, the facts do point to the fact that we do need reform in this area. I am a supporter, but I also want to acknowledge, though we need reform, I want to clearly state that most civil servants follow the rules when they book their tickets on Government travel. It ensures that these employees follow current regulations that will limit the purchase of first-class tickets.

In the spirit of accountability, reform, and responsibility for the taxpayers, again, I thank Senator SHELBY for his work. We have made a lot of progress on the spirit of reform.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina, Mr. DEMINT, for his amendment dealing with travel and spending. If we can save millions of dollars by people not flying first class, and so forth, and abusing the system, we ought to do it. The spirit of this amendment is good and I hope we can all vote on that at 12 noon, when we have agreed to do so. I commend him for offering the amendment. It will be good law for us to follow.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I may call up a couple of amendments and talk for 3 or 4 minutes on them.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3294 AND 3295, EN BLOC

Mr. ENSIGN. Mr. President, I call up en bloc amendments Nos. 3294 and 3295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments en bloc numbered 3294 and 3295.

Mr. ENSIGN. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3294

(Purpose: To increase funding for the United States Marshals Service to ensure full funding for the Adam Walsh Child Protection and Safety Act of 2006 and offset the increase by reducing funding for the Advanced Technology Program)

On page 33, line 26, strike the period and insert ": *Provided further*, That an additional $7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of $7,845,000.".

AMENDMENT NO. 3295

(Purpose: To increase funding for the State Criminal Alien Assistance Program and offset the increase by reducing funding Nasa funding)

On page 53, line 11, strike the semicolon and insert ": *Provided*, That an additional $150,000,000 shall be available for such program offset by a reduction in the amount under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of $150,000,000;".

Mr. ENSIGN. Mr. President, amendment No. 3295 is to increase by $150 million the State Criminal Alien Assistance Program and offset it with a $150 million decrease in the NASA budget currently in the bill. The NASA budget was increased $150 million over the President's request in the underlying bill and then an emergency spending of an additional billion dollars which was, by the way, already from over a billion dollars more than in the bill last year. We are taking $150 million of that and putting it toward this program that is underfunded every year. It is to assist the States in prosecuting and arresting people who are here illegally who have committed crimes.

This is an important piece of legislation. We don't have enough money for correctional officer salary costs for incarcerating undocumented criminal aliens, and this amount of money, especially for the border States of the Southwest, is very important.

It might be drug programs people who are here illegally are running. I was watching a program the other day that was talking about cheese heroin, something that can addict our children with one dose. Kids have died. I think there are 30 or 40 of them who have died in Texas literally with one dose. Most of that is coming from our southern border. We need to provide local law enforcement the resources to deal with aliens who are coming to this country who are dealing with the drug program. This is an important problem that we need to add extra funding to. We still have a problem with illegal immigration in securing our borders, but without a comprehensive immigration bill, we at least need to add money so we can help the States prosecute and incarcerate people who are here illegally, undocumented criminal aliens who are here illegally who are wreaking havoc on communities around the United States. I believe this is an important amendment. It is critical that we help our States, counties, local parishes, tribal, and municipal governments battle illegal immigration and keep law-breaking illegal aliens off our streets.

The second amendment is an amendment that will fully fund the Adam Walsh program. We all know what the Adam Walsh Child Protection Safety Act has done. This will fund it up to the President's request. It is $7.8 million for the U.S. Marshals Service to fully implement the Adam Walsh Child Protection Safety Act. We are taking the money from the ATP program. I believe it is absolutely critical that we fully fund the Adam Walsh Child Protection Safety Act. As a father of three children, the Adam Walsh Child Protection Act is critical to keeping the children safe. It is a small amount of money, but it will bring the program up to what the President has requested. It is an important program. The advanced technology program has been something of questionable efficacy. We should take some of that money and fully fund the Adam Walsh Child Safety Act of 2006.

Having briefly spoken, I can speak on it more later. I know there is other business to attend to, but I think these are both very important amendments. I hope my colleagues will support them.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I will respond to the Senator from Nevada, both on process as well as content. I believe, with the concurrence of Senator SHELBY, that there is one of the amendments we might be able to take, and then the other, of course, would be a vote in which we would move to table the amendment after lunch. But if I could respond to the Senator from Nevada in terms of content, where he wishes to increase funding for the Marshals Service for the full funding of the Adam Walsh Protection and Safety Act, we acknowledge the validity of the concerns of the Senator from Nevada in this regard. The Senator and I have been involved in a group where we are trying to put our values into action. The Senator might recall my own background is that of a social worker. I was a child abuse worker. I find that there is nothing more despicable than a child predator. I believe it is so dastardly, so despicable, so repugnant that every time I think about the work Adam Walsh did, the work that comes out of our excellent bill with our funding, we know we always want to do more when our children are stalked in neighborhoods or playgrounds. We know they are being stalked on the Internet. Without going into putting even more vile things out there in conversation, the Senator from Nevada is well aware of some of the most awful things that are going on on the Internet. We want to acknowledge the validity of what he wants to do.

I know the Senator from Alabama wishes to speak on it, but we believe we could take this amendment. I know the Senator will want to speak about it.

Mr. ENSIGN. Will the Senator from Maryland yield briefly?

Ms. MIKULSKI. Absolutely.

Mr. ENSIGN. I appreciate her comments. The only reason I would object to a voice vote is because I have seen too many voice votes in this place and then things get dropped in conference. I would hope we could have a recorded vote. I know they take up a little more time, but I believe it is important to establish on the record that the Senate actually does support the amendment.

Ms. MIKULSKI. Mr. President, our majority staff who helps us organize the traffic of this is now going to be writing this up. Let's see how we can accommodate the Senator from Nevada. We will be able to ask for a UC before we go into the caucus. But the minority Republican staff is here. Senator SHELBY will certainly protect the interests of the Senator from Nevada.

If I may comment on the State Criminal Alien Assistance Program, we will debate that amendment later when we are heading to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3277

Mr. DURBIN. Mr. President, I rise in opposition to the Vitter amendment No. 3277, which may be considered later this afternoon on this pending Commerce, Justice, and Science appropriations bill.

This amendment would prohibit fiscal year 2008 COPS funds from being used in contravention of a provision in Federal law that relates to information sharing about a person's immigration status.

The Senator from Louisiana has said this amendment is targeted at "sanctuary cities." He is referring to the policies that have been put in place by many cities, counties, and police departments in at least 23 States and the District of Columbia that limit enforcement of immigration laws by State or local authorities.

These cities, counties, and police departments have decided that it is a matter of public health and safety not to inquire about immigration status when people report crimes or have been the victims of domestic abuse or go to a clinic to obtain vaccinations for their children.

These State and local confidentiality policies do not stop the Federal Government from enforcing immigration laws—a traditional function of the Federal Government, not State and local governments. Rather, they reflect a decision made by State and local authorities that they do not want to have their police departments spend their time and resources enforcing a traditionally Federal responsibility relative to immigration law. Those laws are the Federal Government's responsibility to enforce.

In many cities, including several in my home State of Illinois, city and law enforcement officials have decided, reasonably, they want to focus their attention and their police resources on stopping violent crime.

Yesterday, I was in a section of Chicago known as Logan Square. There is a wonderful organization known as Christopher House that was opening a family resource center, a neighborhood center in the tradition of the settlement houses that were started in the Chicago area by Jane Addams almost a century ago. This Logan Square area is an up-and-coming part of the city of Chicago. It is a beautiful neighborhood, but it is a neighborhood that has been riddled with violence for over a decade. Literally, children are being gunned down in the street. I attended a memorial service a few weeks ago there for a young African-American girl. She was killed on a playground while playing with her friends by a drive-by shooting by gang bangers. The alderman in that 35th ward, Rey Colon, who is quite a leader in the community himself, attended the service with me. As we walked into the church, he pointed to a section on the sidewalk and said: Just a few years ago a member of my family was killed on that spot.

Violence is endemic, unfortunately, in America, and we see it in cities, great cities such as Chicago and others. Mayor Daley is making an extraordinary effort to deal with this. I am joining him in that effort. It is hard for me to imagine the Senator from Louisiana wants to cut off the COPS Program funds for the city of Chicago. That is what he suggested.

What will the COPS Program do for the city of Chicago? It will put more police on the beat. There will be more police officers out there in the neighborhoods to keep them safe. The COPS money can be used to buy bulletproof vests so when a policeman is shot, he might survive. The money is also being used for forensic analysis, DNA testing, trying to find ways that ex-offenders can be brought back in a peaceful way to the cities and towns from where they started. It is used for task forces to go after sexual predators.

The amendment of the Senator from Louisiana would cut off these funds for the city of Chicago. Why? Why in the world would the Senator from Louisiana—a State I have bent over backwards to help since Hurricane Katrina—want to cut off Federal funds to the city of Chicago, funds to make the streets safer? Why would he want to cut off Federal funds to any city in America to make the streets safer?

He wants to argue about immigration laws. Well, that is a valid debate. We had it for 3 weeks here in the Senate, and we will have to return to it because we ended up doing nothing. But in his effort today to bring this immigration issue out to the floor of the Senate, the Senator from Louisiana is threatening the Federal funds that many cities in my home State of Illinois are using to fight violent crime. Why? That makes no sense at all. Will he feel better if there are more killings on the street? Of course not. None of us would. I think he would feel better if there were more cops on the street.

But his amendment seeks to cut off COPS funding for the city of Chicago and other towns in Illinois, and that is not right. I urge my colleagues, when they consider the Vitter amendment, to consider how you would respond to the mayors of these towns when they ask you: How in the world did you disqualify my city from receiving money for bulletproof vests for my policemen? How can you, Senator or Congressman, explain to their families why that fallen policeman's life was taken because no bulletproof vest could be provided from Federal funds?

I do not understand the logic behind this. I would say that many of these cities are working hard to fight crime. They are working with many people. The former president of the International Association of Chiefs of Police, Joseph Estey, said in relation to a proposal similar to the one offered by Senator VITTER:

> Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve.

It is particularly troubling that the Vitter amendment seeks to link COPS funding to the overturning of city confidentiality policies. This bill, the one Senator MIKULSKI and Senator SHELBY have brought before us, currently provides for $660 million in COPS funding. That is a dramatic increase over the administration's request. The money, of course, is for new police officers, bulletproof vests, combating methamphetamine, law enforcement technology enhancements, arresting and prosecuting child predators—the Vitter amendment would cut off Federal funds for efforts to arrest and prosecute child predators—and a lot of other important programs.

This COPS money is focused on helping State and local law enforcement stop violent crime, stop crimes against children, stop sexual predators. Similarly, cities and police departments have put policies in place regarding the confidentiality of immigration status so they can focus on stopping violent crime, and so law enforcement officials can obtain information about crimes from victims and witnesses in communities where they might not otherwise be able to obtain it.

The goal of reducing violent crime is not served by telling police departments they can either have one crime reduction tool—the COPS money—or another—these confidentiality policies.

Do we want to deprive police forces in 23 States additional manpower, men and women on the beat, keeping schools and neighborhoods safe, and deny these same police men and women bulletproof vests through the COPS Program, because local officials have determined when it comes to the enforcement of Federal immigration laws, the Federal Government should assume that enforcement? That is what it comes down to.

We do have a serious immigration problem in this country. I voted—most Members, maybe all Members have voted—for some $7 billion more in enforcement at the border between the United States and Mexico. We have to stop the illegal flow into this country. I think we have put our money where our intentions are. That is a fact.

Earlier this year, we considered comprehensive immigration reform that would also have greatly improved the enforcement of our immigration laws. I supported this effort. It was controversial. We did not have enough votes. The Senator who has brought this amendment to the floor, which would cut off COPS funding, opposed any effort for a comprehensive immigration reform. Instead, he wants to force on State and local governments a responsibility we have not met at the Federal level, and he wants to threaten them with cutting off COPS funds that are critically important for them. I do not think that works.

Violent crime is a serious problem in my State and across the Nation. Violent crime rates have gone up the last 2 years. We need to give our communities the tools to address this problem.

I hope the Vitter amendment will be defeated. Let's make sure we do not make the safety of people living in 23 States a political pawn in this debate over immigration. I urge my colleagues to oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3289

Mr. SHELBY. Mr. President, we are nearing the hour of 12 o'clock, when we have agreed there will be a rollcall vote on the DeMint amendment.

I rise today in support of the amendment offered by Senator DEMINT from South Carolina and ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. The GAO, the General Accounting Office, found that over 120 million in tax dollars were wasted by Federal agencies dealing with travel—first-class travel—when economy travel or something less than first class could do. That is unacceptable to all of us here.

I commend my colleague from South Carolina, Senator DEMINT, for bringing this to the Senate's attention, and I encourage all of my colleagues to vote "aye" on this amendment in a few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the DeMint amendment No. 3289.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—10

Bayh
Biden
Clinton
Dodd
Dole
Inouye
Kennedy
Murkowski
Obama
Warner

The amendment (No. 3289) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3:15 p.m. today, there be 2 minutes of debate prior to a vote in relation to the Ensign amendment No. 3294, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that upon disposition of that amendment, the Senate resume amendment No. 3295, another Ensign amendment, with 2 minutes of debate prior to a vote in relation to that amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendments be in order to either amendment in this agreement prior to the vote; and that the debate time be equally divided and controlled between Senator MIKULSKI and Senator SHELBY or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we also believe we will be having a vote at more or less the same time on the Thune amendment, as it relates to the Legal Services Corporation. We are waiting for final word from Senator HARKIN on that. But when we return from the respective caucus lunches, we expect there to be a debate on the Thune amendment, the Senator from Iowa, Mr. HARKIN, will be speaking, and about that time we expect to have another UC.

There will be votes throughout the afternoon. We urge our colleagues at our respective party lunches to speak to both Senator SHELBY and myself as a way of disposing of those amendments that have been filed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 5 minutes to pay tribute to a Louisianian who passed away this past week.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for her poignant comments.

Mr. President, we have another UC that has not quite ripened as yet, so I will suggest we recess for the party luncheons.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:38 p.m, the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that now, at 2:15, Senator MURRAY of Washington State be recognized for up to 7 minutes; that following those remarks there be 30 minutes of debate with respect to the Thune amendment, No. 3317, with the time equally divided and controlled between Senators THUNE and HARKIN or their designees, that no amendment be in order to the amendment prior to the vote, and that the vote in relation to this amendment occur upon the disposition of the Ensign amendment No. 3295, with 2 minutes of debate prior to the vote; and that after the first vote in the sequence the vote time be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3214 WITHDRAWN

Ms. MIKULSKI. Mr. President, I further ask unanimous consent that amendment No. 3214 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, there are few bills that we deal with in Washington, DC, that are more critical to the safety and well-being of our communities than the bill we are considering on the floor today. This legislation is going to help fund Federal law enforcement and justice programs that are absolutely essential if we are going to keep our neighborhoods safe, keep our justice system strong, and make sure our communities are healthy. At a time when our budgets are very tight and our needs are very great, I believe this bill invests in the right priorities. I thank Senator MIKULSKI and Senator SHELBY for their leadership and their very hard work to put this bill together.

But as all of us in this Chamber know, despite their hard work and leadership at their subcommittee to make a sound investment in the health of our communities, the President has said he will veto this bill. According to the administration, the additional funding in this bill is "irresponsible and excessive."

That is very hard to fathom when this administration is asking for over $190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan for 1 year. While this President easily is spending our money overseas, local communities in my home State and around the country are going without the money they need for very critical programs.

The increases this legislation calls for are a fraction of what this President spends on the wars in a year. The money in this bill will go to revitalize programs that have been overlooked by this administration. My home State, for example, is experiencing a dangerous shortage of FBI agents who do essential work to ensure that we prevent another terrorist attack at home and who perform critical law enforcement duties. That shortage is one example of how this President mixed up the Nation's priorities. But this bill does make a small step toward fixing some of those years of problems.

In my home State, the lack of FBI agents for critical law enforcement needs has been a serious concern for some time, but the urgency of this situation was driven home recently in a series of articles by the Seattle Post-Intelligencer. The paper's first article noted that since 9/11:

> the White House and the Justice Department have failed to replace at least 2,400 agents, transferred from law enforcement to counterterrorism, leaving far fewer agents on the trail of identity thieves, con-artists, hate mongers and other criminals.

The article I referred to found that Washington State has a mere 2.1 FBI agents for every 100,000 residents. That is nearly half the national average.

This past week, I met with police chiefs and sheriffs from across my State, and they agreed this shift has had a real impact on State and local law enforcement. One police chief told me the FBI had virtually disappeared from white collar crime investigations. A sheriff told me the local law enforcement now investigates and prosecutes over 90 percent of all bank robberies, even though this has traditionally been a FBI responsibility.

Another police chief told me the FBI does not have the law enforcement resources to adequately staff antigang task forces, even as the gang presence and gang-related crime increases in our communities.

All of these sheriffs and police chiefs had nothing but praise for the essential work that FBI agents perform in their communities. But even as the FBI focuses on counterterrorism, they ask that it not abandon law enforcement. The Seattle FBI field office has remained understaffed even for counterterrorism agents. That is especially troubling because Washington State's industry-leading companies, international seaports, and important military facilities make it a prime target for a terrorist attack. Three years from now, thousands of people are going to travel through my home State to attend the 2010 Vancouver Winter Olympics. We have to be prepared for the worst. Currently, Washington State ranks 35th in per capita FBI agents. Clearly, that makes no sense.

I thank Senator MIKULSKI and Senator SHELBY for working with me on this issue; specifically an amendment that would end this disconnect and ensure we are placing our FBI agents where they can best protect our communities. It will also get the FBI to tell us how it intends to distribute its resources.

That amendment is the first step toward ensuring that the FBI's priorities are in sync with our country's security needs and its own stated priorities. I commend Senator MIKULSKI for her recognition of that need. Her work to include additional funding for the FBI in this bill is a very good first step. The next step is to increase funding to hire, train, and place new FBI agents throughout the country that will help to ease the burden the FBI has had to bear since 9/11 changed its mission.

But I think we all know more funding is needed. Unfortunately, if this President believes that increasing our FBI budget is irresponsible and excessive and plans to veto this bill, we will not be able to make the necessary investments today that will make our country more secure tomorrow.

While Federal agents are critically important to maintaining the security of our country, we all know that State and local law enforcement are the real guardians for our communities. In this post-9/11 world, we have asked them to place counterterrorism at the top of their priorities.

But criminals have not stopped abusing children or robbing stores or dealing drugs. The local police have been told they need to do more with less, but we have reached a point today where we simply cannot ask them to do more without help.

A recent FBI crime report showed that after a decade of declines, violent crime is now rising for the second straight year. We have to make sure it doesn't rise again. This bill restores funding for our State and local law enforcement to nearly $2.7 billion and fills a major gap, after the President cut its budget in half. This will also provide $1.4 billion for State and local law enforcement grants, including $550 million for COPS grants, and over $100 million for Byrne grants. These funds are critically important and they support antidrug and antigang task forces around the country.

They fund communications equipment that helps our police and our emergency response teams talk to each other, something we all know is desperately needed in all our communities.

They fund critical programs to deal with the spread of methamphetamine, and police chiefs and sheriffs have consistently told me these grants were absolutely essential to their ability to protect our communities. Unfortunately, as I said, we have heard the President say he is going to veto this legislation. This bill addresses critical priorities across our country and I urge all my colleagues to support the bill and send the President a message from our constituents at home that he is taking our country's safety and economic well-being in the wrong direction and that we need to change focus and give our communities what they need to be safe and sound and secure.

This bill also addresses vital commercial and economic interests across the Nation.

In my home State, that means helping to ensure a healthy, sustainable salmon population. In Washington State, healthy salmon mean a healthy economy. That's why I am thankful that this bill includes $90 million in funding for the Pacific Coastal Salmon Recovery Fund. This money will help support our State's coordinated effort to restore salmon runs and preserve a way of life in the Pacific Northwest.

When I talk with leaders in my home State about the need to restore our salmon populations, they call it critical.

When I go home and discuss with law enforcement officials, experts and the media, about the need to increase the number of FBI agents, they say it is an urgent problem.

When I talk to local police and sheriffs about the need for COPS and Byrne grants, they say these grants are crucial to the security and safety of our communities.

Yet when I return to Washington, DC, I am told by this President that the money that is so desperately needed at home is "irresponsible and excessive."

It could not be clearer that this Administration is out of step with the priorities of the people of State and the people of this country.

We have presented the President a measured, responsible bill to bolster our security and build our economy, and I understand he has decided to reject it.

I urge all my colleagues to support this bill and send the President a message from our constituents at home: That he is taking our country's safety and economic well-being in the wrong direction, and that we need to change focus and give our communities what they need to be safe, and sound, and secure.

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate on amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE, equally divided and controlled by the Senator from South Dakota and the Senator from Iowa, Senator HARKIN.

Who seeks time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I am hear to speak in opposition to the amendment offered by the Senator from South Dakota. The amendment he offered would reduce the vital legal assistance to our most vulnerable citizens, low-income Americans who need help with their most critical legal needs.

First of all, I wish to say I am a strong supporter of the bill before us. The President proposed drastic cuts in funding for State and local law enforcement, but the bill provides a total of $2.6 billion for State and local law enforcement which is about $1.5 billion above the President's request. The President's budget also proposed to reduce the number of Federal law enforcement agents working to combat violent crime, but this bill rejects that cut, as well as lifting the hiring freeze on DEA agents.

I wish to point out something else. The bill further provides $1.7 billion for U.S. attorneys, $92 million more than last year, and it directly addresses Native American needs. The bill provides $35 million for tribal law enforcement efforts. The bill further provides $1 million in research on violence against Native American women.

I know Senators MIKULSKI and SHELBY did their best to provide additional resources, especially given the severe budget constraints we face, but the answer to the problems that Native Americans have with domestic violence and violent crime is not to deprive them and other poor citizens of our country of basic legal services. That is what the Thune amendment does. Senator THUNE is putting more money into the U.S. attorneys to combat violent crime, but he is taking it out of Legal Services. That tradeoff is wrong and I encourage my colleagues to reject the Thune amendment and support the level of funding provided in the bill.

Let me take a minute to explain why the increase in funding for Legal Services is so important. In 1996, Legal Services took a drastic cut in funding by the Congress. It went from $415 million to $278 million. It was almost cut in half. We have been trying to get the funding back up since that time. I point out if at that time, from 1995 to now, we had kept pace with inflation, Legal Services would currently be funded at about $566 million. This bill gets it up to $390 million, so we are not even back up to where we were in 1995. As I said, the Thune amendment cuts $20 million out of the increase provided in this bill and gives it to U.S. attorneys. But I also pointed out, the U.S. attorneys already got a $92 million increase in the bill, for $1.7 billion in total funding.

Of course, it is not just Native Americans but a wide range of low-income Americans including, in recent years, victims of Hurricane Katrina and even victims of 9/11, who utilize legal services. We have all read in recent months about the vast increase in the number of people losing their homes because of foreclosures and the scandal in the subprime lending market. Many of these people are low income, and they are going to need help from Legal Services because they will not be able to afford an attorney.

Again, make no mistake, even under this bill as it is, Legal Services is not able to serve the legal needs of all low-income Americans. For example, 50 percent of eligible applicants requesting legal assistance from the Legal Services Corporation grantees are turned away because of lack of funding. Keep in mind that, in order to be eligible for Legal Services, you have to be at or below 125 percent of poverty level. That is an income of $25,000 a year for a family of four. That means right now we are turning away half of the families earning less than $25,000 a year who need legal help. In some parts of the country, it is even higher. In Wisconsin, 80 percent of poor households who face legal problems do so without an attorney.

In California, 66 percent; in Nebraska, 86 percent; in Utah, 87 percent; in New Mexico, 80 percent. On and on. Those are the percentage of low-income people in those States who face a legal problem yet do not get any help.

With so many people going unserved, every cent is crucial. The adoption of the Thune amendment would only result in furthering the justice gap in this country and in many cases hurt the very people the Senator from South Dakota wishes to help, Native Americans.

The clients of Legal Services Corporation funded programs are the most vulnerable among us, and many of them are Native Americans. Since 2001, 2.8 percent of all of the appropriations going to Legal Services has gone to meet the legal needs of disadvantaged Native Americans in this country. That means that under this bill about $10.4 million would go to Native American legal services. That includes South Dakota. In many of these States like South Dakota, a majority of legal services goes to serve Native American populations. In fact, in 2006, fully 67 percent of the clients served by civil legal services in South Dakota were Native Americans—67 percent. By taking money from Legal Services, you are hurting the very people who need legal help, including many of our Native Americans.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. HARKIN. Mr. President, I would be happy to yield.

Mr. DORGAN. Mr. President, I listened to the Senator's presentation. I have indicated to my colleague from South Dakota that I share his instinct and we need better law enforcement on Indian reservations. I do not think there is any question about it.

I appreciate the fact that Senator MIKULSKI and Senator SHELBY added back funds that had been eliminated in the President's budget. But we have a long way to go and we have talked about that here. The instinct is right to try to provide more funding so we are able to deal with those issues.

I held a hearing last week. A report shows that 34 percent of Indian women will be raped or sexually assaulted in their lifetime. That is unbelievable. We have serious law enforcement problems.

But I must vote against this amendment for the following reason: I cannot support an amendment, even though it adds money we need, that we will pay for by eliminating—by reducing funding for legal services, precisely because, as the Senator from Iowa says, legal services are the access to the legal system for low-income folks. It is the only opportunity they have, in many cases, for them to access the legal system.

That budget has been cut, and cut repeatedly. Now we are trying to add some back. To cut it now would be the wrong thing.

I appreciate the Senator yielding to me. I am very interested, I know the Senator from Iowa is very interested, in working with Senator THUNE and others, Senators SHELBY and MIKULSKI. I have talked to them to try to find ways to add back to these accounts in the future. We must do that. It has been partially restored in some of these areas by Senators MIKULSKI and SHELBY.

I thank the Senator from Iowa for allowing me to weigh in. I say I certainly support his presentation. I support the instinct of the Senator from South Dakota in wanting to try to improve this area of funding. But we cannot do it by taking away from such important funding as Legal Services.

Mr. HARKIN. I also appreciate the efforts of the Senator from South Dakota. Again, if you are asking whether I have any problems with where the Senator from South Dakota wants to provide additional funding, no, I do not. I have problems with where we are taking it from. That is my basic problem, because all of the data and all of the testimony tells us that Legal Services are helping the very people we are talking about, especially women who are victims of domestic violence.

Because, a lot of times, Legal Services attorneys are handling family law matters. But before they get to the prosecutorial level, for example, there are things that can be worked out. Individuals have a lawyer—for example, domestic violence restraining orders, separation agreements, or child custody arrangements, those types of things, which are civil matters. U.S. attorneys do not handle that. That is what Legal Services does.

The incidence of violence toward Native American women is tragic. As the Senator from South Dakota pointed out in his presentation earlier, he said Native American women are seven times more likely to be victims of domestic violence than other women. That is what the Senator from North Dakota also just told us.

But, again, it is precisely these citizens whom Legal Services Corporation-funded programs assist. Three out of four clients of Legal Services are women—three out of four.

Legal aid programs identify domestic violence as one of the top priorities in their caseloads. Recent studies have shown that the only public service that reduces domestic abuse in the long term is women's access to legal aid, the very assistance this amendment would drastically curtail. So legal services does make a big difference.

As I said, it is not just Native Americans I am talking about. Legal Services is still helping victims of 9/11, flood victims, Katrina victims. Now we have a whole new group of people accessing Legal Services. I am almost embarrassed to say this. There is another group we now see accessing Legal Services in a big way. Do you know who they are? Our soldiers and their families. Our soldiers and their families, because some of these enlistees who are privates and below do not get enough money. They may have problems, separations. They have been gone a long time. There are family problems. They do not have enough money to hire an attorney. Their spouses might not. So they are accessing Legal Services. This amendment would say: No, we are going to cut back on that. So, again, I think it is important for us to keep this in mind.

I know the Senator from South Dakota had mentioned the recent management problems at Legal Services headquarters. Believe me, no one was more upset than this Senator when the reports came out a year ago, first with the IG investigation and then GAO report. I say that because I started my life after law school as a Legal Services attorney. That is what I did. I know that every cent in the field counts. So if they are wasting money up here in Washington with chauffeured limousines and fancy hotels and all of that kind of stuff, it makes my blood boil, because I know what the Legal Services attorneys in the field are living with, and they are pinching pennies. They are not paid a lot.

That is why I was glad, in the education bill that passed earlier, we included Legal Services lawyers as those who would have their loans repaid if they stayed and became Legal Services attorneys.

Again, I share with the Senator from South Dakota and others my total abhorrence of what was going on in the hierarchy. I will say this: The GAO recommended a number of things for Legal Services to do to address these problems that are now being implemented, in terms of the board structure and other important oversight protections. Why it was not done before, I do not know. There is no excuse for it. There is absolutely no excuse for it. But I can say that the board is now implementing the suggestions and the recommendations of the GAO. I made it very clear as a long-time supporter of the Legal Services Corporation, I made it very clear to management that they needed to act immediately to address the GAO recommendations. I know both Senator SHELBY and Senator MIKULSKI have said the same thing to LSC. So LSC management knows that people here are watching. I know they are acting to address it. Their board of directors has publicly accepted all of GAO's recommendations. They have begun their implementation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Legal Services Corporation's response to GAO which outlines the steps they are taking to ensure better management at headquarters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS FROM THE LEGAL SERVICES CORPORATION

JULY 31, 2007.

JEANETTE M. FRANZEL,
Director, Financial Management and Assurance, Government Accountability Office, Washington, DC.

DEAR MS. FRANZEL: Thank you for the opportunity to provide written comments on the Government Accountability Office (GAO) draft report entitled Legal Services Corporation—Governance and Accountability Practices Need To Be Modernized and Strengthened. This is Management's response to your draft report. The Board of Directors is responding separately.

We are pleased with your findings that LSC "has stronger federal accountability requirements than many nonprofit corporations" and that LSC Board members "demonstrated active involvement through their strong board meeting attendance and participation in LSC oversight." We intend to build on this strong base of accountability and oversight as we respond to the recommendations for executive action which you have made. We fully accept three of your recommendations and we are committed to further action in the spirit of the fourth recommendation.

Regarding the appropriate financial reporting standard for LSC, we are reviewing the Government Accounting Standards Board standards, and we expect to complete our evaluation by the end of October 2007.

Regarding a Continuity of Operations Plan program, LSC has adopted elements of a program, as noted in your draft report, and we expect to complete our comprehensive program during 2008.

Regarding a code of conduct, we have established a staff task force to develop proposals for an LSC compliance program, which will include a comprehensive code of conduct. Our goal is to have recommendations to the Board of Directors by the January 2008 Board meeting.

Regarding a risk management program, we are committed to improving the risk management program at LSC. We note that LSC has managed its risks well over the past 33 years. We will review and implement those additional program elements that are desirable and appropriate for an organization of our size.

We recommend that several clarifications be made to your draft report narrative to insure its overall accuracy. In discussing the accountability of LSC for the management of its federal appropriations, the draft report does not address the existence of congressional oversight. LSC has both authorizing and appropriations committees in the House and the Senate, and LSC is subject to regular oversight from these committees. LSC has been the subject of appropriations and oversight hearings five times in the past three years. LSC staff meet regularly with both Members and congressional staff to discuss ongoing operations.

In discussing LSC's whistleblower protections, the draft report does not acknowledge that LSC has a whistleblower protection statement in its Employee Handbook. This protection for those who complain to the Office of Inspector General (OIG) has been in place at LSC for almost 20 years.

The draft report references potential conflicts of interest with respect to LSC's Acting Special Counsels. All of the relevant information relating to the Acting Special

Counsels was provided to the OIG. The OIG made no findings of any conflict of interest with respect to the Acting Special Counsels, and no report of any potential conflicts of interest exists. LSC has been and remains diligent in its ethical obligation to avoid any conflicts of interest. Since the draft report itself makes no finding by GAO of potential conflicts of interest, the placement of this reference in the "What GAO Found" section (see Highlights page) is particularly troublesome.

Finally, while we recognize that your recommendations of matters for congressional consideration are not made to LSC, we feel compelled to observe that LSC's existing statutory framework is appropriate and has served very well the purposes which Congress intended, as described in the appendices to the draft report which explain the rationale for establishing LSC as a non-profit corporation. Should there be a desire to apply some additional management requirements to LSC, that can be accomplished without modifying the nonprofit corporation framework which Congress enacted. To change the framework of LSC to that of a government corporation or federal agency would subject the mission of providing civil legal assistance to poor people to the kind of political pressure and operational controls which Congress wisely sought to avoid in 1974.

Thank you for the opportunity to comment upon the draft report. This has been a helpful and constructive process for us. We welcome your recommendations for executive action.

Sincerely,

HELAINE M. BARNETT,
President.

Mr. HARKIN. Regardless of what we may think about the management of Legal Services, and what the board was or was not doing, asleep at the switch, it is important to note that this amendment would not impact management. Only $13 million of the $390 million appropriated in the bill goes for management and administration. That account has not received a single penny increase in the funding, thanks to Senator SHELBY and thanks to Senator MIKULSKI. I know this because I worked with them and I championed the increase included in the bill, but to ensure that the money went where it was needed, to the programs in the field and not to management here in Washington.

Senator THUNE's amendment, in taking this money out of Legal Services, may talk about the management, but none of the increase we put in here goes to management. It all goes to the field operations. Those are the people who need it the most.

Again, I echo what my friend from North Dakota said. I think the thrust of what Senator THUNE is trying to do is laudable. Obviously we do have a problem with domestic violence and abuse of Native American women. Obviously this needs to be prosecuted. I would say before that step, though, we need to make sure we have legal services available to them, so that we cut down on the incidence of domestic abuse and domestic violence. For that reason I would oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, amendment No. 3317 I submitted last night. I spoke to it at that point, but I wish to again make some comments with regard to the amendment and the need that exists in the Indian country for this additional funding.

I appreciate the passion of my friend from Iowa for Legal Services Corporation and support of that organization. But I would simply say that once again, these appropriations bills are forcing us to make decisions about what our priorities need to be.

This debate is about choosing priorities. I also say to my friend from Iowa that we are not talking about cutting Legal Services Corporation over the level they were at last year. They were at $348 million in fiscal year 2007. My amendment would still allow a $22 million increase over last year's level. It would fund them at $370 million instead of the $390 million that is included in the base bill. So you are still talking about a 6.3-percent increase in funding for the Legal Services Corporation, so they can continue to do the work they need to do to fulfill their obligations to the American public and the American taxpayers. But what this simply does is say we have a very desperate need in Indian country, and this $20 million could go to very good use in helping us combat violent crime on our reservations.

I guess the question we come down to in these debates on appropriations—and particularly with regard to this amendment—is: Should we provide more badly needed funding to fight violent crime in Indian country or should we put additional funds into an organization that has engaged, according to the GAO and the inspector general, in wasteful spending of taxpayer dollars by providing what would be a substantial increase above the President's recommendation of $311 million and, as I said before, an increase of $42 million over the $348 million that Legal Services Corporation received in last year's appropriations bill?

This bill, the underlying base bill, provides $390 million to Legal Services Corporation. It is a program that has not been reauthorized since 1980. That is a 12-percent increase over the amount appropriated for the Legal Services Corporation in fiscal year 2007, and a 20-percent increase over the recommendations that were made earlier this year in the administration's budget. That substantial increase comes at a time when the Legal Services Corporation has faced very serious questions about its management and expenditure of taxpayer dollars.

The GAO and the Office of Inspector General within the Legal Services Corporation clearly lay out the management and waste that has been going on in the LSC. As I said, my amendment is a modest decrease in the amount of spending that is reflected in the underlying bill. Instead of a $40 million increase, the Legal Services Corporation would still receive a substantial increase of $20 million under my amendment.

Again, I would say that if you look at the GAO report, it is not some dated thing. This is August of 2007. The GAO in their report, entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened," noted a dozen officers and employees of the Legal Services Corporation have received compensation in excess of the statutory compensation limitation. According to the GAO and outside legal counsel, they issued an opinion last May concluding that LSC had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion, and went on to state that: Without a properly designed and implemented end process for overseeing compensation, LSC remains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

Now, as my friend from Iowa has noted, they are responding, as rightly they should, to address those things. But I think the question is, do you want to reward, with a 12-percent increase, a significant increase over fiscal year 2007, that kind of behavior?

We have an opportunity here again to set priorities. In my view, we have a very serious priority that needs to be dealt with on our Indian reservations in this country, which has been pointed out in any number of different stories and articles.

I have lots of personal examples I can offer from people who actually live on reservations who work in the education system. I have a letter from a superintendent from a reservation school who says: We have 1 school resource officer in our school system who is certified as a law enforcement officer. However, on this particular reservation, we have a total of seven BIA policemen to patrol 2.2 million acres of reservation. The response time by the BIA police department can be hours for our residents on the reservation or typically result in no response at all.

If you look at the way these cases are prosecuted on the reservation, I have another letter from a constituent who lives out there who says:

> In some of these situations the people committing the criminal activities have been caught. They have been sent to jail, released and [are] back on the street committing more crimes, sometimes within 24 hours of the last crime.

This principal in his letter talked about what is becoming a very deep endemic problem on reservations; that is, the increased presence of organized gangs, violence, and drugs.

There are lots of anecdotal examples I could share of the need for additional law enforcement presence. I cosponsored, along with Senator DORGAN, an amendment earlier on this bill that would increase the number of law enforcement personnel who would be on the reservations to address what is the issue of actually apprehending people when they commit crimes. What my amendment does is couples with that the other aspect, and that is making sure that when people are apprehended for committing these types of crimes, they go on to get prosecuted.

What is amazing is, if you look at the rate of prosecution on Indian reservations and how it compares with prosecutions elsewhere—there was an article recently in the Wall Street Journal that said that based on Justice Department data, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted. That compares with 56 percent for all other cases. It goes on to say that one of the reasons those cases don't get prosecuted in Indian country is because Federal prosecutors have long distances involved, a lack of resources, and the cost of hauling witnesses and defendants to Federal court. As a consequence, a lot of cases are not being dealt with.

The U.S. attorney who deals with this in a very admirable way in my State of South Dakota suffers from a lack of resources to do the work that is necessary to make sure that crimes that are committed on the reservation are dealt with, and dealt with in an expeditious way.

If you look at the data—this is Justice Department data from 1992 to 2001—the average rate of violent crime among American Indians was 2½ times the national rate. In fact, according to one report in the Indian Country Today newspaper, Native American women are seven times more likely to be the victim of domestic violence than are other women, and more than 60 percent of Indian women will be victims of violent assault during their lifetime.

Senator DORGAN was on the Senate floor yesterday discussing this issue. He noted that one-third of Indian women will be raped or sexually assaulted during their lifetime. This is unacceptable. This has to stop.

What we are simply saying with this amendment is, here is a way to address the issue. Again, we need more law enforcement personnel on the reservations, which this bill will attempt to address, as will an amendment that was offered earlier by Senator DORGAN. I cosponsored an amendment offered by Senator BINGAMAN, the meth hot spots legislation, that would allow the cops made available under that legislation to be used by Indian reservations. But it is important that we get at the issue of making sure our U.S. attorneys are in a position to be able to prosecute when violent crimes are committed in Indian country. These statistics are stunning, when you look at the number of Native American women who are subject to these types of violent crimes—in many cases, sexual assault—that go unprosecuted because of a lack of resources to the Justice Department so U.S. attorneys can bring those cases in court.

I again come back to the basic premise of the amendment. It does increase funding for the Legal Services Corporation, the underlying bill does. The base bill increases it to $390 million from the $348 million level in fiscal year 2007. The administration budget actually recommended $311 million. So $311 to $390 million is about a 20-percent increase. That was over the administration's budget. It is about 12 percent in the base bill over the fiscal year 2007 level from $348 million to $390 million. What my amendment does is pares back the size of that increase by $20 million. So it will now go from $348 million in fiscal year 2007 to $370 million in fiscal year 2008. That is a better than 6-percent increase. So we are not taking away anything from Legal Services Corporation or their ability to do their job. We are simply saying a part of that substantial increase, coming at a time when the Legal Services Corporation is under tremendous scrutiny and criticism from the Government Accountability Office, as well as from their own inspector general, it makes sense, in my view, to take those resources, those $20 million out of that particular account, apply that to giving the U.S. attorneys the resources they need to combat violent crime on our Indian reservations.

There isn't anything that works if you don't have a secure, safe environment. Public safety is the most important responsibility we have. Our Indian reservations today are suffering from a tremendous lack of enforcement of laws, a failure on the part of our Government to respond to providing security. I have talked with school superintendents and principals whose children cannot learn when they don't have a safe learning environment. That is what we are dealing with today because of a lack of law enforcement personnel and a lack of capability on behalf of the U.S. attorneys to prosecute crimes committed in Indian country so that those who perpetrate those crimes are not released and back out on the street to commit further crimes.

It is a straightforward amendment: $20 million out of the Legal Services Corporation increase, a substantial increase still over what they received last year, and take that $20 million and apply it to a very desperate need that we have on our reservations to make sure we are doing our best to provide public safety so our young children in Indian country have the ability to learn, to get educated, to conduct their lives, and to create an opportunity where the economy in Indian country can grow and prosper as well. You can't do that absent public safety and security.

I reserve the remainder of my time.

The PRESIDING OFFICER. Up to 3 minutes has been reserved. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond. Again, I want to read from the bill so it is clear in everyone's mind that none of the money the Senator from South Dakota is taking out of Legal Services will come from administration. The bill itself says, page 81: $372 million is for basic field programs, $13.8 million for management and administration—exactly what they had last year.

Again, we are not rewarding LSC management for being bad actors, nor are we rewarding the board for the poor oversight they provided. We are keeping the management and administration account to the same level it was funded at last year. So the money Senator THUNE is proposing to cut will come from field operations.

Secondly, there is a glass half full/half empty story about the increase in this bill for Legal Services. Over 11 years ago, this Congress cut Legal Services in half. Since that time, the number of people in poverty has grown. We have more poor people. Yet we still are not even at the level we were in 1995 for Legal Services. Imagine that. If we had kept pace with inflation from 1995 to now, Legal Services would be funded at the level of about $566 million. This bill only gets it back to $390 million. So we are not even where we were in 1995.

Lastly, while I understand what the Senator from South Dakota is saying about violent crime in Indian country and on reservations, we are cognizant of that, but why take the money away from the very services helping our Native Americans. As I said, 67 percent of Legal Services money spent in South Dakota goes to Native Americans. I would submit that a lot of that goes to help prevent the kind of domestic violence that results in prosecutorial action later on. Think of it like preventive medicine. Better to have Legal Services there, access for poor Indians who want to come in who may have domestic problems, landlord-tenant problems, child custody problems, whatever, that may lead to some kind of domestic violence. Better to let them have access to Legal Services and take care of it that way before it blows up into a violent situation.

I, again, hope Senators will reject the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, in response to my colleague from Iowa, this amendment doesn't take anything away from Legal Services Corporation. They received $348 million in fiscal year 2007. This base bill proposes to increase that by $42 million, or about 12 percent, to $390 million in 2008. This isn't taking away anything they currently have. In fact, under my amendment the Legal Services Corporation gets a 6.3-percent increase over fiscal year 2007. There is nothing being taken away from anybody. There is nothing they have today that is going to be taken away. They will see a 6.3-percent increase. What this does is shift money to what, in my view, is a higher priority, and that is the need we have in Indian country for making sure that we are doing a better job of prosecuting cases and enforcing the law. We have a serious problem.

This is from the Justice Department: American Indians annually experience 7 sexual assaults per 1,000 residents compared with 3 per 1,000 among African Americans and 2 per 1,000 among whites. The statistics are in front of us. We cannot afford to allow these conditions to continue to exist at a time when we have a lot of young people coming up on Indian reservations who need access to good education, need an opportunity to achieve their dreams. You just can't do that absent public safety. What we have today in Indian country is a very serious situation. For everybody who comes into my office, this is the issue that continues to recur that they share with me. We have to address it. I believe we have a responsibility to do that.

This amendment does it in a responsible way, not by cutting anything for an organization from where it is today, but it simply reduces the increase that the Legal Services Corporation would get, from a 12-percent increase over last year's level to a 6.3-percent increase over last year's level, which seems a fair way of going about this.

I urge my colleagues to support the amendment and to do something about law enforcement and the crime problem that exists today on America's Indian reservations. In so doing, we will improve the quality of life for our citizens who live on America's reservations and hopefully provide a safer future for their children.

With that, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I know the hour between 3 and 3:15 has not been designated for debate, but as the manager of the bill and also as a professionally trained social worker, I want to speak against the Thune amendment.

What we want to acknowledge is the validity of the concerns to fund help for the Indian tribes. But let's go to the facts. Fact No. 1, the President's budget request eliminated dedicated funding for tribes. This very President, this very administration has eliminated dedicated funding for tribes. This committee, on a bipartisan basis, rejected that. It is true, we do need to help get those resources into Indian country. We do not doubt the validity of that. In response, we said no to the President eliminating dedicated funding, and yes to $83 million. This subcommittee will put in $83 million for tribal programs to fight crime, protect victims, and to help troubled tribal youth; $35 million for tribal law enforcement, for training, hiring, for equipment, for court improvement projects; $28 million for additional tribe assistance; $10 million for youth intervention programs; $6 million for domestic violence programs. We have said no to the President eliminating this, and yes to the $83 million. Even the way OMB counts, that is real money. The second thing is we should not pit one group of needy Americans against the needs of other Americans.

Let's go to Legal Services. This agency was created in 1974, and it has been fighting for its existence ever since. But little by little over the years we made incremental improvements in its funding. However, in 1996 came a horrendous and Draconian cut. Legal Services endured a 50-percent cut in their funding. In 1980, the funding was $300 million. Remember what we are talking about now. In 2007 funds, we are talking about $390 million. If we had kept funding at the 1980 levels, just with inflation, Legal Services would be funded at $757 million.

So guess what. Senator MIKULSKI, the Democrats take charge. We take a look at Legal Services and we say: We are concerned. We are concerned that for over 1 million people Legal Services helps, 1 million need to be turned away. Fifty percent of the people who come for legal services have to be turned away because of a lack of lawyers, paralegals, and other support staff.

Let me say this: As a social worker—and, I might add, I am a dues-paying National Association of Social Workers member. I was a foster care worker. I was a child abuse worker. I was an antipoverty program worker. I am still that kind of social worker, only now I fight it on the floor of the Senate rather than in the neighborhoods of Baltimore.

As social workers, two of our best friends were our Legal Services lawyers and our school nurses. We could turn to them to have a team to help get families on the right track. We would turn to those Legal Services lawyers so that if a spouse was in a domestic violence situation, we could get the law enforcement help to them. We could get them through a divorce proceeding to get them on the right track, to give them a second chance, to get them moving.

Often they were victims of predatory lending or other schemes and other scams. It was the Legal Services lawyers to whom we would turn to get that taken care of. Sometimes unscrupulous landlords would have them in lead-saturated houses. We could turn to our Legal Services lawyers and our public health nurses and we were able to turn lives around. Thank God for the Legal Services lawyers.

Now, the Senator from South Dakota says this will not hurt anybody. You are not going after a corporation. We are eliminating lawyers and paralegals and the social support staff to help 1 million people. Darn right you are having an impact. You are not going after something called a corporation; you are going after our increases there.

Now, we did not fund administrative costs. We did not kind of bloat up a bureaucracy. Our money is specifically focused on lawyers, paralegals, and the social support staff for a difference. So when we say let's take it from Legal Services to help the tribes, well, 70 percent of the Legal Services population in South Dakota is Native American.

So I would hope we are not pitting one group of needy Americans against another group of needy Americans. We hope you reject the Thune amendment, support the Mikulski-Shelby bipartisan bill that puts $83 million in to help with tribal assistance. We are looking at how to deal with additional resources on the meth issues.

Let's put Legal Services back on track. Let's help those lawyers. Let's help those paralegals. Let's help that social support staff work with people, families, and child services to turn lives around. One of the best ways to really help fight crime is in those early interventions we can do with families. So really, I ask you, with all the professional experience I ever had in these areas, let's stick with Legal Services.

Madam President, I ask unanimous consent that the vote sequence now commence at 3:30 p.m. today under the same conditions and limitations as previously ordered and that the time until then be equally divided between the managers or their designees.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3295

Ms. MIKULSKI. Madam President, in about 15 minutes we will be voting on a series of amendments, and I wish to comment now on one of them, the Ensign amendment No. 3295.

I want my colleagues to know I oppose the Ensign amendment No. 3295. What the Senator from Nevada is proposing is to reduce the NASA funding in this bill by $150 million and to put it into something called the State Criminal Alien Assistance Program.

Again, we are pitting good ideas against each other. That is why you have to really rely upon the chairman and ranking member, who kind of strike a balance with this bill.

In the CJS bill, we did want to fund the State Criminal Alien Assistance Program. We know how important it is because it reimbursed the States for detaining illegal immigrants. This is a priority for this subcommittee, and we provided $400 million to do that. We are very aware that State budgets are stretched thin, that they should not bear the cost of paying the bill for detaining illegal immigrants. We do not want to create another unfunded Federal mandate there. So working with my colleague on the other side of the aisle, we made sure there was $400 million in it. Now, we acknowledge that the Senator from Nevada would like to increase it. We would like to increase it as well. But already the President is threatening a veto because we restored the funding for the COPS Program.

Now, the cut to NASA is not a benign cut. It would be a devastating blow to NASA. It would be a major setback to the exploration programs and a devastating blow to the science programs. It would harm our effort to do very important things, one of which is a key priority for funding the next-generation shuttle.

The shuttle, as we now know it, will retire in 2010. It is getting older, it has fewer flights that it can continue, and we need to be returning to space with a new vehicle. It is the No. 1 priority, on a bipartisan basis, for Senators KAY BAILEY HUTCHISON, RICHARD SHELBY, BILL NELSON, and BARBARA MIKULSKI, who kind have been the space Senators here. Also, it is the No. 1 priority for the administration, and it is the No. 1 priority for the director of NASA that we need not delay in getting ready for that vehicle that returns us to space.

From 2010, for another 3 to 5 years, we will have no access in space. We are going to rely on the kindness of allies to go back. We cannot lose time or ground. Our national security and our national honor depend upon it. Also, this would have a tremendous impact on the state of science, which goes to major efforts in terms of better understanding our planet Earth, where we do suspect intelligent life, and also the impact of climate changes. It is wonderful that we win the Nobel Prize on climate change—and we support our former colleague, Vice President Gore—but we have to keep winning those. Remember, the Nobel Prize not only went to Gore but to the scientists studying this. Regardless how you feel about the climate crisis, I think we need sound science and sensible solutions. So please, while we are looking at how are we going to pay the bills for the detention of illegal aliens in State facilities, don't penalize NASA. That would be an incredible setback to national security, to national honor, to national innovation, and a key administration priority.

So I hope that when the Ensign amendment No. 3295 comes up for a vote, my colleagues will join me in tabling this amendment.

I cannot say enough about the cooperation of Senator SHELBY and his staff and about finding a balance in this bill, because we had so many competing needs, and in each one we tried to strike the balance. We had the will, but we didn't quite have the wallet to do what we needed to do. But we certainly have made significant progress and went well beyond downpayments in meeting our responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in opposition to amendment No. 3295 offered by the Senator from Nevada.

This amendment seeks to take $150 million from NASA and will give it to the State Criminal Alien Assistance Program—a program that is already $400 million dollars over the budget request of zero.

At first glance, a reduction of $150 million from NASA's $17 billion budget would seem minimal.

However, let's look at the facts. After debating this bill, it is clear that NASA is a priority for the Senate.

We debated and added an additional $1 billion to NASA in order to partially compensate for the funding shortfall NASA has endured since the Columbia disaster. This funding will only cover one-third of the $2.7 billion needed to keep NASA on track.

To cut funding will endanger NASA missions that will inform us about the world we live in, and cripple our ability to be competitive in space.

We are in a space race. While we are the current leader in space, there are many countries that want to take our place and are aggressively moving forward to do so.

The administration has articulated, and Congress has endorsed, a vision for exploration. The return of our astronauts to the Moon is a Priority and we have provided the funding to accomplish that goal.

Now this funding is in jeopardy.

And what are we jeopardizing our future for? The State Criminal Alien Assistance Program—a program that was not requested by the administration, and currently is funded in this bill at $400 million.

We are being asked to add $150 million to a program that barely touches many of our States. Since 2000, five States have received 77 percent of the $2.8 billion in funding for this program.

Let me say that again—77 percent, or $2.2 of the $2.8 billion, for this program since 2000 has gone to only 5 States.

This can hardly be called a national program, although I'm sure it is an important program.

Yet, our Nation's space program benefits the lives of every American. The work that NASA does, from encouraging students into science and engineering careers, to innovative technology advances, improve our quality of life. The forward and innovative thinking at NASA helps to ensure our Nation has the ability to compete, and lead, in the global economy.

We are committed to keeping our leadership role in space.

In order to do so, we must make the right investments in space at the right times. That time is now.

I encourage my colleagues to oppose the Ensign amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 2 minutes remaining under the previous order.

Ms. MIKULSKI. Madam President, I reserve 30 seconds for myself.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I wish to oppose this amendment. What we have, thanks to the two Senators who are leading this bill, is emergency funding for NASA to replace the funds that NASA had to expend as a result of the destruction of the Space Shuttle Columbia. These are funds that normally would be provided, as they were over 2 decades ago in the destruction of the Space Shuttle Challenger, out of emergency funds. Instead, this time, NASA has had to take it out of its hide, out of its own operating funds. Therefore, all the plans of what NASA is doing to complete the International Space Station, as well as prepare for the new vehicles, Orion and

Ares, in the stack called Constellation, in a program to take us into human orbit again and eventually to the Moon, as well as all the scientific research that is going on, it is all coming out of these funds instead of out of emergency funds.

The 2 Senators have offered the leadership to make NASA whole. This little agency which is being starved of funds, they have restored these emergency funds. And now here comes Senator ENSIGN wanting to penalize NASA again.

I understand my time is up, and I yield the floor.

AMENDMENT NO. 3294

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate, equally divided and controlled, prior to a vote in relation to amendment No. 3294, offered by the Senator from Nevada, Mr. ENSIGN.

Ms. MIKULSKI. Madam President, on Ensign amendment No. 3294, I support this amendment and urge my colleagues to do so as well. We have arrived at a bipartisan solution. It is Ensign amendment No. 3295 that the Senators from Florida and Alabama and I oppose.

So on Ensign amendment No. 3294, I urge support of this amendment and urge we go to a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back. The question is on agreeing to Ensign amendment No. 3294. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from North Carolina (Mrs. DOLE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—91

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—9

Biden
Clinton
Dodd
Dole
Inouye
Isakson
Kennedy
Obama
Warner

The amendment (No. 3294) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I think it is important we hear from the Senator from Nevada on this next amendment, which is an important one.

AMENDMENT NO. 3295

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3295 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, this is an amendment that would take $150 million out of the NASA budget. We know NASA has been increased by $1 billion over last year's budget, and we also increased this past week $1 billion in emergency funding. It is $150 million, not including the billion dollars in emergency funding over the President's request. We seek to help something that is always underfunded, and that is to help especially the southwestern States and their local law enforcement to combat criminals who are illegal aliens. There is a huge problem. They do not have the resources. So we took $150 million out of the NASA budget to put it toward programs to help combat not only illegal immigration but especially those who are here illegally and who are committing crimes. That is simply what this amendment does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 30 seconds to the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President and colleagues, I hope very much we will not adopt this amendment. We are already looking at a 5-year gap between 2010 when the shuttle goes out of existence and 2015 when the crew-returned vehicle comes online. That is a security risk for the United States. If we adopt this amendment, we are going to lengthen the time that America cannot put anyone in space. Russia can, China will probably be able to, India may be able to, but not America. That is a security risk I am not ready to take, and I hope my colleagues will defeat this amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

Ms. MIKULSKI. Mr. President, I too oppose the Ensign amendment. We have met our responsibility to the State Criminal Alien Program. We have put $400 million in it. I believe the amendment is unnecessary.

I oppose it, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—68

Akaka
Alexander
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dorgan
Durbin
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith

Snowe
Specter
Stabenow
Stevens
Sununu
Vitter
Voinovich
Whitehouse

NAYS—25

Allard
Barrasso
Baucus
Brownback
Burr
Chambliss
Coburn
Coleman
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Klobuchar
Kyl
McCain
McConnell
Roberts
Tester
Thune
Webb
Wyden

NOT VOTING—7

Biden
Clinton
Inouye
Isakson
Kennedy
Obama
Warner

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. KYL. Mr. President, on rollcall Vote No. 367 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I have two very brief unanimous consent requests.

On rollcall 367, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, last year the Legal Services Corporation was funded at $348 million. This year the administration's budget proposed a funding level of $311 million. The base bill under consideration today funds the Legal Services Corporation at $390 million, which would be a 12-percent increase over the appropriated level in fiscal year 2007. What my amendment does is simply takes $20 million out of that increase. It still increases the Legal Services Corporation by 6.3 percent over fiscal year 2007 but takes $20 million of that proposed increase for the Legal Services Corporation and applies it to fighting violent crime on America's Indian reservations by increasing funding for our U.S. attorneys so they can prosecute crimes committed on Indian reservations.

Around the country, 56 percent of crimes that are brought to U.S. Attorney's Offices end up being prosecuted. On Indian reservations that number is 30 percent. People on Indian reservations should not have to live in fear. Public safety is something for which we have responsibility. It is important we do something to address that. This amendment will move money toward fighting crime on Indian reservations to make it safer for people who live there.

Ms. MIKULSKI. Mr. President, on behalf of Senator HARKIN and myself, we vigorously oppose this amendment. We too acknowledge that we should help people who are victims of crime on Indian reservations. But the administration eliminated all funds to do that.

The bipartisan agreement puts $83 million in for tribal programs to fight crime, protect victims, and help troubled tribal youth. What this amendment does is take money out of the first meaningful increase that Legal Services has had. This does not take money from something called a corporation, it takes it out of the lawyers, the paralegals, and the support staff who provide legal services to the poor in this country. In South Dakota, 70 percent of those are Native Americans.

Senator HARKIN and I oppose this moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—62

Akaka
Bayh
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hutchison
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Webb
Whitehouse
Wyden

NAYS—31

Alexander
Allard
Barrasso
Baucus
Bennett
Brownback
Burr
Chambliss
Coburn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Hatch
Inhofe
Kyl
Lott
McCain
McConnell
Murkowski
Roberts
Sessions
Stevens
Tester
Thune
Vitter
Voinovich

NOT VOTING—7

Biden
Clinton
Inouye
Isakson
Kennedy
Obama
Warner

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. COLEMAN. Mr. President, on rollcall No. 368, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be allowed to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Ms. MIKULSKI. I ask unanimous consent that at 6 p.m. today, the Senate proceed to vote in relation to the Vitter amendment, No. 3277, with no amendment in order to the amendment prior to the vote, and that the time from 5:30 to 6 be equally divided and controlled between Senators MIKULSKI and VITTER or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 3249

Mr. LEAHY. I ask unanimous consent to set aside the pending amendment and call up amendment No. 3249.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3249.

The amendment is as follows:

(Purpose: To appropriate an additional $30,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike "$1,400,000,000" and insert "$1,430,000,000".

On page 52, line 15, strike "$60,000,000" and insert "$90,000,000".

On page 70, after line 10, insert the following:

SEC. __. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $30,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3249, AS MODIFIED

Mr. LEAHY. I send to the desk a modification and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 52, line 5, strike "$1,400,000,000" and insert "$1,415,000,000".

On page 52, line 15, strike "$60,000,000" and insert" $75,000,000".

On page 70, after line 10, insert the following:

SEC___. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $15,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. LEAHY. Mr. President, I offer a modified amendment that will provide an additional $15 million for the Boys and Girls Clubs of America so the Clubs can continue to help our Nation's children become productive, law abiding teenagers and contributing adults.

We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs in criminal activity. In fact, after I became a U.S. Senator, a police chief was such a big fan of the work of the Boys and Girls Clubs, that he asked me to help fund a club in his district rather than helping him secure funding for a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first Club was established in Burlington 63 years ago. Now we have 6 clubs in Vermont and 25 other locations throughout the State managed by the Boys and Girls Clubs of America. These clubs serve well over 10,000 kids statewide. In a small State such as mine, that is a significant number.

I had a terrific visit last month at the Boys and Girls Club of Burlington, VT, and was approached by parents, educators, law enforcement officers and others who told me: Keep doing this. It gives our children a chance to grow up free of drugs, gangs and crime. That is my ultimate proof. If these folks are asking for more clubs and more support, then we ought to do it.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased federal support for Boys and Girls Clubs from $20 million to $85 million. Due in large part to this increase in funding, there now exist more than 4,000 Boys and Girls Clubs in all 50 States serving almost 5 million young people.

In 2004, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the Nation.

Because of these successes, I was both surprised and deeply disappointed to see that the President requested no funding in his budget for Boys and Girls Clubs for fiscal year 2008 in an effort to consolidate and cut grant funding in the Department of Justice. That request will leave thousands of children and their clubs behind. We cannot allow such a thing to happen. We seem to find an unlimited amount of money to send to Iraq, where half the time we cannot even find out what happened to the money after it went there. I would like to spend a little bit of that money in the United States to help protect our children. We owe it to them. This will do it.

If we had a Boys and Girls Club in every community, prosecutors would have a lot less work to do because of the values that are instilled in children from the Boys and Girls Clubs. They deliver results and represent the best of what communities can do to improve the lives of their young people.

Across the Nation, Boys and Girls Clubs are proven and growing successes in preventing crime and supporting our children. Our amendment will restore funding for the Boys and Girls Clubs of America to reach $75 million. It also provides an offset by rescinding $15 million in unobligated balances from the Department of Justice in prior fiscal years. It would have no effect on budget authority.

This is not a Democratic or Republican idea; it is just an idea that makes sense. It is also an idea that works. We all know instinctively that our Nation's strength and ultimate success lies with our children.

I urge the Senate to adopt the Leahy amendment to provide an additional $15 million for the 2008 fiscal year for the Boys and Girls Clubs of America. Our greatest responsibility is to help children inhabit this century the best way possible and we can help do that by supporting the Boys and Girls Clubs of America.

Mr. HATCH. Mr. President, I rise in support of the Leahy-Hatch amendment which will increase funding for the Boys and Girls Club of America, BGCA. The Boys and Girls Club of America consists of more than 4,000 neighborhood facilities that provide services for more than 4.8 million young Americans each year. Many of the developmental programs that are offered increase and emphasize the education, leadership, and character of participating children. The amendment offered today will narrow the gap between the authorized and appropriated funds for the Boys and Girls Clubs of America.

It is easy to see how important the Boys and Girls Clubs are to shaping the lives of at-risk youth. By creating an environment where America's children can learn and grow, Boys and Girls Clubs helps produce better students, better citizens, and stronger families. Boys and Girls Clubs are a vital part of communities across the Nation, and by continuing to help fund this organization, the more than 4 million youths served by BGCA will continue to have a place where they can find friendship, mentorship, and support.

Congressional support for BGCA has resulted in support for 13 new club start-ups in Utah. Successes like this are being repeated in every other State across the country. At-risk children in public housing and public schools, on military bases and on Native American lands have come to know the Boys and Girls Clubs of America as a place where they can be themselves and escape the streets.

The tremendous success stories of the BGCA program are abundant. These successes can be increased with the passage of this amendment. I fully endorse the amendment, and urge my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Vermont for working with the subcommittee. I know from firsthand experience how important Boys and Girls Clubs are in keeping our kids safe in neighborhoods and also doing the very important work that keeps them on the straight and narrow. Both the Senator from Alabama, my ranking member, and I would like to do more for Boys and Girls Clubs. We are more than willing to accept the amendment of the Senator from Vermont. It has been cleared on both sides of the aisle. I, therefore, urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3249), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. I ask unanimous consent that the pending amendment be temporarily set aside in order that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3313

Mrs. DOLE. Mr. President, I call up amendment No. 3313 pending at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 3313.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside $75,000,000 of the funds appropriated under the heading State and Local Law Enforcement Assistance for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws)

On page 53, line 11, insert ", and of which not less than $75,000,000 shall be used by United States Immigration and Customs Enforcement for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws" before the semicolon at the end.

Mrs. DOLE. Mr. President, I have just returned from North Carolina where this morning I attended a presentation by Immigration and Customs Enforcement to the North Carolina Sheriffs Association. I heard today, as I have many times before, that ICE resources for enforcing our immigration laws are woefully underfunded. They tell me they are stretched much too thin, and they are asking for our help. As seen firsthand in parts of North Carolina, the programs carried out by ICE work, particularly where there are partnerships with local law enforcement. In North Carolina today we were announcing an exciting partnership between our 100 county sheriffs and ICE where tools will be made available to local law enforcement so they can help identify, apprehend, and remove illegal aliens who have self-identified themselves by committing crimes. But these programs that are so critical to enforcing our laws must have funding.

This is the Senate's opportunity to act to make certain that these valuable programs are funded and our law enforcement professionals have the tools they need. My amendment would target $75 million in funds appropriated by the State Criminal Alien Assistance Program to benefit local law enforcement agencies as they assist ICE in enforcing Federal immigration laws. When it comes to tackling this complex issue of immigration, an important first step must be addressing the criminal element and ensuring that people can feel safe in their homes and communities. We have all heard about families shattered when an illegal alien driving under the influence of drugs or alcohol or engaged in gang-related activity kills a law-abiding citizen. Many tragedies can be prevented if we give our local law enforcement officials the tools and resources to identify and process illegal criminal aliens. Providing greater funding for ICE programs will demonstrate our commitment to helping local law enforcement officials secure the resources they need, and it is the right thing to do for all our communities.

I urge my colleagues to support this commonsense amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, ordinarily I would wholeheartedly and enthusiastically agree with the Senator from North Carolina, but here I have to respectfully disagree, not with her intent but where she is getting the money. I rise to oppose this amendment because it would take $75 million from State and local law enforcement that has already been troubled and under siege and give it to the Department of Homeland Security, an agency that has its own appropriations.

I acknowledge the work of North Carolina, what they are doing, the fact that they have a unique partnership that has been done. We acknowledge that, and we acknowledge that other law enforcement would also benefit. But she is talking about $75 million. The Department of Homeland Security received billions. The place for the Senator to have made this fight was when Homeland Security was on the floor, and she should have offered that as an amendment on Homeland Security and gotten it through an offset or gotten it in Homeland Security or gotten it by raising the Budget Act under a point of order.

Let me tell you where we are. When we received the President's budget in February, I was horrified, as was my colleague. The COPS Program was eliminated. That is the program that actually puts money into the Federal checkbook to put cops on the street to fight violent crime. But it was eliminated.

Under President Bill Clinton, who created the program—of course, Congress creates the programs, but working in partnership with the President when we did have the White House, we put on the streets of America 118,000 cops through that program, and we reduced violent crime by 10 percent. But in this President's budget it was eliminated.

Then we saw another program called Byrne grants—not B-U-R-N, as if when you are injured in a fire, but B-Y-R-N-E, named after Edward Byrne, a police officer killed in the line of duty—it was President Bush's dad who created that program, again, with money going to local law enforcement to fight local problems, including sheriffs' departments.

Now, the Senator from North Carolina is going to gut State and local law enforcement by taking $75 million out of it. We cannot do this. Violent crime in America is on the rise—murder, burglaries, rape, other things so despicable I do not want to speak about it on the Senate floor.

When the Senator talks about her sheriffs, I have sheriffs too. But I am going to be one of the posse that helps them shoot straight. That means they need their resources that will come from State and local law enforcement grants we are going to provide for them to either add more police officers, have technology upgrades to maximize their efficiency and help them get real convictions, and have the kinds of things that will help them get the bulletproof vests they need, the other more advanced equipment that our rural communities—as the Presiding Officer from Colorado knows—do not have.

So what we did in the Mikulski-Shelby bill is restore $1.5 billion so we could have cops on the beat, so we could have money to fund local law enforcement for technological upgrades, for the equipment they need such as bulletproof vests to protect themselves while they are busy helping us.

We have to make sure they have those resources. I do not deny what the Senator is talking about, but I will say what she is trying to do right now would gut the local law enforcement program. She would have a Draconian impact on our ability to put cops on the beat and to also give them the equipment to protect themselves, the technology that is needed to extend their effectiveness and make sure the thin blue line does not get thinner.

So I think this $75 million request is inappropriate. It is inappropriate not because of what she wants to accomplish, but it is inappropriate because she is taking money out of a Justice account and putting it in a Homeland Security account, when we had a Homeland Security bill and the Senator could have added it there. That was the place to make this fight.

Now, we are afraid that no matter how well intentioned this amendment is—and I know it is very well intentioned and has a lot of intellectual rigor behind it—it is not appropriate to take money out of State and local law enforcement and give it to Homeland Security, when they have their own whole subcommittee, and that was the place to make that fight.

It is not about which committee. This is not about committees. But I am telling you, the Senator from Alabama and I have worked hard—really worked hard—to make sure we are helping our local law enforcement—our very first line of defense—with the resources they need with more officers and better equipment.

Mr. President, I ask unanimous consent that the vote in relation to the Dole amendment occur at 5 p.m., with no amendment in order to the amendment prior to the vote and that the time until then be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Mr. President, I simply wish to make the point that what I have suggested is ICE works at common purpose with SCAAP for money on the frontlines, where it is desperately needed by our law enforcement officials. This is State and local law enforcement. So I think they are working at common purpose. I wished to add that comment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I say to the Senator from North Carolina, I am sorry, I was handling a procedural issue. Could you repeat what you said?

Mrs. DOLE. Mr. President, I said what I have said earlier works at common purpose with SCAAP—the ICE funding—for money on the frontlines, where it is desperately needed by our law enforcement personnel. This is State and local law enforcement.

Ms. MIKULSKI. But, Mr. President, I would say to the Senator from North Carolina, whom I worked with when she was at the Department of Labor as well as the Department of Transportation, along with other issues in our community—her support for the concern of battered women, homeless women is so well known—this is not SCAAP. This is not the program that helps pay State funds for the detention of detained illegal immigrants. This is taking real dollars in the Federal checkbook out of which local law enforcement can apply for the COPS and for the Byrne grants.

So I have to continue my opposition.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think the intention of the Senator from North Carolina is good. I know she is concerned about border enforcement and everything that goes with it dealing with immigration. But that is the province of Homeland Security. We have an appropriations bill dealing with homeland security. I happen to serve, among others, on that committee too. But this bill deals with the Justice Department and related agencies.

I do not think we should be taking money out of this bill to give to Homeland Security for some program or taking money out of Homeland Security to give to Justice. We have allocations, as the Presiding Officer sitting here knows.

I think the Senator means well, but I think this is the wrong vehicle for what she is trying to do, and I oppose her amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I oppose the Dole amendment No. 3313. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—50

Akaka
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dorgan
Durbin
Ensign
Feingold
Feinstein
Gregg
Hagel
Harkin
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Specter
Stabenow
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Graham
Grassley
Hatch
Hutchison
Inhofe
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Snowe
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb

NOT VOTING—8

Biden
Clinton
Dodd
Inouye
Isakson
Kennedy
Obama
Warner

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. WHITEHOUSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3277

The PRESIDING OFFICER. The pending question is now the Vitter amendment No. 3277. The time between 5:30 p.m. and 6 p.m. will be equally divided.

Ms. MIKULSKI. Madam President, as I look about, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3277

Mr. VITTER. Madam President, I rise to strongly urge all of my colleagues on both sides of the aisle to join in support of Vitter amendment No. 3277. We will be voting on that amendment shortly.

This is a commonsense, straightforward amendment, reasonable in nature, which is supported by the vast majority of the American people. It is supported because it makes good common sense. It says very simply that everyone at all levels of government should be part of the solution and should cooperate fully with Federal immigration enforcement officials and should not refuse to cooperate, refuse to give information to those officials trying to do a very difficult job, and in those cases where local jurisdictions do not properly cooperate with Federal officials, as is currently mandated by Federal law, then those local jurisdictions will not get COPS funds. It is pure and simple. This is present law. So we tell local and State jurisdictions:

Please follow present Federal law. And if you don't, don't expect to get money from the Federal Government, particularly in the area of COPS funding.

Again, I think it is very important to make clear that we are not changing present Federal law with this amendment; we are simply trying to enforce it.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, and section 642(a) of that legislation, now over 10 years old, is very clear:

> Federal, State, or local government entity or official may not prohibit, or in any way restrict any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

It couldn't be clearer, and it couldn't be simpler. That is present Federal law and has been for over 10 years—cooperate and share information. You cannot prohibit that basic, straightforward, reasonable sharing of information. Our Federal authorities have a very difficult job to do, and they can never get it done without reasonable minimal help from other law enforcement officials around the country.

The problem is there are these so-called sanctuary cities or sanctuary jurisdictions that have made it perfectly clear they are going to ignore that Federal law. They are going to break that Federal law. They are not going to cooperate in any way with the enforcement of our immigration laws. They are going to be part of an active movement to flaunt them, to not enforce those laws, and to frustrate the enforcement of those laws.

Not surprisingly, this is perhaps clearest coming out of San Francisco. There the mayor said very clearly—and this was just this past April in response to the Federal authorities' raid on an Oakland business, where they arrested 13 foreign nationals who entered the country illegally—the San Francisco mayor said:

> I will not allow any of my department heads or anyone associated with this city to cooperate in any way, shape, or form with these raids. We are a sanctuary city, make no mistake about it.

One of his counterparts in the area, the mayor of Richmond, CA, just outside of San Francisco, actually went a little further, if you can believe that, if you can believe it is possible to go further. This past February, he said:

> I really don't believe that any of our residents should be living in a climate of fear and terror like this. People have no real criminal behavior at all and have been unjustly placed under arrest.

That was in response to a raid by Federal officials.

So the San Francisco mayor said: We are not going to have anything to do with it, we are going to do everything we can to frustrate the Federal law. The Richmond mayor went beyond that and said: We don't think Federal immigration officials should be doing their job.

I think that is wrong.

This has reached a ridiculous level, Madam President. It is no surprise to the American people that we are not enforcing our laws when they hear local jurisdictions acting like this, flaunting the law, ignoring clear Federal law that has been on the books for over 10 years. If we have any chance to rein in illegal immigration and enforce the rule of law, Federal officials need reasonable help. That is what it will take to enforce our immigration laws. And in enforcing our immigration laws, we will make this country safer.

I clearly, strongly disagree with these arguments that somehow this is going to lessen public safety. This will increase public safety as we enforce our laws. Surely, surely some horrible and tragic incidents from the past several months should make this clear.

For instance, in Virginia Beach, 17-year-old Allison Kunhardt and 16-year-old Tessa Tranchant were killed when their car was struck by a drunk driver who happened to be an illegal alien. Now, that is tragic enough, but that illegal alien had multiple prior convictions for drunk driving. He had gone through the local criminal justice system multiple times, and guess what—not once had that been reported to immigration officials. If it had, and if immigration officials had properly acted, that person would have been off the street, unable to kill through his vehicle.

Similarly, in Newark, NJ, some college students were horribly and tragically shot execution style by Jose Carranza. Carranza was out on bail awaiting trial on two separate felonies. He was also in this country illegally. So not only was he out on bail under questionable circumstances, but if immigration officials had been notified and if they had acted properly, he could have been under arrest and/or out of the country. Instead, three completely innocent college students were executed and are dead today.

This does have everything to do with the rule of law. It has everything to do with public safety. It has everything to do with getting hold of our safety and immigration laws and everyone working cooperatively in the right spirit, in the right vein, and following the present Federal law to do just that.

I would also note that an identical amendment to this was passed quite easily—by voice vote, as a matter of fact—in the House of Representatives.

Let's act on common sense, let's be reasonable, and let's enforce Federal law that has been on the books for over 10 years now. Let's adopt this amendment.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I yield to the Senator from New Jersey, an outspoken opponent of this amendment, such time as he may consume, reserving for myself the last 5 minutes of my time for my own closing argument.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the distinguished Senator from Maryland for yielding me time. Can I get a sense of how much time that is?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MENENDEZ. I thank the Chair.

Madam President, as I listened to our colleague describe his amendment, one might say: Why shouldn't I support this amendment? The problem is, the very issues he described, including the one in my own home State of New Jersey, would not be resolved by his amendment. That is a breakdown of the system that had nothing to do with communities making a decision not to go ahead and assist and inform, when they actually have someone who has committed a crime, of, in fact, the status of that individual.

What this amendment will do—what this amendment will do—is it will undercut the ability of communities to actually prosecute the crime—to prosecute the crime. Why? Because a crime is committed against an individual, and if that individual happens to be a victim who is undocumented in this country, that community wants—and communities across the country want—the victim to come forth and say: Hey, I had this crime committed against me. I had this robbery committed against me. I was assaulted. I was raped. We want the victim to come forward and talk about the crime and testify against the perpetrator because society, the community, is best served by having the criminal—the criminal—put away in jail. If you don't have people coming forth to testify about the crimes committed against them—you might have had a sexual predator, you might have had someone who was involved in a whole host of things—the bottom line is, if you don't have the person who was the victim coming forth, you don't get to the person committing the crime, and that person is allowed to stay out there committing more crimes.

What if you are a witness to a crime. As a witness to the crime—you saw it, you are an eyewitness—you can help the police, you can help the prosecutor, you can help the sheriff put that person away. But, no, you are not going to come forth because, in fact, your status in this country isn't clear, and ultimately why should you come forth and put yourself in jeopardy?

Communities across the landscape of the country have said: We want to get to the criminal element. We want that witness to come forth. We want them to come and testify. What the Vitter amendment does is it cuts the legs out from under law enforcement, who say they prefer to get the perpetrator of the crime and that is much more important than ultimately going to the question as to whether that person has a legal status in this country. That is why a large number of people whom we trust every day, who put their lives on the line for us in terms of protecting us as citizens, have said they oppose the Vitter amendment, including the National Sheriffs Association, the International Association of Chiefs of Police, Major City Police Chiefs Association, Major County Sheriffs Association, and those who, as the chief executive officers of their municipalities, are actually responsible for making sure that their citizens are protected, the U.S. Conference of Mayors—they have all come out in opposition to this amendment because they understand it goes to the very heart of being able to keep their communities safe.

This amendment would deny funding to over 70 law enforcement jurisdictions in Alaska, Arizona, California, Colorado, Connecticut, the District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, Washington, and Wisconsin; jurisdictions that have made it their decision to have laws and policies and practices that put the enforcement against the crime, that puts the perpetrator away in jail, as their primary goal.

There are plenty of things that can be done to pursue people who are undocumented in this country if that is the right policy. But denying municipalities the funding, the Federal moneys for police officers, because they want to get the perpetrator versus get the undocumented immigrant is, in my mind, the wrong policy. That is why all these major law enforcement entities, the people on whom we depend, consistently are in opposition.

Last, it seems to me when the Secretary of the Department of Homeland Security, in testimony over in the House, said nothing that these communities do stops ICE, which is ultimately responsible for prosecuting individuals, for detaining them and deporting them—that nothing by any of these jurisdictions is stopping them from being able to do that—as is being suggested, that that is why this amendment is necessary—I think it makes a very compelling argument.

Let's make sure the victims of crime come forth. Let's make sure the witnesses of crimes come forth. Let's listen to the law enforcement entities that say they oppose the Vitter amendment. Let's make sure we have the community policing opportunities that take place to reduce crime, which has risen 2 years in a row in the country, and ultimately let's listen to the Secretary of Homeland Security who says nothing these jurisdictions have done has stopped them from being able to have ICE pursue their duty to proceed against an individual who is undocumented in this country.

I would rather get the perpetrators, those who are committing a rape, who are committing a robbery, who are sexual predators, who are doing those things—who are breaking the law. The rule of law is very important and there are a lot of elements to that. We want to make sure the rule of law is preserved by ensuring those who can help us put criminals away have the wherewithal to do so and are not ultimately afraid to come forth. That helps all the citizens in the community and that is why I believe we should defeat the Vitter amendment.

I yield the floor.

Mr. VITTER. I yield 3 minutes to the distinguished ranking member of the subcommittee.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in support of the Vitter amendment No. 3277, pending before the Senate. I commend Senator VITTER from Louisiana for offering this important amendment.

The Vitter amendment would seek to eliminate Federal COPS funds to local municipalities with what are commonly referred to as sanctuary policies, whereby law enforcement officials are barred from asking suspects about their immigration status or reporting them to Immigration and Customs Enforcement.

Generally, sanctuary policies instruct city employees not to notify the Federal Government of the presence of illegal aliens living in their communities. The policies end the distinction between legal and illegal immigration so illegal aliens often benefit from city services too. The amendment offered by the distinguished Senator from Louisiana, Senator VITTER, would ensure existing law is enforced uniformly across the country by withholding COPS Federal funds for cities that choose to violate the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.

A similar amendment was added to the House CJS appropriations bill recently. In August, a poll conducted by Rasmussen reported a proportion of likely voters in favor of cutting Federal funding for sanctuary cities at 58 percent for, with only 29 percent opposed. It was an overwhelming vote.

Sanctuary policies, official or otherwise, result in safe havens for illegal aliens and potential terrorists. Sanctuary policies allow criminal aliens to avoid deportation because they prevent local police from reporting aliens to the ICE, the Immigration and Customs Enforcement. Cities that blatantly ignore Federal law and put their cities at increased risk of harm by illegal aliens should not be awarded taxpayer dollars.

I thank my colleague from Louisiana for offering this amendment and urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, how much time does our side have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Delaware, who is a leading expert on this matter.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I thank the Chair for the nice comment. I will be necessarily brief here.

By depriving major cities around the country of COPS funds, the Vitter amendment undercuts the efforts of law enforcement and contributes to the growing crime rate in three ways.

First, it takes much needed funds away from State and local law enforcement agencies that are now struggling to protect their communities against a rising tide of crime. The FBI's Uniform Crime Report statistics indicate that for a second year in a row, crime is increasing. In the first 6 months of 2006, murders rose by 1.8 percent and violent crime by 1.9 percent. In 2005, the Police Executive Research Forum found that many of the same cities to which the Vitter amendment would deny COPS funding have recently experienced double-digit increases in murder and violent crime, and the COPS Program has proven to be effective in fighting crime. As a recent Brookings Institute study shows, for every $1.4 billion spent on COPS, society saves between $6 and 12 billion. That is their report.

In 2005, the General Accounting Office report found between 1993 and 2001 the COPS Program contributed to a steady decrease in the crime rates.

This amendment is going to have a very chilling effect on victims and witnesses in the immigrant community, who would otherwise report crimes.

Finally, the amendment would reverse successful Federal crime policies that recognize that State and local law enforcement know what is best in their community to drive down the crime rate. It would disregard the judgment of 70 law enforcement jurisdictions that found immigration status confidentiality policies are an effective part of community-oriented policing in their States, counties, and cities.

To vote for the Vitter amendment, to stay with the Vitter amendment, is to vote, I believe, against effective law enforcement. A vote for the amendment is a vote against safer communities, and I believe a vote for this amendment would perpetuate the rise in crime rates all across the country.

I understand there is a tabling motion that is going to take place. I may be mistaken. But vote against the Vitter amendment or vote to table it.

I thank Senator MIKULSKI for the incredible job she has been doing on this, and for the additional funding for the COPS bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I wish to use 2 minutes of my remaining time and reserve the rest.

We are talking about present Federal law over 10 years old. Are we going to enforce it or are we going to flout it? Let's not kid ourselves. We have all these arguments about law enforcement. I think everyone paying attention to this debate realizes it comes down to whether you think it is a problem, a big deal, for folks to be here in this country illegally. The other side of the argument doesn't even like to use the term being in the country illegally. They talk about "status issues" and all of this other politically correct language for the fact that folks are in the country illegally, having broken the law to get here, and consistently are breaking the law to stay here.

That is what the disagreement is about. That is what the debate is about. It is obvious, when you look at the fervor, the political fervor with which so many of these sanctuary cities proclaim their sanctuary status. It is a cause celebre because they basically do not think it is a problem for these folks to come to the country illegally and stay illegally.

As I said, look at this quote from the mayor of Richmond, CA. He is criticizing the Federal authorities, the immigration authorities, for doing their job enforcing Federal law.

The American people are watching. They know the fundamental question is: Are we going to get serious with the problem? Are we going to get serious with enforcement? I suggest this amendment is an excellent way to start.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time does the Senator from Louisiana have?

The PRESIDING OFFICER. One minute one second.

Ms. MIKULSKI. And how much time do I have?

The PRESIDING OFFICER. Four minutes.

Ms. MIKULSKI. I will use 3 minutes now and reserve the remainder of 1 minute.

I thank all of my colleagues who have spoken on this bill. I thank the assistant majority leader, Mr. DURBIN, for helping me work this. The reason I am thanking him is this is a very important amendment. This isn't some throw-away amendment on how we can say we are being tough on illegal immigrants.

First, every single Senator here opposes illegal immigration. We oppose illegal immigration. This is why we voted for strong measures when border enforcement came up. This is why we advocated comprehensive immigration reform. We are opposed to illegal immigration. But we are where we are.

Let's talk about why municipalities have said "no" to enforcing immigration laws. Many municipalities, cities, towns, say they cannot afford to be the Federal cop on the beat. They know that enforcing immigration law takes a tremendous amount of training and takes a tremendous amount of money, and they simply cannot put their resources into that.

The second is they have the right to decide how they best want to fight crime. Many municipalities have chosen not to ask their local law enforcement to enforce immigration laws exactly because they want to fight crime. What they would say is, if we go in and we are INS officers or ICE officers by proxy, we will never find a witness, and victims in many instances will not come forward.

If you are a young girl and you have been gang-raped by MS–13, do you think you are going to come forward if you think that when you do, instead of getting the protection of the United States of America and getting justice done, you are going to be doubly brutalized and asked your immigration status, and you are the one who is punished?

Do you think the witnesses to these brutal crimes that sometimes occur in communities—not Latino against Latino, but if someone were working in an office building and saw a burglary, would they say: Heck, I am not going to report that, even though I am an eyewitness, because they are going to ask my immigration status? Or if you are walking down the street, and you might be a day laborer, and you see someone mugged, you aren't able to go report it.

My time has expired, but I think we need to defeat the Vitter amendment. At the appropriate time I will make the appropriate tabling motion.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, in closing, let me address one specific point the distinguished Senator from Maryland raised. I think she is giving the wrong impression to suggest that the Vitter amendment, or anything else in Federal law, places some affirmative duty on local or State law enforcement to all of a sudden take up the responsibility of Federal immigration officials. They have no duty to start enforcing Federal law and use up their budget and their time affirmatively enforcing Federal immigration law.

But what we are saying, and what present Federal law says, is these jurisdictions cannot establish a set policy that absolutely prohibits that sort of communication and information sharing with Federal authorities. That is exactly what these sanctuary cities, sanctuary jurisdictions, have done. It is a left political cause celebre to proclaim yourself a sanctuary city and actually work to frustrate Federal law.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MIKULSKI. Madam President, I oppose the amendment. I disagree with the interpretation of the Senator's amendment. I want local law enforcement to get every nickel they are entitled to from the Federal Government. Again, I oppose the Vitter amendment. I move to table the Vitter amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss

Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign

Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lott
Martinez

McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Sununu
Thune
Vitter
Voinovich

NOT VOTING—6

Clinton
Inouye

Isakson
Kennedy

Obama
Warner

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Maryland.

AMENDMENTS NOS. 3279; 3283; 3290, AS MODIFIED; 3278; 3312, AS MODIFIED; 3314; 3276; 3304, AS MODIFIED; 3228, AS MODIFIED; 3208, AS MODIFIED; 3249, AS FURTHER MODIFIED; 3311; 3209; AND 3227, PREVIOUSLY AGREED TO, AS MODIFIED

Ms. MIKULSKI. Mr. President, Senator SHELBY and I have a number of amendments at the desk. We ask unanimous consent that the amendments be considered and agreed to en bloc, the motion to reconsider be laid on the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that all the amendments have been agreed to on both sides of the aisle, and we urge their adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3279

(Purpose: To increase appropriations for personnel, equipment, and other resources to be used for the analysis of DNA samples, and for other purposes)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. FEDERAL BUREAU OF INVESTIGATION ANALYSIS OF DNA SAMPLES.

(a) IN GENERAL.—The amount appropriated under the heading "SALARIES AND EXPENSES " under the heading "FEDERAL BUREAU OF INVESTIGATION" under this title is increased by $23,000,000, which shall be used for personnel, equipment, build-out/acquisition of space, and other resources to be used for the analysis of DNA samples.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading "INDUSTRIAL TECHNOLOGY SERVICES " under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" under title I of this Act is reduced by $23,000,000.

AMENDMENT NO. 3283

(Purpose: To use $10,000,000 from the Department of Justice Working Capital Fund for the expansion of Operation Streamline, the zero tolerance prosecution policy currently in place in the Del Rio and Yuma border sectors)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. The Attorney General shall make available $10,000,000 from the Department of Justice Working Capital Fund to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period.

AMENDMENT NO. 3290, AS MODIFIED

On page 70, between lines 10 and 11, insert the following:

SEC. 217. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) IN GENERAL.—The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "UNITED STATES ATTORNEYS" under this title is increased by $30,000,000, which shall be used for salaries and expenses for hiring 200 additional assistant United States attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 649) concerning the prosecution of offenses relating to the sexual exploitation of children.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading "PROCUREMENT, ACQUISITION AND CONSTRUCTION" under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" under title I of this Act is reduced by $30,000,000.

AMENDMENT NO. 3278

(Purpose: To correct a technical error in Public Law 110–53 relating to emergency communications modernization)

At the appropriate place, insert the following:

SEC. ——. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'." and inserting "the '911 Modernization Act'.".

AMENDMENT NO. 3312, AS MODIFIED

At the appropriate place, insert the following:

"(a) IN GENERAL.—The Secretary of Commerce may—

"(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

"(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

"(b) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

"(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.".

AMENDMENT NO. 3314

(Purpose: To make funds available for regional coastal disaster assistance, transition, and recovery programs)

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided, not less than $15,000,000 shall be available to carry out activities under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (8 U.S.C. 1864).".

AMENDMENT NO. 3276

(Purpose: To amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3304, AS MODIFIED

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided under this heading, for the Office of Response and Restoration funds may be used from the Damage Assessment Restoration Revolving Fund for sampling and analysis related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.".

AMENDMENT NO. 3228, AS MODIFIED

On page 16, line 11, strike the period at the end and insert ": *Provided further*, That of the funds provided under this heading, up to $275,000 may be available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.".

AMENDMENT NO. 3208, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Native American Methamphetamine Enforcement and Treatment Act of 2007".

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(ii) in subparagraph (B), by striking "and local" and inserting ", territorial, Tribal, and local";

(B) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States";

(C) in paragraph (3)(C), by inserting ", Tribal," after "support State"; and

(D) by adding at the end the following:

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

"(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purpose described in this subsection.".

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(A) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting ", territorial, or Tribal" after "State"; and

(II) by striking "and/or" and inserting "or";

(ii) in paragraph (2)—

(I) by inserting ", territory, Indian tribe," after "agency of the State"; and

(II) by inserting ", territory, Indian tribe," after "criminal laws of that State"; and

(iii) by adding at the end the following:

"(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(C) in subsection (c)—

(i) in paragraph (3), by striking "Indian Tribes" and inserting "Indian tribes"; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "State's"; and

(bb) by striking "and/or" and inserting "or";

(II) in subparagraph (A), by striking "State";

(III) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(IV) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

AMENDMENT NO. 3249, AS FURTHER MODIFIED

(Purpose: To appropriate an additional $15,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike "$1,400,000,000" and insert $1,430,000,000.

On page 52, line 15, strike "$60,000,000" and insert "$75,000,000.

On page 70, after line 10, insert the following:

SEC.____. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $15,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3311

(Purpose: To extend the numerical limitation exception for H–2B nonimmigrants)

At the appropriate place, insert the following:

SEC. ____. SMALL AND SEASONAL BUSINESSES.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.

AMENDMENT NO. 3209

(Purpose: To make certain forestry workers eligible for legal assistance)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before "an alien" the following: "a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or".

AMENDMENT NO. 3227, AS MODIFIED

On page 52, line 5, strike "$1,400,000,000" and insert "$1,415,000,000".

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded: *Provided*, That within 30 days after the enactment of this Act the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3279

Mr. KYL. Mr. President, this amendment provides $23 million in funding to the FBI for purposes of clearing its backlog of untested DNA evidence. This backlog consists of DNA evidence from untested rape kits, other untested crime-scene evidence, and samples collected from criminal offenders. The amounts provided by this amendment are the minimum amount that the FBI would need in order to be able to clear its current backlog of untested DNA evidence.

Two recent articles in USA Today highlight the nature of this problem and why it matters. The first news story—published just last month—indicates that FBI's backlog of untested DNA evidence has grown to over 200,000 samples. As USA Today notes, past experience testing DNA samples indicates that testing the current backlog would probably solve over 3,000 rapes, murders, and other serious crimes.

Allow me to repeat that statistic: according to USA Today, testing the current backlog of DNA evidence is expected to solve over 3,000 cold cases—violent crimes and other serious offenses for which no perpetrator currently has been identified. Obviously, solving these crimes would bring relief to thousands of crime victims and their families. By identifying these criminal offenders and leading to their prosecution and incarceration, testing the DNA backlog would undoubtedly prevent many future offenses as well. But first we have to appropriate the funds to test that backlog.

Another recent article in USA Today describes the costs imposed by not promptly testing DNA evidence. This article begins as follows:

> Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling $20 worth of cocaine in April 2004.
>
> But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit 3 more murders, 1 rape and 4 assaults before being caught in September 2005. Then, a DNA test was performed.
>
> Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

That is the cost of not promptly testing DNA evidence. The failure to test evidence in just this 1 case allowed the commission of 3 murders and 1 rape that clearly could have been prevented. The USA Today story goes on to note that:

> Cases in which such missed DNA matches led to further crimes have begun to "pop up increasingly" as test backlogs grow, [according to Lisa Hurst, a DNA expert].
>
> Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past 4 years. "You have to believe there are a whole lot more than what gets reported," Hurst says. "This is not something that people want to talk about. It's much worse than just an embarrassment."

If we want the current Federal DNA backlog to be tested, we must provide FBI with this money. There are not a lot of things that the Federal Government can do that will directly prevent violent crimes, but this is one of them. I am pleased that the Senate will adopt my amendment and allow the FBI to promptly test its current evidence backlog, before another preventable rape or murder is committed.

I ask unanimous consent to have the following articles appearing in USA Today printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Oct. 13, 2007]

DNA BACKLOG PILES UP FOR FBI

(By Richard Willing)

WASHINGTON.—The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals—85% of all samples it has collected since 2001—Justice Department records show.

The backlog, which expands monthly, means most of the biological samples the bureau collects have not been stored in the national DNA database and used to solve crimes. DNA from 34,000 convicts has been added to the database since 2001, resulting in 600 matches to unsolved crimes, according to statistics furnished by the Justice Department to the Senate Judiciary Committee. At the same rate, the unloaded samples could help solve an additional 3,200 crimes.

The backlog expanded by about 80,000 samples in 2006, when a law took effect requiring that all federal convicts, rather than just violent felons, submit DNA samples. A new law requiring DNA to be taken from about 500,000 federal arrestees and detainees could swell the backlog. Rules for implementing that law are due early next year, according to Office of Management and Budget documents.

Justice provided the backlog data to the committee in July in response to questions posed to Attorney General Alberto Gonzales during an April appearance before the panel.

Using different figures, FBI lab spokeswoman Ann Todd said in an e-mail that about 156,000 DNA samples, about 78% of those collected, have not been put in the database. She declined to comment on the discrepancy with the numbers from the Justice Department, the FBI's parent organization. The lab processes about 5,500 samples a month, Todd said. The laboratory receives about 8,000 samples a month, meaning the backlog continues to grow.

"It's embarrassing because it's the FBI, which is supposed to be this powerful organization, but it's not surprising," said Lawrence Kobilinsky, biology professor and DNA specialist at John Jay College in New York City. "Across the nation, backlogs are an ongoing problem, a tragedy, really, but one that it looks like is going to be with us for awhile."

Since 1998, the FBI has maintained a system that matches genetic profiles from criminals and, in some states, criminal suspects with DNA drawn from unsolved crimes. All 50 states and the FBI lab in Quantico, Va., maintain their own databases, which are linked by computer software maintained by the FBI.

Through May, the national DNA database held 4.8 million criminal samples and DNA from about 178,000 unsolved crimes, according to an FBI website. It had scored matches that assisted 50,343 investigations.

The FBI's exacting testing standards caused the DNA "bottleneck," Deputy Assistant Attorney General Richard Hertling said in a letter to the committee. The FBI lab is studying an automated system that could cut test times significantly, he said.

[From USA Today, Oct. 13, 2007]

DNA LAG LEAVES POTENTIAL FOR CRIME

(By Richard Willing)

WASHINGTON.—Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling $20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit 3 more murders, 1 rape and 4 assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all 5 murders, including 3 that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

Since 1998, the state and federal governments have used a computer database to match genetic samples from convicted or suspected criminals to DNA taken at the scene of unsolved crimes.

The Combined DNA Index System (CODIS), which is overseen by the FBI, has become a staple of television crime shows and has produced some dramatic results. It has made matches that caught criminals or otherwise aided in nearly 50,500 cases since the system's inception. The DNA profiles of about 4 million criminals have been added to the system since 2001.

Along with the success stories, however, comes a growing list of DNA samples collected but not analyzed. Lisa Hurst, who edits the DNAResource.com website, said cases in which such missed DNA matches led to further crimes have begun to "pop up increasingly" as test backlogs grow.

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. "You have to believe there are a whole lot more than what gets reported," Hurst says. "This is not something that people want to talk about. It's much worse than just an embarrassment."

At first, most states and the federal government took DNA samples only from people convicted of the most serious felonies, such as rape and murder. As DNA has proved its usefulness, legislators have sought to extend its reach to people convicted of lesser offenses and even to arrestees.

Forty-five states and the federal government require DNA samples from all felons, and 11 states take it from some arrestees. Next year, the federal government is scheduled to begin taking DNA samples from as many as 500,000 new federal arrestees and detainees such as immigration violators.

DNA testing requirements began to strap overworked crime labs. In 2003, the Justice Department estimated that nationwide, 200,000 to 300,000 samples had been taken and awaited analysis, while as many as 1 million more awaited testing. By this July, the FBI's backlog by itself totaled nearly 200,000, according to Justice Department records.

Congress has tried to bridge the gap, allocating over $560 million since 1999 to allow states to outsource some DNA testing, to hire staff and to improve lab capacity.

Barry Fisher, director of the Los Angeles County Sheriffs Department crime lab, says the federal payments have had "some success" but have had trouble keeping up with ever-increasing demands.

In California this year, for instance, a combination of federal and state grants reduced a 160,000 backlog by more than half, according to state Department of Justice research. But a state law that takes effect in 2009 will add DNA samples from felony arrestees and others, probably adding 400,000 samples per year to the backlog.

It's critical for the FBI to cut its backlog before the federal government starts taking DNA from immigration violators and other federal detainees next year, said Rep. Dave Reichert, R-Wash., a major supporter of federal funds for DNA testing.

That program could add more than 1 million samples annually to the FBI's workload, according to a paper an FBI technician presented at a science conference in February.

"We can get them more money and more people, but the bottom line is, (the FBI) has got to get those DNA samples up there," says Reichert, a former King County sheriff. "It's the only way the DNA does everything it's capable of."

President Bush's DNA initiative, a five-year plan designed to improve the use of DNA in the criminal justice system, has accounted for about 75% of the federal DNA spending. Funding expires after this year, and no follow-up legislation has been proposed.

Increased use of technology and private sector management techniques helped the Forensic Science Service (FSS), the United Kingdom's national lab, eliminate a 500,000-sample backlog in 2004, says Richard Pinchin, the service's director of U.S. operations.

AMENDMENT NO. 3304

Mrs. BOXER. I am greatly concerned about the environmental impacts of the federally owned obsolete vessels in Suisun Bay, CA, on the marine environment. We need to ensure that these vessels are properly cleaned and disposed of, and minimize the impacts of these ships by addressing any remaining contamination.

I am grateful that Chairman MIKULSKI and the CJS Subcommittee have agreed to accept my amendment to provide funding out of NOAA's operations, research, and facilities program to conduct sampling and analysis of heavy metals and other contaminants to better understand the degree of toxic contamination, and to develop appropriate remediation recommendations that use the best available science and environmental practices.

Ms. MIKULSKI. I am glad that the subcommittee will include $1.5 million in NOAA funding in the report to address the environmental needs at Suisun Bay and I pledge to carry that funding through conference.

JUVENILE ACCOUNTABILITY

Mr. CASEY. I want to thank Chairman MIKULSKI for her leadership on the Appropriations Subcommittee on Commerce, Justice and Science and for engaging in this discussion on how we can best combat violent crime around the country. The chairman's expertise and experience in these matters is second to none and I am grateful for her leadership.

Ms. MIKULSKI. I thank the Senator for his leadership in this area and look forward to working with him on securing funding that is necessary to fight violent crime across the country. I know from our conversations of your concern for your home State of Pennsylvania and your particular concern about the recent rise in violent crime in Philadelphia.

Mr. CASEY. As the Senator knows, I have authored an amendment to the Commerce, Justice and Science appropriations bill that would increase funding for the Juvenile Accountability Block Grant Program by $30 million. On behalf of Senator BIDEN and Chairman MIKULSKI, I have also offered an amendment that would increase funding for the Community Oriented Policing Services Program by $110 million. I am also a strong supporter of the Byrne justice assistance grant program, and I appreciate Chairman MIKULSKI's efforts to significantly increase funding for this program. If we truly want to decrease violent crime, research and evidence-based practices show that we must simultaneously invest in law enforcement programs and prevention and intervention services for young people. My support for these amendments, for the Byrne/JAG program, and for the underlying bill, reflect my strong commitment to this two-prong approach to reducing crime. Would the chairman permit me a moment to discuss the merits of the juvenile accountability block grant program?

Ms. MIKULSKI. Certainly.

Mr. CASEY. As the chairman knows, the juvenile accountability block grant program, or JABG as it is more commonly known, is a bipartisan program that was originally created in 1998 for the purpose of strengthening and creating greater accountability within the juvenile justice system. Funds are available for many program purposes, including building, expanding, and operating temporary or permanent juvenile correction or detention facilities, training of correctional personnel, developing and administering accountability-based sanctions for juvenile offenders, hiring additional juvenile judges, prosecutors, probation officers, and court-appointed defenders, and funding pretrial services for juveniles.

The program has been reauthorized twice since 1998, and additional program areas purposes now allow States to implement graduated sanctions programs that include counseling, restitution, community service, and supervised probation, to establish or expand substance abuse programs, and to promote mental health screening and treatment. Program funds can also be used to establish and maintain restorative justice programs, which focus on creative sentencing and meaningful accountability measures for juvenile offenders. JABG can also be used to fund programs focused upon gang prevention, antibullying initiatives, and reentry programs that help juvenile offenders reintegrate back into the community and help lower recidivism rates among this population.

Ms. MIKULSKI. I have always been a strong supporter of the juvenile accountability block grant program and its goals. I wholeheartedly agree that we must link law enforcement with effective prevention and intervention strategies aimed at at-risk youth. JABG does this and assists the juvenile justice system and community-based programs to promote accountability among youthful offenders. The value of this program is that it helps youth understand the impact of their actions and holds them accountable. This approach has been shown to be instrumental in helping young people turn away from delinquency and work toward becoming productive adults.

Mr. CASEY. I agree with the chairman that holding young offenders accountable for the consequences of their actions is one of the most effective ways to reduce juvenile crimes. We cannot "arrest our way" out of this problem. This truth has been emphasized over and over by the law enforcement community. While incarceration is necessary for some offenders, there are other more effective—and less costly—interventions that can be used with many young offenders. That is why the JABG Program has been so effective and is so necessary.

Ms. MIKULSKI. I agree with the Senator.

Mr. CASEY. And so, in addition to support for increased funding for the Byrne/JAG and COPS programs, my goal is to increase funding for JABG. Unfortunately, funding for the JABG Program has decreased dramatically since its inception. Originally authorized at $350 million, it was funded at $250 million from fiscal year 1998 to fiscal year 2002, then dropped to $190 million in fiscal year 2003, and then to $60 million in fiscal year 2004. Since that time, funding has hovered between $50 and $60 million. President Bush sought to eliminate funding for this valuable program altogether in this year's budget proposal and in previous budget recommendations. Elimination of funding for this critical resource would seriously hamper efforts to deal effectively with juvenile delinquency. JABG would no longer be available to communities for the ongoing implementation of important accountability programming and service alternatives to youth and families involved in the juvenile justice system, including community-based alternatives to detention and intervention activities, and school-based violence prevention programming. I recognize the subcommittee's commitment to this program, and appreciate the chairman's role in restoring funding for JABG.

Ms. MIKULSKI. The reduction in funding for this program has been an unfortunate result of overall budget cuts in recent years. We have worked hard to maintain funding and restore cuts that impact State and local law enforcement. It is our duty first and foremost to protect the American public. I share your support for the JABG Program and would support your amendment if it were possible to find funding for an additional $30 million. I regret to say that is not the case.

Mr. CASEY. I thank the chairman for her support of this valuable program and appreciate her tireless work over the years to get our States and communities the funding they need to fight crime. Her commitment to this issue is truly inspiring. While I regret that my amendment to increase funding for the JABG Program cannot move forward, I understand the realities facing the subcommittee.

Ms. MIKULSKI. I appreciate the Senator's remarks and I look forward to working with him whenever the opportunity arises to strengthen our capacity to fight crime through increased funding for both law enforcement and prevention and intervention strategies for youthful offenders.

Mr. CASEY. I thank the chairman and appreciate her support for the Byrne/JAG Program, the JABG Program and the COPS Program. In particular, I appreciate her support for the amendment offered by Senator BIDEN, myself and others to increase the COPS Program by $110 million. That is a great victory for State and local law enforcement. I assure the chairman and my constituents that I will continue the fight against crime throughout my Senate career.

AMENDMENT NO. 3314

Mr. SUNUNU. Mr. President, I rise today on behalf of an amendment to address the problem on fisheries failures in New England.

In November 2006, the New England Fishery Management Council imposed new regulations on groundfishing, known as Framework 42. Under these strict new rules, the number of days allowed to fish was effectively cut in half. These hardworking fishermen don't catch twice as many fish, and they don't get paid twice as much, but they are only allowed to work half as much. This is not to suggest efforts to rebuild the fisheries are not necessary or important, they are. But we must also address the impact of the regulations we impose.

As a result of Framework 42, the States of Massachusetts, Maine, and New Hampshire are seeking the declaration of a commercial fisheries failure. The Magnuson-Stevens Act, which we worked so hard to reauthorize last year, allows the Secretary of Commerce to assist coastal communities hit by both natural disasters and regulatory burdens. Unfortunately, no funding has been provided in the past and there is no funding in the CJS bill for this purpose.

This amendment, cosponsored by Senators GREGG, SNOWE, and COLLINS, would provide $15 million for fisheries disaster assistance. It does not dictate how or where this money would be spent. It does not interfere with the Secretary's ability to determine when fisheries failures are declared. It does ensure that fishermen and fishing communities that may be eligible for assistance under the Magnuson-Stevens Act have resources available.

We sometimes romanticize life on a New England fishing boat. But in truth, it is a difficult and dangerous way to earn a living. The New England groundfishing industry has accepted strict limits as part of our effort to rebuild a fish population that has helped feed us for 500 years. When they shouldered this regulatory burden, Congress said that there would be help. This amendment provides the financial resources to meet this obligation.

NASA WORKFORCE

Mr. CARDIN. Mr. President, I would like to engage the chair of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, my distinguished colleague from Maryland, in a colloquy concerning current Federal investments in space research programs that provide hands-on training experience for university students in the space science and engineering disciplines.

The senior Senator from Maryland has a long history of successfully championing Federal investment in the National Aeronautics & Space Administration, NASA. That history of Federal investment has kept the United States at the forefront in exploring space and expanding our knowledge of the complex world in which we live today. This investment in NASA has also made NASA an important partner of our Nation's colleges and universities in providing unparalleled educational experiences in the critical areas of science, technology, and engineering. Scientific research is critical to innovation, yet federally funded science programs have not kept pace with our need to train future generations of scientists and engineers, thereby diminishing the research and training opportunities offered to university students across the country. In the last 40 years, U.S. suborbital experimental launches have decreased 80 percent—from 270 per year to 50 planned launches in 2007. Decreases in suborbital launches have resulted in a corresponding drop in the hands-on training opportunities our universities provide to undergraduate, masters, and doctoral students in hard sciences. These training opportunities are essential for recruiting and maintaining a highly trained workforce and for protecting our national preeminence in science, engineering, and exploration.

The National Research Council released a report in June on "Building a Better NASA Workforce and Meeting the Workforce Needs for the National Vision for Space Exploration." The report recommended that NASA focus more of its education budget on workforce-related programs such as the Graduate Student Researchers Program and other co-op programs. We know that some of NASA's programs involving sounding rockets, weather balloons, and small satellite launches are outstanding examples of worthy Federal investment that not only produces usable scientific data but provides outstanding hands-on learning opportunities for the next generations of scientists and engineers. Our investment in these programs has not kept pace with demand, and that is a problem we may want to address in future years as we consider the NASA budget. But before we make a decision about the right level of future Federal funding for these programs, I think it would be helpful for NASA, as one of our premier research institutions, to provide a report on its current investment in suborbital experimental launches and what will be needed in the future.

I ask my colleague from Maryland, in her role as chairman of the Commerce-Justice-Science Appropriations Subcommittee, whether she would agree that it would be useful for NASA to study this issue and report back to the Congress on it in time for our consideration of the fiscal year 2009 CJS appropriations bill.

Ms. MIKULSKI. I agree that such a study would be useful and I thank my colleague for bringing this important matter to our attention.

Mr. LAUTENBERG. Mr. President, let me begin by thanking Senators MIKULSKI and SHELBY for their leadership in drafting the Commerce-Justice-Science appropriations bill.

This bill empowers our police and law enforcement professionals with tools and resources to keep our children safe. Today, our police need these tools more than ever.

The FBI just released its violent crime data for 2006. After years of going down, violent crime went up in each of the past 2 years. Murders went up from 2005 to 2006, and nearly 15,000 people were murdered in 2006. Those statistics are people—people whose lives were changed or ended by a horrible act of violence. But instead of reacting to those stories with vigilance, this administration has reacted by cutting the very programs that keep our streets safe from crime and violence.

This bill fights back. It restores funding for the programs the administration wrongly cut and lets families feel more secure in their homes. For example, this bill provides $550 million for the COPS Program, and I was proud to cosponsor an amendment to add $110 million for hiring police officers. In New Jersey alone, the COPS Program has added 500 new cops on the beat. It is because of programs such as COPS that I am proud to support this bill. It is preposterous that President Bush is threatening to veto it.

I must note, however, that there is one provision in this bill that is dangerous. Instead of making us safer, it puts our communities and the people trying to protect them at greater risk. That provision is the "Tiahrt amendment," which has been a staple in appropriations bills over the last few years. Instead of helping our police, the Tiahrt Amendment makes their job harder.

The Tiahrt amendment limits the information the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, can tell our police about guns used in crimes.

The Tiahrt amendment does not protect responsible gun owners; it protects criminals, gang members, and gun traffickers.

Before the Tiahrt amendment, ATF data showed 60 percent of crime guns came from 1 percent of gun dealers. It is only common sense that police should be able to target corrupt gun dealers, but the Tiahrt amendment makes it difficult for the police to identify those dealers.

Limiting access to ATF gun trace information means that police have to wait until after a crime has been committed to get information about dangerous weapons, instead of being able to get that information to prevent crimes. That makes no sense.

It is bad enough that the Tiahrt amendment restricts the information our police can get, but the language in the Senate bill is even worse than in previous years and in the current House bill. The Senate version of the Tiahrt amendment requires local cops to certify to the ATF why they want the information—and it threatens them with up to 5 years in jail. It is simply outrageous to threaten our cops with jail time in order to protect the people committing gun crimes. Even the Department of Justice admitted in 2006 that threatening our police with criminal penalties could create a "chilling effect" on law enforcement. The Senate language also further restricts the sharing of information between law enforcement agencies when they do obtain information from ATF. With violent crime on the rise, we should be encouraging law enforcement to work together, not prohibiting collaboration.

Simply put, the Tiahrt amendment hurts our law enforcement efforts. That is why more than 10 national law enforcement organizations, 240 mayors, and State and local leaders from across the country have joined together to oppose the Tiahrt amendment. And that is why Senator MIKULSKI showed leadership and left this language out of the bill to begin with. Regrettably, the Tiahrt Amendment was added back during the committee markup.

The job of fighting crime is hard enough already. We don't need to make it any harder.

I will continue my fight against the Tiahrt amendment until the Tiahrt amendment is no more.

Mr. BYRD. Mr. President, nearly 5 months ago, the Congress sent the President the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act 2007.

Despite the President's signing the measure into law on May 25, 2007, I have learned with great disappointment that the Office of Management and Budget has yet to release more than $104 million included in this legislation by the Congress for the purpose of assisting the FBI in combating terrorism.

These were funds that the FBI had asked the OMB to include in the supplemental in order to deal with various aspects of homeland security such as carrying out the FBI's new responsibility for rendering safe a chemical, biological, radiological, or nuclear incident in the United States. The funds were also requested by the FBI to make advances in areas such as DNA and other identification technologies, which offer opportunities to positively identify individuals and prevent terrorists, criminals, and other ineligible individuals from entering the United States, thus better securing our borders.

I call upon the Director of the Office of Management and Budget to release these funds for the purposes identified by the FBI. This is a dangerous way to waste time. Nearly 5 months have already been wasted. These funds should be put to use for the purposes for which they were appropriated in order to better secure the homeland and combat terrorism.

Mr. CARDIN. Mr. President, I rise today in strong support of H.R. 3093, the fiscal year 2008 Commerce-Justice-Science appropriations bill. I congratulate the senior Senator from Maryland, Ms. MIKULSKI, and the ranking member, Mr. SHELBY, for their fine work in producing a bill that supports law enforcement, scientific research and technology, and enhances U.S. competitiveness. I would like to take a moment to note just a few of the bill's important provisions.

This body recently passed the DOD appropriations bill supporting our troops overseas. The CJS bill supports our day-to-day warriors here at home. That is, our law enforcement officers. It funds the FBI, the DEA, and the ATF; Federal law enforcement agencies charged with protecting our citizens from internal terrorist threats, international drug cartels, and the rising threat of violent crime. Further, the bill provides for important victims' assistance programs for those whose lives are forever altered by violent crime.

The CJS bill focuses on what is right with America by providing the resources needed to compete in the global economy. In my home state of Maryland, we are very fortunate to have The National Institute of Standards and Technology, or NIST. NIST assists industry in developing technology, modernizing manufacturing processes, ensuring product reliability, and facilitating rapid commercialization of products based on new scientific discoveries. Advances in avionic navigation systems and modern-day mammograms and semiconductors are indicators of the value of NIST. This bill provides $186 million above the administration's request for this significant agency that is crucial to U.S. competitiveness.

Maryland is also fortunate to be home to several National Oceanic and Atmospheric Administration facilities. NOAA provides scientific, technical, and management expertise to promote safe and efficient marine and air navigation; assess the health of coastal and marine resources; monitor and predict the coastal, ocean, and global environments, including weather forecasting; and protect and manage the Nation's coastal resources. NOAA's significance is strongly felt in Maryland which, with the Chesapeake Bay, boasts 4,000 miles of coastal land. I am proud that this bill strongly supports NOAA through the provision of $4.21 billion.

I join my colleagues to note the importance of NASA. NASA programs serve a number of functions, such as planetary exploration, pioneering aeronautic technologies, and space operations. This includes maintaining the space shuttle and supporting the International Space Station. Previous cuts, combined with the Columbia tragedy have strained NASA's resources. We must provide the necessary funding in order for America to remain a leader in space exploration, aeronautics, and planetary science. I applaud the committee for identifying this truth and supporting NASA.

I would like to further thank the committee for supporting several key programs in Maryland, including:

Chesapeake Bay Programs—The health condition of America's largest estuary is critical. Programs that assess, manage, and monitor bay ecosystems are imperative to preserving this vast natural resource. I thank my colleagues for recognizing the significance of focusing on the Chesapeake Bay. Funded bay programs will not only research viable restoration solutions but also focus on educating the public as to the importance of preserving the bay. These education efforts include the successful Chesapeake Bay Watershed Education and Training Program, or B-WET, that enhances environmental literacy in K–12 students. In addition, there are Chesapeake Interpretive Buoys that act as markers for the newly established Captain John Smith Chesapeake National Historical Trail, providing interpretive information for both trail users and educators while also providing essential science information about bay health.

Maryland Eastern Shore Broadband Coverage—The bill provides funding for the continued construction of a broadband link between the Wallops Island Flight Facility and the Patuxent River Naval Station. This telecommunication enhancement will help pave the way for high-tech business and employment opportunities on Maryland's eastern shore.

Maryland Radio Interoperability Project—The State of Maryland has committed to developing a radio interoperability Project that will link State and local law enforcement agencies. Cooperation and shared information between agencies will develop a more effective, efficient law enforcement system for the protection of our citizens.

Baltimore Felony Diversion Program—The city of Baltimore has developed a pilot project designed to divert drug addicted offenders to long-term substance abuse treatment, aftercare, and monitoring as an alternative to detention and method of reducing recidivism.

This bill is good for Maryland and good for America. I am honored to support it.

Ms. COLLINS. Mr. President, I rise to speak in strong support of the $10 million in the Senate fiscal year 2008 Commerce, Justice, Science Appropriations Act for the landmark Penobscot River Restoration Project, the most significant river restoration project ever in the eastern United States. I was pleased to work with my colleague from Maine to secure funding for this important environmental restoration project. This funding will provide significant federal cost-share toward the purchase of three hydropower dams on the Penobscot River that are slated for removal. When the project is complete, nearly 1,000 miles of habitat for endangered Atlantic salmon and other fish species will be restored.

Atlantic salmon populations have declined drastically in the last 200 years, from an estimated half million adult salmon returning to U.S. rivers each year in the early 1800s to as few as 1,000 in 2001. The National Academy of Sciences completed a report in 2004 on Atlantic salmon in Maine which identified several specific threats to the recovery of Maine's salmon populations. Top among them was the obstructed passage and habitat degradation caused by dams. The National Academy of Sciences recommended that dam removal projects are precisely what is needed to best enhance Atlantic salmon populations.

The Penobscot River Restoration Project represents such a comprehensive effort and is one of the largest, most creative river restoration projects in our Nation's history. In fact, Interior Secretary Kempthorne highlighted the project as a successful example of cooperative conservation during his September 20, 2006, visit to Brewer, ME.

The 5-year, $50 million project would restore the natural flow of Maine's largest watershed. This project is a partnership of the State of Maine, local communities, the National Oceanic and Atmospheric Administration, the U.S. Department of Interior, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, the Penobscot Indian Nation, the Atlantic Salmon Federation, PPL Corporation, the Natural Resources Council of Maine, and other environmental groups.

In addition to enhancing Atlantic salmon recovery efforts, it will also have far-ranging benefits for the entire Gulf of Maine, protecting endangered species, migratory birds, and a diversity of riverine and estuarine wetlands.

Finally, the project will help revive the social, cultural, and economic traditions of New England's second largest river.

The merits of this project are demonstrated by the fact that it has attracted both federal and private support. The federal government has already contributed $5.5 million to this important project, and a private fundraising campaign recently reached its goal of raising $10 million.

I congratulate the Penobscot River Restoration Trust for its outstanding efforts to secure funding for this critical project. Their dedication and commitment, sustained over years of effort, have helped bring the project closer to completion.

The Penobscot River Restoration Project is a critical environmental restoration project. Including the $10 million in the final FY 2008 Commerce, Justice, Science Appropriations bill is crucial to ensure the success of the project. I urge swift passage of the bill.

Mr. President, I yield the floor.

Mr. DURBIN. I rise today to support the funding bill for the Departments of Commerce and Justice, Science and Related Agencies and commend Senators MIKULSKI and SHELBY for their hard work on this legislation.

This bill provides important funding that will strengthen the American economy, promote scientific advancement, and protect our national security. It reflects our priorities by funding State and local law enforcement agencies across the country. Since September 11, 2001, these agencies have been on the front lines of Nation's efforts to fight crime as well as to safeguard our communities against terror.

Our law enforcement officials have accepted these responsibilities willingly and have performed admirably. But for several years, they have been burdened by their expanded role. These agencies have asked the administration and Congress for help—but instead of providing them with the funding they need, the Bush administration and the Republican Congress sought instead to cut their budgets. To those who patrol our streets, these repeated budget cuts made no sense, and they made no sense to those of us in the Democratic minority in Congress.

Thankfully, there's a new group of sheriffs on Capitol Hill. This Democratic Congress is committed to providing law enforcement with the tools they need to help keep our communities safe.

This bill delivers on our commitment. It provides nearly $2.7 billion in State and local law enforcement assistance—$1.5 billion above the President's request.

The American people learned a decade ago that federal funding for State and local law enforcement helps reduce violent crime. During the Clinton administration, we provided meaningful funding for tough and effective anticrime programs. The Community Oriented Policing Services Program put more than 115,000 additional cops on the street and in our schools. Byrne grants helped fund state and local law enforcement agencies, criminal justice systems, and antidrug task forces.

This investment in State and local law enforcement paid off. Violent crime nationwide fell by nearly 26 percent between 1994 and 2000. And study after study showed the link between lower crime rates and Federal assistance for law enforcement. In Illinois, nearly $40 million in COPS grants have funded 5,540 additional police officers and sheriffs. Nearly 700 local and State law enforcement agencies in my home State have directly benefited from this funding.

In northern Illinois, the village of Johnsburg has a population of about 7,000. Experts recommend 1 police officer per 400 to 500 people. Johnsburg, however, has only 10 officers—an average of 1 per 700 residents. The lack of officers in Johnsburg means that often they have only one car patrolling the streets. This is no way to ensure the safety of small town residents. Small towns like Johnsburg desperately need the funding provided by COPS grants in order to put cops on the beat and keep crime off of their streets.

COPS grants also play a crucial role in the war against drugs. I am sorry to say that Illinois has a serious problem with methamphetamine abuse. In Williamson County, Sheriff Tom Cundiff is using COPS funding to train some 150 individuals in dismantling meth labs. This is no inexpensive undertaking—the breathing apparatus needed for each person alone costs $3,000. Sheriff Cundiff tells me that COPS funding has allowed him to train eight times the number of officers than he could have trained without our help.

This funding is also vital for the safety of our schools. Nearly $22 million has been awarded to add 181 school resources officers to improve safety for students and teachers in public schools throughout Illinois. Why is this money so important? In Breese, IL, town of 4,000, the population doubles every day as the children of Clinton County arrive in Breese to attend school. This influx strains the resources of the police department and its six officers. With a grant of just $56,000, the Breese police department will be able to install cameras and other security equipment in their schools. These cameras will feed images to computers in police cruisers so officers can patrol the village while still keeping track of what's happening at school.

Since the late 1990s, the Bush administration and the Republican-led Congress have cut funding for State and local law enforcement, year after year, budget after budget. Not surprisingly at the same time the administration was slashing funds for state and local law enforcement, violent crime rates started going up.

According to the FBI's crime reports, violent crime rates increased 2.3 percent in 2005 after years of decreases, and then rose again by 1.9 percent in 2006. This represents tens of thousands of additional violent crimes each year. This alarming increase in violent crime rates should have been a call to action. But it wasn't.

Instead, the administration's's 2008 budget request tried to cut more than half of all State and local law enforcement funding. It cut the COPS program down to a mere $32 million, virtually eliminated the Byrne/JAG program, and eliminated the juvenile accountability block grant program.

Can the administration honestly say that we should be spending billions of dollars a month to police the streets of Iraq but that we can't afford to pay for proven crime prevention programs here at home? Earlier this year, Russ Laine, the chief of police in Algonquin, IL, testified before the Senate Judiciary Committee at a hearing about rising crime.

Chief Laine also serves as the vice-president of the International Association of Chiefs of Police, and he speaks on behalf of chiefs throughout the Nation. He talked about the growing crime problem in Algonquin, a tiny town that had just suffered its first drive-by shooting and has seen clashes between violent gangs. He also talked about the strain that law enforcement agencies have felt in trying to fight crime while also detecting, investigating and preventing terrorist acts.

In his testimony, Chief Laine said the following:

> We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. . . . Law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government.

Chief Laine, help is on the way.

The fiscal year 2007 continuing resolution passed by this Congress earlier this year provided $2.6 billion in State and local law enforcement assistance programs. It included funding increases for the COPS and Byrne/JAG programs. The bill we consider today further increases state and local law enforcement funding. It provides $550 million for COPS and $1.4 billion for State and local law enforcement grants.

This bill also increases funds the crime and terror prevention efforts of Federal law enforcement agencies. The FBI, DEA, ATF and the U.S. Marshals are all funded in this bill, and all at levels exceeding the President's request.

Let's pass this bill and give law enforcement agencies the tools they need to keep our communities safe.

I would be remiss, however, to yield the floor without mentioning that this bill goes beyond providing vital support to law enforcement agencies across the country.

This legislation also helps another important issue we face today—climate change. According to the National Academy of Sciences, our ability to monitor severe weather systems, declining fish stocks, shortages of freshwater, increased soil erosion, and significant changes to the global climate all depend on NASA's Earth science budget.

This bill restores funding for environmental polar-orbiting and geostationary satellites. These satellites provide data about our planet that allow Federal and State agencies, scientists, and industry to identify and assess environmental patterns and threats. After the Bush administration proposed cutting funding for these satellites, scientists from both NOAA and NASA reacted strongly, arguing that the decision would place "the overall climate program in serious jeopardy."

This measure also provides funding to implement some of the recommendations made by the Joint Ocean Commission to protect the planet's waters. It funds research into coastal areas and the Great Lakes, including studies on invasive aquatic species. The need to address invasive species is nowhere greater than in Illinois, where the Asian Carp threatens Lake Michigan and the entire Great Lakes ecosystem.

Global climate change poses a threat to our future and to our national security. Failing to recognize and plan for the consequences of global warming would be a serious mistake.

I urge my colleagues to support this legislation for the safety of our communities and the future of our planet.

Mr. McCAIN. Mr. President, I am deeply disappointed that once again, the Senate is considering a bill that mortgages our children's future for our own political gain. To date, the Senate has passed five spending bills—the majority of which exceeded the President's budget request. Today, the Senate will seek to add a sixth appropriations bill to that list.

The Senate Commerce, Justice, Science, and related agencies appropriations bill, 2008, H.R. 3093, provides $54 billion in total discretionary spending and exceeds the President's budget by $3.2 billion. This has prompted the White House to call the bill "irresponsible" and threaten a veto. If this bill passes in its current form, the Senate will have approved 6 spending bills that combined exceed the President's budget by $8 billion. And, the Senate still has 6 more appropriations bills to consider this year

While the recently enacted ethics and lobbying reform measure requires the disclosure of the authorship of earmarks, it seems to have had little, if any, impact on curtailing earmarks. Indeed, 91 members secured earmarks in this appropriations bill alone. There are over 600 earmarks in this bill that total $486 million. For example, this bill contains: $1 million for the National Fatherhood Initiative; $500,000 for a Maritime Museum in Mobile, AL; $15 million for a Massachusetts groundfish disaster—I was unaware there was such a disaster—$215,000 for the Alaska Sea Otter and Steller Sea Lion Commission; $360,000 for Hawaii Rain Gages; over $9 million for Human Intelligence Management; $500,000 for Girls, Inc. of New York, NY.

And if that wasn't enough, the bill also includes: $450,000 for an advanced undersea vehicle; $500,000 for horseshoe crab research; $2 million for permanent displays for the Thunder Bay Exhibit; $3 million for the Maryland Institute for Dextrous Robotics; $400,000 for wireless cameras in Elizabeth, NJ; $5 million for forensic lab equipment in West Virginia; $1.5 million for the Cal Ripken Sr. Foundation.

In addition, the bill provides funding to many programs that were proposed to be cut by the President. It also funds many other programs at levels beyond what was recommended by the President's budget. For example, $100 million is allocated for the Advanced Technology Program that the President has sought to eliminate for the past several years and $110 million is allocated for the Manufacturing Extension Partnership Program—$64 million above the President's budget request. The sole purpose of both programs is to subsidize private firms and industries, which, as I have argued previously, are nothing more than welfare programs for corporate special interests. I have fought against funding for both of these programs for many years to no avail, but will continue to speak out against hard-earned taxpayer dollars being provided to assist corporations that have billions of capital available to them on the private markets.

Since the bill has been brought to the floor, over $1 billion worth of spending has been added. Specifically, the Senate voted to add $1 billion on top of the $10 billion the bill already provided to NASA. I continue to support NASA and space research, but at what cost to our Nation's children who will inherit the largest national debt this country has seen? :

Again, I would like to express my disappointment that Senate leadership has brought to the floor a bill that is $3 billion over the President's request, containing more than 600 earmarks. In my recent travels around the Nation, I hear again and again from citizens who are fed up with porkbarrel spending, and yet Congress fails to listen. It is a shame and I can only hope that the American people will join me and the President in expressing their displeasure with this bill. I hope that the remaining six appropriations bills do not contain such rampant and reckless spending, and that Congress works to regain some fiscal discipline.

Mr. LEVIN. Mr. President, I support the Senate fiscal year 2008 Commerce, Justice, Science and related agencies appropriations bill. This bipartisan bill increases funding for many important programs including some that aim to improve our Nation's innovation and manufacturing infrastructure.

American companies can compete with any company in the world if we have a level playing field, but the problem is that our manufacturing companies often are not competing against foreign companies, but foreign governments. Two of the programs that have helped to give a boost to our manufacturing companies are the Advanced Technology Program, recently renamed the Technology Innovation Program, and the Manufacturing Extension Partnership. Unfortunately, the administration has cut funding for these programs in recent years. This bill turns that trend around by providing the necessary increased funding in fiscal year 2008 for both of these important programs.

The bill increases funding for the National Institute for Standards and Technology, NIST, which administers the Advanced Technology Program, ATP. I have long fought for the Advanced Technology Program, and I believe we have achieved an important victory today.

The ATP enables U.S. companies to develop the next generation of breakthrough technologies that allows our country to compete against foreign rivals who often employ large and effective programs to support their industries. The ATP invests Federal R&D resources in public-private partnerships, enhancing U.S. competitiveness by accelerating development, commercialization, and application of promising technologies, and by improving manufacturing techniques of small and medium-sized manufacturers.

During Senate consideration of H.R. 2272, the 21st Century Competitiveness Act of 2007, the bill that authorizes NIST programs, I worked to build support for a more robust ATP program. The Energy and Natural Resources Committee chairman offered to support a funding increase for the ATP in the conference committee between the Senate and the House of Representatives, and with his support we were able to achieve a stronger ATP-like program.

I was pleased that the final legislation that was signed into law adopted the Technology Innovation Program. This is a victory for innovation and manufacturing because the TIP Program is basically an improved version of the ATP program which retains many of ATP's best features while modifying the program to address past criticism. The TIP program will continue the excellent work that has been undertaken by ATP. Like the ATP, it will continue to bridge the gap between the research lab and the marketplace by providing cost-shared funding to small and medium-sized companies conducting high-risk R&D with broad commercial and societal benefits that would probably not be undertaken by the private sector because the risk is too great or because rewards to the private company would be insufficient to make it worth the investment.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. I believe the TIP program is one way to give American companies resources they need in the important fight for American manufacturing to remain globally competitive.

TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and requires the lead grant recipient to be a small or medium-sized firm to address past criticism that grants went to large companies—joint ventures between smaller and larger companies will still be allowed.

I am pleased this bill strongly supports the ATP/TIP program. A portion of the new funds must go toward funding new awards which guarantees there will be a new competition each year to fund high-risk groundbreaking research by some of America's most nimble and innovative small and medium-sized technology companies.

The bill also increases funding for the Manufacturing Extension Partnership Program, MEP, providing $110 million in fiscal year 2008 to fund MEP centers and to fund a technology deployment pilot. The MEP co-funds a nationwide system of manufacturing support centers to assist small and midsized manufacturers modernize to compete in a demanding marketplace by providing technical assistance and helping small firms boost productivity, streamline operations, integrate new technologies and lower costs.

The bill also provides important resources to combat illegal counterfeiting of America's innovation and products by providing an increase in funding for the FBI to enforce intellectual property laws and to the International Trade Administration, ITA, to improve enforcement of our trade agreements. Acknowledging the need to do more to fight against unfair foreign trade practices that result in our companies having to compete not against foreign companies but against foreign governments that are often illegally subsidizing their domestic industries at the expense of our industries, the bill provides important additional funding to the Department of Commerce's Import Administration which enforces U.S. antidumping and countervailing duty laws. This is especially timely since the Commerce Department recently agreed it should apply our countervailing duty law to imports from China, a non-market economy, and as a result, an increase in the number of subsidy cases is expected.

I requested, and the bill provides, $2 million for the Thunder Bay National Marine Sanctuary and Underwater Preserve. The Thunder Bay National Marine Sanctuary is the only sanctuary designated in the Great Lakes, and it protects a significant collection of approximately 160 shipwrecks which span over a century of Great Lakes shipping history. The funding provided in this bill will be used for the completion of permanent displays for the facility's new visitor center as well as the acquisition of telepresence equipment. The Thunder Bay National Marine Sanctuary has been in existence since 2000, and the visitors center was only recently constructed. Therefore, it is important that the sanctuary construct exhibits for the new visitors center that educates visitors on the maritime history of the Great Lakes. Additionally, the Thunder Bay Sanctuary will have telepresence to allow students in classrooms across the country as well as visitors to the sanctuary, to see the actual shipwrecks at Thunder Bay through underwater cameras.

I am pleased that my amendment to enhance the FBI National Name Check Program was included in the bill. The FBI National Name Check Program is used to run background checks on many who apply for immigration benefits, and those seeking employment with the U.S. Government, as well as other checks requested by the National Security Agency, other Government agencies, and some private users. Many immigrants who are applying for adjustment of status to legal permanent resident, applying for naturalization, asylum or a waiver end up waiting for months or years for the completion of the name check that the U.S. Citizenship and Immigration Services, CIS, or other agencies request from the Federal Bureau of Investigation.

The FBI has recognized the flaws in this program. In 2003, Robert J. Garrity, Jr., then Acting Assistant Director of the Records Management Division of the FBI stated before the House Committee on Government Reform that, "[t]he name check delays have significant consequences to FBI customers and stakeholders. The delays impede hiring or clearing skilled workers; completing government contracts; student enrollment, and . . . clearing requested visas for business visits to the United States. More importantly than all of the foregoing, these processing delays can also diminish counterterrorism effectiveness." In the U.S. Citizenship and Immigration Services, USCIS, Ombudsman's 2007 Annual Report, Mr. Prakash Khatri, the USCIS Ombudsman, stated that "the problem of long-pending FBI name check cases worsened" since last year, with 93,358 more name check cases pending than last year for a total of 329,160 pending as of May 4, 2007. Around 31,000 cases have been pending for at least 33 months. This is unacceptable. If these individuals are a security threat, we must know that sooner rather than later.

My amendment would help ensure that these important security checks are completed in a timely manner by requiring the FBI to report to Congress every year regarding progress made in improving the FBI's system of processing background checks and automating investigative files.

This legislation restores vital law enforcement funding that has been decreasing for far too long. Although violent crime has increased over the past 25 years, the President has continued to propose reduced funding and the elimination of vital law enforcement programs. This bill appropriately restores that funding and reinforces our commitment to keeping our communities safe. For Michigan, the bill provides funding training programs for law enforcement personnel, computers for patrol vehicles and interoperable communications equipment.

I am pleased that the Senate passed an amendment that I cosponsored that increases the drug court appropriation to $40 million. Drug courts intervene and break the cycle of substance abuse, addiction, and crime. They place substance abusing offenders under strict court monitoring and community supervision, coupled with effective, long-term treatment services, and I am pleased that we have appropriated adequate funding to continue these vital services.

The Senate has put together a responsible bill that funds the programs that our citizens rely on, in spite of the fact that the President has threatened to veto it. I am hopeful that these funding levels will remain intact in conference.

Ms. MIKULSKI. Mr. President, we are now coming to the closing hour of this debate. As we get ready for the Republican leadership to offer an amendment, then Senator SHELBY and I will be making the appropriate motion to move to final passage.

The PRESIDING OFFICER. The Republican leader.

MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, I now move to commit the bill and send that motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit H.R. 3093 to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not exceeding the amount ($51,238,522,000) recommended in the President's budget for Fiscal Year 2008 submitted to Congress.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are 16 days into the fiscal year, and Congress has yet to enact a single appropriations bill.

This bill, should it pass, will never get signed into law.

It is time to start taking our obligations to the taxpayers seriously. I believe that we can do so in a fiscally responsible way.

The bill, when reported, increased spending by 8.1 percent over last year's bill, and it has only grown since it has been on the floor. When we finish this bill we will have increased spending by nearly 10 percent—a double digit increase—at a time when the CPI went up only by about 2 percent.

The American people demand that Congress get serious about restraining spending. We can pass the buck—and fund government through multiple continuing resolutions—or we can make the choices necessary to responsibly legislate.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is both responsible to the taxpayer and will secure a Presidential signature. We will move to commit H.R. 3093 to the Committee on Appropriations with instructions to report back with total amounts not to exceed $51.238 billion. I urge my colleagues to vote for fiscal responsibility and to support the motion.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with all due respect to the Republican leader, I rise to oppose the motion to commit this bill to the full committee. This bill is the product of strong bipartisan work. Our bill totals $54 billion in discretionary budget authority. Some say we spent more than the President asked. Yes, we did. We are proud of the fact that what we spent money on was that we didn't overspend, that the President underfunded.

We had three—when I say "we," I am talking about the ranking member, Senator SHELBY, and I—priorities: Security, keeping 300 million Americans safe from terrorism and violent crime; our second priority was innovation, investments in science and technology that will create jobs that will stay in the United States of America; No. 3, reform. We were soundly on the side of fiscal accountability and stewardship of taxpayer dollars. We stood sentry over waste, fraud, and abuse. We stood sentry over lavish conferences that spent $4 on a meatball. We reformed the NOAA satellite program.

But our first priority was also to make sure local communities are safe. We lifted the hiring freeze on DEA agents so they could fight the heroin and Taliban in Afghanistan as well as keeping our streets clean. We also, at the same time, added money for local law enforcement, particularly dealing with the fact that the COPS program had been eliminated and that the Byrne grants had been cut down to only $32 million. Yes, we added $1.5 billion. We certainly did. People all over America who understand what violent crime is know what this means.

I know my other colleagues want to speak. I do appreciate the Republican leadership for wanting fiscal accountability and stewardship. But I believe we also need to fund America's priorities. I believe law enforcement and the fight against terrorism is No. 1. By God, we did it in this bill. And by God, this bill should stand.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the motion to commit. Chairman MIKULSKI and I have worked hard with a lot of Members on both sides of the aisle to meet the priorities of the Senate and the Nation. This bill funds State and local law enforcement $1.6 billion over the administration's request. The budget proposed to cut law enforcement to an unacceptable level. The bill fully funds the President's vision for space and makes critical investments in science and education that will be needed to keep this country competitive. I urge my colleagues to support the bill Senator MIKULSKI and I have crafted to meet the needs of the Senate and the American people.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the motion to commit this appropriations bill with instructions to report back to the Senate forthwith with a total discretionary amount not exceeding the amount of $51,238,522,000.

Let me make it clear, I understand these appropriations bills are difficult. You have a lot of demands from a lot of Members. You have to work with the administration. You have to work with outside people who have needs, concerns, and priorities. It is not easy to live within a budget. But if we are ever going to begin fiscal responsibility and some restraint on spending, when is it going to be?

This is a bill which richly deserves to have some restraint applied to it. I think this bill demonstrates why the American public has such a dismal view of the Congress.

At a time when the CPI went up barely 2 percent and average weekly earnings went up 3.9 percent, the Senate is considering a bill that has double-digit increases for these Departments that are involved.

Spending for the Commerce Department, not the Justice Department—and by the way, I suspect people have some doubts about some of the ways the Justice Department has been spending money—Commerce is up 14 percent. Spending for the Legal Services Corporation is up 12 percent. Overall spending for Commerce, Justice, and Science—more than $55 billion, a 10-percent increase. How much is enough? No wonder people do not think we have any desire to restrain spending.

This is, by the way, not just a partisan charge; it is a problem that has been building for quite some time. At some point, we have to begin to say we have to get a control on this. Let's send it back to committee. They know what is in this bill. I do not want to pit one department or one agency against another. It won't be easy for them to do it, but they have the knowledge, the ability to get this under control.

The proposal the President sent up was $900 million over the previous year—a 1.8-percent increase. But we added—I believe this is correct—$4.2 billion over last year's spending.

So I think this is a tremendous burden. We can get this under control. Why do we want to force this into a confrontation where we run the risk or expectation of a veto and an override when we can get it under control now, hopefully get it under control along the way as we go into conference?

I supported the Treasury, Transportation, and HUD appropriations bill. I supported going to conference. But there, too, it was $3 billion over the budget request of the President. If you add this up—a billion here, a billion there—the combination is about $40 billion over the appropriations bills we have. When you couple that with $20 billion more we added earlier in the year, that is $60 billion more than should be expected in this budget.

So I urge my colleagues, let's support the motion to commit. We can pick away at this earmark or take a little away from this agency or department, but we need hundreds of millions of dollars to be moved around here. Let these leaders of the committee, who know where the funding is, make some decisions of where we can bring this spending under control.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to commend Senator MIKULSKI for her skillful management of this bill. The Commerce-Justice-Science bill requires tough tradeoffs between critical programs that serve our country well.

I thank Senator SHELBY for his many contributions to this bipartisan legislation.

I urge Senators—do you hear me?—I urge Senators to vote no on the motion to commit the bill to committee for the purpose of reducing the bill to the President's request. If such a motion were approved, the bill would need to be reduced by $3.2 billion. Did you get that? If such a motion were approved, now, the bill would have to be reduced by $3.2 billion.

Now, to any Senators who intend to vote for the motion, I ask this question—listen—what programs would you cut? Hear me. What programs would you cut? Stand up. Let me see you. Let me hear you.

Should we reduce funding for the FBI while it is struggling to fight the global war on terror and fight crime on our streets? Should we? Is that what you want? Should we? I ask again, should we reduce funding for the FBI? I do not hear anyone responding on that.

Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country? Should we? Let me ask you again. Should we reduce funding for law enforcement grants? Step up to the plate now. Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country?

This summer, the President signed the America COMPETES Act authorizing increased funding for the National Science Foundation and for NIST. Should we cut those programs that will help to drive a prosperous economy?

Should we reduce our commitment to NASA? Should we? Should we reduce our commitment to NASA? I hear nobody. Why all this silence? I think not.

I urge a "no" vote on the motion to commit, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to the motion to commit because it would constitute abandonment, a surrender of the Congress's authority to participate in the appropriations process. There is a fundamental constitutional issue involved by this body at this time.

I believe we ought to be frugal and fiscally responsible, and I have repeatedly supported the constitutional amendment for a balanced budget so we would live within our means. I have supported the line-item veto. In the tenure I have had here on the Appropriations Committee, I have been zealous in supporting programs which were meritorious and worthy of the taxpayers' money. We all pay taxes, and we know how painful that is. I do not believe we are being profligate.

Now, there was an opportunity in the Appropriations Committee for this motion to have been made to establish the President's figure, but it was not done. There were opportunities to pare and trim many of the items. But if we are going to accept the President's figure, then we are surrendering our constitutional authority to be involved in the appropriations process.

Now, Congress does not act alone. We all know that. Congress makes a presentment, and the President either signs it or he vetoes it. But certainly who can deny we have a role—really the fundamental role, as article I is written—giving the constitutional authority to Congress on appropriations.

Now, we have a similar matter pending on SCHIP, health care for children. Congress has submitted a bill with a $35 billion increase over 5 years. The President has said it is too much. He wants $5 billion. He has said he is prepared to negotiate. Well, that is the way the political process works. The Congress passes a bill, the President vetoes it, and then we sit down and try to work it out. But I do not think it is appropriate for the Congress to submit to whatever figure the President puts on it.

Mr. BYRD. Right.

Mr. SPECTER. Is he wiser than the 535 Members of Congress? Does he have more authority under article II than the Congress? Article II does not say anything about the President's authority on appropriations. He derives that authority by virtue of the Constitution, which gives him the right to sign or veto. But the appropriations authority, all through the Constitution, vests with the Congress.

Now, this is an issue and a vote which goes far beyond this particular bill. Next we have the appropriations bill on Labor, Health and Human Services, and Education, a subcommittee which I chaired for many years and am now ranking. If we are going to submit on this bill to the President's figure, you can be sure there will be a motion to commit that bill, which is over the President's figure, and a motion to commit all of the bills which are over the President's figure. We might as well not even convene and act.

These appropriations bills are the result of a lot of very careful thought and a lot of hard work by staff and by Senators. We have subcommittees, we have full committee work, and we present it to the body. If there are some motions to reduce it, those motions could have been made before the bill came to the floor of the Senate.

We had a confrontation in 1995, where the Government was shut down, and I think a lesson was learned by both branches. I do not think that is going to recur. But at least let's try to compromise, to follow on this bill and other bills the same outline which the President has recommended. The President's view was we ought to negotiate and compromise on SCHIP, and that ought to be done here if we are to fulfill our constitutional responsibility for appropriations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the motion to commit. This appropriations process is about choices. We have to make these choices. I think Senator MIKULSKI, as chairman of the Commerce, Justice, and Science Subcommittee, and her counterpart, Senator SHELBY, have made good choices. If you look at the money that is spent here over what the President requested, you have a right to ask: What are we going to spend it on? When you ask that question, you understand why they made the right choices.

Does America need 100 more FBI agents to fight the rising threat of violent crime? We do in Illinois and in Maryland and in West Virginia, maybe even in Mississippi, because we find the violent crime rate rising in America. Do we need the 100 more FBI agents the Senator has called for? I think the people across America would say: Obviously, we do.

How about the Drug Enforcement Agency? Is the drug issue no longer a problem in America? I wish that were the case. We know better. What Senator MIKULSKI has done here is put an extra $50 million in this bill for the Drug Enforcement Agency to lift its hiring freeze, to hire 200 new agents to fight the drug peddlers and drug gangs across America. Is that a priority? Is that worth spending more than the President requested? Obviously, it is.

Have you been back to your hometowns to meet with the police department? Remember what they asked you about first: What have you heard about Byrne grants? What have you heard about the COPS Program? How about the Federal money that is going down to police departments so they can have better training, better equipment, and be ready if, God forbid, something terrible happens in that community. That is what they ask me about in Illinois. Senator MIKULSKI heard that, Senator SHELBY heard that, and they put an additional $1.6 billion in to go back to State and local governments to help on law enforcement preparedness.

If we ever face another act of terrorism, it is unlikely that our local residents are going to pick up the phone and call Members of Congress. They are going to dial 9-1-1 and pray to God that the party on the other end of that call is a fire department and a police department and a medical responder ready to move, and move quickly and effectively. With this appropriation, we will be able to do that. The list goes on.

What troubles me about this whole debate is that last year, when the Republican Congress sent spending bills to the President $50 billion over his request, he didn't veto one of them. He didn't even threaten to veto one of them. He didn't take a trip to South Carolina to announce he was going to veto one of them. Not one. This year, we are $20 billion over and the President says: I am standing my ground.

Well, let me tell you about the ground that he is standing on. It is shaky.

Mr. BYRD. It is.

Mr. DURBIN. Because in a week from now, this same President is going to come to this Congress and ask us for, I say to the Senator from West Virginia, $192 billion more for the war in Iraq.

Mr. BYRD. Get out of my face.

Mr. DURBIN. He will ask us for $192 billion for the war in Iraq. That is for 1 year.

Mr. BYRD. Just 1 year.

Mr. DURBIN. It is not paid for, and now we hear from the President's party: We can't afford $3.2 billion to make America safe at home, for our own police departments, our own FBI, our own Drug Enforcement Agency.

I think the Members who are pushing this motion to commit believe the Senate is suffering from attention deficit disorder; that we cannot think ahead, that the President will just in a few days ask us for $192 billion to make Iraq safe. We know that is coming. They don't want to talk about that. Is it too much to ask for $3.2 billion to make America safe? Doesn't a stronger America begin at home? Doesn't it begin with our own Department of Justice? Doesn't it begin with our police departments?

I would say to my colleagues, we understand the choices here, and the right choices have been made by this committee on a bipartisan basis. They worked this bill through the committee, and they worked hard on it. Senator MIKULSKI and Senator SHELBY brought it to the floor. Amendment after amendment they have gone through the process. Now, the Senate will make a decision: Are we going to toss all their work overboard, are we going to commit this bill back to the committee? I hope we don't. I hope we stand up for this country in which we live, this country we love that deserves the protection that this bill will give. Let's defeat this motion to commit.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I was listening to Senator BYRD, the distinguished chairman of the Appropriations Committee, and he asked who would stand up. I will stand up. I think we ought to cut a lot of things, but the first thing we ought to do is cut out claiming something that isn't true.

What we need to claim is that we can live within the same parameters that every family in this country has to live within. We are not doing it on this bill. It is not about whether the FBI is funded. It is not about the ATF or the Drug Enforcement Agency—it is about priorities. There is just $640 million worth of earmark nonpriority things in this bill. So we could get $640 million tomorrow out of the earmarks that are not priorities, and I will be happy to list for anybody the total for every State, for every Senator who has a priority they think is more important than families having to live within a budget that they have to live with every day.

This isn't a debate about the President. This is a debate about the future of our country starting to live within the means of which we have.

The very things we claim we want to do for all the States that they don't have money to do—by the way, there are cumulative budget surpluses over $40 billion right now. Ours is, if you take Washington speak, $160 billion; if you take true accounting, it is $330 billion. But the States have a surplus. The Justice Department had the highest unexpended balances they have ever had this last year—almost $1.6 billion. Yet we think they need more money. Does anybody in this country think every agency of this Government couldn't run 5 percent more efficiently? Nobody outside of Washington believes they couldn't. They know they can because they know they have to make those same choices every day in everything they do because they can't run with a credit card and charge it to their grandchildren.

Now, 10 percent growth in this bill is too much. This motion to commit doesn't have anything to do with the President. It has to do with whether we will stand up and do what every other American has to do, and that is live within the realities of the money available to them. We can claim that we are doing everything. Since when is fire prevention the total responsibility of the Federal Government? Since when is police protection the total responsibility of the Federal Government? It is not going to go away. If it is a higher priority, then let's make it a higher priority, but let's get rid of some things that aren't. There are no choices to get rid of things that are low priority. We can't have it both ways. Those who want to grow the Government can't have it both ways. Either you want to live within the means, you want to be honest with the American people and say: You are right; we can do a better job.

This bill does not do a better job. We ought to relook at it, reformulate priorities. That doesn't undermine what the committee has done. We added $1 billion on the floor. The committee didn't do that, we did. What we ought to say is let's add 2 or 3 percent, live with less than inflation, do what every American has to do, and if we do that all the way across the board, then we will start solving the fiscal problems that are in front of us.

I yield the floor.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Ms. MIKULSKI. Mr. President, I will agree to the yeas and nays. First, I ask unanimous consent that the Senate now proceed to vote on the motion to commit; that no amendments be in order to the motion; that if the motion is defeated, no further amendments or motions be in order and the bill be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the subcommittee be appointed along with Senators BYRD and COCHRAN; that following morning business on Wednesday, October 17, the Senate then proceed to the consideration of H.R. 3043, the Labor-HHS appropriations bill; and further, that if the motion is agreed to, then the remaining provisions of this agreement be nullified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—44

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Smith
Stevens
Sununu
Thune
Vitter
Voinovich

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kerry

Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Inouye
Isakson
Kennedy
Obama
Warner

The motion was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on final passage on the Commerce-Justice-Science bill. I thank my colleagues and staff for their cooperation.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I wish to take a second to thank Chairwoman MIKULSKI and her staff who helped us craft a very good bipartisan bill. I thank the majority clerk, Gabrielle Batkin; Erin Corcoran; Doug Disrude; Kevin Kimball; and Robert Rich.

I also thank my staff who worked so diligently on this bill: Art Cameron, Goodloe Sutton, Allen Cutler, Rachelle Schroeder, and Augusta Wilson. Without them, we could not have done it.

Ms. MIKULSKI. I, too, thank the Appropriations Committee staff, particularly Charles Kieffer and his able team.

Mr. President, I thank the floor staff of both parties, because we worked together and showed that you can actually run a bill and have collegiality and have civility and yet have robust debate where we can disagree without being disagreeable. With that, we are ready to vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—75

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Webb
Whitehouse
Wyden

NAYS—19

Allard
Barrasso
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
DeMint
Ensign
Enzi
Graham
Inhofe
Lott
McCain
Thune
Vitter
Voinovich

NOT VOTING—6

Clinton
Inouye
Isakson
Kennedy
Obama
Warner

The bill (H.R. 3093), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. FEINGOLD. Mr. President, I am pleased that the Senate passed the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2008 and that the bill contains higher levels of funding for state and local law enforcement than Congress has provided in recent years.

I believe that Congress, in partnership with states and local communities, has an obligation to provide the tools, technology and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne grant program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, particularly in light of the recent increase in the violent crime rate across the country.

I am pleased that the Senate approved an appropriation of $660 million for the COPS program for fiscal year 2008, $110 million above the CJS Subcommittee recommendation. This funding level, in conjunction with the House appropriation of $725 million, leaves me hopeful that Congress will ultimately fund COPS at an adequate level this year. I am pleased that both Houses of Congress took action to increase funding for COPS, especially as crime rates rise and the needs of law enforcement officers and our Nation's first responders continue to grow.

Byrne grants also fared better in fiscal year 2008 than in recent years. The House bill allocates $42 million more than it did last year, and the Senate appropriated a total of $660 million, $105 million more than last year. The Democratic majority in Congress has made it a priority to work responsibly toward restoring funding for these programs—funding that has been disastrously slashed in recent years. The level of funding included in the final version of this bill puts Congress back on track towards funding Byrne grants at higher levels.

I was pleased as well that the Senate agreed to Senator MENENDEZ's amendment to bolster the funding for juvenile mentoring programs and Senator DORGAN's amendment to restore funding for the Drug Court program to fiscal year 2005 levels. These grant programs assist state and local governments in their efforts to pursue a comprehensive approach to crime reduction, including preventive measures and innovative approaches as well as more traditional law enforcement initiatives.

I hope that increased funding for State and local law enforcement will become a trend that continues, and that the years of neglecting our State and local law enforcement officers are finally over. It is our responsibility to support the men and women who keep our communities safe. The Senate's work today is a good start.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. MIKULSKI, Mr. INOUYE, Mr. LEAHY, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. BYRD, Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, and Mr.

COCHRAN as conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I want the record to reflect that it is the feeling of the Senate, not just me, of a tremendously good job done by the managers of this bill. Senator SHELBY, Senator MIKULSKI, and I served in the House together. We came to the Senate together. And the two managers of this bill are two of the very best.

Now, I can't say enough positive things about Senator MIKULSKI. I have told her this. And I don't want to hurt the feelings of anyone else in the Senate, but I have said publicly and privately that the finest orator we have in the Senate is the Senator from Maryland. She is outstanding. But not only is she a fine orator, she is a great legislator, and this bill is an example of that.

I also want to acknowledge the cooperation and assistance that we got from the membership of our Senate. This is a bipartisan bill, as indicated by the vote that was just taken. So I deeply appreciate the work of all Senators but especially that of my friend from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to share a joy as though in Morning Business, and I ask unanimous consent to have my whole statement appear in case I am not able to make it through this emotional sharing.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY'S ANNOUNCEMENT

Mr. ENZI. Mr. President, I am a grampa again. Incidentally, that is spelled with an "m," not an "n," and no "d." Grampa. It is the greatest title anyone can have. It is really indescribable, unless you have felt the thrill, felt the love, felt the awe.

This weekend, my son and his wife had a daughter, Lilly Grace. My son, like me, had the good fortune to overmarry to Danielle, a delightful young lady from Kentucky whom he met here in Washington. She is one of the most organized and focused people I know. My son Brad and daughter-in-law Danielle already have a son, Trey, who first made me a grampa. Now they have a daughter, Lilly Grace Enzi. I can't begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

Danielle and Lilly Grace had extremely fortunate timing for my wife Diana and me. Trey and Lilly were both born when we were close by in Wyoming. Trey was born when we were attending a University of Wyoming football game, just 45 miles away. Lilly was born during a Redskins football game when we were just 2 blocks from the hospital. Brad checked Danielle into the hospital at 11 Sunday morning, and at exactly 2 p.m., October 14, that Sunday, we had a granddaughter. Lilly Grace weighed 7 pounds, 2 ounces, and was 20 inches long, with delicate hands and long fingers.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for the aura of a mother, that she had just given birth. The rest of us were emotional wrecks. When Danielle went into labor, I rejoiced at the timing and extended the weekend another day and had the pleasure of holding that baby and watching her breathe and move ever so delicately, with a thousand different expressions, and listened to all the sounds she made. Of course, I had to let Diana hold her a little, too, and her mom and dad even wanted turns.

If you would have told me that I would spend time just gazing at the miracle of life and having only that thought for hours, I probably wouldn't have believed you. But I have some great instant replay memories of that little face and those moving hands and all those blankets and the cap they use to hold in the body heat locked in my mind, and I am constantly doing instant replays for myself and thanking God for the opportunities he has given me—from finding Diana, to learning about prayer with our first child, the daughter who was born premature and who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, to helping me through open-heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the prayer of Jabez in Chronicles where he says, "Lord, continue to bless me, indeed," and to that I add my thanks for this and all the blessings, noticed and, unfortunately, often unnoticed.

So now I am grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a handstitched wall hanging that says: Any man can be a father, but it takes someone special to be a dad.

That is a challenge for grampas to live up to, too. Again, I note that the name is not grandpa. That is a title a little too elevated. This grampa is with an "m" and no "d." That is what I called my Grampa Bradley, who took me on some wonderful adventures and taught me a lot of important lessons, including fishing. Now it is my turn to live up to that valued name. He liked being called grampa, and I am now delighted to have the opportunity to earn that name, too. I wish I could adequately share with you the joy that is in my heart.

Now, some would say: Lilly Grace, you have been born at a scary time—a time of fear; fear of almost everything: fear of war, fear of people from other countries, fear of our neighborhoods. As an Enzi, we have faith that doing the right thing, doing your best, and treating others as they want to be treated will solve most problems, which will overcome fear.

In my job, I get to hear a lot of disparaging comments about our country and our Government. But for you, granddaughter, you are lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none anyone would trade for the United States. In my job, I often have to remind people that I never hear of anyone trying to get out of our country. I do hear of millions who would like to be here.

Now, as you, precious baby, get older, if things don't change, you will hear people who think that the Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you. You and others will know how to do the right thing and you will value the way our country was founded and has grown.

Lilly, granddaughter, welcome to this world of promise and hope and faith and love. I am excited to have you in my life.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Vermont.

Mr. SANDERS. Mr. President, I missed the beginning part of the statement of my friend from Wyoming. Are you a new grandfather? Another grandchild? Congratulations.

Mr. ENZI. Thank you.

Mr. SANDERS. I have 3. I often think that one of the funniest bumper stickers I have ever seen in my life is one that says: If I had known how much fun grandchildren would be, I would have had them first. So congratulations.

THE ECONOMY

Mr. SANDERS. Mr. President, let me take this opportunity in this few minutes to touch on a few issues that I think we do not discuss enough on the floor of the Senate; for that matter, on the floor of the House.

There are a lot of people in the United States who turn on the television every night and they hear the President of the United States and other people tell them how wonderful the economy is doing; that the economy is robust; that we have never had it so good. This is what they hear over and over again. And people start scratching their heads and saying: I don't quite understand it. The economy is supposed to be doing well when I am working longer hours for lower wages? Why is it that my job has just gone off to China, and the new job I have maybe pays half as much as the job that I lost? Why is it that in the last several years, actually since President Bush has been President, over 8 million Americans have lost their health insurance? Does that sound like an economy that is working well for ordinary people?

Since George Bush has been President, 5 million more people have slipped into poverty. Median family income today is less than it was back when President Bush first came into office. I think we have to be honest and say, yes, the economy is doing very well, in fact, for those people who have a lot of money. In fact, what we can say today is that if you are within the top 1 percent of American wage earners, you are probably doing extraordinarily well. What we can also say is that the wealthiest 1 percent today are doing better than at any time since the 1920s. So I take my hat off to the CEOs of large corporations and to the wealthiest people in this country.

But you know, I just had a series of town meetings in the State of Vermont. I talked to a lot of people. The message I get back in Vermont—and I doubt it is terribly different in Colorado or any other State in this country—is that the middle class is hurting. The reality is, if you look at the cold statistics, what you find is that in America today the middle class is, in fact, shrinking. People are working longer hours for lower wages.

Today, amazingly enough, because of lowered wages huge numbers of women are now in the workforce. Yet, despite that, a two-income family today has less disposable income than a one-income family had 30 years ago. The reason for that is people are spending an enormous amount of their limited income on housing. The cost of housing is soaring. They are spending money on health care. They are spending money on child care. They are spending money on college education. At the end of the day, they do not have a whole lot left. In fact, there are many millions of families today that are one paycheck away from economic disaster.

It seems to me we have to be honest with the American people and not talk about how great the economy is but talk about an economy which is splitting right down the middle: the people on top doing fantastically well, people down below doing very poorly, and the middle class in many cases struggling against economic desperation.

The statistics with regard to income distribution in this country are staggering in terms of their inequality. We do not talk about this terribly much. I guess it is something we are not supposed to be mentioning. But the reality is that according to the latest analysis, in 2005 the top 1 percent of earners made more money than the bottom 50 percent of Americans. One percent earned more income than the bottom 50 percent, which translates to the top 300,000 earners making more money than the bottom 150 million—300,000 making more money than the bottom 150 million. While the top earning one one-hundredth of 1 percent received an average income increase of $4.4 million in 2005, the bottom 90 percent saw their average income decline by about $172.

What we are looking at is tens of millions of Americans working hard, and they are seeing their health care costs go up, they are seeing their housing costs go up, they are seeing education costs go up, they are seeing the price they are paying for a gallon of gas to get them to work going up, home heating oil going up, basic supplies going up, and at the end of the year they have less money than they did the previous year. But the people on top are making out like bandits. And it is a fact, many of them are bandits, and it is high time we began to address the issue of income inequality in this country.

I talked a moment ago about income. That is how much money people make in a year. But the same phenomenon takes place regarding wealth. The unfair distribution of wealth, which is accumulated income, is even more appalling. Forbes magazine recently found that the wealthiest 400 Americans—400 people, not a whole lot—were worth $1.54 trillion in 2006; 400 people, $1.54 trillion. That is up $290 billion from the previous year. In other words, while inflation-adjusted real wages declined for the vast majority of working people in our country, the top 400 wealthiest individuals saw, on average, a $750 million increase per person. That is not bad, on average: $750 million.

Today, disgracefully—and this is a issue I am going to come back to time and time again until this body does something about it—disgracefully, and despite all the rhetoric we hear around here about family values, the United States has, at 18 percent, the highest rate of childhood poverty of any major country on Earth. Eighteen percent of our kids are living in poverty. You go to Scandinavia, the numbers are 3 percent, 4 percent; Europe, 5 or 6 percent. Eighteen percent—almost one in five children in this country lives in poverty.

Since President Bush has been in office, as I mentioned earlier, nearly 5 million Americans have slipped into poverty. We have 37 million people in this country living in poverty. Almost 9 million have lost their health insurance. Three million have lost their pensions. People work their entire lives, they expect to have a pension when they retire, and in many cases corporate America says: By the way, we are changing the rules of the game; thanks for working us for 30 years, but you are not getting the pension you were promised. And median income has declined since Bush has been President by about $2,500.

Thirty-five million Americans struggled to put food on the table last year. That is called food security. We have 35 million Americans in this country who worry about whether they are going to have enough to eat. That number is going up.

Within that reality, we have another reality in that the wealthiest people in this country are increasingly emulating the robber barons of past decades as they garishly look for ways to spend their fortunes. They have a very difficult time. If you are worth hundreds and hundreds of millions of dollars, what are you going to buy? Another pair of shoes? It is hard to say. What they are doing is looking into things like yachts that are longer than football fields and all kinds of excesses to show everybody just how wealthy they are.

Robert Frank is a reporter for the Wall Street Journal. He has written a recently published book called "Richistan." He writes in his book that households of a net worth of between $100 million and $1 billion, the very top of the top, spent last year on average $182,000 on watches—on watches. I have a good watch. It worked well for 5 years. It cost me 30 bucks. But they managed to spend $182,000 in 1 year on watches. That is what they do. It is very important that we continue to give these people tax breaks. I really do think so. If you could only spend $182,000 on watches, clearly the President is right and we need massive tax breaks to help these folks out. But it is not just the money they spend on watches. Mr. Frank, the author of "Richistan," details how, during this 1-year period, the same economically elite households spent $311,000 on automobiles. How many cars do you buy for $311,000? I don't know how many cars people need. And $397,000 in one year on jewelry. Obviously, the stress is very great figuring out how you are going to spend that money, so they had to spend on average $169,000 on spa services. You are sitting around, it is a tough thing, what new watch do you buy? What new vehicle do you buy? It is tough, and you need spa services. That is where they are spending the money.

But also, as it happens, during that same year, 400,000 qualified young people in this country couldn't afford to go to college. They didn't have enough money to go to college. Our Nation is in desperate need of a well-educated workforce. We all know that a ticket to the middle class in many cases is a college education. So while the richest people in this country are spending $182,000 a year on watches, we have hundreds of thousands of kids who cannot go to college.

The decline of the middle class, combined with the growing income inequality in our Nation, is a national scandal, and it is something we must address. I think it is high time Members of Congress kind of look beyond the wealthy campaign contributors who fund the operations in both the House and the Senate and begin to deal with the needs of the middle class and working families.

Obviously, there are a lot of issues out there as to how we can improve the economy. We can go on for hours talking about that. There are a lot of thoughtful ideas here in the Senate and in the House. But let me mention five areas, at least, where I think we should be paying some more attention.

First, I think we have to reorder our national priorities. What we have to say to the wealthiest people in this country: President Bush has given you hundreds of billions of dollars in tax breaks, and yet we have children in this country who are hungry, we have millions of children who lack health insurance, we have kids who are going to inadequate schools. You know what. We are going to rescind the tax breaks that have been given to you so that we can take care not only of our children but we can take care of those people who are disabled.

I don't know about Colorado, but I can tell you in Vermont one of the serious problems we have is higher and higher property taxes. One of the reasons the property taxes for education are going up is because the Congress has not kept the promises it made in terms of funding special education. Special education, as you know, is a very expensive proposition, so local school districts have to come up with the money the Federal Government promised but has not committed. I think we should be adequately funding that and actually keeping the promise we made to special education.

We should make sure our seniors get what they need.

Our veterans—I am proud to say we are beginning to make some progress in adequately funding the needs of our veterans, but more needs to be done. We have to begin to stand up for all Americans and not just for the wealthiest.

When my Republican friends talk about tax breaks and tax breaks for the richest people in country, I say enough is enough. At a time when we already have the most unequal distribution of wealth and income, the very richest who are doing phenomenally well do not need more tax breaks.

Second, I think we have to take a very hard look at our trade policies. I think it is clear to anyone who has studied these issues that NAFTA, CAFTA, permanent normal trade relations with China, and other trade agreements were essentially written by large multinational corporations in order to benefit large multinational corporations, and they have done that. They have done that. What is going on as a result of many of our trade policies is that corporate America is shutting down plants in America. We have lost 3 million good-paying manufacturing jobs in the last 6 years. In my own State of Vermont, we have lost 25 percent of our manufacturing jobs in the last 6 years. We are beginning to see the loss of many good-paying white-collar information-technology jobs—jobs going to China, jobs going to India, jobs going to low-wage countries all over the world.

On the other side, what we are seeing, because of these trade agreements, is increased poverty in Mexico, for example, as a result of NAFTA. As a result of NAFTA, 1.3 million small farmers have been driven off the countryside, off the farms they held for generations, because they couldn't compete with cheap American corn. Poverty has increased. But we do have the good news, I guess, in Mexico: as a result of this NAFTA stuff, there is one gentleman named Carlos Slim Helu, a big guy in telecommunications coming from the poor country of Mexico, now the richest guy in the world, worth $60 billion; he passed Mr. Gates. You have a guy worth $60 billion, poverty in Mexico increasing, and small farmers driven off the land.

We can create trade agreements which work for working people in this country and working people abroad, not for the CEOs of large corporations, and that is what we have to do.

I think given the failure of trade agreements, it is time to take a moratorium to stop these trade agreements until we get them right.

On another issue, we have discussed, as you know, a whole lot about the SCHIP program. I strongly support what the leadership here is trying to do. But let us be clear. Let us be clear. While it is a good step forward, bringing 4 million more kids into the SCHIP program, there are millions of children, after we pass this legislation, or if we can override the President's veto, who will still not have health insurance. We are living in a nation in which 47 million Americans have zero health insurance. Even more are underinsured.

I met recently in Burlington, VT, with a group of young people who said: Yes, they have health insurance. They have to pay 50 percent of the cost of the health insurance. There is a large deductible. So at the end of the day, despite the health insurance they have, they are paying out a lot of money for health care.

It is time that we place on the table the fact that we are the only Nation in the industrialized world, the only one that does not have a national health care program which guarantees health care for every man, woman, and child.

The programs are different in Germany than Canada, than in the United Kingdom, than Scandinavia. They are all different. But essentially what every other major country on Earth has said is that health care should be a right, not a privilege—a right.

Meanwhile, we spend twice as much per person on health care as any of the people of any other country. Yet, if you look at the health care index situation, our infant mortality rate is very high; in many countries people live longer than we do.

Our health care system is disintegrating and the time is long overdue that we have the guts to take on the pharmaceutical industry, the insurance industry, and move toward a national health care program which provides health care to all people as a right of citizenship.

Lastly, I am on both the Energy Committee and the Environmental Committee. Both committees are working very hard on one of the great crises facing our planet today; that is, global warming. It is clear to me that as a nation, we have got to radically change our course, which for many years under President Bush has almost denied the reality of global warming. We have got to move away from that and not only understand its severity but move in an aggressive way to reverse greenhouse gas emissions and to make sure our kids and our grandchildren can live on a planet with the quality of life we enjoy today.

In addition to that, as the tragedy in Minnesota a few months ago indicated, our infrastructure is in very serious shape. The engineers tell us we need to spend over a trillion dollars to rebuild our bridges, our culverts, our waste water systems, and our water plants.

In my view, we should be investing substantially in sustainable energy, in energy efficiency, in solar technology, in wind technology, and geothermal. When we do those things, we will accomplish two goals: No. 1, we are going to reverse global warming, and, secondly, we will create millions and millions of good-paying jobs. Instead of spending $10 billion a month on the civil war in Iraq, we should be rebuilding our infrastructure and moving away from fossil fuels to energy efficiency, to sustainable energy as we take a leadership role in this world to reverse global warming.

Let me conclude by saying it is no secret that the American people now are not looking terribly favorably on the White House or the Congress. I can understand why. I think one way we can begin to win the respect of the American people is to at least acknowledge the reality of their lives, to acknowledge what is going on, and then to begin to start addressing some of those problems.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CONGRESSMAN JOE WAGGONNER

Ms. LANDRIEU. Mr. President, it is with sadness that I come to the floor today to pay respects to one of our former congressional leaders who passed away earlier this week.

Congressman Joe Waggonner represented the Fourth District of Louisiana from 1961 to 1979. Literally up until the last weeks of his life, he stayed very active in the Fourth District. He was active on what went on there both at a political level and a civic level, lending his voice to many important efforts in the community—and I emphasize literally up until the last few weeks of his life.

He was always engaged, always open, always welcoming to leaders coming into the Shreveport area. He was not from the big city in that district, Shreveport, LA; he was from a small town called Plain Dealing. It was actually a very fitting name for this Congressman because he was a very straightforward, plain-speaking, progressive-leaning Congressman from this small town called Plain Dealing of only a thousand people. That small community of loving and supportive families, made up of farmers and small business owners and churchgoers, provided a great foundation for Joe Waggonner as he grew and came into his professional life and then became a Congressman from this small town. He was down to earth, he was honest, and he was a Congressman who represented his constituents with a lot of enthusiasm and intelligence. He was a Congressmen who would see an issue from all different sides and then make the best decision he could. His favorite saying was: "Do unto others as you would have them do unto you." So he was always quite courteous and respectful in the way he treated other people.

He was a natural leader. He was a lieutenant commander in the U.S. Navy during World War II, and after returning from service there, he began his political career as a school board member. Throughout his career, he carried an enthusiasm and excitement and energy for school issues and for the children of the Fourth District in our State. In 1961, he won a special election after longtime U.S. Representative Overton Brooks died in office and again continued that great tradition of representing the Fourth District.

I can't name all the things Joe did for our State. It would be such a long list. But there are a few things that cannot be overlooked. Because of Congressman Waggonner's work in his congressional district, Barksdale Air Force Base is now one of the largest and strongest Air Force bases and is home to the mighty 8th Air Force. This base had been scheduled to close some decades ago, but because of his efforts and others, led by many of the business and civic leaders in that district but primarily because of this Congressman, Barksdale is not only open, but it is now going to be the proud home of U.S. Strategic Command's Cyber Command.

Joe was also known for being a pioneer of interstate highways in their early days, wanting to put Shreveport on the map. Shreveport and Bossier City today are growing in large measure because of his fierce advocacy for ports and airports and transportation hubs, as well as the Barksdale Air Force Base.

Along with my predecessor, Senator Bennett Johnson, Joe's efforts created a whole new image for Shreveport because of the work they did regarding the Red River. With their hard work they opened it to trade and transportation. Also, this river is now home to several "floating" casinos that have transformed Bossier City and Shreveport, LA, from very sleepy small towns to really booming commercial developments attracting gaming interests from all over the region and contributing mightily to the economy in north Louisiana.

I personally say many thanks to his family—his wife Mary Ruth Carter Waggonner, his two children, Carol and David, and his three grandchildren—for the contributions they made supporting a man through many careers in public service in Louisiana. David is a personal friend and I know him and his son, Peter, are mourning the loss of their father and grandfather. He was a man of tremendous faith. He made Louisiana proud. He served us with distinction and with honor. He will be remembered as a very distinguished and dignified leader for our State, particularly north Louisiana.

Joe Waggonner was a straightforward, straight-thinking man from Plain Dealing, LA. He was a graduate of Louisiana Tech University and was very proud of his alma mater and very proud to call Plain Dealing home. His leadership and friendship will be missed.

CHIP

Mr. BROWN. Mr. President, a few weeks ago, in this Chamber, we passed the Children's Health Insurance Program and passed it by a big majority, passed it bipartisanly, when almost two dozen Republicans joined, I believe, all the Senate Democrats in passing a program that has worked for 10 years.

I was in the House of Representatives when we initially wrote the Children's Health Insurance Program. It was written by a Democratic President, with a Republican House and a Republican Senate. It has worked splendidly for the last 10 years. It has, in fact, provided health insurance for literally millions and millions of American middle-class families—families making a little bit too much to qualify for Medicaid but families either not earning quite enough to buy insurance or not working in a place that offers insurance at a decent, reasonable rate. We know the children who are in the Children's Health Insurance Program are sons and daughters of working parents—again, working parents overwhelmingly making between about $20,000 and $50,000 a year.

The Senate passed the Children's Health Insurance Program expansion, which would have meant, in addition to the 6.6 million children in our country receiving health insurance under the Children's Health Insurance Program today, it would have added about another 4 million American children. About 200,000 children in my State—from Ashtabula to Hamilton, from Wauseon to Marietta—now receive coverage under the Children's Health Insurance Program. This would have added tens of thousands more to the Children's Health Insurance Program.

Unfortunately, a couple weeks ago, the President of the United States decided to veto this legislation even though it passed with more than four dozen Republican votes in the House joining almost every Democrat and passed with almost two dozen Republican votes in the Senate.

I wish the President, before he vetoed this legislation, had done what a lot of us did. I know the Presiding Officer from Missouri has done this. So many of us have talked to families in our States. I have talked to families in Lima and in Canfield and in Columbus and in Dublin and in Springfield about what the Children's Health Insurance Program means to them.

Eleven-year-old Tanner Stainbrook of Toledo has cystic fibrosis. Both of his parents work. They are playing by the rules, working hard, and paying their taxes. But without CHIP, without the Children's Health Insurance Program, Tanner cannot get the care he needs.

Seth Novak is a 3-year-old boy who lives in Lebanon, OH, down in the southwest corner of the State near Cincinnati. Seth has Down's syndrome and needs the Children's Health Insurance Program to help him stay healthy. Again, his parents are working, but they simply cannot get the insurance, in part, as with many of these children, because of a preexisting condition and also because of the finances the family faces and the lack of health coverage.

Emily Danko of Columbus also has Down's syndrome. Without CHIP, Emily has no health insurance.

I wish the President had talked to the Stainbrook family and the Novak family and the Danko family and talked to them about their situations. I am not sure he would have vetoed this bill if he had done that.

Unfortunately, the President made the decision to veto this bill. When he did, he mentioned several things. I would like to briefly touch on what he said and what the truth really is.

The President of the United States said this will result in all kinds of families shifting their children from private health insurance to Government health insurance. Were it so that all those families he talks about had private health insurance—if they all had private health insurance—we would not be concerned about this Children's Health Insurance Program. But the fact is, most of these families—the overwhelming majority of these families—who will be on this Children's Health Insurance Program expansion are not getting private insurance or they are getting very inadequate private insurance.

The President said families making up to $80,000 a year could get this insurance. That is patently untrue. If a State wants to do that, they have to apply to the Federal Government, and the President has already said no to the State of New York. He could say no to other States. So that is clearly, simply not true.

The President also said the Children's Health Insurance Program is just too expensive—a $7 billion-a-year increase over the next 5 years; $7 billion a year to insure 4 million children a year; $7 billion a year contrasted with what we spend on the war in Iraq: $2.5 billion a week; $7 billion a year for 4 million children versus $2.5 billion and climbing per week for a war we never should have been in, a civil war the President continues to immerse our Nation in, with no plan to end.

The last thing the President said is this program is socialized medicine, that we are going down the path of socialized medicine. The President forgets to say he and many Members of Congress get health care from Bethesda—go out to Bethesda and get their health care, with Government doctors taking care of Members of Congress and the President.

The President also forgets to mention that when he calls it socialized medicine, that, in fact, this legislation was supported bipartisanly 10 years ago in a Republican House, Republican Senate, and with a Democratic President—hardly socialized medicine supported by that many conservative Republicans back then and today. This legislation is supported by 68 Senators, including 18 Republicans; is supported by 43 Governors, including 16 Republicans; is supported by more than 270 organizations, representing millions of Americans.

The beauty of this legislation is for 10 years it has worked for America's children. And 6.6 million children have insurance today because of the Children Health Insurance Program. We can expand this program at the cost of about $3.50 a day to cover a child through the Children's Health Insurance Program, and do that for 4 million children. It makes sense for our children, it makes sense for our communities, and it makes sense for our country.

HONORING REPRESENTATIVE GEORGE SANGMEISTER

Mr. DURBIN. Mr. President, I rise today to honor a great man, Representative George Sangmeister, a great servant of Illinois who passed away on October 9.

George served Illinois in more ways than anyone I know; his was a lifetime of dedicated public work, and honesty. I had the good fortune to work as a staff lawyer in the Illinois State Senate when George was serving there. He was kind and determined, and these traits have shown through his work, his family life, and his long battle with leukemia.

Not surprisingly, George came from a family of dedicated Illinoisans. His father was mayor of Frankfort from 1923 to 1955 and a great political influence on his son. George attended Joliet Junior College before entering the military to serve in the Korean war. He was always proud of his service, and it informed many of his initiatives. He always took time to pay tribute to our warriors and veterans.

After serving in the Korean war, George attended Elmhurst College and earned a law degree from John Marshall Law School. He spent some time in private practice, but was always active in the public realm. He was a volunteer for President Kennedy's 1960 election and eventually returned fulltime to his public service origins.

George started as a magistrate for Will County and then served as the county's district attorney. In 1972, he was elected to the Illinois House of Representatives and then to the Illinois Senate in 1976.

George was a natural. One of his peers recently noted that "George was one of those individuals who had an unbelievable capability of bringing parties together." He was direct yet pleasant; he would stick to his position but never alienated those who disagreed. George was widely known as a man of his word, and a true statesman—traits that are in short supply in too many places.

His integrity and talent led him to become a powerful leader in the State senate, and a respected Member of the House of Representatives. He served three terms in the House from 1988 to 1994, and I was again privileged to work with him during those historical years.

As the cold war wound down, his attentions turned increasingly to our environment, our children, and our ability to adjust to a new world order. He joined me in pushing to ensure that newly independent nations such as Lithuania would be guaranteed an opportunity to prosper. George was keenly aware of our Nation's freedom, independence and our history. He regularly addressed his colleagues on Independence Day, rising to remind us all of our political origins and the things we must be grateful for.

He spoke often on veterans' affairs, the environment, education, and on issues that directly impacted his constituents in Illinois. He was unmovable when it came to fiercely fighting for the constituents that he had served for so many years and in so many ways. Frustrated with national politics, George returned to private practice in 1995, after more than 30 years in public service.

George is survived by his wife Doris, their children George and Kimberly, and four grandchildren. I have expressed my condolences to them in person and assure them now that George's unblemished reputation and service will be long remembered.

George was a great man and a great friend, and I feel that nothing is more fitting than to conclude his presence in the CONGRESSIONAL RECORD with his own words. They are indicative of a man who maintained his idealism and values throughout life's trials—a man unafraid to speak boldly during dramatic times.

> We should begin to worry about educating brilliant children so that America can face the next challenge. Having served in the U.S. Army myself, I strongly believe that national security should be a top priority for the Federal Government. But national security includes having a strong economy and a healthy, well-educated work force . . . What is more important than educating our kids and preserving our environment? . . . As a people, we were not defeated by Pearl Harbor or Watergate or Irangate, and we will survive. But, we must be ever vigilant against the abuse and arrogance of power, whether it be on Wall Street or on Main Street—whether it be by big business or by big government. To fail in our vigilance would mean the death of "power people." And so, let us, as a united people, "highly resolve that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

HONORING OUR ARMED FORCES

SEAMAN APPRENTICE SHAYNA ANN SCHNELL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young sailor from Tell City. Shayna Ann Schnell, 19 years old, died on October 1 in Dubai, United Arab Emirates, from injuries she received in a vehicle accident several days earlier. With her entire life before her, Shayna risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shayna was a lifelong Hoosier, growing up in Dubois and Perry counties. Shayna graduated Perry Central High School in 2006 and joined the Navy later that year. After completing basic training in Great Lakes, IL, Shayna was stationed at Lackland Air Force Base in San Antonio, TX. Her hard work earned her an assignment as a master-at-arms with the Naval Security Force Bahrain in the United Arab Emirates.

Shayna died while serving her country by supporting Operation Iraqi Freedom. She is survived by her mother and stepfather, Suzanne and Vernon Silacci; her father and stepmother, Doug and Peggy Schnell; her sister Nicole; and her brothers Trent and Tyler, who is also serving his country in the Navy. Shayna was known for her dedication to her family and her love of country. Today and always, she will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice she made while dutifully serving her country.

Today, I join Shayna's family and friends in mourning her death. While we struggle to bear our sorrow over this loss, we can also take pride in the example she set, bravely fighting to make the world a safer place. It is her courage and strength of character that people will remember when they think of Shayna, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Shayna's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Shayna's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Shayna Schnell in the official RECORD of the U.S. Senate for her service to this country and for her profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Shayna's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shayna.

CAPTAIN SCOTT N. SHIMP

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army CPT Scott Shimp of Bayard, NE.

Captain Shimp's love for the military was obvious to his mother, who said "even when he was little, he wanted to be a soldier, running around in his camouflage." He graduated from Bayard High School in 1998 as the salutatorian of his class. He was also quite active in many activities: Football, wrestling, 21st Century Singers, choir, and the National Honor Society. In addition, Captain Shimp received his Eagle Scout Award, the highest honor bestowed by the Boy Scouts of America, in 1998. Upon his graduation from high school, he pursued his dream of becoming a pilot by enrolling in the U.S. Military Academy at West Point, graduating in 2002.

Following his commission as a second lieutenant, Captain Shimp served two tours of duty in support of Operation Iraqi Freedom I and III. After graduating from the Aviation Captain's Career Course at Fort Rucker, AL, he reported to Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division, at Fort Campbell, KY, to serve as company commander.

A highly decorated soldier, Captain Shimp's leadership qualities were unmistakable. He was a rare example in the 101st Airborne Division, as evidenced by taking over a command soon after graduating from the Aviation Captain's Career Course, thereby demonstrating the respect and trust afforded him by his superiors. On September 11, 2007, Captain Shimp, along with two crew members, passed away when the Black Hawk helicopter he was piloting during a training exercise crashed due to fog near the town of Skyline, AL. He was 28 years old.

Captain Scott Shimp is survived by his parents Curtis and Teri Shimp of Bayard, NE; his older brother Chad and his younger sister Misty. I offer my most sincere condolences to the family and friends of Captain Shimp. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Captain Shimp's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

AUTHORIZING INTERROGATION TECHNIQUES

Mr. CARDIN. Mr. President, I rise today to express my concern regarding the most recent revelations of administration memos effectively authorizing the use of interrogation techniques that most certainly rise to the level of cruel, inhuman, or degrading treatment or punishment, if not to the level of torture.

In 2002, senior administration officials prepared a classified memo that sought to provide legal cover for interrogation practices that would clearly violate U.S. and international law. This "torture memo" was leaked to the press after the Abu Ghraib scandal broke and, in turn, caused such outrage that it was quickly disavowed by the Justice Department. A new, improved, and sanitized legal memo on interrogation norms was then issued in December 2004.

It now appears, according to a report published by the New York Times on October 4, that the Department of Justice's Office of Legal Counsel subsequently issued 2 additional legal memos that once again defined torture as "not torture" and—in an apparent effort to end run congressional efforts to close loopholes in the existing prohibition against cruel, inhuman, or degrading treatment or punishment—simply declared that no CIA interrogation practices violated that prohibition.

I would also draw my colleagues' attention to a subsequent, highly troubling report published by the New York Times on October 11 stating that the Director of the CIA, Michael Hayden, has ordered an investigation of the inspector general, John L. Helgerson. The CIA inspector general is known to have undertaken critical examinations of CIA interrogation procedures.

With these latest developments in mind, I would like to share three observations.

First, the revelation that—even while the Abu Ghraib scandal was still being investigated—the administration was issuing additional secret memos authorizing abusive interrogation techniques, stands as the latest blow to the credibility of the United States as a global advocate for human rights and democracy. We simply cannot win hearts and minds around the globe if we are perceived to condone a violation of basic human rights, our own laws, and international law. As cochairman of the Helsinki Commission, I am painfully aware of the extent to which these policies have undermined our nation's reputation, and even our ability to build support for counterterrorism operations worldwide.

Second, these revelations once again draw attention to this administration's breathtaking interpretation of the scope of executive power. In fact, the 2002 "torture memo" actually consisted of two parts. One part effectively sought to define torture as "not torture." The second part addressed the authority of the President to authorize torture. In essence, that part of the memo described the Presidency—when the President is acting as Commander in Chief—as virtually unrestrained by the Congress, the Constitution, or the courts. The Justice Department's renunciation of the 2002 torture memo only appeared to renounce the first part of that memo.

Accordingly, during the January 2005 confirmation hearing for Attorney General Gonzalez, he was repeatedly questioned regarding his views on the scope of Presidential authority—and he repeatedly stonewalled. His refusal to answer those questions, coupled with the President's signing statements attached to the 2005 Detainee Treatment Act and the 2006 Military Commissions Act and most recent revelations of additional torture memos, suggest that President Bush does believe himself to be beyond or above the law.

Many retired military leaders have argued that abusive interrogation techniques undermine America's moral authority, fuel jihadist recruitment, and weaken international norms that have protected American service men and women for decades. Moreover, a now declassified report issued by the Government's Intelligence Science Board has concluded there is no scientific evidence that coercive interrogation methods even produces good intelligence. And we now know that the use of these techniques has, in actual cases, produced false or misleading intelligence.

Sadly, the one of the greatest tragedies of the President's misguided policies on torture is this: This administration's justification of abusive techniques has not made us any safer.

WORLD FOOD DAY

Mr. HARKIN. Mr. President, each October, the eyes of the world appropriately turn to Des Moines for the presentation of the World Food Prize, called by the former President of Mexico, "the Nobel Prize for Food."

Created by Dr. Norman E. Borlaug, each year on or around October 16—World Food Day—representatives from more than 60 countries gather in the magnificent Iowa State Capitol to honor the newest laureate for his or her exceptional breakthrough achievements in increasing the quality, quantity or availability of food in the world. In past years, this honor has gone to individuals from India, Denmark, Brazil, China, and Sierra Leone. This year the winner is an American from Indiana. But no matter where they are from, all of these laureates have in common that they have reduced hunger and human suffering around the globe.

It is most fitting that this weeklong celebration begins today, October 16 with the first ever Iowa Hunger Summit.

There are people flying today from the east coast and the west coast to Des Moines. No, they are not Presidential candidates—although there are already plenty of them in the State. Rather, they are national leaders of the Alliance to End Hunger and representatives of the U.N. Foundation, and ambassadors from the United Nations and leaders of the OneVote08 campaign. They are all coming to join hundreds of Iowans to listen to the leaders of Bread for the World and MAZON, the Jewish Response to Hunger offer an inspiring vision about how to diminish hunger at home and abroad in this inaugural Iowa Hunger Summit.

At the center of this endeavor will be Dr. Norman E. Borlaug, Iowa's and America's greatest hero in the struggle against hunger. Today is U.N. World Food Day all around the globe. But I would argue, that perhaps the most significant observance of this special day will be taking place in Des Moines, where it is also Dr. Norman E. Borlaug/World Food Prize Day.

I want to commend Iowa's three former Governors, Tom Vilsack, Terry Branstad, and Robert Ray for their bipartisan leadership in making this first ever Iowa Hunger Summit possible. I also express my appreciation to the World Food Prize Foundation for its initiative in starting this new program. Iowa has a rich legacy of coming together above partisan differences when human suffering is involved. Governor Ray has exhibited exemplary leadership of Iowa SHARES to feed emaciated Cambodians, who had suffered under the genocidal Khmer Rouge. Similarly, Governor Branstad has led Iowa CARES to send food to starving populations in Ethiopia. And here at home, Governor Vilsack has worked in Iowa to greatly expand the number of hungry people receiving assistance.

I am pleased to add my name to the list of those in support of this marvelous new focus on hunger—the Iowa Hunger Summit. It is most fitting that we in the Congress would also join together in a bipartisan fashion to further commit ourselves to efforts to alleviate malnutrition and human suffering wherever it is found, at home or abroad.

Mr. GRASSLEY. Mr. President, it is harvest time in Iowa and throughout heartland. It is the time of year when farmers work around the clock to bring in the year's harvest of corn, soybeans, and other grains. Just this past weekend while on my farm in New Hartford, I was able to help my son with the harvest.

Across Iowa and the Midwest, farmers are harvesting a bumper crop. It is during this time that we pray that these bounties from the land make their way into of the mouths of the hungry.

It is appropriate, then, that during this season of harvest, a gathering will be taking place in northeast Iowa focusing on global hunger. Not far from my farm, a dinner is taking place tonight in the small town of Protivin, to honor one of America's greatest fighters of hunger.

Dr. Norman Borlaug, who grew up just a few miles from Protivin in Howard County, shared his talents to help populations around the world. His efforts to increase food production, and alleviate global hunger and famine earned him the Nobel Peace Prize in 1970 and the title of "Father of the Green Revolution."

His work in food production was also acknowledged this summer when Dr. Borlaug was presented the Congressional Gold Medal by President Bush and the bipartisan leadership of Congress. As a testament to his work around the globe, officials from Mexico, India, Japan, and numerous countries in Africa were present to honor Dr. Borlaug. I was proud to join this distinguished group in honoring him, and I thank my colleagues for acknowledging Dr. Borlaug's accomplishments.

It is clear that Dr. Borlaug has never forgotten his roots. He remains a rural Iowa farmer at heart. That is why I am sure tonight's dinner near his hometown will mean as much as, if not more than, the formal banquet that followed his receiving the Nobel Peace Prize.

It is also appropriate that Dr. Borlaug is making this trip back to the heartland today, October 16. Today has been designated "World Food Day" around the globe, and "Dr. Norman E. Borlaug/World Food Prize Day" in Iowa.

Dr. Borlaug continues to lead the effort to end global hunger and will do so today by participating in the first Iowa Hunger Summit in Des Moines. This summit will bring together people from across Iowa and the country to focus on feeding the hungry at home and abroad. Iowa Governor Chet Culver and former Governors Vilsack, Branstad, and Ray will also be in attendance for the summit.

I would like to thank the World Food Prize Foundation which provided the leadership in making this daylong focus on hunger possible. The foundation has worked closely with the Alliance to End Hunger, the One Campaign, and Iowa State University to make this event a central focus of World Food Day.

This is an appropriate time of year for us to focus on hunger and feeding the malnourished worldwide. I hope my colleagues will join in commending those who are working daily to raise the awareness of world hunger and working to provide adequate food for all.

ADDITIONAL STATEMENTS

RECOGNIZING LOUISBURG COLLEGE

• Mrs. DOLE. Mr. President, today I recognize Louisburg College, one of North Carolina's fine institutions of higher learning, on the occasion of its celebration of 220 years.

Louisburg College is the oldest chartered 2-year, church-related, coeducational college in the Nation and can trace its roots back to the early years of the town of Louisburg, NC. The town was founded in 1779, during the Revolutionary War, and was named in honor of King Louis XVI of France. The college in existence today has evolved from three earlier institutions, Franklin Male Academy, Louisburg Female Academy, and Louisburg Female College. Franklin Male Academy was founded on December 4, 1786, when Senator Henry Hill of Franklin County introduced "An Act to Erect and Establish an Academy in the County of Franklin." The bill was enacted into law on January 6, 1787, thereby providing Franklin Academy with its first charter. Franklin Male Academy opened on January 1, 1805, and, under the able direction of Yale graduate, Matthew Dickinson, prospered in its early years and soon had an enrollment of 90 students. In 1814, a counterpart to the Franklin Male Academy was established when the State legislature ratified an act chartering the Louisburg Female Academy. The third stage of the evolution of Louisburg College began in January 1855, when the State legislature authorized the transfer of property by the trustees of Louisburg Female Academy to the directors of Louisburg Female College Company. A four-story, fifty-room brick Greek revival building for the female college was constructed in 1857 on the west campus where the female academy building formerly stood. Old Main is still in use today as the administrative building of Louisburg College.

At the beginning of the 20th century, the institution became known as Louisburg College, and the college was officially linked to the Methodist Church. Washington Duke, a Durham philanthropist, had acquired ownership of the college property in the 1890s; after his death in the early 1900s, his son Benjamin N. Duke presented the property to the North Carolina Conference of the Methodist Church. Louisburg College became coeducational in 1931, and student enrollment immediately increased. In 1952, Louisburg College was accredited by the Southern Association of Colleges and Secondary Schools.

Building on its rich history, Louisburg College today enrolls around 750 students, 90 percent of whom go on to 4-year colleges and universities after graduation. This impressive accomplishment is achieved through a dedicated faculty who devote themselves to teaching, advising, and individual assistance to ensure that each student is academically prepared to meet the requirements of major 4-year colleges and universities. The college also holds the distinction as North Carolina's only residential junior college providing a unique educational experience and filling a niche for those college freshmen and sophomores who desire to further their education in a collegiate atmosphere.

Louisburg College has made a significant impact on the intellectual life and development of countless North Carolinians over the past 4 centuries, an accomplishment that indeed deserves commendation by the U.S. Senate.•

TRIBUTE TO YWCA OF NORTHWEST GEORGIA

• Mr. ISAKSON. Mr. President, on October 25, 2007, the YWCA of Northwest Georgia will hold a vigil on Marietta Square in my hometown to commemorate Domestic Violence Awareness Month. I wish to express my gratitude for the work of the YWCA of Northwest Georgia and its executive director, Holly Comer, as they bring awareness to this important issue and its impact on our community.

The YWCA of Northwest Georgia opened the doors to the first domestic violence shelter in Cobb County in 1978 in an effort to end domestic violence in our State, our communities, and our homes. A home should be a place of stability, comfort, and love. Domestic violence shatters this important foundation. The terrible tragedies that result from domestic violence destroy lives and insult the dignity of women, men, and children. I believe I represent all Georgians when I say thank you to the YWCA of Northwest Georgia for its hard work to combat domestic violence and help those who have been victimized.

I am grateful for the social service providers, advocates, counselors, and many others who provide care for the victims. I am also grateful to the law enforcement personnel and others who work to bring offenders to justice. As we recognize Domestic Violence Awareness Month, we are reminded of the important service these individuals provide.

Domestic violence has no place in our society, and I am strongly committed to addressing domestic violence and helping those who have been victimized. By working together with the YWCA of Northwest Georgia and its dedicated staff, we can build a Georgia where every home honors the value and dignity of its loved ones.•

TRIBUTE TO LYNNE ROSS

• Mr. SESSIONS. Mr. President, prior to my election to the U.S. Senate, I served Alabama as the attorney general. During that time I had many opportunities to work with the organization that assists attorneys general in their many dealings with the Congress, White House, and government agencies the National Association of Attorneys General, NAAG.

NAAG was founded in 1907, " To facilitate interaction among Attorneys General as peers and to facilitate the enhanced performance of Attorneys General and their staffs." They opened their Washington office in 1976, and Lynne Ross was their first full-time employee. Her extensive work with attorneys general has been immensely valuable. She had strategic skills, dedication and wit. She understood how things work in the DC political world and knew how to negotiate on the many issues that were of importance to attorneys general. NAAG has been as successful as it is in no small part due to her leadership. She is a non-lawyer with a great understanding of lawyers.

During her years at NAAG, Lynne was also instrumental in the creation of an organization of former attorneys general—the Society of Attorneys General Emeritus, SAGE, of which I am a member, and she has always been a great resource for our members.

I would like to take this opportunity to offer my appreciation to Lynne for her many years of dedicated service to NAAG. Her accomplishments are many. The organization and the Nation's attorneys general, both past and present, are stronger because of her hard work. Thank you, Lynne.•

HONORING THE LOUISIANA HONORAIR

• Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit organization that flies as many as 200 World War II veterans up to Washington, DC, free of charge. On October 27, 2007, a group of 105 veterans and their guardians will reach Washington on this very special program.

While visiting Washington, DC, the veterans will tour sights, such as the Arlington National Cemetery, the Korean Memorial, and the World War II Memorial. The program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable energy resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building" to the Committee on Homeland Security and Governmental Affairs.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, Nutrition, and Forestry.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3562. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas; Maryland" (Docket No. APHIS–2007–0028) received on October 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3563. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Charles L. Johnson II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3564. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Michael W. Wooley, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3565. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Paul V. Hester, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3566. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the significant unit cost growth that has occurred in the Armed Reconnaissance Helicopter's Program; to the Committee on Armed Services.

EC–3567. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Ronald E. Keys, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3568. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in fiscal year 2006; to the Committee on Armed Services.

EC–3569. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Office of Hearings and Appeals Conforming Amendments; and Technical Correction to Part 15 Regulations" ((RIN2501–AD32) (FR–5137–F–01)) received on October 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3570. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (RIN1557–AD02) received on October 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3571. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3572. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Cable Television Consumer Protection and Competition Act of 1992—Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition; Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements" (MB Docket No 07–29) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3573. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Affiliate Requirements of Section 64.1903 of the Commission's Rules" (FCC 07–159) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3574. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Corona de Tucson, Sierra Vista, Tanque Verde and Vail, Arizona, and Animas, Lordsburg and Virden, New Mexico" (MB Docket No. 05–245) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3575. A communication from the Associate Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up, et al." (WC Doc. 05–195) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3576. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 101 of the Commission's Rules to Modify Antenna Requirements for the 10.7–11.7 GHz Band" (FCC 07–163) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3577. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of Policies and Service Rules for the Broadcasting-Satellite Service" (IB Docket No. 06–123) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3578. A communication from the Secretary General, Pacific Islands Forum Secretariat, United Nations, transmitting, pursuant to law, a report relative to the U.S. nuclear weapons testing program which was conducted in the Republic of the Marshall Islands from 1946–1958; to the Committee on Energy and Natural Resources.

EC–3579. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (Docket No. MT–025–FOR) received on October 4, 2007; to the Committee on Energy and Natural Resources.

EC–3580. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan; San Francisco Bay Area" (FRL No. 8479–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3581. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio Particulate Matter" (FRL No. 8464–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3582. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Illinois: Clean Air Interstate Rule" (FRL No. 8477–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3583. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans; Ohio; Clean Air Interstate Rule" (FRL No. 8481–2) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3584. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans; Wisconsin; Clean Air Interstate Rule" (FRL No. 8477–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limited Approval of Implementation Plans of Indiana: Clean Air Interstate Rule" (FRL No. 8481–4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products" ((RIN2060–AO60) (FRL No. 8482–2)) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8479–6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC–3588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota" (FRL No. 8479–9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furilazole; Inert Ingredient Tolerances" (FRL No. 8145–2) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Perfluoroalkyl Sulfonates; Significant New Use Rule" (FRL No. 8150–4) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3591. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinetoram; Pesticide Tolerance" (FRL No. 8149–9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3592. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transfer of Polychlorinated Biphenyl Cleanup and Disposal Program from the Office of Prevention, Pesticides and Toxic Substances to the Office of Solid Waste and Emergency Response" (FRL No. 8150–6) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3593. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Removal of Migratory Birds from Buildings" (RIN1018–AV10) received on October 4, 2007; to the Committee on Environment and Public Works.

EC–3594. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3595. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, an annual report entitled, "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2004"; to the Committee on Environment and Public Works.

EC–3596. A communication from the Chief of the Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Bahrain Free Trade Agreement" (RIN1505–AB81) received on October 11, 2007; to the Committee on Finance.

EC–3597. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2008" (RIN0938–AO68) received on October 4, 2007; to the Committee on Finance.

EC–3598. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premium for Calendar Year 2008 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938–AO62) received on October 4, 2007; to the Committee on Finance.

EC–3599. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2008" (RIN0938–AO61) received on October 4, 2007; to the Committee on Finance.

EC–3600. A communication from the Regulations Coordinator, Administration for Children and Families, Department of

Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Care and Development Fund Error Rate Reporting" (RIN0970–AC29) received on October 4, 2007; to the Committee on Finance.

EC–3601. A communication from the Program Manager, Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and State Health Care Programs; Fraud and Abuse; Safe Harbor for Federally Qualified Health Centers Arrangements Under the Anti-Kickback Statute" (42 CFR Part 1001) received on October 4, 2007; to the Committee on Finance.

EC–3602. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual review for calendar year 2006 of all programs and projects of the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC–3603. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a Presidential waiver on military assistance; to the Committee on Foreign Relations.

EC–3604. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Performance Incentive Award Payments Exceeding $5,000 to Executive and Excepted Service Employees"; to the Committee on Homeland Security and Governmental Affairs.

EC–3605. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, the report of a proposed amendment intended to extend the period of the pilot program under which the Secretary of Homeland Security may carry out research and development projects; to the Committee on Homeland Security and Governmental Affairs.

EC–3606. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Amendments to Incorporate a Statement Regarding the 'Sole and Exclusive' Nature of the Authority that the Regulations of the Office of Government Ethics Confer on Executive Branch Departments and Agencies" (RIN3209–AA37) received on October 3, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3607. A communication from the Acting Director, Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's Strategic Plan for fiscal years 2008-2012; to the Committee on Homeland Security and Governmental Affairs.

EC–3608. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–122 , "Capitol Hill Historic District Protection Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3609. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–119 , "Restaurant and Hotel Audit Sufficiency Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3610. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–120 , "Disposition of Lot 854 in Square 441 Temporary Approval Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3611. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–121 , "Omnibus Sports Consolidation Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3612. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–117 , "Workforce Housing Production Program Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3613. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–118 , "Disposition of the Skyland Shopping Center Site Temporary Approval Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3614. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–116 , "Conflict of Interest Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3615. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–115, "Payday Loan Consumer Protection Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3616. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–127, "Tregaron Conservancy Tax Exemption and Relief Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3617. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–128, "Inaugural D.C. Triathlon Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3618. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–126, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3619. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–125, "Student Access to Treatment Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3620. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–124, "Establishment of a Hospital Receivership Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3621. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–130, "Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3622. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–123, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3623. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Authorities Delegated to the Director of the Executive Office for Immigration Review, and the Chief Immigration Judge" ((RIN1125–AA27) (EOIR No. 125F)) received on October 11, 2007; to the Committee on the Judiciary.

EC–3624. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled "Privacy" (5 C.F.R. Part 1830) received on October 10, 2007; to the Committee on the Judiciary.

EC–3625. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention" (RIN1615–AA43) received on October 4, 2007; to the Committee on the Judiciary.

EC–3626. A communication from the Director of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Accreditation of Service Organization Representatives and Agents" (RIN2900–AM29) received on October 10, 2007; to the Committee on Veterans' Affairs.

EC–3627. A communication from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting, pursuant to law, an inventory of commercial activities that are currently being performed by the Department's Federal employees for calendar year 2006; to the Committee on Veterans' Affairs.

EC–3628. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Director of the Indian Health Service, received on October 16, 2007; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act (Rept. No. 110–197).

By Mrs. FEINSTEIN, from the Committee on Rules and Administration:

Report to accompany S. Res. 89, An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009 (Rept. No. 110–198).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes (Rept. No. 110–199).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 2165. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mr. LUGAR, Mr. DODD, Mr. BIDEN, Mr. OBAMA, and Mr. SUNUNU):

S. 2166. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. 2167. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2169. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. KYL):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. Res. 347. A resolution designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month"; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH):

S. Res. 349. A resolution supporting the goals and ideals of Red Ribbon Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 626

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1445

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1466

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1494

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

At the request of Mr. DOMENICI, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1494, supra.

S. 1708

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy cobranding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1858

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1895

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

At the request of Mr. REED, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mrs. DOLE), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1895, supra.

S. 1962

At the request of Mr. SESSIONS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1962, a bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

S. 2056

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

S. 2123

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2128

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2139

At the request of Ms. KLOBUCHAR, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2139, a bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended period of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes.

S. 2156

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2156, a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

S. CON. RES. 48

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 345

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 345, a resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7–13, 2007, as designated by the National Fire Protection Association.

AMENDMENT NO. 3208

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 3208 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3234

At the request of Mr. COBURN, his name was added as a cosponsor of amendment No. 3234 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3256

At the request of Mr. BIDEN, the names of the Senator from Nevada (Mr. REID), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. BAUCUS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3256 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 3256 proposed to H.R. 3093, supra.

AMENDMENT NO. 3274

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3274 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3279

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 3279 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3289

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SHELBY, his name was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, supra.

AMENDMENT NO. 3290

At the request of Mr. SMITH, the names of the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Mr. VITTER) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3290 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3300

At the request of Mrs. MCCASKILL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 3300 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3314

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3314 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this month the Nation is observing National Cyber Security Awareness Month and, today, I am pleased to have Senator SPECTER join me in introducing our Identity Theft Enforcement and Restitution Act of 2007. This bipartisan criminal bill will provide new tools to federal prosecutors to combat identity theft and other cyber crimes.

Senator SPECTER has been a valuable partner in addressing the growing problem of identity theft for many years. When he served as Chairman of the Judiciary Committee, we worked closely together on comprehensive data privacy legislation to combat identity theft. During my tenure as Chairman, we have continued our efforts to enact comprehensive data privacy legislation. I appreciate Senator SPECTER's willingness to work with me once again on this important privacy issue and I look forward to our close partnership yielding results in this Congress.

When Senator SPECTER and I first introduced our comprehensive data privacy bill in 2005, we both knew that there was an urgent need to bring data privacy reforms to the American people. The Judiciary Committee has twice favorably reported the Leahy-Specter Personal Data Privacy and Security Act, most recently in May 2007, and that important privacy bill is now awaiting consideration by the full Senate as S.495. The privacy reforms in that bill are long overdue and I sincerely hope that the Senate will fulfill its obligation to bring meaningful privacy protections to the American people.

The bipartisan Identity Theft Enforcement and Restitution Act that we are introducing today takes several important steps to build upon our past efforts to protect Americans from the dangers of identity theft. First, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft. Unfortunately, under current law, restitution for identity theft victims is only available to recover the direct financial costs incurred by victims, such as recovering funds for unauthorized credit card charges. But, many identity theft victims incur other, indirect costs, such as lost wages due to time taken off from work to resolve credit disputes. Our bill amends the Federal criminal code to clarify that restitution orders in identity theft cases may include a recovery of these kinds of indirect costs, so that identity theft victims can be made whole.

Second, to address the more sophisticated and complex identity theft crimes committed in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. The bill expands the definition of "aggravated identity theft" under existing law, to include the crime of "conspiracy" to commit any of the crimes defined as aggravated identity theft in the criminal code. The bill also adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. In order to better deter this kind of criminal activity, the bill significantly increases the criminal penalties for these crimes.

In addition, our bill addresses several growing and disturbing trends in the area of cyber crime. To address the increasing number of computer hacking crimes that involve computers located within the same state, the bill eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime. Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by amending the criminal code to eliminate the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense.

Our bill also addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage ten or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses which are more and more becoming the focus of identity thieves. Because in today's digital economy, cyber-criminals often seek to extort money from American businesses without explicitly threatening to shut down or otherwise cause damage to a company computer, our bill amends the Federal criminal code to expressly cover extortion plots that do not involve a specific threat to damage a computer. The current law does not reach this kind of bad conduct; but, our bill corrects this shortcoming by adding two new causes of action under the cyber extortion statute, threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer, so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill also closes several gaps in the federal identity theft and the aggravated identity theft statutes, so that identity thieves who steal sensitive information belonging to a small business or a corporation may also be prosecuted under these laws.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this criminal legislation and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice, the Secret Service and the Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes. The bill is also supported by the business community and consumer groups.

Enacting good, bipartisan legislation to combat identity theft and to protect American consumers should be one of the Senate's top legislative priorities. Senator SPECTER and I are deeply committed to bringing long overdue data privacy protections to the American people. I hope that all Members of the Senate will join with us in supporting this important privacy legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Enforcement and Restitution Act of 2007".

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.".

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (d)(7), by inserting "or other person" after "specific individual".

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", or a conspiracy to commit such a felony violation," after "any offense that is a felony violation";

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

"(1) section 513 (relating to making, uttering, or possessing counterfeited securities);";

(D) by inserting after paragraph (8), as so redesignated, the following:

"(9) section 1708 (relating to mail theft);";

(E) in paragraph (12), as so redesignated, by striking "; or" and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

"(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or".

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking "if the conduct involved an interstate or foreign communication".

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(A)(i) knowingly" and inserting "(A) knowingly";

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated, by striking "; and" and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking "(a)(5)(A)(iii),";

(B) in paragraph (3)(B), by striking "(a)(5)(A)(iii),";

(C) by amending paragraph (4) to read as follows:

"(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(III) physical injury to any person;

"(IV) a threat to public health or safety;

"(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

"(VI) damage affecting 10 or more protected computers during any 1-year period; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

"(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

"(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

"(i) any other offense under subsection (a)(5); or

"(ii) an attempt to commit an offense punishable under this subparagraph."; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking "in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)" and inserting "in subclauses (I), (II), (III), (IV), (V), or (VI) of subsection (c)(4)(A)(i)"; and

(B) in the third sentence, by striking "subsection (a)(5)(B)(i)" and inserting "subsection (c)(4)(A)(i)(I)".

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking "1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)" and inserting "1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)".

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

"(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

"(A) threat to cause damage to a protected computer;

"(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

"(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;".

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Identity Theft Enforcement and Restitution Act of 2007, which I am introducing with Senator LEAHY.

In 2006, some 8.4 million Americans became victims to identity theft. Victims are often left with a bad credit report and must spend months and even years regaining their financial health. In the meantime, victims have difficulty getting credit, obtaining loans, renting apartments, and even getting hired. On a national level, experts estimate that identity theft costs the U.S. economy $49.3 billion last year and costs each victim an average of $617.

Identity thieves frequently acquire a person's existing credit account information and then purchase products and services using either the actual credit card or simply the account number and expiration date. They also use Social Security numbers and other identifying information to open new accounts in a person's name. Identity thieves frequently obtain both existing account information and the information needed to open new accounts electronically—either by gaining unauthorized access to a computer or by fraudulently inducing victims to provide such information.

The Identity Theft Enforcement and Restitution Act will provide Federal prosecutors with new tools to combat identity theft.

First, the bill will expand Federal computer fraud statutes to cover business organizations. Identity thieves frequently impersonate businesses in order to steal sensitive personal information from consumers. However, current law only provides for prosecution of identity theft perpetrated against an individual.

Under the bill, prosecutors will be able to go after identity thieves even when the computer they use to steal information is located in the same State as the victim's computer. Under current law, Federal courts only have jurisdiction if the thief uses an interstate communication to access the victim's computer.

The bill will make it a crime to threaten to steal or release information from a computer. Under current law, prosecutors can only bring extortion charges against those who threaten to shut down or damage a computer.

The bill will make it a crime to use malicious "spyware" to damage a computer, regardless of the amount of damage. Under current law, damage to a victim's computer must exceed $5,000 before a prosecutor can bring charges.

The bill will also increase the penalties Federal prosecutors can seek for identity theft.

The bill will enable prosecutors to seek enhanced penalties where a violation of the Federal computer fraud statutes includes conspiracy.

Prosecutors also will be able to seek enhanced penalties where a violation of the Federal computer fraud statutes involves passing counterfeit securities, mail theft, and tax fraud.

Finally, and perhaps most importantly, the bill will enable Federal prosecutors to seek restitution for the time and money that victims spend restoring their credit. The impact of identity theft is not limited to direct financial loss. Victims frequently spend significant amounts of time fixing or monitoring credit reports and disputing charges with individual creditors. The Federal Trade Commission has reported that victims spend an average of 30 hours trying to resolve identity theft-related issues with banks, credit agencies, and other institutions. According to the FTC, a total of 297 million hours were expended in 1 year by victims trying to deal with the impact of identity theft.

The Criminal Code currently allows prosecutors to seek restitution for the direct financial losses that victims experience. However, the code does not expressly permit prosecutors to obtain restitution for the time and money victims spend resolving the problems that arise as a result of identity theft. The Identity Theft Enforcement and Restitution Act of 2007 will allow prosecutors to seek restitution from a criminal defendant for the time and resources victims spend trying to repair their credit. The bill will require judges to determine the amount of time reasonably spent and the value of the victim's time.

Many of these provisions were included in the recommendations of the President's Identity Theft Task Force. These changes were recommended by the agency responsible for prosecuting identity theft, the Justice Department. I expect broad bipartisan support for this bill, and I urge my colleagues to support it.

By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I rise to introduce legislation that will bring important consumer protections to millions of wireless telephone customers across the country. The Uniform Wireless Consumer Protection Act requires the Federal Communications Commission to establish uniform national customer service and consumer protection rules for wireless customers that are both timely and necessary. My bill is identical to language approved with bipartisan support by the Senate Commerce Committee during the 109th Congress.

In 1993, through the Omnibus Budget Reconciliation Act, Congress limited State and local regulatory authority on wireless carriers to help the fledgling industry establish itself in the communications arena. That decision has helped to drive today's market of 240 million wireless customers in the U.S. Today, carrying a wireless telephone, a BlackBerry, or some other kind of wireless device has become part of the fabric of many peoples' lives. Wireless technology has become a commonplace communication option, and an increasing number of Americans have replaced their landline telephone in favor of a purely mobile telephone service.

While we have accomplished the goal of growing the wireless industry, we have yet to establish a uniform set of customer service and consumer protection requirements. Now is the time to finish the job we started in 1993 by enacting a national framework that will drive a new era of consumer-friendly wireless services.

This national consumer framework is not without challenges. The ability of wireless to travel beyond State boundaries tests our customary approaches to customer service and consumer protection standards at the state and local level. But nothing in this bill should be misconstrued as a statement against consumer obligations by State and local governments. As a former Attorney General of Arkansas, I feel very strongly about the inimitable ability of State and local governments to oversee and enforce consumer protections. State and local governments are unmatched in their function to provide effective protection and enforcement, and final rules must recognize and require a strong role for states in wireless consumer protection.

In addition, my colleagues Senator KLOBUCHAR and Senator ROCKEFELLER have introduced a bill, S. 2033, the Cell Phone Consumer Empowerment Act of 2007, that shares the same goal of protecting wireless consumers, and I look forward to working with them. Uniform wireless consumer protection rules must be comprehensive and address a broad range of issues, including disclosures of contract terms and conditions, service-area maps, trail periods and early termination fees. We also need to weigh the benefits and the burdens of government fees and taxes, as well as the costs of compliance with government regulations on wireless services.

I know my constituents want to be assured of their consumer protections when they buy and use wireless service, wherever they go and wherever they use their wireless phones. This bill begins an important debate on building uniform, comprehensive rules that provide a fair, transparent and quality wireless service to consumers across the Nation. While there is much work to be done in achieving a balance of rules that truly work for consumers, there is a clear need for a federal wireless regulatory framework. I am confident that we can reach this goal.

By Mr. McCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

Mr. McCAIN. Mr. President, the world has reacted with horror and revulsion at the Burmese junta's recent brutal crackdown against peaceful demonstrators. In crushing the Saffron Revolution, killing hundreds and jailing thousands, including countless Buddhist monks, the junta has left no doubt about its blatant disregard for basic human decency. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

Our response must go beyond statements of condemnation, and the time to act is now. That is why today I am introducing the Saffron Revolution Support Act of 2007 in the U.S. Senate. This legislation imposes meaningful and effective punitive action against the cruel, thuggish, and illegitimate Burmese government. We must not sit idly by while the junta continues to deprive the Burmese people of their fundamental human rights.

This legislation would impose targeted sanctions against Burmese officials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta. These individuals would be subject to a visa ban and a ban on business dealings with any United States entity or person. This legislation would also close a loophole that exists in current U.S. import policy that allows imports of Burmese gems and hardwoods, which together add tens of millions of dollars to the junta's coffers. It would eliminate the remaining U.S. energy investment in Burma's gas sector and significantly increase U.S. Government support for democracy in Burma.

Specifically, the Saffron Revolution Support Act of 2007: states that it is the policy of the United States to condemn the Burmese junta's continued repressions, support the democratic aspirations of the Burmese people, provide support to aid a democratic transition in Burma, and hold accountable those individuals responsible for the ongoing repression; imposes targeted financial sanctions against Burmese officials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta government; imposes a visa ban on these individuals; prohibits the importation of Burmese gems and hardwoods, including materials that are mined or harvested in Burma but shaped, cut, or assembled in other countries not subject to current U.S. sanctions; prohibits investment in Burma by U.S. companies, including investment agreements reached prior to the imposition of the May 20, 1997 sanctions; permits the President to terminate sanctions once the Government of Burma has: unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy; entered into a substantive dialogue with democratic forces on a transition to democratic government under the rule of law; allowed humanitarian access to populations affected by armed conflict in all regions of Burma; authorizes $20 million for FY 2008 and FY 2009 in aid to democracy activists in Burma, for the expansion of radio and television broadcasting into Burma, and for support to individuals and groups compiling evidence of the junta's crimes; expresses the sense of Congress that the Director of National Intelligence should target intelligence resources to identify those responsible for the crackdown and for other human rights abuses; authorizes the Secretary of State to fund the establishment of an independent, searchable, Internet database that would compile evidence of human rights abuses in Burma, permitting increased international research aimed at holding human rights abusers accountable; requires a report by the Secretary of State on international sources of military aid to the Burmese regime.

The next phase of political life in Burma has begun. The junta's thugs cannot forever postpone the blossoming of freedom and democracy within its nation's borders. By enacting the Saffron Revolution Support Act of 2007, the Congress can help ensure that they do not. I urge my colleagues to support this vital piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 347—DESIGNATING MAY 2008 AS "NATIONAL BE BEAR AWARE AND WILDLIFE STEWARDSHIP MONTH"

Mr. BAUCUS (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 347

Whereas wildlife and wildlife viewing enrich the shared outdoor heritage of the people of the United States;

Whereas it is possible to enjoy wildlife in a way that is prudent, safe, and educational and that has minimal adverse effects on wildlife;

Whereas the people of the United States should be aware of the potential for conflict between humans and wildlife;

Whereas the people of the United States should learn the safety and stewardship techniques that can prevent such conflicts;

Whereas some groups, such as the Center for Wildlife Information and State and Federal wildlife associations, in cooperation with State and Federal wildlife and land management agencies, have taken important proactive steps to create educations toolkits and design programs to educate outdoor enthusiasts; and

Whereas educational efforts can raise awareness of the potential for such conflict, help minimize such conflict, and promote the responsible enjoyment of wildlife: Now, therefore, be it

Resolved, That the Senate designates May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

SENATE RESOLUTION 348—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth, methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3320. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3321. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3322. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3323. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3320. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used—

(1) to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention;

(2) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(3) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SA 3321. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for for the Bethel Performing Arts Center.

(b) The amount made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV is reduced by $1,000,000, and the amount made available under the heading "HEALTH RESOURCES AND SERVICES" under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION" in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.

SA 3322. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be made available for—

(1) the Lyndon Baines Johnson Foundation in Austin, Texas, for the Presidential timeline project;

(2) the ECHO Center in, Burlington, Vermont, for the Lake Champlain Quadracentennial; or

(3) the Virginia Aquarium and Marine Science Center in Virginia Beach, Virginia, to expand outreach programs.

(b) Amounts available as a result of the prohibition under subsection (a) shall be transferred to the Secretary of Education to be used to increase funding for special education programs authorized by the Individuals with Disabilities Education Act.

SA 3323. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—

(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;

(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;

(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;

(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—

(A) in the classroom;

(B) on student tuition assistance;

(C) on overhead and administrative costs and expenses; and

(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and

(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to review the efforts of the Transportation Security Administration, to meet the requirements in the Implementing Recommendations of the 9/11 Commission Act of 2007, and other plans the agency has to strengthen transportation security in the U.S.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 11:45 a.m. to hold a briefing on the Gulf Security Dialogue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m. in order to conduct a hearing entitled "One Year Later: A Progress Report on the SAFE Port Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 16, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 3:15 p.m. in order to conduct a hearing entitled "Improving Financial and Business Management at the Department of Defense."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session, that the HELP Committee be discharged from further consideration of the nomination of Williamson Evers to be Assistant Secretary at the Department of Education, PN 230; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF EDUCATION

Williamson Evers, of California to be Assistant Secretary for Planning, Evaluation, and Policy Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 405, S. Res 326; and Calendar No. 406, H. Con. Res. 193.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the concurrent resolution be agreed to, that the preambles be agreed to en bloc, and the motions to reconsider be laid on the table, that the consideration of these items appear separately in the RECORD, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

The resolution (S. Res. 326) supporting the goals and ideals of a National Day of Remembrance for Murder Victims, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance for Murder Victims on September 25 of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits offered by the organizations that provide services to the loved ones of murder victims.

RECOGNIZING HUNTERS' COMMITMENT TO SAFETY

The concurrent resolution (H. Con. Res. 193), recognizing all hunters across the United States for their continued commitment to safety, was considered and agreed to.

The preamble was agreed to.

SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 348, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 348) supporting the goals and ideals of Red Ribbon Week.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the Annual Red Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985, Special Agent Enrique "Kiki" Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered in the line of duty by drug traffickers. Shortly after Agent Camarena's death, Congressman Duncan Hunter and high school friend Henry Lozano launched "Camarena Clubs" in the agent's hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an 8-day event proclaimed by the U.S. Congress and chaired by then-President and Mrs. Reagan.

This campaign is now the oldest and largest drug prevention program in the Nation, reaching millions of youth through Red Ribbon Week events. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against illicit drugs. The red ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life decisions.

In Alaska, Red Ribbon Week is a statewide celebration involving thousands of school children and other supporters. On October 22, the Municipality of Anchorage, in conjunction with the Alaska Red Ribbon Coalition and the Boys and Girls Clubs of Alaska, will host a Red Ribbon Week kickoff. The Red Ribbon Coalition is comprised of the Anchorage School District, the Alaska State Troopers, the U.S. Drug Enforcement Administration, and the U.S. Department of Justice. In addition, the Alaska National Guard and 43 Boys and Girls Clubs across Alaska will help other Alaskan communities celebrate Red Ribbon Week throughout the State.

As people across the country stand together against drugs, I thank my colleagues for joining me in what will hopefully be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, celebrated October 23–31 of this year, encourages individuals, families and communities to take a stand against alcohol, tobacco and illegal drug abuse.

The tradition of Red Ribbon Week, now in its 22nd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique "Kiki" Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors and students from his hometown of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is "Take a Stand—Be Drug Free." Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances and other family and educational events. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer a child stays drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I thank my colleagues for passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth; methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

ORDERS FOR WEDNESDAY, OCTOBER 17, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, October 17; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the majority and minority, with the majority controlling the first half and the Republicans controlling the final half; provided that Senator STEVENS be recognized to speak in morning business for up to 7 minutes prior to the start of the controlled time; that following morning business, the Senate proceed to H.R. 3043, as provided for under a previous order; that on Wednesday, the Senate stand in recess from 1 to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANDERS. If there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Wednesday, October 17, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH J. MURIN, OF PENNSYLVANIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE ROBERT M. COUCH, RESIGNED.

DEPARTMENT OF TRANSPORTATION

SIMON CHARLES GROS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE ROGER SHANE KARR, RESIGNED.

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (MANAGEMENT), VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF HOMELAND SECURITY

GUS P. COLDEBELLA, OF MASSACHUSETTS, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE PHILIP J. PERRY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

ALBERT R. AGNICH, 9545
ANTHONY J. ALARID, 1412
MICHAEL S. ANTONELLIS, 5030
WAYNE R. ARGUIN, 5574
CARRIE M. ASH, 8350
DANIEL P. BARAVIK, 7217
EDWARD K. BEALE, 7399
SCOTT A. BEAUREGARD, 6053
MATTHEW T. BECK, 1659
BENJAMIN A. BENSON, 3424
DAVID F. BERLINER, 6106
EDWARD L. BOCK, 9943
GEORGE L. BOONE, 9263
RUSSELL S. BURNSIDE, 9517
JOSEPH R. BUZZELLA, 9459
KENT R. CHAPPELKA, 2243
PATRICK W. CLARK, 4993
LESLIE W. CLAYBORNE, 8504
MICHAEL A. CLYBURN, 6160
MICHAEL R. COCKLIN, 7825
JASON C. COLLINS, 4367
RICHARD W. CONDIT, 6705
BRYAN E. DAILEY, 2760
JOHN P. DAILEY, 8803
BENJAMIN L. DAVIS, 7810
JOSEPH E. DEER, 4579
NICHOLAS DELAURA, 5178
EDWIN DIAZROSARIO, 7357
DOUGLAS C. DIXON, 8495
DEREK A. DORAZIO, 8617
BRYAN L. DURR, 0817
DAVID M. EHLERS, 8010
THOMAS M. EMERICK, 0148
DENNIS C. EVANS, 2583
BRIAN E. FIEDLER, 4368
JAMES H. FINTA, 4037
GEOFFREY P. GAGNIER, 3787
ERIC J. GANDEE, 6250
EDWARD J. GAYNOR, 5376
PAUL E. GERECKE, 9849
GREGORY S. GESELE, 5001
THOMAS W. GESELE, 5000
MICHAEL W. GLANDER, 8276
ERIC S. GLEASON, 7795
DAVID J. GODFREY, 4785
MARK D. GORDON, 0616
THOMAS A. GRIFFITTS, 2199
JASON R. HAMILTON, 9913
KEVIN J. HANSON, 3914
BENJAMIN J. HAWKINS, 0980
JAMES A. HEALY, 7844
KATHERINE A. HOWARD, 5315
JERRY A. HUBBARD, 8249
JOHN S. IMAHORI, 0811
CHAD L. JACOBY, 0937
JEFFREY A. JANSZEN, 4464
TERRENCE M. JOHNS, 9778
EUGENE E. JOHNSON, 2742
MATT N. JONES, 9156
SAMUEL R. JORDAN, 5346
BRENDAN D. KELLY, 1704
THOMAS H. KING, 4018
TAMARA I. KOERMER, 7880
NICHOLAS R. KOESTER, 0771
AMY E. KOVAC, 2137
SEAN F. LESTER, 9700
MICHAEL C. LONG, 8213
KEVIN J. LOPES, 4258
JESS P. LOPEZ, 9464
JUAN LOPEZ, 7254
JOHN S. LUCE, 3517
LISA K. MACK, 9536
SEAN C. MACKENZIE, 8795
JOSEPH P. MALINAUSKAS, 1645
CHRISTOPHER K. MARCY, 6902
THOMAS W. MCDEVITT, 4910
MATTHEW R. MCGLYNN, 8313
MALCOLM R. MCLELLAN, 5745
PATRICK W. MCMAHON, 5758
MATTHEW T. MEILSTRUP, 8815
JASON A. MERRIWEATHER, 1212
JAMES B. MILLICAN, 4131
JAMES W. MITCHELL, 1953
MICHAEL A. MULLEN, 9964
PATRICK J. MURPHY, 4093
LEE B. MYNATT, 8798
NICOLE S. NANCARROW, 2108
RANDALL J. NAVARRO, 3988
RANDALL K. NELSON, 8024
JASON D. NEUBAUER, 0262
THERESA M. NEUMANN, 5287
JACK C. NEVE, 2871
ANTHONY J. NYGRA, 9006
KEVIN D. ODITT, 4345
STEVEN F. OSGOOD, 0310
KEITH A. OVERSTREET, 4897
GEOFFREY D. OWEN, 3140
EDWIN W. PARKINSON, 7735
JAMES A. PASSARELLI, 2110
DARYL R. PELOQUIN, 5796
CORNELL I. PERRY, 7094
DAVID L. PETTY, 6682
ZACHARY H. PICKETT, 2955
KENNETH A. PIERRO, 6696
MICHAEL E. PLATT, 3176
NATHAN A. PODOLL, 7508
GARY K. POLASKI, 2160
SUSAN POLIZZOTTO, 2217
KELLY M. POST, 2206
STEVEN J. PRUYN, 5380
GREGORY M. RAINEY, 6693
DAVID W. RAMASSINI, 8864
WILFORD R. REAMS, 6891
JOHN D. REEVES, 5620
FRANCISCO S. REGO, 9178
KEVIN W. RIDDLE, 9475
SHANNAN D. ROONEY, 9051
KILEY R. ROSS, 0559
AARON E. ROTH, 9026
MATTHEW P. ROTHER, 0531
MATTHEW A. RYMER, 9954
MARTIN G. SARCH, 6247
ROSS L. SARGENT, 8992
EAN R. SCHENK, 7640
RONALD K. SCHUSTER, 6416
JAMES W. SEEMAN, 7067
MICHAEL A. SHIRK, 4896
CHARLES G. SMITH, 9733
MATTHEW J. SMITH, 9753
PATRICK T. SMITH, 8349
ROBERT L. SMITH, 9066
WILLIAM G. SMITH, 9221
JAMES P. SPOTTS, 4085
JOSEPH E. STAIER, 5987
GREGORY STANCLIK, 0645
BION B. STEWART, 4651
JEFFREY D. STEWART, 5556
PATRICK J. STJOHN, 2226
ANTHONY A. STOBBE, 0824
ROSS A. STROEBEL, 4072
DAVID W. STRONG, 9124
CLIFFORD D. TAYLOR, 9056
CHARLES W. TENNEY, 3941
GARY M. THOMAS, 5398
JOSEPH G. UZMANN, 3423
JOHN C. VANN, 7390
ALDANTE VINCIGUERRA, 4905
MATTHEW R. WALKER, 1683
SCOTT WASHBURN, 6656
KATHERINE E. WEATHERS, 7162
MICHELLE R. WEBBER, 8933
LAURA H. WEEMS, 7627
MICHAEL C. WESSEL, 1833
KEVIN E. WIRTH, 9925
GREGORY D. WISENER, 4098
STEVEN P. WITTROCK, 3763
MARK S. YOUNG, 6551
MICHAEL B. ZAMPERINI, 8558

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

MICHAEL S. GALLAGHER
GERD F. GLANG
WILLIAM B. KEARSE
GUY T. NOLL
THOMAS E. STRONG

To be commander

RICHARD A. FLETCHER
RALPH R. ROGERS
MARK B. NELSON
DEBORA R. BARR
ERIC W. BERKOWITZ
JON D. SWALLOW
JOSEPH A. PICA
MICHAEL J. HOSHLYK
RICARDO RAMOS

To be lieutenant commander

PHILLIP W. EASTMAN
STEPHEN S. MEADOR
CHRISTIAAN H. VAN WESTENDORP
GEORGE M. MILLER
BRADLEY H. FRITZLER
MARC S. MOSER
HOLLY A. DEHART
KRISTIE J. TWINING
FRANK K. DREFLAK
BENJAMIN K. EVANS
JEREMY B. WEIRICH

To be lieutenant

MATTHEW R. RINGEL
ERICH J. BOHABOY
LINDSAY R. KURELJA
PATRICK D. DIDIER
KELLEY E. STROUD
MICHAEL C. DAVIDSON
DAVID E. FISCHMAN
SILAS M. AYERS
NICOLA SAMUELSON
PATRICK L. MURPHY
COLIN D. LITTLE
LEAH A. HARMAN
JASON R. MANSOUR
BRIANA J. WELTON
ABIGAIL S. HIGGINS

To be lieutenant (junior grade)

DAVID M. GOTHAN
WILLIAM G. WINNER
MARY A. BARBER
VICTORIA E. ZALEWSKI
MATTHEW C. DAVIS
MATTHEW GLAZEWSKI
CHRISTOPHER W. DANIELS
RAUL VASQUEZ DEL MERCADO
SARAH A. T. HARRIS
MEGHAN E. MCGOVERN
FRANCISCO J. FUENMAYOR
LECIA M. SALERNO
PHOEBE A. WOODWORTH
JOSHUA J. SLATER
BENJAMIN M. LACOUR
RYAN C. WATTAM
MARK K. FRYDRYCH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS.

To be medical director

HARRY J. BROWN
THERESA A. CULLEN
ARON PRIMACK

To be senior surgeon

ALBERT J. EXNER
CAROL FRIEDMAN
ANA M. OSORIO
LYNNE E. PINKERTON

To be surgeon

FRANCISCO ALVARADO-RAMY
EDUARDO AZZIZ-BAUMGARTNER
MARY M. DOTT
JOHN M. HEUSINKVELD
MILTON IRIZARRY
MICHELLE K. LEFF
MELISSA A. MERIDETH
JUAN E. PALACIO
CHARLES T. REIDHEAD
ARJUN SRINIVASAN
THOMAS C. WHITE

To be senior assistant surgeon

CHINETA R. EURE
MICHELLE S. MCCONNELL
KEVIN J. NOLAN
DREW L. POSEY
JOSHUA G. SCHIER

To be dental surgeon

VIRGILIO A. BELTRAN
JAN C. COLTON
PHILLIP G. DRISCOLL
LOUIS J. MARCHIORI III
RANDALL B. SMITH
SCOTT A. TRAPP
PHILLIP D. WOODS

To be senior assistant dental surgeon

MARISOL CORDERO
AMANDA L. CRAMER
JANICE J. KIM
KATRINA J. LESLIE

To be nurse officer

MICHELLE J. BRAUN
MICHAEL P. BRYCE
JANICE E. DAVIS
MARILYN L. DEYKES
FRANCIS F. FRAZIER
COLLEEN O. LEE
KELLY KATHERINE MURPHY
ELIZABETH M. OSBORNE
PATRICIA A. PETTIS
MICHELLE E. POINDEXTER
MARYANN E. ROBINSON
CARRISSA V. SANCHEZ
DORNETTE D. SPELL-LESANE

To be senior assistant nurse officer

TAMMY L. GRAGG
PAULINE KARIKARI-MARTIN
TZU-CHING LIU
DAVID M. MAGNOTTA
DALE P. MISHLER
SUSAN E. THOMPSON
KATHLEEN M. WALLACE
FAITH M. WALSH
TRACY S. WILLIAMS

EDWARD W. WOLFGANG

To be assistant nurse officer

JOSHUA E. HARDIN

To be engineer officer

SHUN-PING CHAU
MARY LENA DAHL
PAUL S. GAGLIANO
KATHLEEN J. MERCURE

To be senior assistant engineer officer

CRAIG J. HAUGLAND

To be assistant engineer officer

JEREMY B. NICKELS

To be scientist

RICHARD P. GUSSIO
DENNIS R. SPEARS
NOVELLA C. WILLIAMS

To be senior assistant scientist

KARON ABE
SARA B. NEWMAN
SHARON H. SAYDAH
JACQUELINE C. SRAM

To be environmental health officer

WILLIAM D. JUSTICE, JR.

To be senior assistant environmental health officer

JENNIFER L. HORNSBY-MYERS
CHRISTOPHER S. LAFFERTY

To be veterinary officer

MARTA A. GUERRA
ELVIRA L. HALL-ROBINSON
CHARLOTTE A. SPIRES

To be senior assistant veterinary officer

RENEE H. FUNK

To be pharmacist

CHRISTINE M. BINA
JONATHAN C. DANDO
TIA M. HARPER-VELAZQUEZ
CONNIE T. JUNG
ROBERT KANG
LINDA M. SCHRAND
TARA P. TURNER

To be senior assistant pharmacist

JOHN G. BEARDEN
GREGORY R. DILL
ZACHERY L. MILLER
PATRICK L. ROMERO
SHEILA K. RYAN
REBECCA D. SAVILLE
JIALYNN K. WANG

To be dietitian

CARMA J. PAULI

To be senior assistant dietitian

SUSAN R. JONES

To be senior assistant therapist

JOSEPH S. GOLDING

To be health services director

HENRY S. CHAN

To be senior health services officer

NANCY M. BILL

To be health services officer

RENDI M. BACON
FREDA G. CARPITCHER
GEORGE A. DURGIN, JR.
MARCELLA LAW
MICHELLE L. MARKLEY
TIMOTHY J. PAPPALARDO
ANGELA J. SANCHEZ

To be senior assistant health services officer

KELLY D. BROWN
JEFFREY A. COADY
PAUL L. DEXTER
DAVID A. DIETZ
SUSANNA K. PARTRIDGE
MICHELLE A. PELKEY
DESTRY M. SILLIVAN
CECILE M. TOWN
WILLIAM R. WALDRON II

To be assistant health services officer

BRIAN T. BURT
THOMAS J. JANISKO
JEREMY R. PARMLEY
JOSEPH M. SHURINA III
ELAINE C. WOLFF

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLENN F. SPEARS, 2012

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN R. MIXON, 7168

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. HUNTOON, JR., 1919

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. ERIC B. SCHOOMAKER, 8284

THE JUDICIARY

BRIAN STACY MILLER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE GEORGE HOWARD, JR., DECEASED.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, October 16, 2007:

DEPARTMENT OF EDUCATION

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 16, 2007 withdrawing from further Senate consideration the following nomination:

ANDREW R. COCHRAN, OF VIRGINIA, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 31, 2007.

DISCHARGED NOMINATION

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination:

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

HOUSE OF REPRESENTATIVES—*Tuesday, October 16, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 16, 2007.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

SCHIP VETO

Mr. BLUMENAUER. Mr. Speaker, the vote to override President Bush's veto of SCHIP marks the culmination of the most disingenuous and deliberately misleading debate I have witnessed in my entire political career.

The partisan talking points from the Bush White House have been disputed not only by the independent experts, but by dozens of sensible Republicans like Senator GRASSLEY, Senator ROBERTS and Senator HATCH. The facts are simple: working families are having great difficulty providing their children with health insurance.

This is not a program about poor kids, most of whom are already eligible for State Medicaid programs. SCHIP provides health care to children of working families who make too much to receive welfare, but can't afford private insurance. Everyone I talk to back home agrees that this is a problem government needs to address and that children of struggling working families shouldn't pay the price for Republican politics.

The President and his Republican defenders say that SCHIP shouldn't go to families who earn $83,000 a year. Well, as Republican Senator GRASSLEY points out, this is why the bill doesn't authorize coverage at that income level.

The White House now opposes the bipartisan bill because it provides coverage for adults. Yet, over the last 6 years, the administration has cheerfully approved numerous waivers to allow States that have requested to extend coverage to some adults; for example, to pregnant women. This bill actually phases out adult coverage over 2 years, coverage the Bush White House used to think was a good idea, before they were against it.

We have heard complaints about the process, how Republicans were shut out of consideration of SCHIP reauthorization. Yet Commerce Committee Republicans wasted hour after hour demanding the bill be read line-by-line, aloud, instead of debating areas of concern and proposing their own amendments. Just because House Republicans chose to squander time with procedural games and stalling tactics is no justification for denying health care to 10 million children.

Nothing is more ludicrous than the argument that SCHIP is a step towards socialized medicine. We have heard them say it time after time. But SCHIP is a block grant program to the States where most SCHIP recipients receive their coverage by private, managed care plans, similar to the private Medicare Advantage plans the Republicans have been promoting for the last 5 years.

The argument that SCHIP is too costly rings hollow. After all, remember, there are 98 Republican opponents of SCHIP who voted for a more expensive unfunded Medicare prescription drug program, which the President happily signed into law.

Five years of SCHIP expansion would cost little more than a month of the Iraq war, and SCHIP is paid for, unlike the President's war that is all borrowed money. The President's opposition, if wrong headed, is at least consistent. His budget proposal for 2008 underfunded SCHIP. It would have cut coverage for 800,000 children currently in the program.

He drug his feet on SCHIP as Governor of Texas, and his home State still has the highest percentage of uninsured children in the country. Of course, his tendency to ignore inconvenient facts or make up his own is well documented.

What I find inexplicable is the decision of House Republicans to follow the President's leadership down this path of denial and deceit. This bill is about more than health care for 10 million children. It could mark a turning point in the future of politics and health care reform in America.

If Bush and his GOP supporters are allowed to kill this bipartisan compromised legislation without severe consequences, meaningful health care reform and progress will be delayed for years. We must lay the foundation for accountability at the ballot box, because the message will be clear. Progress would be possible only with a new visionary president and a Congress that will listen.

I still hold out hope that this Congress will listen to the support of 70 percent of the American public, the support of 16 Republican governors and the bipartisan support in the Senate, that will convince a sufficient number of House Republicans to overturn this cruel veto and provide 10 million children with needed health care.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of peace and Lord of Light, be present in the midst of Congress this day. May the issues that are discussed in committee work and on the floor of this Chamber bring forth enlightened truth that will lead to defined laws and solid policies so to guide and protect Your people.

Since this work is undertaken for the good of this Nation, assure justice, engender hope, and bring this society into a greater union that will give You glory both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 36. Concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week.

COMBAT TROOPS TAX RELIEF ACT

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, last week, I introduced the Combat Troops Tax Relief Act. From Fort Huachuca in Arizona to Iraq and Afghanistan, members of our armed services make the defense of our great Nation their number one priority. With unflinching honor and dedication, our military families inspire us by sending their husbands and their wives and their sons and daughters off to war to protect our freedoms.

My bill calls on Congress to honor their patriotism and commitment to the military families with more than rhetoric. This bill would give them concrete tax relief. This Congress is setting new priorities, including policies impacting military families. This bill does more by cutting taxes for middle-class military families. It increases the standard tax deduction for our soldiers and protects military families' eligibility for the Earned Income Tax Credit and the Child Care Tax Credit.

Military families in southern Arizona and across the country deserve nothing less.

SCHIP SHOULD BE ABOUT THE CHILDREN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, we need to reauthorize the State Children's Health Insurance Program so children from low-income families without health insurance can get it. That is why my Republican colleagues and I remain supportive of a program and funding that will do just that. Unfortunately, the current SCHIP bill would send precious health care dollars to cover adults, illegal aliens, some children from families that are not low income, and others that have private insurance.

Republicans remain committed to putting children first. We want to provide the funds necessary to cover eligible children and enroll the low-income children still not covered. President Ronald Reagan foresaw this diversion of funds. He once said, "You know, we could say the Democrats spend their money like drunken sailors, but that would be unfair to drunken sailors. It would be unfair because the sailors are spending their own money."

In conclusion, God bless our troops, and we will never forget September the 11th.

HOUSE REPUBLICANS HAVE TWO CHIP PLANS BEFORE THEM—THEY HAVE TO DECIDE THIS WEEK

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, this week, Republicans must decide if they're going to support a bipartisan bill that provides health care for 4 million more children or if they're going to back a Bush administration plan that will leave 800,000 more children uninsured.

Today, the Children's Health Insurance Program ensures that 6 million children have access to private health insurance.

Earlier this year, President Bush proposed increasing CHIP funding by $5 billion over the next 5 years. The nonpartisan Congressional Budget Office concluded that this plan will result in 800,000 children losing their health coverage.

The President's proposal is unacceptable to many of us. Our bipartisan compromise bill allows us not only to insure all the children currently in this program, but also allows us to cover an additional 4 million children who are already eligible but not enrolled in CHIP.

Madam Speaker, House Republicans have a decision to make: I hope they stand up for 10 million children to help us override the President's veto.

SCHIP BILL

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, instead of the reauthorization of a successful plan, the majority party is trying to reinvent the government health care wheel by proposing a $35 billion expansion of the current SCHIP plan.

The current SCHIP plan has proven itself successful because it now provides approximately 6.6 million low-income children with government-funded health care services annually. By the way, only 13 percent of this money will actually go to children anyway.

If we allow the vetoed SCHIP bill to pass, the intent of the original SCHIP program, which is to provide health care insurance to children of low-income families who are unable to afford private coverage, will be lost.

This bill would allow families earning an annual income $83,000 a year to take advantage of a program designed to help low-income, uninsured children.

Voting against the SCHIP bill reflects a disagreement for the manner in which the health care coverage will be distributed and to whom. The SCHIP bill needs to be authorized, but can be and should be done in a fiscally responsible manner.

I will vote to sustain the President's veto for this bill because it will overlook the children it was first intended for.

HEALTH CARE PRIORITIES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, this morning, The Washington Post reports that States across this country are forced to start preparing to cut hundreds of thousands of children off of children's health care because Republicans in this House and President Bush have put children's health care on the bottom of their priority list. Unfortunately, we've seen this movie before. When States faced shortfalls and health care for children was threatened earlier this year, States were forced to take steps that would have denied hundreds of thousands of children health care. And once again, the administration failed to lead, and only Democratic efforts to fund the State children's health care in the supplemental appropriations saved us from that catastrophe.

From day one, the administration has adopted a policy of benign neglect when it comes to children's health care. In fact, the President's current plan would cut 1 million children from health care.

Now Republicans in this House have a chance to change that policy. On Thursday, Republicans can join Democrats and Republicans and give 10 million children the care that they need for the future. In fact, I always find it amazing that Republicans will give $480 million to the war in Iraq, no questions asked, but when it comes to 10 million kids' health care, they have a lot of questions.

The choice is simple, 10 million children in States across the country are counting on the House Republicans to make the right choice for their future.

RESTORE ACT WILL HAMPER EFFORTS OF INTELLIGENCE COMMUNITY

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Madam Speaker, our intelligence community and military officials should have every tool available to them as we continue to fight the global war on terror.

While we all agree that proper oversight is necessary, oversight does not equate to needless red tape, and it should never prohibit our men and women in uniform from doing their jobs, especially when it comes to rescuing American lives.

The article in yesterday's New York Post is a startling depiction of how the current system has failed our men and women. After a young American soldier was captured by al Qaeda insurgents last May, lawyers in Washington debated the legalities of electronic eavesdropping connected to his rescue for over 10 hours. That is completely unacceptable. Unfortunately, the RESTORE Act that the Democrat leadership is bringing to the floor this week will only continue to hamper the efforts of our intelligence community and place our men and women at risk.

I urge my Democratic colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat. We should fight for the right to listen to al Qaeda and stop these plots.

BUSH TRYING TO SHOW FISCAL DISCIPLINE WITH CHILDREN'S HEALTH BILL—RHETORIC VS. REALITY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, President Bush and congressional Republicans know they have a perception problem with the American people when it comes to being fiscally responsible.

The fact is, they inherited a record surplus from President Clinton back in 2001, and over the next 6 years they turned that surplus into record deficits. In fact, it's so bad that President Bush has the distinction of borrowing more money from foreign nations than all of his 42 predecessors combined. That is not a record to brag about. And so now the President and some Republicans are attempting to wipe away 6 years of fiscal mismanagement by opposing a bipartisan bill that would provide quality health care coverage to 10 million children.

The problem is, the bill that they are opposing is completely paid for. You see, when we took over the House in January, we restored pay-as-you-go rules so that we could finally tackle our Nation's deficit. The bipartisan children's health care bill would not add one cent to our Nation's deficit. And House Republicans need to realize that this bill is bipartisan for a reason.

THE AMERICAN PEOPLE WANT TO COVER THE POOREST KIDS FIRST

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, let me just talk to my colleagues. A new Gallup Poll just came out yesterday, and it really shows what we on this side have been talking about.

The poll indicates that over 55 percent of Americans are worried that the expansion of the SCHIP program would create incentives for families to drop private health coverage and switch to the public program. This goes to the very core of what we've been saying.

I was here in 1997 when Republicans created the SCHIP program. The Democrat leadership is creating a future entitlement train wreck, and they would be wise to listen to the American people before tying the hands of our Federal Government with more spending.

The poll goes on further to state that over 52 percent of Americans believe that most benefits should go to families making 200 percent below the poverty line. This was the original intent of the law.

The American people are asking Congress to follow the original bipartisan plan for the SCHIP program. The American people want to cover the poorest kids first; we do, too. The Democrat leadership needs to understand they're not doing the American people a favor with this program.

CHIP BILL AND BUSH'S VETO: FACT VS. REALITY ON THE LEGISLATION

(Mr. CARDOZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDOZA. Madam Speaker, many House Republicans have mistakenly bought into President Bush's false rhetoric about the CHIP program and its reauthorization. I would hope that they would listen to their Senate Republican colleagues who are willing to see past the White House rhetoric.

Republican Senator CORKER from Tennessee said, "What will move our country towards socialized medicine is not this bill, which focuses on poor children, but the lack of action to allow people in need to have access to private affordable health care."

Republican Senator ROBERTS of Kansas said, "I'm not for excessive spending and I strongly oppose the federalization of health care. And if the administration's concerns about this bill were accurate, I would support a veto. But, bluntly, they are not."

And Republican Senator HATCH from Utah thinks the President "has been sold a bill of goods" on this legislation.

Madam Speaker, the House Republicans should not buy into the administration's falsehoods. This week, we have an opportunity to ensure 10 million children have access to quality health insurance. They should join us in overriding the President's veto.

IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, what I'm hearing from my constituents is they are still very concerned about our national security, about border security, about the security on their streets and in their communities. That's why I would like to raise one issue with the House this morning.

For the second time in the last several months, a mobile foreign consulate has traveled to Memphis, Tennessee, on the western edge of my district, to issue government IDs and passports, the latest courtesy of the Guatemalan Government.

Now, many illegal immigrants in this country are using these matricula consular cards to access American financial markets. And some American financial institutions are offering illegal immigrants credit cards and access to our financial services and financial markets based on the issuance of these cards. Only reason you need one, you're in the country illegally.

I've even had an industry representative tell me that they think they should be able to "bank illegal immigrants."

Madam Speaker, that's why I've introduced H.R. 1314, the Photo ID Security Act, to close this loophole that allows illegal immigrants access to these services.

I encourage all to join me in sponsorship of this bill.

☐ 1015

THE FIFTH DISTRICT OF CONNECTICUT SUPPORTS THE SCHIP PROGRAM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Madam Speaker, why is it that we have so many Republicans here in the House, a veto-proof majority in the Senate, a poll that came out showing that Republicans across this country support expansion of the SCHIP bill by a 2 to 1 margin. Why is that? Because the expansion of the SCHIP bill is not just morally responsible. It is fiscally responsible. We have to stop pretending that these kids that don't have health care insurance don't have health care. They do. But they get it in the least humane and most expensive way. We have a system of universal health care in this country. It just doesn't get care to these kids until they are so sick and so crippled by their illness that they show up at an emergency room and get the worst care and most expensive care that you can get in this system

I come from a morally responsible district, but I also come from a fiscally responsible district, Madam Speaker, and that is why they support expansion of the SCHIP program.

HEALTH CARE CHOICE FOR FAMILIES

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, I am pleased that a report by AARP acknowledged consumer-directed health plans often provide more freedom of choice, lower premiums while giving consumers more control over their health care. This year I introduced H.R. 2639 to expand and improve coverage under these patient-centered plans. Public and private sector leaders must do more to empower patients with convenient, reliable information on cost and quality so consumers can purchase better care at a lower cost.

Recent reports contend that health care plans haven't done enough in this area. These criticisms underscore the need to quickly build on gains we have made in health care transparency. Secretary Leavitt has laid important ground work in this area.

H.R. 2639, coupled with better information for patients, will improve access, lower costs and improve quality of health care. I urge my colleagues to cosponsor this bill.

RHETORIC VERSUS REALITY ON THE BIPARTISAN CHILDREN'S HEALTH BILL

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, House Republicans have now had 2 weeks to sift through the rhetoric and reality of the bipartisan children's health insurance bill that the President vetoed. When the President vetoed the bill, he said it was a step toward government-run health care. Surely, he can't believe that. If he understood the program, he would know that it is a Federal-State partnership to ensure that children have access to private health insurance.

The President also says that the bill attempts to expand the SCHIP program to upper middle class children who are not currently eligible. Again that is false. It does not expand the program. There are now about 12 million children who are eligible for SCHIP. Today we are reaching 6 million of those kids. Our legislation would allow us to reach an additional 4 million children who are already eligible for the program.

The President also says that our bill is too expensive. But he ignores the fact that it is fully paid for. And he is asking for $190 billion more to fund the occupation of Iraq. Even if the President does not make children his priority, let us do so by overriding his veto on Thursday. Republicans have had 2 weeks to realize that the President's reasons for vetoing this bill simply do not add up. So they should join us in overriding the veto.

LIEUTENANT MICHAEL MURPHY WILL · POSTHUMOUSLY BE AWARDED THE CONGRESSIONAL MEDAL OF HONOR

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, on October 22, the President will posthumously award our Nation's top military honor to the first Navy SEAL since the Vietnam War.

In June of 2005, Lieutenant Michael Murphy of Patchogue, New York, led a team of four SEALs on an intelligence-gathering mission in the mountains of Afghanistan when Taliban supporters revealed the team's position. A heavy firefight ensued, and the team, cut off from all reinforcements and outnumbered 50 to 1, fought valiantly to preserve each other's lives. Faced with certain death, Lieutenant Murphy deliberately exposed himself to enemy fire in order to gain a clear signal which would communicate with rescue forces. He risked his own life to save the lives of his men.

Madam Speaker, as the proud representative of both Naval Amphibious Base Little Creek and Dam Neck Fleet Combat Training Center, my heart goes out to the family of the first Navy SEAL to earn the Congressional Medal of Honor in the global war on terror.

Lieutenant Murphy was a true American hero and will live on as an inspiration for all who serve within the ranks of the most elite special operations forces in the world.

REMARKS ON THE SCHIP VETO OVERRIDE

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of the SCHIP program and urge all of my colleagues to vote to override the President's veto of this bill.

While the number of uninsured adults has steadily climbed over the past 10 years, the number of uninsured children in our Nation has declined by nearly a third. This is a direct result of the SCHIP program which began in 1997 with the goal, and indeed the national commitment, of providing health insurance for children whose parents cannot afford private health coverage. I was proud to be a part of a Congress that was able to craft a responsible and critical reauthorization of the SCHIP program, one that would ensure that all eligible children can participate.

However, while Democrats and Republicans here in Congress were able to put politics aside for the sake of this critical program, the President chose not to do so. His veto means that thousands of children in Rhode Island and millions more across the country will be denied access to health insurance.

I urge all of my colleagues to vote to override the President's veto and show our support for a program that has been tremendously successful in supporting working families, strengthening our health care system, and keeping our children healthy.

OVERREACTING TO AN OVEREXAGGERATED THREAT OF TERRORISM

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, we all want to do what we should to fight terrorism, but the Federal Government has to do many other things, too. The Wall Street Journal editorial said: "We would like to suggest a new post-September 11 rule for Congress. Any bill with the words "security" in it should get double the public scrutiny and maybe four times the normal wait, lest all kinds of bad legislation become law under the phony guise of fighting terrorism."

More significantly, Homeland Security Secretary Michael Chertoff testified in front of a congressional committee: "We should not let an overexaggerated threat of terrorism drive us crazy, into bankruptcy, trying to defend against every conceivable threat." He went on to say: "We do have limits, and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.''

THE STORY OF TWO TENS IN IRAQ AND HERE IN THE UNITED STATES

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Madam Speaker, when we as a Nation talk about our priorities, it is often useful to use numbers to put things in perspective. So today let's think about the number 10. On Thursday, this House will have the opportunity to override a Presidential veto that would allow us to ensure 10 million children have access to quality health care so that they can see the doctor of their choice when they need to. We realize the importance of preventive care. Children shouldn't be forced to let a cold or earache linger until it reaches emergency proportions.

President Bush says our bipartisan compromise is too expensive. But while we are working to ensure 10 million children have access to health care, President Bush has no problem asking us to send $10 billion every month to Iraq.

Madam Speaker, this is a debate about priorities. House Republicans should join us in overriding the President's veto to send a message that children's health care is a priority of this House.

TAXPAYER CHOICE ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, I am confident the only thing worse than having to pay taxes is figuring out how to fill out the forms to pay taxes. As Albert Einstein said: ''The hardest thing in the world to understand is the income tax.'' He was right. It is 16,485 pages. Our income tax is an outrage, an outrage long in need of reform and simplification.

Last week Republicans introduced an alternative to this outrage. The Taxpayer Choice Act does what it says. It gives taxpayers a choice between all the headaches of the current tax system or a highly simplified alternative tax. It simplifies the process for taxpayers and gives them what they deserve, a transparent, efficient, simple and fair Tax Code and completely eliminates AMT tax and makes permanent the capital gains and dividends tax cuts of 2001 and 2003.

Madam Speaker, it is long time that we pass fundamental tax reform and give taxpayers the choice, the Taxpayer Choice Act.

RED TAPE DELAYS RESCUE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, homeland security and the safety of our men and women in uniform should be on the front of everyone's mind in Congress. Yet, we are here again this week discussing a Democrat bill that fails to provide our intelligence community the tools necessary to monitor terrorist activity. The Democrat RESTORE bill does nothing to streamline a process that is hampered by endless red tape and severely slows the reaction time between Washington and our battlefield commanders.

Intelligence opportunities sometimes exist for minutes, and we need the flexibility to monitor activity that can save lives. The article in the New York Post yesterday is a perfect example. The current law delayed a rescue mission by 10 hours. Our troops should never have to wait 10 hours for permission to rescue them.

I urge my Democrat colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat.

PROVIDING FOR CONSIDERATION OF H. RES. 734 EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days to revise and extend remarks on House Resolution 741.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 741 provides for the consideration of House Resolution 734, expressing the sense of the House of Representatives regarding the withholding of information relating to rampant corruption in Iraq, corruption that is being used with taxpayer money from our country. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform.

Resolution 734 expresses the explicit sense of the House that the State Department, our State Department, has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Maliki government. The resolution further condemns the State Department for retroactively classifying documents that had been widely distributed previously as unclassified and by directing State Department employees not to answer questions in an open forum.

☐ 1030

Madam Speaker, we are in the fifth year of this war. We have lost over 3,700 of our best young men and women. By the time this war is over, many experts anticipate that the cost to the taxpayers will exceed $1 trillion. General Ricardo Sanchez, a retired commander, last week described the situation in Iraq as an absolute nightmare with no end in sight.

This war started on the basis of bogus information: the threat of weapons of mass destruction that did not exist. Hard questions that should have been asked weren't asked. The war continued for years, until November of 2006, with a Congress that was a rubber stamp for whatever it was that the executive agencies wanted. Those days are over.

The Committee on Oversight and Government Reform has been pursuing relentlessly article I powers of this Congress to accept its responsibility on behalf of the citizens of this country to ask questions and get answers; yet the State Department is refusing to allow relevant information to be disseminated to the members of that committee.

Madam Speaker, let me go through the history. On October 4, 2007, the Oversight and Government Reform

Committee held a hearing regarding the extent of corruption within the Iraqi Government. David Walker, the Comptroller General of the United States, and Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified that entrenched corruption in the Iraqi Government is actually fueling the insurgency, undermining the chances of political reconciliation, which, incidentally, was the whole point of the surge strategy of General Petraeus, and that this corruption is, in fact, endangering our troops.

The former Commissioner of the Iraqi Commission on Public Integrity, Judge Radhi Hamza al-Radhi, testified that his own investigation documented at least $18 billion in money stolen by corrupt officials. He stated that Prime Minister Maliki personally intervened to prevent the investigation from continuing.

Each witness that day provided evidence suggesting that corruption within the Iraqi Government was tantamount to a second insurgency. Specifically, David Walker testified that widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency itself. Similarly, Mr. Bowen testified that corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and publicly aids insurgent groups reportedly funded by graft from oil smuggling or embezzlement.

Judge al-Radhi testified that corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful in Iraq. He further stated that the Ministry of Oil is effectively financing terrorism.

Madam Speaker, after hearing this testimony, which can only be described as shocking, the Oversight Committee heard from Ambassador Lawrence Butler, Deputy Assistant Secretary of State. Members of the committee asked the obvious questions, very simple, very straightforward: A, whether the Government of Iraq currently has the political will or the capability to root out corruption within its government; B, whether the Maliki government is working hard to improve the corruption situation so that he can unite his country; C, whether Prime Minister Maliki obstructed any anticorruption investigations in Iraq to protect his political allies. Simple questions; no answers.

Ambassador Butler refused to answer any of these questions at the hearing because on September 25, 2007, 7 business days before this hearing, the State Department instructed officials not to answer questions in open setting that called for, basically, answers. In the jargon of the State Department, you couldn't answer a question that called for "broad statements or assessments which judge or characterize the quality of Iraqi governance or the ability or determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted or stifled for political reasons."

It is astonishing; $1 trillion, over 3,700 lives, a war that has no end in sight, that was based on misinformation. Now, with billions of dollars gone missing, no one is disputing this is as a result of corruption, not just bad decisions. The State Department is directing the people who have answers to deny answers to Congress and to the American people.

Madam Speaker, the thrust of this resolution is very simple. It is whether Congress has the right and the will to demand that it get answers on behalf of the American people about this most catastrophic foreign policy blunder.

In addition to preventing officials from answering questions about the corruption in Iraq, the State Department retroactively classified two reports written by the Office of Accountability and Transparency, one of the two primary entities established by the State Department to lead U.S. anticorruption efforts. So we turned the Office of Transparency into the "Office of Obscurity."

These reports were initially marked "sensitive but unclassified," and they suddenly, by fiat of the State Department, became "confidential." The State Department also retroactively classified portions of a report that was released and distributed at that October 4 hearing by Comptroller Walker. It addressed the commitment of the Iraqi Government to enforce anticorruption laws.

As a member of the Oversight and Government Reform Committee, I and my colleagues witnessed firsthand the State Department's absolute, adamant, willful, and really intransigent refusal to testify about Iraqi corruption. That is why the committee believes so strongly in the support of this resolution.

The resolution states in very simple and plain language what every American, I think, believes they are entitled to. One, it is essential that Congress and the people of the United States know the extent of corruption in Iraq. Two, it was wrong, not right, but wrong, to reclassify documents that are embarrassing but do not meet the criteria for classification. Three, it is an abuse of the classification process to withhold from the American people broad assessments of the extent of corruption within the Iraqi Government. Four, the directive issued by the State Department on September 25, 2007, prohibiting its officials from discussing the state of Iraqi corruption should be, indeed must be, rescinded.

Madam Speaker, corruption within the Iraqi Government is unacceptable. It undermines the efforts of this country; it undermines the efforts of the honest people in Iraq to build a civil society. We have no recourse but to demand from the State Department that they tell us the facts and not withhold them because they are embarrassing and don't serve what has been a self-serving and misguided policy since its inception.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to begin by thanking my very good friend, a new member of the Rules Committee, the gentleman from Vermont (Mr. WELCH) for his statement that was very thoughtful. But it actually in many ways buttressed the argument that I was making in the Rules Committee yesterday, that Chairman WAXMAN countered, that this resolution is little more than an attempt to try and appease this sector of the House of Representatives that wants this immediate withdrawal from Iraq, represented by more than a couple of my colleagues who are here right now.

I rise, Madam Speaker, in strong opposition to both this rule and the underlying resolution. Once again the Democratic leadership has shut down the normal, open legislative process in order to bring their substantively flawed legislation to the floor, and once again they must resort to a complete distortion of facts in order to advance their agenda.

They have the formula down pretty well, Madam Speaker. First, you pick an issue that no one could possibly oppose. In this case they have bravely come forward and taken a stance against corruption. Well, it is very impressive. Obviously we are all opposed to corruption.

Next, they slap together a resolution that ostensibly advances this position, but, in reality, twists the facts such that the issue is actually abandoned for purely political potshots; then shut down regular order so that no dissenting voice can be heard.

Finally, when all due process and substantive deliberation has been thwarted, attack those who expose their sloppy work by calling them "pro-corruption," or "anti-poor children," or whatever dark and sinister trope we are exploiting this week.

This is a well-worn approach that has been, unfortunately, standard operating procedure in this 110th Congress. What makes it so troubling this time is that it came from a committee whose chairman and ranking member have generally worked in a bipartisan way, despite the Democratic leadership's very heavy-handed approach on so many issues.

The ranking member, the gentleman from Virginia (Mr. DAVIS), has been very eager to work constructively with, Madam Speaker, our California colleague (Mr. WAXMAN) who chairs the committee. They have worked together on a number of issues. And it was the same way when our friend from Fairfax, Virginia (Mr. DAVIS) was the chairman of the then Committee on Government Reform and Oversight, now the Committee on Oversight and Government Reform, when Mr. DAVIS was the chairman and Mr. WAXMAN was the ranking member.

Mr. DAVIS has not shied away from taking a very, very honest and fair approach to oversight and speaking very frankly about the problems that are exposed. He has always concerned himself only with the facts, not the party affiliation of those who have come under scrutiny.

So why is it, Madam Speaker, why is it that the majority did not so much as share the text of this resolution with the minority before introducing it? Why did it not go through the regular committee process to vet the language? What exactly do they fear by allowing just a little bit of sunshine in their work?

Madam Speaker, when the Republicans on the Committee on Oversight and Government Reform finally got to have just a little peek at this resolution, what they found were half-truths, distortions and blatant omissions.

Our friend from Virginia (Mr. DAVIS) offered a substitute that would modify the resolution by adding the critical information that the majority had omitted and correcting what was mischaracterized. The majority shamelessly but predictably shut out the amendment, in an apparent attempt to suppress any effort to expose the glaring flaws to their resolution.

Madam Speaker, all we have asked is to have a debate based on facts rather than on phony narratives and biased misinformation. I have no doubt that their side will continue this charade of a debate and pretend that this resolution is simply about exposing corruption and those who try to cover it up.

Madam Speaker, they can have their charade, but this side is going to actually talk about facts today, something that we are proud to regularly do, and, unfortunately, doesn't emerge too often from the other side of the aisle.

We will start with the issue of corruption in the Iraqi Government. It is a huge problem. It is a huge problem, corruption in the Iraqi Government, Madam Speaker. We all recognize that. The Iraqis recognize that. Today in The Washington Post a representative from the State Department made it very clear that the issue of corruption within the Iraqi Government is a serious one. The entire world recognizes the fact that there is corruption within the Iraqi Government.

Through a number of U.S. departments and agencies, including the State Department, we are funding a wide range of programs to find, root out and prevent corruption; to build the capacity of the Iraqi Government to fight corruption within its own ranks, which is what our goal is, making sure we fight corruption. We want to strengthen the democratic institutions that must be strong, transparent and enduring, so that the rule of law can prevail, and those who break the law will, in fact, be brought to justice.

That is what our goal is, Madam Speaker, and that is something that I believe we could address in a bipartisan way if Mr. WAXMAN and Mr. DAVIS had, in fact, had the chance to come together. Mr. DAVIS very much wanted to, but apparently he was rebuffed.

This is the primary goal of our policy, ensuring that we take on and root out and eliminate corruption within the Iraqi Government. And our efforts would be highlighted in this resolution, if its authors had not systematically struck the positive comments made by the very experts quoted in their text.

□ 1045

For example, they quote Judge Radhi Hamza al-Radhi as saying, and I quote, Madam Speaker, "Corruption in Iraq today is rampant and has infected virtually every agency and ministry." That is what is in the resolution, Madam Speaker. They unfortunately in this resolution cut out the rest of the quote.

Judge Radhi went on to tell the committee, and I quote, Madam Speaker, "The Iraqi people would hope that you continue your support to them, otherwise they will be suppressed by the neighboring countries." He went on to say, "I believe if you help the Iraqi people to be managed and governed by an honest government, I believe that the problem will be over." Now that's the full quote from Judge Radhi Hamza al-Radhi.

To this key point, the very people that came before the committee to testify on Iraq's corruption problem also highlighted our attempts to combat it; and they begged us, they begged us, Madam Speaker, not to abandon them. A number of other key quotes were cut short in the resolution resulting in a skewed view of testimony.

They suppressed testimony from the Inspector General for Iraq Reconstruction citing that the Iraq Government fully recognizes its corruption problem. They cut out the Comptroller General's testimony that this is an internal Iraqi problem which does not involve U.S. funds, and that the Iraqis face enormous challenges following decades of a dictatorship where, and I quote, "corruption was woven into the very fabric of governing."

It is all there in black and white in the alternative that Mr. DAVIS presented to us up in the Rules Committee.

Of course, that full litany of the facts will never come to a vote in this House because of a decision that the majority leadership has made. They would rather cherry-pick quotes and give a distorted account of the facts.

Madam Speaker, the resolution's second major premise, which also suffers from being disassociated with the facts, is that the State Department has tried to cover up Iraqi corruption and has withheld pertinent information from Congress. Again, the majority can continue their pseudo-debate if they would like; but, Madam Speaker, on this side of the aisle, we are just going to stick to the facts. And the fact is that a portion of an unfinished, unvetted document was inadvertently leaked. When the report was ultimately finalized, portions were deemed classified in the interest of protecting sources whose lives would be threatened for their anticorruption efforts and to protect private conversations stemming from diplomatic efforts.

We can accuse the State Department of sloppiness because of the leak; we can play Monday morning quarterback and say that they shouldn't have bothered to classify information no matter how sensitive after it was inadvertently leaked. But to accuse them of trying to cover up information is a blatant mischaracterization of the facts.

Furthermore, Chairman WAXMAN has declined to release the transcripts of interviews with State and Justice Departments officials on the very issues raised in this resolution. State has also offered classified briefings to answer any and all questions that can't be addressed in an open setting. Now, Madam Speaker, according to the State Department, Chairman WAXMAN has declined that offer. It would appear that the authors of this resolution may not actually be interested in gathering this information.

In fact, it is ironic that a resolution accusing government officials of withholding information would cherry-pick quotes from testimony and suppress an amendment that tells the whole story. And it is ironic that its authors make these accusations while refusing to release the transcripts of its own proceedings and deny the opportunity for a full classified briefing. If they were truly interested in combating corruption or the full disclosure of information, they would have gone through regular order that developed legislation within the context of a full debate that includes the facts in the situation.

I would ask them to take the issue of corruption more seriously, Madam Speaker. This is an issue that has plagued our own government. We have wrestled for years over ethics reform, and we still haven't got it right. We are trying right now to bring to the floor earmark reform. We have a discharge petition in the well and we have encouraged our colleagues to sign that to deal with what clearly has been a bipartisan issue. It is an issue that has been wrought with corruption in the past. We are trying very hard to address that. Unfortunately, the majority leadership refuses to allow us to bring to the floor earmark reform that would simply bring us to the standard that we passed in the last Congress.

Now, Madam Speaker, as we look around the world at democracies old and new, we see that no one has been able to completely root out the problem of corruption. I have the great privilege to work with my colleague, David Price, and 18 other of our Members as part of the House Democracy Assistance Commission. Our commission works directly with legislatures in developing democracies all around the world, and corruption tops the list of challenges every single time.

In every one of the 12 member countries that we have within the House Democracy Assistance Commission, this problem of corruption comes to the forefront. Endemic corruption threatens the very survival of real democracy, and that is why we are tackling the problem across the globe; and, Madam Speaker, Iraq is no exception.

Unfortunately, rather than furthering our efforts, the Democratic majority would rather sit in the cheap seats taking shots at the Iraqi Government awash in righteous indignation over trumped-up charges of a coverup. I would call on them instead to offer a meaningful bill that addresses the very serious issue of corruption and take it up under regular order. I would call on them, Madam Speaker, to allow their work to stand before the rigors of scrutiny and deliberation.

Madam Speaker, I am quite confident that we could all come together to work on a universally supported issue of combating corruption. As I said, we have these great models of HENRY WAXMAN and TOM DAVIS who traditionally in a bipartisan way have worked together. I believe we could do that again. But, unfortunately, Mr. DAVIS was completely rebuffed when this resolution was introduced, as our colleague from Pasco, Washington (Mr. HASTINGS) said, in the Rules Committee last night, was introduced last Friday with no markup whatsoever, and then we brought it up last night in the Rules Committee.

Let's work to have a constructive, meaningful debate on this issue based on facts that actually attempt to do something grander than the political posturing that we are seeing with this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, before I yield to my friend from Massachusetts, I would like to just comment on a few of the observations and statements made by my friend from California.

First of all, I agree with him that Chairman WAXMAN and Ranking Member DAVIS have worked cooperatively and extremely well. And, in fact, there was an effort to maintain that tradition here when Chairman WAXMAN last Wednesday delivered a copy of the text of this resolution to the minority with specific heads-up that this resolution was going to be introduced on Friday and with the request that comments or edits be provided in a timely way so that the introduction could occur on that day.

The edits were not presented until Monday, just before the Rules Committee meeting. So the good news here is that that cooperative approach continued. Mr. WAXMAN, in his usual gentlemanly and collegial way, made apparent what his intentions were, provided the language and opportunity for response, and it was not forthcoming. So that's the story.

The gentleman from California will have an opportunity to respond on his own time, so I won't yield at this time.

Secondly, the premise that on a matter of enormous public importance where it is our lives, it is our money that is imperiled, that is being wasted, that Members of Congress could sacrifice their capacity to be a representative of the people that we represent by accepting a classified briefing on something that is profoundly public in nature is flat out rejected by the committee and by most Members of this Congress.

When we are asked to go get a private briefing up in the Intelligence SCIF with a requirement that we sign an oath that we can't reveal anything that we learned, it means that the State Department has succeeded in its goal of keeping secret information that should be made public. So that is not simply an option that makes any sense if we are going to move ahead.

Madam Speaker, at this time I yield 6 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I regret that the intransigence and stonewalling by the Bush administration of Congress' oversight responsibilities have made this legislation necessary.

H. Res. 734 rightfully expresses the sense of the House that the Department of State has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Iraqi Government. This resolution criticizes the State Department for retroactively classifying public documents that have previously been widely distributed as unclassified.

It also calls upon the State Department to rescind its directive that orders officials not to answer questions in an open committee hearing that might characterize the situation of corruption in the Iraqi Government.

What is the background on this, Madam Speaker? On October 4, the Committee on Oversight and Government Reform held a hearing on corruption in Iraq. Mr. Stuart Bowen, the Special Inspector General for Iraq, and Mr. David Walker, the Comptroller General of the United States with the Government Accountability Office, testified that entrenched corruption in the Iraqi Government is fueling the insurgency, undermining the chances of political reconciliation and endangering our troops. Judge Radhi Hamza al-Radhi, the former head of Iraq's own Commission on Public Integrity, stated that his work documented $18 billion stolen by corrupt officials. He also testified that Prime Minister Maliki personally intervened to block further investigations and prosecutions of his relatives and political allies from going forward.

Concern about endemic corruption in the Iraqi Government should be of great concern to every single Member of this House. It raises a fundamental question: Is the Iraq Government, under the leadership of Prime Minister Maliki, too corrupt to succeed?

It should definitely concern the White House and the State Department. So how did the Bush administration respond?

The State Department took the extraordinary step of retroactively classifying corruption reports by its own officials, and even portions of a GAO report already released by Mr. Walker.

State Department witnesses appearing before the committee refused to answer even the most basic questions about corruption in Iraq in open session.

So imagine my surprise when I opened this morning's Washington Post to find that the State Department told the press yesterday that official corruption in Iraq is "real, endemic and pernicious," and remains a major challenge to building a functioning, stable democracy.

Now that wasn't in a classified setting; it was on a conference call with reporters. So it is okay to make such statements to the press but not to a congressional committee?

Madam Speaker, we are not talking about state secrets on how to carry out attacks against al Qaeda in Iraq. We are talking about corruption. Government corruption. There is no reason for stonewalling Congress, especially when the topic is discussed freely with reporters in a conference call.

Quite simply, Madam Speaker, the Bush administration has abused the classification system and demonstrated its contempt of congressional oversight and accountability. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded. Let me repeat that. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded.

What kind of an Iraqi Government are they fighting for? I think their families and their military comrades deserve to know. President Bush is asking Congress to give him another $150 billion for the war. I think Congress and the American people deserve to know the extent of corruption within the Iraqi Government and how that might affect our chances of success in Iraq.

Madam Speaker, the facts about corruption may be embarrassing for the Iraqi Government, but they do not meet the test for secret classification.

□ 1100

Every newspaper in America has written stories on corruption in Iraq. Classifying previously released public documents, silencing public officials so that Congress and the American people are unable to get a complete picture, the good and the bad, about corruption in Iraq serve no legitimate purpose.

Any Member, Madam Speaker, who stands up on the House floor and says they're against corruption in Iraq has to vote for this measure.

The fact is that our occupation of Iraq is, occupation of Iraq is now in its fifth year. For 4 of those years, when Republicans were in control of Congress, they did nothing and said nothing about corruption. They were silent, while hundreds of billions of dollars were funneled to a government who I wouldn't trust to tell me the correct time.

Madam Speaker, talk is cheap, and if you're against corruption, then you should vote for this resolution. The problem is that for too long in this Congress there have been some who have been apologists for bad behavior. They have looked the other way while they have known that corruption in the Iraqi Government has been an increasing problem, not a decreasing problem.

So I would say to my friends on the other side of the aisle that if, in fact, you want to change the behavior of the Iraqi Government, if you want to stop the silence and the inaction that characterized your control of this Congress when it came to the issue of corruption in Iraq, then you need to vote for this resolution. The administration's actions need to be denounced and rescinded.

I would urge my colleagues to stand up finally and belatedly and do the right thing and support H. Res. 734.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume, and I look forward to yielding to my friend from Worcester if he would like to engage in a colloquy with me on this issue.

Now, my friend has basically stood here basically buttressing the entire argument I made in my opening statement. Who is it that's a proponent of corruption? My friend has argued, Madam Speaker, that if you are opposed to corruption, you have no choice but to support this resolution.

Here's the thing that concerns me greatly, and I'd be happy to yield to my friend if he would like to challenge me on this at all. Here's the thing that troubles me greatly, Madam Speaker.

As we stand here at this moment, we regularly have Members of the other side of the aisle accusing this administration of not coming forward with all the facts. And what is it that this resolution does? This resolution actually ignores the facts, and I will go through again the quotes from Judge Radhi Hamza al-Radhi who, in fact, said time and time again that the issue of our support for the effort of rooting out corruption in Iraq is one that must continue, and unfortunately, all we're doing is pointing a finger of blame here.

I would say to my friend that, as we look at this issue, why not seize the opportunity that the State Department has offered to make sure that you can have a full classified briefing and then make the determination as to whether or not something should or should not be classified? That's the way it should be handled, rather than this broad brush, sweeping approach saying that if you, Madam Speaker, are somehow opposed to corruption you have no choice but to support this resolution.

Of course we support the effort to ensure that we don't have corruption, but to see this ploy trying to paint people in a corner with just a little bit of the facts is, I think, a great disservice to our quest to root out corruption. And I believe very strongly, Madam Speaker, that it is essential for us, on behalf of the American people and on behalf of the model that we are trying to provide that corruption is bad, to make sure that this resolution provides all of the facts as we move forward.

Mr. McGOVERN. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Madam Speaker, I thank the former chairman of the Rules Committee for yielding.

I would just say for 4 years this Congress and this administration has been indifferent to the corruption in Iraq, and as a result, we bear some responsibility for the mess that's there now, and this resolution says we need to change course.

Mr. DREIER. Reclaiming my time, and I'd like my friend to continue because I'll yield to him in a moment, but for him to claim over the last 4 years that this administration has been indifferent to the problem of corruption is an outrage because the problem of corruption is something that has existed for years.

This administration and this Congress have been dedicated to rooting out corruption in Iraq. We've worked in a bipartisan way on it, and it's very tragic and I think a disservice to those who want to address the issue of corruption that we somehow are told that we only accept this resolution, that does not engage in providing all of the facts, that we somehow are tolerant of or supportive of a policy of corruption.

I'm happy to further yield.

Mr. McGOVERN. I would say to the gentleman, if during the last 4 years that this Congress and this administration did anything to fight corruption in Iraq in a meaningful way as a statement, maybe it's part of a classified briefing we need to have.

Mr. DREIER. He's making the exact same argument here. He's making the exact same argument that nothing has been done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind Members that they must maintain proper order in yielding and reclaiming time.

Mr. DREIER. Madam Speaker, I would inquire of the Chair, did I correctly reclaim my time? Did I make a mistake here, I would inquire of the Chair.

The SPEAKER pro tempore. The Chair's admonition was to all Members.

Mr. DREIER. Madam Speaker, what I would like to do is to share with our colleagues some of the things that have been done over the past 4 years.

My friend mentions the fact that this administration has turned their back on the issue of corruption in Iraq. Let me just state, there has been technical training to build capacity, judicial reform. The National Endowment for Democracy has provided grants. There are international programs involved. The Iraq Reconstruction Rehabilitation Fund has increased the capacity of the Commission on Public Integrity by training, mentoring and providing equipment for the Commission on Public Integrity investigators, and aiding in corruption prevention programs, implementing financial management systems that remove some of the opaqueness that enables misuse of public funds to occur.

The U.S. prosecutors who advise and mentor the CCCI judges in all manner of serious cases, including anticorruption cases, have received support over the past 4 years, Madam Speaker. Judicial reforms have taken place, funded with $9 million through the Department of Justice in Iraq in fiscal 2006 on anticorruption activities, and this goes on and on.

I will include in the RECORD the items that have been done over the past 4 years by this administration to combat the issue of corruption in Iraq, including, as I said, grants from the National Endowment for Democracy, dealing with human rights issues, and a wide range of other entities and a litany of some of the items that have been done.

So it is a gross mischaracterization, Madam Speaker, to argue that the administration has turned their back on the issue of corruption in Iraq.

ANTI-CORRUPTION PROGRAMS IN IRAQ PROVIDED BY THE U.S. STATE DEPARTMENT

STATE/EMBASSY BAGHDAD SUPPORT FOR ANTI-CORRUPTION EFFORTS

Technical training: build capacity.
Judicial reform.
NED Grantees.
International Programs.

Technical training: build capacity

IRRF (Iraq Reconstruction and Rehabilitation Fund) has increased the capacity of the Commission on Public Integrity, CPI, by training, mentoring, and providing equipment for CPI investigators and aiding in corruption prevention programs (implementing financial management systems that remove some of the opaqueness that enables misuse of public funds to occur).

INL funds DOJ Resident Legal Advisors—U.S. prosecutors who advise and mentor CCCI judges in all manner of serious cases, including anti-corruption cases.

Judicial reforms

IRRF funded $9 million through DOJ in Iraq in FY06 on anti-corruption activities.

Six advisors work with the Embassy's Office of Accountability and Transparency, OAT, to provide support to the CPI and other Iraqi anti-corruption entities.

NED Grantees working on anti-corruption and transparency

Iraqi Human Rights Watch Society is working to build and train a core group of activists on combating corruption.

Badlisy Cultural Center is working to raise awareness among youth about anti-corruption and transparency in Sulaimaniya province and to encourage cooperation between Iraqi NGOs in the North and their counterparts in the South.

To expand its democracy training program in Al-Muthan, Dhiqar, and Alqadisiya, the Rafidain Civic Education Institute will train six trainers to conduct 36 workshops targeting students and NGO activists to provide them with the skills to raise awareness of the need to combat corruption.

International Programs

On September 26, 2007, the State Department signed a $1,621,700 grant agreement with the Organization for Economic Cooperation and Development, OECD. The OECD has already started working with the Government of Iraq (GOI) to develop and implement a framework more conducive to investment and economic development.

WHAT HAS THE EMBASSY DONE RECENTLY?

Anti-corruption efforts are a part of everything we do in Iraq: a multiagency, multicountry approach, at the local, provincial, and national levels. From 2004 to 2006, we focused on building and heavily investing in anticorruption strategies and institutions. In 2007, we created OAT (the Office of Accountability and Transparency) to help coordinate those activities and identify gaps. We increased staff dedicated to anti-corruption activities (recruited qualified people and expanded our focus to include the BSA and IGs). We formed the Iraqi inter-agency anti-corruption team, a multi-agency, multicountry team.

PRTS: provincial success on budget/acquisition accountability processing.

Well over 50 USG employees work on some aspect of anti-corruption activities in Iraq.

EMBASSY RESPONSE TO CORRUPTION CONTROVERSY

The Embassy continues to work with the Iraqi Government to combat public corruption and improve transparency and accountability.

Support and training contracts are on hold pending clarity of succession at CPI.

The 11 Iraqi CPI investigators who went to the U.S. for training along with Radhi in mid-August have returned to Iraq and, according to Embassy reports, are eager and ready to investigate corruption, at great personal risk.

While corruption in Iraq is a serious problem and we are helping Iraqis combat it, this issue does not affect U.S. programs. There is a distinction between GOI activities and USG efforts in Iraq, and the USG has strict checks in place to help combat corruption.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I would inquire of the gentleman from California if he has any remaining speakers. I'm the last speaker on this side. So I reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

It is very, very unfortunate that we are here trying to tackle the issue of corruption in Iraq and we are failing to look at the facts. The distinguished former chairman of the Committee on Oversight and Government Reform, our friend from Fairfax, Virginia (Mr. DAVIS) has worked long and hard in a bipartisan way on the constitutionally mandated responsibility of legislative oversight of the executive branch. It's an issue which he takes very seriously.

He represents northern Virginia. He represents a lot of people who work in the executive branch, a lot of people who work in the legislative branch as well. He's an expert on these issues and he's been proud to work in past Congresses and in this Congress in a bipartisan way.

He's done that with my good friend and California colleague with whom we share representing the Los Angeles area (Mr. WAXMAN), the distinguished Chair of the Committee on Oversight and Government Reform. And traditionally, we've seen these two, while they've obviously had a different perspective on issues, we've seen their arguments propounded very, very thoughtfully on a regular basis, but they have been able to join on a wide range of issues.

And here we have Mr. DAVIS, who did have his staff last Wednesday get a copy of this resolution, but Madam Speaker, as you recall we had the funeral of our colleague Mrs. Davis, and we were not in on Thursday and on Friday we were not in session. And the members of the staff on the minority side were told on Wednesday that they were not to share this information, to wait until it was introduced on Friday.

Madam Speaker, it was introduced on Friday. We had not been in session for 2 days then, Thursday or Friday, and then all of a sudden this is brought up in the Rules Committee, no markup held whatsoever, no attempt to even get the briefing from the State Department. We've been told by the State Department that the chairman of the committee turned down the offer to have this briefing.

And so what can we conclude, Madam Speaker, other than the fact that there is gross politicization of this issue? Who is opposed to tackling the issue of corruption? I mean, it's motherhood and apple pie, and yet we somehow, because we want to get all the facts on the table, because we want to have an opportunity for a free-flowing debate, because we want the very respected ranking minority member to have a chance to have his substitute voted on in this House, we are somehow being told we are pro-corruption, we want to be part of a coverup. It is absolutely outrageous, Madam Speaker. It's a disservice to Democrats and Republicans of this institution to have this kind of treatment.

Madam Speaker, I have some closing remarks that I'd like to make, but we've just been joined by our very thoughtful colleague from Bridgeport, Connecticut, who is a hardworking member of the Committee on Oversight and Government Reform.

Madam Speaker, may I inquire of the Chair how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6½ minutes remaining. The gentleman from Vermont has 12½ minutes remaining.

Mr. DREIER. And the gentleman from Vermont has no further speakers; is that correct, Madam Speaker?

Mr. WELCH of Vermont. That's correct.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 5 minutes to my friend from Bridgeport (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I appreciate the gentleman yielding.

Today, we're here to consider a resolution about corruption in Iraq. Mr. DAVIS attempted to present an alternative to the resolution, but it was blocked by my Democratic colleagues. The Democratic version provides a one-sided view about corruption in Iraq and Department of State efforts to counter corruption. The other version by Mr. DAVIS accepted the Democratic points but also presented the rest of the story. Whatever happened to compromise and bipartisanship?

It never ceases to amaze me what my colleagues on the other side of the aisle will do to get votes and keep the support of their base. We all know the Democratic base wants the United

States to get out of Iraq; however, the Democrats have not been able to prevent President Bush from carrying out his new and winning strategy in Iraq, so they continue to try to find other means to undermine our efforts to stabilize Iraq.

For example, they've held hearings on Blackwater, the contractor accused of shooting into crowds of civilians. Although this oversight is justified and needed, my colleagues are using the results of this hearing as a tool to drive a wedge between the American people and the administration's efforts to stabilize Iraq.

Another example is the resolution condemning the Armenian genocide. The Democrats know full well, if this resolution passes the House, Turkey will take retaliatory steps against the United States. These steps could undermine our efforts in Iraq and our troop presence throughout the Middle East. In fact, Turkey has already begun the process and called their U.S. ambassador back to Turkey for consultation.

And now we have a resolution about corruption in Iraq. What a revelation! Yes, there is corruption in Middle Eastern countries. Yes, there has been corruption in Iraq. And yes, there continues to be corruption in a postauthoritarian regime. The United States did not bring corruption to this country, nor will it end when we leave. Saddam Hussein and his bureaucratic henchmen were major contributors to that continued corruption. Just read the reports about the Oil-for-Food Program our committee conducted.

Is the Department of State remiss in their efforts to fight corruption in Iraq? They may well be. But countering long-standing corruption is not easy and will take some time. I believe we in the United States face some of the same problems.

I'm not asking for my Democratic colleagues to stop oversight ferreting out waste, fraud and abuse. What I am asking is for Democrats and Republicans to come together and work through the issue of Iraq and not use it as a wedge preventing the United States from assisting the Iraqis to establish a stable democratic regime that will not export terrorism.

Yes, there are those who believe Iraq is a lost cause. Senator REID and NANCY PELOSI both believe we should withdraw our troops right away. But there are others who understand the international security consequences of leaving Iraq precipitously and believe we should withdraw our presence in a safe and responsible manner.

Therefore, I ask those who truly understand the consequences of undermining our efforts in Iraq to understand what my Democratic colleagues are doing. Sadly they are trying to drive a wedge between the American public and the administration efforts to be successful in Iraq. Please understand that attempts to undermine our efforts in Iraq undermine our troops and U.S. interests all over the globe.

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Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California has 3½ minutes.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

I am happy to see the distinguished Chair of the Committee on Rules has joined us here on the floor, and I have to say, Madam Speaker, that I am going to encourage our colleagues to defeat the previous question on this rule. Why? Because this resolution is all about tackling the issue of corruption.

One of the things that we tragically learned is there has been corruption not only in Iraq, and we all, including the State Department, recognize there has been serious corruption in Iraq. But there has been corruption right in this body as well. It has been widely heralded; it is bipartisan. We have had problems on both sides of the aisle.

We want to take on this issue of corruption. And there was a promise made last fall that we would in fact see a great new day when it came to the issue of earmark reform. I was very proud, Madam Speaker, that last October we were able to pass legislation that provided full transparency, disclosure, and accountability on all earmarks, appropriations, authorization, and tax bills.

Now, we were told that that measure that passed last year, Madam Speaker, was in fact a sham. And, Madam Speaker, I have to tell you that we have passed earmark reform in this Congress, but unfortunately it doesn't go nearly as far as the bill that we passed in the 109th did on the issue of transparency, accountability, and disclosure. Why? The disclosure we have today only deals with the issue of appropriations. It does not, as we did in the last Congress, have full transparency, disclosure, and accountability on authorization and tax bills. Meaning, Madam Speaker, that the structure that we have now, unfortunately, creates the potential for corruption right here in this body.

That is why, since we have in this resolution an attempt to take on the issue of corruption in Iraq, the vote on the previous question that we are going to be offering to defeat the previous question to make in order the resolution, that we have as a discharge petition that our Republican leader (Mr. BOEHNER) has offered in the well of the House. We hope colleagues will sign because that hasn't come forward. But what we are trying to do with the defeat of the previous question is to make in order that measure so that we can take on the issue of corruption in this institution.

So, Madam Speaker, I urge my colleagues to vote "no" on the previous question so that we are able to make in order that measure.

I ask unanimous consent to include in the RECORD just prior to the vote on the previous question the text of the amendment and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. With that, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, our Chair has arrived and has requested 30 seconds. Notwithstanding my previous statement that I was the last speaker, I am inquiring if my friend from California has any objection.

Mr. DREIER. Madam Speaker, I am always very, very thrilled to have a chance to hear from the distinguished Chair of our Rules Committee, and I would like to reclaim the balance of my time if I might.

The SPEAKER pro tempore. Without objection, the gentleman from California reclaims his time.

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I simply want to say that I did hear my colleague say how concerned we all were about corruption and how much we really wanted to do about it. Unfortunately, for the past 3 years nothing on your side was done about it. It was never looked into, despite the fact that our side brought it up numerous times, trying to get bills to the floor and trying to discuss what was going on in Iraq in terms of the loss of taxpayer money. I regret that that has not been acknowledged. This is the first time that we have literally brought up the actual corruption in the Iraq Government.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to respond to the very distinguished Chair of the Committee on Rules and say that the issue of corruption is one which we have taken on both in Iraq and in this Congress with great enthusiasm. And I would say to my friend that if she believes that somehow this nonbinding resolution, which does absolutely nothing, is going to somehow allow us to tackle the issue of corruption in Iraq with greater enthusiasm, that is preposterous, absolutely preposterous, Madam Speaker.

What we need to do is we need to have a fair, free-flowing debate that allows us to bring all of the facts forward. And that is what we have been attempting to do here; and, unfortunately, it just is not happening. Why? Because as my friend from Connecticut, a very thoughtful Member (Mr. SHAYS) has said, we are observing political posturing here, and I think it is a very sad day.

Let's take on the issue of corruption in this institution by defeating the previous question so we can bring forward real meaningful earmark reform, something that the new majority promised but not only has failed to deliver on but failed completely in getting us to even the standard we had in the last Congress. So vote "no" on the previous question and "no" on the rule.

With that, I yield back the balance of my time.

Mr. WELCH of Vermont. The distinguished Chair has requested an additional 30 seconds, and I would yield 30 seconds to my colleague.

Ms. SLAUGHTER. I simply want to say that the purpose of this resolution is to call attention to the fact that the State Department of the United States of America has refused to respond to subpoenas from a congressional committee. And if we are going to have a free flow of discussion on Iraq and corruption, as my colleague suggested, then we need to have the State Department give us the documents that we need to be able to do so. That is the purpose for this resolution, and I urge a "yes" vote on all sides from everyone who really wants this full discussion.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. WELCH of Vermont. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Madam Speaker, in this 30 seconds what I am going to say is we witnessed something that is virtually unprecedented here. The manager of the rule made it clear that he was the last speaker and there was no one else. Now, I recognized the first time that I was enthused about hearing from the distinguished Chair of the Committee on Rules. And I exhausted the time allotted to us for our debate on the minority's side, and this is what we have gotten, a repetition of the same thing.

The issue of corruption, Madam Speaker, is something that we all want to take on; we want to take on with all of the facts before us. Our colleagues need to get the classified briefing and this information. I am going to continue to urge a "no" vote on the previous question and the rule.

Mr. WELCH of Vermont. Madam Speaker, I thank the distinguished Chair for joining us. I thank my friend from California for cooperating in this debate and giving his usual vigorous presentation of his side's point of view. I want to address a couple of things that came up.

One, my friend from California said basically that this is a resolution attempting to appease the Out of Iraq Caucus. And he used the word "appease."

It is not about that. But I will confess that I am a person who is strongly opposed to this war, believe it was the wrong decision, it was based on false information, and it is the single most terrible foreign policy blunder that our country has embarked upon. But this resolution has nothing to do with that profound question.

What this is about is not who favors corruption. Nobody favors corruption. But it is about who tolerates secrecy. If we tolerate secrecy while we criticize corruption, don't we, in fact, condone the corruption to which we avert our eyes?

How will we talk about the facts? How can we talk about the facts which my distinguished colleague from California says he wants to talk about when the State Department denies us the facts?

If we are going to root out corruption in Iraq, don't we have to destroy the wall of self-serving State Department secrecy here in our own government?

It has been said on the other side that corruption is everywhere. Human nature. No argument there. But if corruption exists elsewhere and it is their money and their future, that is one thing. If corruption exists in Iraq with our hundreds of billions of taxpayer dollars and our soldiers and their lives, then it is our problem. And we not only have a right, we have a responsibility, Madam Speaker, to do every single thing we can to get to the bottom of it and to stop it.

It was also said that in Iraq it is just another government with some corruption. We owe it not just to our own citizens, our own soldiers; we owe it to our allies and our friends in Iraq to do everything we can to help those good people who are there standing up to fight corruption back here. They need our help.

Let me just tell you some of the testimony that Judge Radhi presented to us about the incredible peril that folks in Iraq are subjected to when they try to fight for an honest government. Judge Radhi held that position for 3 years, until he finally resigned amid repeated death threats to himself, his family, and his staff.

He testified in our committee that 31 of his employees had been killed, not injured, killed, as well as at least 12 of their family members. Judge Radhi's home was attacked by rockets, by a sniper's bullet barely missing him as he stood outside his office. He testified about how one staff member was gunned down with a 7-month pregnant wife. He testified about how the father of a security chief was kidnapped and then literally found hung on a meat hook. He testified about how another staff member's father was killed; and when his dead body was found, a power drill had been used to drill his body with holes.

These are officials who are fighting corruption in Iraq, and they are being gunned down, they are being assassinated, they are being tortured; and we are supposed to be standing idly by.

When we ask questions of the State Department what is going on and they take a document that yesterday was unclassified and today make it classified, that is not acceptable. The State Department anticorruption efforts have been a mess. And basically what the State Department is doing is just enough so that they can claim they are trying to do something about corruption; but basically it is status quo, as it has been since the day this war began.

We have to make a decision as Members of Congress that is very simple: we are real, we are serious, or we aren't. And it is about tolerating secrecy, depriving us and the American people of information that we are entitled to, that we must have in order to do our job; or it is turning a blind eye to those folks in Iraq who are standing up on our side and finding their bodies of loved ones drilled with holes and hung on meat hooks. It is not acceptable. The American people know it is not acceptable.

We may have an administration that disregarded the vote of the American people in November when they said they wanted a new direction in Iraq. We may have an administration that disregarded the recommendations of an eminent bipartisan group in the Iraq Study Commission. And we may have an administration that has dismissed and disregarded votes in this House and the Senate, making it clear that we want a new direction even as we struggle to find what that is. But we cannot, any of us on either side of the aisle, accept being an enfeebled Congress that isn't entitled to get the information that our Congress needs to do its job. It is that simple.

And that is what this resolution is about. That is what the Oversight and Government Reform Committee is about. That is what Chairman WAXMAN is standing up to assert and defend, and that is our constitutional responsibility. Not just prerogative, but constitutional responsibility to do what is required to defend our Constitution, to protect our soldiers, to stand up for our taxpayers, and to restore democratic tradition in this country.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 741 OFFERED BY MR. DREIER OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELCH of Vermont. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 742

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Boucher of Virginia or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2102 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

☐ 1130

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 742 provides for consideration of H.R. 2102, the Free Flow of Information Act, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

I rise to speak today on one of the most critical issues that faces our democracy, the freedom of the press and the sacred historic protection afforded to journalists allowing them not to reveal their sources.

Understanding this, in 1799, one of our Founding Fathers, Thomas Jefferson, said, "Our citizens may be deceived for a while, and have been deceived; but as long as the presses can be protected, we may trust to them for light."

Madam Speaker, with the birth of this new Nation came a government that was designed to be open and transparent to its people and held accountable for its actions. America's Founding Fathers established and implemented a system of checks and balances to ensure that one branch of government could not unilaterally impose its will on the others, aggressively overstep its authority, or greedily infringe upon the rights of its citizens.

Beyond the checks and balances of government is an often overlooked, but equally important, element of our system: the freedom of the press. Embodied in the first amendment, this right grants active citizens and vocal journalists the power to expose corruption and misbehavior committed by those elected and appointed to office. They serve as protectors of our democracy and work to make up for our system's failings where they exist.

Ensuring the free flow of information and providing protection for whistleblowers is vital to a free society. The Watergate scandal epitomized the value of the free press and, with it, the need to protect the relationship between journalists and their confidential sources.

For a moment, I would like my colleagues to consider a reality in which journalists could routinely be forced to reveal the names of their informants, and where sources could undoubtedly become reluctant to share important information that is unknown to the public.

Think of the scandals that journalists have revealed just in the last few years: The Central Intelligence Agency's clandestine prisons across Eastern Europe; Jack Abramoff's trading expensive troops for political favor from lawmakers; our veterans returning home from Iraq and Afghanistan to dilapidated, unsafe, unsanitary facilities at Walter Reed Medical Center. Make no mistake, confidential sources made these reports possible.

And I would be remiss if I did not ask my colleagues, would we rather be unaware of these incidents because shield laws don't exist and our reporters are too afraid of prosecution when doing their jobs?

The past 6 years have produced one disturbing reminder after another that the legitimacy of our government and the integrity of our democracy are dependent on the ability of journalists to protect their sources. From uncovering the horrifying incidents of detainee abuse at Abu Ghraib to revealing the administration's covert domestic spying program, the press managed to expose illegal actions by the executive branch when Congress refused to do so.

The public has long valued this relationship as critical to the functioning of an open and free media. Unfortunately, the court record has been more mixed.

In December of 1972, the Supreme Court ruled that the journalist-source relationship is not protected under the Constitution. That ruling has allowed journalists to be forced to testify before grand juries about their sources. In response, individual States across the country enacted their own journalist shield laws to guarantee that a member of the press can continue to maintain their anonymous sources without fear of prosecution.

In fact, 49 States and the District of Columbia all provide some form of shield law. But there is still no Federal statute providing uniformity. Now, recent Federal court cases are, again, challenging the critically important relationship between journalists and their sources, arguing that State interests supersede those of a free press.

And according to The Washington Post, in recent years, more than 40 reporters have been questioned about their sources, notes and stories in civil and criminal cases.

The Free Flow of Information Act before us today would, for the first time on the Federal level, explicitly protect journalists and their sources from the kind of vengeful legal actions that threaten to keep all those necessary whistles unblown.

Unless Congress passes a comprehensive shield law that will guarantee the rights of journalists to speak with anonymous sources and ensure their confidentiality, the freedom of the press will be undermined along with the public good it has the power to defend. Any such bill must, of course, take into account the legitimate needs of our government, and this bill does that.

Madam Speaker, should we in any way compromise the freedom of the press, we will deny our citizens their right to be informed about their government and retreat from the true nature of the political system that made our government unique. Our forefathers saw fit to enshrine this belief in the very first sentences of our Bill of Rights, and this Congress must continue to guarantee those rights.

And today, Madam Speaker, as we debate extending these protections to the press, we must pause to remind the press of their obligation to the public.

I regret to say that, for much of the recent past, some of the press, which was intended to be the watchdog of our government, quickly transformed into nothing more than a mouthpiece, exemplified in its coverage and lack of questions on the Iraq war.

Madam Speaker, we saw time and time again the tough questions expected by the American people before and after the invasion in Iraq replaced with nothing more than patriotic propaganda and White House talking points.

Embedded journalists were fed information and painted rosy scenarios of our invasion and occupation. Those who were skeptical and challenged this spoon-fed information were discredited and sometimes even fired for so much as questioning the actions of the war and this government.

Thomas Jefferson said, again, and I quote, "The press is impotent when it abandons itself to falsehood."

With all the wonderful protections of the first amendment of the Constitution of the United States, the press must not only be vigilant, but it must be courageous.

And we all remember that it is the prime directive of the press to inform the people. It is their duty to ask the tough questions when the American people are unable to do so. It is their responsibility to shine light on government actions, secret or mundane, and to hold it accountable.

And let me finish by asking this simple question. Will the press pay as much attention to Blackwater as they did to Whitewater? I certainly hope so.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the distinguished Chair of the Rules Committee (Ms. SLAUGHTER) for the time, and I yield myself such time as I may consume.

One of the Founding Fathers of the Nation, whose likeness is above your chair, Madam Speaker, George Mason, said that "the freedom of the press is a great bulwark of liberty."

It does act as a bulwark of liberty by often checking governmental power. In order to gather and publish news stories, journalists often find it necessary to protect their sources. So if a journalist is forced to reveal his or her sources through legal proceedings, that has a chilling effect on other sources. And such a chilling effect ultimately may harm the public interest.

Under current law, Madam Speaker, courts have the power to force testimony from individuals unless they can cite a specific ground, such as the lawyer-client or the physician-patient privilege. It is in the public interest to have such privileges, and I think it should be possible to provide journalists, that's what this legislation is trying to do, and their sources with some reasonable protections, because currently there is no privilege for journalists to refuse to appear and testify in legal proceedings.

As the distinguished Chair of the Rules Committee stated, 49 States and the District of Columbia have various statutes or follow judicial decisions that have the effect of protecting reporters from being compelled to testify or disclose their sources. The underlying legislation would set a national standard similar to those that are in effect in the various States.

In determining whether to require testimony by a member of the news media, it is appropriate to strike a balance between the public's interest in the free dissemination of information and the public's interest in effective law enforcement and the fair administration of justice.

So the underlying legislation attempts to strike this balance by providing a privilege to journalists that prevents them from being forced to testify or disclose sources in legal proceedings. But, however, the privilege is not absolute. It contains exceptions where it is necessary to reveal a source to prevent an act of terrorism or other significant and specified harm to national security or imminent death or significant bodily harm.

I think it's appropriate, and I want to emphasize my gratitude to Representative PENCE for his hard work and dedication on this important issue. He has been not only studying it, but working on this critical issue, really, a critical issue related to our freedom for years, and so as I thank him, I urge Members to support the legislation that he's been working on so diligently for so long.

The rule we are debating now, Madam Speaker, only allows for a manager's amendment, which, as you know, is an amendment for the majority to make final changes in a bill. So the rule is essentially a closed rule. Only one other amendment was submitted to the Rules Committee, but the majority decided, on a party-line vote, to exclude the amendment and not make possible the debate of that amendment on the floor.

I understand that the authors of the bill feel that that amendment, which was submitted by the distinguished ranking member of the Judiciary Committee (Mr. SMITH), the authors of the bill believe that that amendment would go counter, would be counter to much of the essence of the bill. But, in my view, that doesn't mean that we should preclude or prevent consideration of the amendment.

□ 1145

Even Mr. PENCE, the author and champion of the underlying legislation, who opposes the Smith amendment, testified at the Rules Committee that the amendment should definitely have an opportunity to be considered by the House.

The amendment includes many of the concerns that the Justice Department has had throughout the long period of time with parts of the underlying legislation. It is a serious amendment, and it certainly deserves to be debated on the floor.

So I think it is unfortunate, and as we bring this important legislation once again, it is an example of bringing important legislation to the floor excluding, making impossible, serious debate of ideas that differ by Members of this House. So that's unfortunate, and that is why I oppose the rule that is bringing forth this important legislation. I certainly support the underlying legislation, but I think that it is unfortunate that we once again have an overly restrictive process for bringing forth this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the distinguished Chair and the good work of my friend from Florida.

Madam Speaker, I rise today in support of Resolution 742, the rule providing for the consideration of H.R. 2102, the Free Flow of Information Act.

This important legislation protects the public's right to know while at the same time honoring the public interest in having reporters testify in certain circumstances. While news organizations prefer to have their sources on the record whenever that is possible, we all know there are times when sources will simply not come forward without the promise of confidentiality, and that's in the public interest to get the information those sources have. Consider groundbreaking stories such as conditions at Walter Reed, Abu Ghraib, the Enron scandal, steroid abuse in the Major Leagues would not have been known to the public or the Congress without confidential sources. And over the past few years, more than 40 reporters and media organizations have been subpoenaed or questioned about their confidential sources, their notes, and their work product in criminal and civil cases in Federal court.

The need for this legislation was underscored when on August 13 a Federal judge ordered five more reporters from major news organizations to reveal their confidential sources in the privacy lawsuit filed by Dr. Steven Hatfill against the Federal Government.

If sources, including public and private sector whistleblowers, are uncertain whether reporters have adequate protection, they won't come forward in the public dialogue and important issues will diminish.

The shield is qualified, as it must be. If the information possessed by the journalist is necessary to prevent an act of terrorism, imminent death or significant bodily injury, or harm to national security, disclosure can be compelled.

While 49 States and the District of Columbia recognize a reporter's privilege through statute or common law, no uniform Federal standard exists to govern when testimony can be sought from reporters. Journalists should be the last resort, not the first stop, for civil litigants and prosecutors attempting to obtain the identity of confidential sources.

I urge my colleagues to vote "yes" on H. Res. 742 and "yes" on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege at this time to yield 3 minutes to a great leader in this House, our colleague from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the Free Flow of Information Act.

This media shield legislation is important because "off the record" confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud, and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron and the unacceptable treatment of soldiers recovering at Walter Reed.

Whistleblowers, with inside knowledge of corruption, might be discouraged from talking to reporters if they fear their identities might be disclosed and their jobs placed at risk. That's why protecting the public's right to know is needed for a healthy democracy. That is also why a majority of the States already have media shield laws on the books and why we need this law on the Federal level.

The media shield privilege under this bill is not absolute. Exceptions are carved out where it is necessary to reveal a source in order to prevent imminent death or bodily harm, terrorist attacks, or other specific threats to national security. The bill also includes the language I drafted, which provides an exception for civil defamation claims. This language, found in section 2(C) of the bill, is modeled after language found in various State media shield laws such as those in Tennessee and Oklahoma dealing with this issue.

Finally, I want to thank my colleagues, especially Mr. PENCE and Mr. BOUCHER, for their impressive bipartisan leadership and hard work on this important bill. It was my honor to work closely with them on the drafting of this legislation during the Judiciary Committee process.

Madam Speaker, the bottom line is that a free and independent press is critical to ensure government accountability. I urge my colleagues to protect the public's right to know and vote "yes" on H.R. 2102.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 8 minutes to someone who has been working long and hard on this important issue and deserves much commendation, my dear friend Mr. PENCE of Indiana.

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, 3 years ago this month, I read a newspaper editorial decrying a growing trend of cases where reporters were being subpoenaed and threatened with jail time to reveal confidential sources. The article also lamented how Republicans in Congress would never support such a statute to shield reporters in those cases.

The next day I asked my congressional staff two questions: First, I asked, what's a Federal media shield statute? And next I asked, tell me what I will never do. And it was in that moment of challenge and inquiry that the Free Flow of Information Act was born.

Shortly thereafter I partnered with the gentleman from Virginia, Congressman RICK BOUCHER, the lead sponsor of this legislation today. And the legislation that we will bring to the floor of the House of Representatives this afternoon is a direct result of a bipartisan partnership that has been a singular personal and professional pleasure for me. It is indeed humbling for me to work with Mr. BOUCHER, Chairman CONYERS, and colleagues on both sides of the aisle to truly put a stitch in what I believe is a tear in the fabric of the Bill of Rights.

When the Free Flow of Information Act passed out of the Judiciary Committee on August 1, 2007, Mr. Speaker, I was informed that in the past 30-odd years approximately 100 Federal media shield statutes had been introduced in Congress. But the Free Flow of Information Act is the first of those to be passed out of the committee, and it will be the first Federal media shield bill to ever be considered by the House. It is arguable, in fact, that the Free Flow of Information Act is the first Federal legislation regarding the freedom of the press since the words "Congress shall make no law abridging the freedom of speech or of the press" were added to the Constitution. As such, and I say humbly, passage of this legislation today would be both momentous and historic.

So what's a conservative like me doing passing a bill that helps reporters? I have been asked that question many times.

It would be Colonel Robert McCormick, the grandson of the founder of the Chicago Tribune, who once said: "The newspaper is an institution developed by modern civilization to present the news of the day and to furnish that check upon government which no Constitution has ever been able to provide."

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. The Free Flow of Information Act is not about protecting reporters. It is about protecting the public's right to know.

Thomas Jefferson warned that "our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it." Today, the Congress has the opportunity to heed President Jefferson's words and take this important step towards strengthening our first amendment, a free and independent press.

Not long ago a reporter's assurance of confidentiality was unquestionable. That assurance led to sources who provided information to journalists who brought forward news of great consequence to the Nation, like Watergate, where government corruption and misdeeds were brought to light by the dogged persistence of Woodward and Bernstein.

However, the press cannot currently make the same assurance of confidentiality to sources today, and we face a real danger that there may never be another Deep Throat. In recent years, reporters like Judith Miller have been jailed, James Taricani placed on house arrest, Mark Fainaru-Wada and Lance Williams threatened with jail. The protections provided by the Free Flow of Information Act, I submit, are necessary so that members of the media can bring forward information to the public without fear of retribution or prosecution and, more importantly, so that sources will continue to come forward.

Compelling reporters to testify, and in particular compelling them to reveal the identity of confidential sources, is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about our government will be shut down. The dissemination of information by the media to the public on matters ranging from the operation of our government to events in our local communities is invaluable to the operation of democracy. Without the free flow of information from sources to reporters, the public will be ill prepared to make informed choices.

Which is not to say the press is always without fault, as the chairman of the Rules Committee said just moments ago, or always gets the story right. In fact, President James Madison wrote: "To the press alone checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression."

As a conservative, I believe that concentrations of power should be subject to great scrutiny. Integrity in government is not a Democrat or Republican issue, and corruption cannot be laid at the feet of one party. But when scandal hits either party, any branch of government, or any institution, our society is wounded.

The longer I serve in Congress, the more firmly I believe in the wisdom of our Founders, especially as it pertains to the accountability that comes in a free and independent press.

And it is important to note this legislation is not a radical step. Thirty-two States and the District of Columbia have various statutes to protect reporters from being compelled to testify and disclose confidential sources. And the Free Flow of Information Act, I would say to all of my colleagues, has been carefully drafted after reviewing internal Department of Justice guidelines, State shield laws, and gathering input from many talented members on the Judiciary Committee and throughout the Congress. It puts forward only a qualified privilege for journalists to protect sources and strikes an appropriate balance between the public's need for information and the fair administration of justice.

In most instances under our legislation, a reporter will be able to use the shield provided in the bill to refrain from testifying or providing documents. But testimony or documents can be forced under certain circumstances if all reasonable alternatives have been exhausted and the document or testimony is critical to criminal prosecutions. A reporter may also be asked to reveal the identity of a confidential source in very specific and exceptional cases. And the manager's amendment we will consider today will add even additional exceptions.

Lastly, Mr. Speaker, let my say how humbling it is for me to have played a small role in moving this legislation forward. From my youth I have enjoyed a fascination with freedom and with the American Constitution. I learned early on that freedom's work is never finished, that it falls on each generation of Americans to preserve, protect, and defend our freedom as those who have bequeathed it to us did in their time.

The banner of the Indianapolis Star, the newspaper of record in my home State, quotes a verse from the Bible that reads: "Where the spirit of the Lord is, there is freedom." As I opened my Bible this morning for devotions, it was that verse that just happened to be in my daily readings.

□ 1200

It reminded me that when we do freedom's work, like putting this stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I ask all of my colleagues in both parties to join us today in freedom's unfinished work. Say "yes" to a free and independent press. Vote "yes" on the Free Flow of Information Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of the Committee of Jurisdiction includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the new Rules Committee majority specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I would like to direct all Members to a letter that House Parliamentarian John Sullivan recently sent to the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes.

In his letter to the distinguished chairman, the Parliamentarian states that the Democratic earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

I will insert this letter from the House Parliamentarian, John Sullivan, into the RECORD.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.
Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

This amendment, Mr. Speaker, will restore the accountability and the enforceability of the earmark rule to where it was at the end of the 109th Congress, to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

I urge my colleagues to close this loophole by opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I think this is a momentous day for the House. We have before us today a resolution that has been approved by both sides of the aisle, worked on with great consideration as concerns the Constitution. We are very happy to present it today. We think its importance is certainly easily explained and necessary.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2011", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2011".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3678 is an excellent example of what can occur when we work together on both sides of the aisle to deal with highly complex issues, and I am evidently not alone in this observation.

This bipartisan legislation is supported by industry groups such as the Don't Tax Our Web Coalition, government organizations such as the National Governors Association, the Federal Tax Administration, the National Conference of Mayors and the National

Conference of State Legislatures, and supported by a wide range of labor and union groups.

In sum, H.R. 3678 temporarily bans State and local taxes on Internet access, while minimizing the effect on State and local government ability to raise needed revenue and treat businesses fairly. The bill is pro-consumer, pro-innovation and pro-technology. It amends the Internet Tax Freedom Act in four key respects.

First, it extends the moratorium on State and local taxes on Internet access for 4 years until November 1, 2011. The 4-year time frame will allow Congress to make any adjustments to the moratorium, if necessary, in light of development in the States or in technology, as Congress has done each time it has extended the original moratorium in 2001, in 2004, and in this bill. It will also allow sufficient time for business planning, while ensuring that everyone continues to have the benefit of access to the Internet tax free.

Second, the bill extends for 4 years the grandfather provisions to preserve the legality of taxes imposed prior to the 1998 act, consistent with passed extensions. The bill also phases out new grandfathers that some States claim were created in the 2004 extension, while allowing States that issued public rulings before July 1, 2007, that are inconsistent with the foregoing rules to be held harmless until November 1, 2007.

Third, the bill clarifies the treatment of gross receipts taxes which certain States have enacted in recent years in lieu of or as a supplement to general corporate income taxes. Like the general corporate income tax, these gross receipt taxes apply to nearly all large businesses, not just to Internet access providers. The bill clarifies that this form of general business tax is treated in the same fashion as a corporate income tax and is not covered by the moratorium as long as it is broadly imposed on businesses and is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

Finally, in response to a number of concerns regarding the definition of Internet access in the current law, the bill clarifies the term to mean a service that enables a user to connect to the Internet. This new definition will not only prevent all tax-exempt content bundling but will also include closely related Internet communication services, such as e-mail and instant messaging. In addition, the bill amends the definition of "telecommunications" to include unregulated, nonutility telecommunications, such as cable service.

I want to particularly thank Judiciary Committee Chairman CONYERS, Ranking Member SMITH, as well as Subcommittee Chairperson SÁNCHEZ and Ranking Member CANNON for their cooperative efforts in helping us get to this point in the process.

H.R. 3678 is a good, strong bill that provides much-needed clarity to the communications and Internet industries, and strikes the right balance in addressing the needs of States and local governments, while helping keep Internet access affordable.

I urge my colleagues on both sides of the aisle to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I could use my time today to discuss the bill before us because it does some good things, as the gentleman from North Carolina has pointed out. For example, it clarifies a definition of "Internet access" to ensure that States do not tax Internet access, including the acquisition of transmission capabilities. But instead, Mr. Speaker, I'm going to talk more about what this bill does not do.

This bill does not permanently ban taxes on Internet access and e-commerce. Only by making the ban on Internet access taxes permanent can we give businesses the certainty they need to spend billions of dollars to construct, maintain and update the broadband Internet infrastructure throughout the country. And only by extending the moratorium permanently can we continue to keep the cost of Internet access down so that low-income individuals, those who are most sensitive to cost, can continue to use the great informational tool that is called "the Internet."

More than 240 Members have cosponsored bills H.R. 743 and H.R. 1077, which provide for a permanent extension of the Internet Tax Freedom Act. This support is broad and bipartisan. A permanent extension is also consistent with the past actions of the House, which passed a permanent ban in 2003.

Hundreds of companies and groups, including AOL, Apple, Americans for Tax Reform, AT&T, Comcast, eBay, Electronics Industry Alliance, Level 3 Communications, the National Association of Manufacturers, the National Cable and Telecommunications Association, the National Taxpayers Union, Sprint/Nextel, Time Warner Communications, T-Mobile, U.S. Chamber of Commerce, U.S. Telecom Association, U.S. Internet Industry Association, Verizon, Yahoo, the Business Software Alliance, and the Hispanic Technology & Telecommunications Partnership, among many, many others, have called for a permanent ban on Internet access taxes; but this bill contains no such provision.

At the markup of this bill at the Judiciary Committee, Mr. GOODLATTE, the gentleman from Virginia, offered an amendment to extend the moratorium permanently. Even though 21 members of the committee, a majority, cosponsored H.R. 743, the Permanent Internet Tax Freedom Act of 2007, five of the six Democratic cosponsors reversed themselves and voted against the permanent extension.

□ 1215

Mr. Speaker, to paraphrase a one-time Presidential candidate, I guess they must have been for permanence before they were against it.

After the Democrats defeated that amendment, Mr. GOODLATTE offered the next best thing, an 8-year extension of the moratorium. The 8-year amendment subsequently failed on a more or less straight party-line vote as did a similar amendment to extend the moratorium for 6 years. If we are going to have a healthy economy in America, if we are going to continue to create jobs, if we are going to continue to enjoy a high standard of living, if we are going to continue to increase productivity, we have to do everything we can to encourage and help the high-tech industry.

To that end, I, along with Republican Leader BOEHNER, Republican Whip BLUNT, Mr. GOODLATTE and Mr. CANNON, sent a letter to the majority leader on Friday urging him to bring this bill to the floor under a rule that allowed for a vote on permanence. By denying the 242 Members who cosponsored a permanent ban on Internet taxes, Republicans and Democrats alike, the opportunity to vote for permanence, the Democratic leadership has shown that they oppose a permanent Internet tax moratorium that would help high-tech companies and that they want to leave the door open for taxing the Internet in the future.

I hope the American people and high-tech employers are watching today.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) who is the Chair of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, but has been an invaluable participant in the discussions that have led to this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of H.R. 3678.

Mr. Speaker, the Internet is one of the main drivers of the United States economy. But we are quickly losing our edge over our global competitors on the Internet. Over the past year, the United States slipped from 12th to 17th in broadband adoption, and average broadband speed in the United States is only 1.9 megabits per second. Now, compare that to 61 megabits per second in Japan. France and Canada also enjoy broadband speeds well beyond ours.

We made a commitment in the Innovation Agenda to reverse this trend and bring affordable broadband access to all Americans. H.R. 3678 furthers that commitment in three very important ways: first and foremost it prevents the moratorium from expiring on November 1. Expiration would be a disaster, leading to hastily imposed taxes that breed confusion and litigation. Even if we fix the problem later, the damage will already have been done. Second, the bill codifies an agreed-upon definition of Internet access that clarifies what services are and are not taxable. Finally, the bill removes ambiguity that some States have tried to exploit to tax the Internet backbone. Eliminating that ambiguity is absolutely essential. We must remove obstacles to investment in the basic infrastructure of the Internet.

As my colleagues and constituents know, I strongly favor a permanent Internet tax moratorium. That is why I'm a cosponsor of my friend ANNA ESHOO's bill that would have made the moratorium permanent. That's why I voted for the amendment offered by Mr. GOODLATTE in committee to make the moratorium permanent.

But we must take stock of a few basic facts. First, no permanent moratorium will make it through the Senate. Second, the Senate has yet to even vote a bill out of committee. And, third, it is October 16. The moratorium expires in 2 weeks.

Given the state of affairs, I think it is crucial that we act now. We need to send a clear message to our colleagues in the Senate that the hour is late and the time for dithering is long since past. Therefore, I urge my colleagues to join me in supporting this bill.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 16 minutes. The gentleman from North Carolina has 13 minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. GOODLATTE) who is a senior member of the Judiciary Committee, ranking member of the Agriculture Committee, chairman of the high-tech working caucus and co-chairman of the Congressional Internet Caucus, as well, in the House.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his leadership on this overall issue and on what could have been, had the Congress been allowed to work its will. But, Mr. Speaker, it is a sad day when a majority of those, in fact, I think almost everybody, who come down here to speak on this issue are going to say, I also supported a permanent ban on access taxes to the Internet, and that is why it is sad that we are not able to bring this legislation forward under a rule under general order.

This is inappropriate to take the product of a committee when in the process, a majority of the members of that committee had cosponsored the alternative, a significant majority of the House had cosponsored the alternative of a permanent ban on taxes on the Internet, that if such a vote were brought here on the floor of the House I don't think there is any doubt on the part of anybody here that it would pass overwhelmingly.

In fact, that is exactly what has happened every other time this legislation has been brought to the floor of the House. We have voted for a permanent ban on access taxes on the Internet. That is the appropriate thing to do if we want to see the Internet continue to grow and to continue to reach out to more and more Americans, where instead we find ourselves falling further and further behind more and more other countries in terms of the numbers of Americans and the percentage of Americans who have high-speed broadband access to the Internet.

One of the reasons for that is that there needs to be greater investment in this technology to roll it out, to bring it to more people's homes, to make it more affordable. As long as the potential for taxes on the Internet remains strong, as long as the potential for consumers to see on their Internet access bills the same kind of charges that they see today on their telephone bills and on their cable bills, where tax after tax after tax adds up to, in some instances, 20 percent, 30 percent, 40 percent of the cost of getting access to some of these technologies, obviously impacting lower income people. But, no, we weren't given the opportunity to do that. We weren't given the opportunity to have, on the floor of this House, what the vast majority of the Members of the House have indicated they want to have.

Sure, the time is running out. This bill should have been brought up months ago so that we would have adequate opportunity to work with the Senate on this legislation. In fact, every indication is that the Senate would agree to an extension greater than the 4 years provided in this legislation. But, no, instead of leaving the House with the same position we did the last time this came before the Congress in the 108th Congress when we passed a permanent extension, instead of having a strong vote showing that kind of support, we are back-pedaling. We are retrenching. We are coming forward with a much weaker position and not going in the right direction if we truly intend to see the kind of investment that needs to be made in making sure that families of all income levels have access to the Internet.

The Internet Tax Fairness Act of 1998 created the moratorium on Internet access taxes and discriminatory taxes on e-commerce. Seeing that the growth of the Internet was an important thing, we have maintained that moratorium on taxes, but also seeing at the same time the percentage of American families who are able to access high-speed Internet services, broadband services, declined, or not grow as fast as a host of other countries in many parts of the world, is a very discouraging thing.

That is why there has been a continued impetus for a permanent ban. The ban has been temporarily extended, but it will expire in just 2 weeks. This legislation that is before the House today will pass and will get that extension. But we will not be doing the things that we need to be doing to make sure that the Internet remains permanently free of access taxes and has that kind of encouragement to consumers and to investors to know that those investments will not be curtailed by a loss of interest in the growth of uptake of the Internet access by those who would like to impose taxes on it.

State and local governments have shown a great appetite for doing that. In fact, some had done it even before we put the original ban in place, and they have been grandfathered in under the legislation that moved forward. The proposal that we had would have phased out that grandfathering after 4 years. In fact, after the permanent ban was defeated in the committee, I offered an amendment that would have extended it for 8 years, but only a 4-year extension of the grandfather clauses, so that those States that were dependent upon these taxes could phase them out over 4 years and we would then have a longer period of time for which investors would see an opportunity to see greater investment opportunities in the rollout of high-speed broadband services to more Americans.

That actually passed in the committee the first time by a vote of 20–18. Then without any explanation for why a member would change their vote, nonetheless, a vote was changed and that was then defeated, and we wound up with what we have on the floor with us today.

The Congress, the will of this House, is clear. Over 240 bipartisan Members have cosponsored legislation to make the ban permanent. At every turn, the Democratic majority has worked unusually hard to suppress the clear will of the actual majority of Members of the House, including nearly 100 Members on their side of the aisle who have cosponsored legislation to make a permanent ban of Internet access charges.

Despite the clear will of the House, and despite the requests that the gentleman from Texas (Mr. SMITH), our ranking member, referred to a letter requesting that this be brought up under regular order, the leadership of the House refused to bring a permanent extension to the floor. No Members were allowed to offer amendments on the floor. Why? Because clearly if anyone had been allowed to offer an amendment to make the ban permanent, it would have passed by an overwhelming margin. It would have supplanted the legislation that we are having here on the floor today.

So no subcommittee markup was held on this legislation. The House Judiciary Committee resorted to rare procedural maneuvers to reverse the vote to double the length of the tax moratorium which I offered, and party politics have trumped good policy in bringing this legislation to the floor.

Our Nation's low-income families and the technology sector deserve better, and they are big losers today. The permanent ban and the rationale for it is important for people to understand. The temporary fix before us does little to bridge the digital divide, the divide between those who can easily afford high-speed Internet access service and those who cannot. It is estimated that only 11 percent of U.S. households with incomes less than $30,000 a year have high-speed Internet service, as opposed to 61 percent of households with incomes over $100,000. Why is that? Well, in part, it is because there has not been sufficient buildout of Internet access in communities where there are lower incomes, and in part it is because of the concern that once this ban expires, this moratorium expires, significant taxes will be imposed that will discourage lower-income families from maintaining their service on the Internet or from acquiring it in the first place.

A permanent ban would guarantee that the price of Internet access will not be raised due to excessive taxation, and a permanent ban would create certainty for broadband providers and those who have to make the multibillion dollar capital investment to make sure that the United States not only catches up, but retakes its place as the world leader in technology, not just in developing the technology, but making sure that American businesses, large and small, and American families, rich and poor, have access to this technology.

It is a shame that we are not having an opportunity to cast that vote today, which is the clear will of the majority of this House.

Mr. WATT. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Texas.

Mr. Speaker, 9 years ago, this House passed this ban on Internet taxes. It has been in place for 9 years. During that time, we have seen tremendous growth, economic growth, come from the Internet and also tremendous opportunity for people to access information that before they could not access over that 9 years.

During this time, e-mail, which once cost everyone something, now costs most people nothing. Instant messages now exist which are generally entirely free. There are all kinds of Web sites that allow people to access information for free that prior to the evolution and growth of the Internet they would have to pay to get that information. Now you have a number of municipalities and organizations looking at free WiFi, meaning that is even free access to the Internet.

In the face of all of this, all of these market pressures lowering the cost of people accessing this information and adding to the economic growth that comes from the Internet, the last thing that government should be doing is imposing their cost on it, their cost meaning "taxes."

Mr. Speaker, I stand today to support this legislation, although I firmly believe, as the previous speakers have said, that this ban should have been made permanent.

☐ 1230

I don't think we are going to learn anything in the next 4 years that we didn't learn in the last 9 years, that the Internet is a tremendous engine for economic growth and an opportunity for information transfer available to people of all demographics all across the country. We do not want to retard its growth. We do not want to slow its growth by imposing taxes from government. We haven't done it in the next 9 years, and this bill make sure we don't do it for the next 4 years. I hope we don't ever do it.

Mr. WATT. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who is the original sponsor of H.R. 743, which would make the Internet tax moratorium permanent. We appreciate her leadership in writing such a bill, and we appreciate her support.

Mr. WATT. Mr. Speaker, I yield the gentlewoman from California 2 minutes.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I thank the ranking member of the House Judiciary Committee and the gentleman from North Carolina for yielding me time.

Mr. Speaker, I want to talk about and address what we accomplished at the beginning of this year in the 110th Congress. At that time in January, we came together on a bipartisan basis and a bicameral basis, with Mr. GOODLATTE as well as, I think, the Father of the Internet tax moratorium effort, Senator RON WYDEN. What we did was to launch an effort that would be bipartisan and that would capture the position that the House of Representatives has always taken, and that is that there would be a permanent moratorium on access taxes on the Internet.

Now, what do "access taxes" mean? The term is thrown around. I really think that there are some that don't even understand what that means. Just think of the following: Every time you walk into a public library, how would you like to have to pay an access fee? Well, it's the same thing that would apply to the Internet. Every time you click on, you would be taxed.

Mr. Speaker, I think there are hundreds of reasons why we stand in opposition to that. I think it's why when I was in the minority, I was always an original lead on the legislation, and now, as the majority, I am the lead on this bill. It is why we have attracted over 240 cosponsors to the legislation. It is not what the House Judiciary, unfortunately, passed out.

I don't think it is good public policy. Why do I say that? I don't say that simply because I feel like coming to the floor to say it. This is about commerce in our country. We want to broaden broadband in our country. I think that a permanent ban really speaks to that, a permanent moratorium. I also think that it demonstrates our commitment to the entire Internet community, that access to the Internet will remain tax free.

We also want to ensure that e-commerce will remain free of discriminatory taxes. Instead, the legislation is before us today on a suspension and I can't offer an amendment, because if I was able to offer an amendment, it would be permanent. We all know that. So I am very disappointed with what the Judiciary Committee came out with. I think that the best public policy is a permanent moratorium. I think it would serve the best interest of the people of our country, not just the Internet community, but all the people of our country. I also understand that some unions have a problem with permanence. Of all groups, they should be, in my view, protecting their workers who earn less and not have to pay an access fee.

So I regret that the House position today has really been diminished, because I don't think this is the fullness of what we can do. I think we can do much better. I really don't know the reason for a 4-year moratorium, why we have fallen back to that position. But I want to make very clear that very few bills have attracted 240-plus bipartisan cosponsors. I think that is the most eloquent statement about making the moratorium permanent.

Mr. Speaker, I appreciate the time that the gentleman has yielded to me, as well as Mr. WATT for seeking to give me more time. I hope that in the not-too-distant future that "permanent" will be the full position of the House of Representatives, the Congress of the United States, and that we put this behind us so that the country can move forward with a public policy that is going to serve everyone so much better than what is at hand.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for her comments, and I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume to close the debate and to address some of the issues that have been raised. I hope my colleagues will stay around, since they want to know the rationale for the 4-year extension versus the permanent extension, and listen to the rationale, because there is both "practical rationale" and there is "substantive rationale."

Let me deal with the practical reasons first. This moratorium that currently exists will expire the last day of this month if we do not act. The Senate has not done anything yet, and in many ways has made it clear that a permanent moratorium would be "dead on arrival" in the Senate. If the Senate is not going to act on a permanent moratorium, for the House to pass a permanent moratorium, send it to the Senate, have the Senate reject that permanent moratorium, runs the risk that time will run out before the month's end and the moratorium will run out before the month's end.

Mr. Speaker, I have heard the argument that we ought to make this permanent because this is stifling innovation. That strikes me as being like the argument that we ought to not tax anything because people are going to quit making money because there are taxes on the money that they make. I don't know anybody who, over all these years of threats that people have said to me people are going to quit making money if you don't quit taxing their money, I don't know anybody who has fallen prey to that kind of shortsighted attitude. I don't know anybody in the technology industry or in the innovation industry who has fallen prey to this notion that we are going to stop innovating just because there is a temporary moratorium on Internet access taxation as opposed to a permanent moratorium.

The last time I checked, the definition of "politics" was that politics is the art of compromise. We are doing what is necessary to move a bill. We can stand here and rail against the idea of a good bill on the idea that we want a perfect bill, or we can pass this bill, which I presume all these people who are railing against it not being permanent are planning to vote against the temporary extension when we get to a vote on it.

Mr. Speaker, I have heard this referred to as partisan politics. This is not partisan politics. We heard two Democrats get up and say they support a permanent moratorium. You have heard a number of Republicans say they support a permanent moratorium. There are people who don't support a permanent moratorium. A bunch of them are over there on the Senate side, and they have already made it clear if we deliver a bill over there, it's not coming back over here. So this is not partisan politics; it is practical politics. Understand the difference between partisan politics and practical politics.

Now, I have told you the political reasons why this is a temporary moratorium. Let me tell you the substantive reasons that this is a temporary moratorium. I just want to go back and read what I said in my opening statement. Every time we have extended this moratorium, we have revised this moratorium. The last time we did it, we had left out a whole bunch of people in the telecommunications world who thought that they should have been included in the definition of the moratorium. If we had made it permanent, perhaps we would have just left it as faulty, not corrected it. The fact that this is not a permanent moratorium doesn't mean that we can't go back 2 years from now, 4 years from now, 1 year from now, next month, and do something different.

Mr. Speaker, this is really not the end of the world that this is a temporary moratorium. This is the beginning of the world. We changed the moratorium in 2001, in 2004, and we will probably change it again, because every time we think we know the outer limits of the Internet, somebody comes along with something else that they can do on the Internet.

If we made this permanent, as if we had all the answers about what the moratorium, what the Internet's capacity is going to be, presumably that would be the end of the discussion, because we would have made this permanent, gone on to other issues, and not been thinking about revisiting this and addressing whatever shortcomings we might have 4 years from now, as opposed to sometime in infinity out in the future.

Mr. Speaker, I, for one, am not on the permanent moratorium bill. I stand here with integrity telling you that I think it would be a serious mistake to make this a permanent moratorium on Internet taxation, because we don't have a clue standing here today what the capacity of the Internet is. Four years from now everything in life may be being done on the Internet. We might have a virtual world out there and then we may not be able to tax anything under the moratorium. So we need to continue to look at this on a regular, systematic basis.

This is not a cavalier decision that we have made. It is a practical, substantive, smart decision that we have made. I would request that my colleagues get off of this kind of "letting the perfect be the enemy of the good" notion, support this bill, and let's move on and extend this moratorium for 4 additional years. It is a good bill.

Mr. CHABOT. Mr. Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. Permanently prohibiting unnecessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

Mr. Speaker, the surest way to stifle achievement, progress, and growth is to involve the Government. I urge my colleagues to use H.R. 3678 and its four year extension to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3678, the "Internet Tax Freedom Act Amendments Act of 2007." I support this bill because it extends the moratorium imposed by Congress in the Internet Tax Freedom Act, ITFA, for 4 years, extends the grandfather protections for my home State of Texas and eight other States for 4 years for Internet access taxes levied before October 1998, and provides a new definition for Internet access that will narrow what generally constitutes Internet access.

The Internet Tax Freedom Act, ITFA, was enacted on October 21, 1998, as Title XI of Division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act. The ITFA placed a 3 year moratorium on the ability of State and local governments to: (1) impose new taxes on Internet access; or (2) impose any multiple or discriminatory taxes on electronic commerce. The Act also grandfathered the State and local access taxes that were "generally imposed and actually enforced prior to October 1, 1998[.]"

This initial Internet tax moratorium expired on October 21, 2001. The Internet Tax Nondiscrimination Act was then enacted on November 28, 2001. It provided for a 2 year extension of the prior moratorium through November 1, 2003. The moratorium was then extended for an additional 4 years, through November 1, 2007, by the Internet Tax Nondiscrimination Act of 2003, Pub. L. No. 108–435 (2004). Taxes on Internet access that were in place before October 1, 1998, were protected by a grandfather clause.

Mr. Speaker, I oppose making the Internet Tax Freedom Act, ITFA, permanent because it would have several significant adverse effects on the ability of State and local governments, including my home State of Texas, to raise the revenue necessary to fund programs necessary to protect the health and safety, and promote the general welfare, of their citizens.

First, under the current, extremely broad definition of "Internet access" in the ITFA virtually all goods and services delivered over the Internet would be exempt from State and local taxation. Keeping this definition in a permanent ITFA could prevent States and localities from extending their conventional sales taxes to online music, movies, games, television programming, and similar products.

Many sellers of such content, even if they do not truly provide an end-user with a connection to the Internet, arguably are selling "Internet access" as defined in ITFA: "a service that enables users to access content, information, electronic mail, or other services offered over the Internet." For example, the "Rhapsody" service sold by RealNetworks, Inc. streams an unlimited amount of music on demand to a subscriber for a fixed monthly fee. RealNetworks literally is providing "a service that enables users to access content . . . over the Internet." Accordingly, the company could take the position that the Rhapsody service is tax-exempt "Internet access" under ITFA's definition and refuse to charge tax on it.

Also, the definition of "Internet access" includes "access to proprietary content, information, and other services as part of a package of services offered to consumers." Nothing in this definition places any limits on the type or quantity of such "content, information, and other services." Thus, any Internet access provider could achieve tax-exempt status for such content and services by "bundling" them with "Internet access" as conventionally understood and selling the package for a single, combined price.

Under this definition of "internet access," States and localities would lose the hundreds of millions of dollars in annual revenue from their sales taxation of conventional cable TV service and the hard-media versions of music, movies, software, and computer games sold in stores. As is illustrated by the rapid growth of Apple Computer's iTunes music service, the majority of such "digital content" is likely to be distributed over the Internet eventually. The same is likely with respect to the majority of television programming, which in some parts of the country is already being distributed via so-called "Internet Protocol TV", IPTV. A permanent ITFA with a definition that seems to encompass all online content and services and that places no limits on what a telecommunications or cable TV company bundles with tax-exempt Internet access is likely to lead to a serious long-term drain on sales tax revenues.

Second, eliminating ITFA's grandfather clause could have far-reaching, unintended consequences by invalidating a wide array of state and local taxes currently paid by companies providing Internet access, such as sales taxes levied on their equipment purchases. ITFA defines a "tax on Internet access" as "a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access." Because of the inclusion in the definition of taxes on Internet access providers, State and local officials have long been concerned that Internet access providers could take the position that a wide variety of taxes to which all types of businesses are subject constitute indirect taxes on Internet access services and are therefore banned by ITFA.

Acknowledging the legitimacy of such concerns, language was added to ITFA in 2004 expressly "carving-out" from the definition of a "tax on Internet access" four categories of taxes imposed on Internet access providers—taxes on "net income, capital stock, net worth, or property value." However, this list by no means covers all of the type of taxes Internet access providers may have to pay. For example, it does not include sales taxes on computer servers purchased by such companies or state unemployment compensation taxes.

The very limited coverage of the tax carve-out language added to ITFA in 2004 did not overly-concern State and local officials, because virtually all of the significant taxes on Internet access providers potentially at risk had been enacted prior to 1998. Accordingly, ITFA's general grandfather clause served as a back-stop to the explicit protection added in 2004. With the grandfather clause eliminated, however, all State and local taxes on Internet access providers other than the four types carved-out in the 2004 provision could be at risk.

It is not at all clear that States could convince a court that any taxes except for the four types explicitly named are still legal when applied to an Internet access provider. If anything, the fact that some taxes on Internet access providers were explicitly preserved might create an inference on the part of a court that Congress intended to ban all other taxes on providers.

Third, if ITFA's grandfather clause were repealed, State and local governments in Texas and eight other States would lose existing revenues from currently protected taxes on Internet access services. The State of Texas alone stands to lose more than $50 million in annual revenue. The other eight States—Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Texas, Washington, and Wisconsin—and some of their local governments—would lose collectively between $30 million and $70 million in annual revenue flowing from previously-grandfathered taxes on Internet access services.

Revenue losses of this magnitude are sufficient to trigger the provisions of the Unfunded Mandates Reform Act of 1995, which classifies Federal preemptions of State and local taxing powers as an unfunded mandate. Most of the taxes directly affected by repeal of the grandfather clause are conventional State and local sales taxes that apply to a wide array of goods and services in addition to Internet access.

In and of itself, the direct impact of repeal of the grandfather clause on revenue in the affected States is not significant. In combination with the other impacts discussed above, however, State finances would be adversely affected. Due to balanced-budget requirements, Texas and the eight other States and their affected local governments would either have to reduce state services or increase other taxes to compensate for the lost revenue.

For all these reasons, I oppose making the Internet Tax Moratorium Act permanent. I strongly support H.R. 3678, which extends the moratorium for four years and retains the protections for Texas and other States that were grandfathered in the original legislation and I urge my colleagues to join me in voting for this wise and beneficial legislation.

Mr. SHAYS. Mr. Speaker, I urge support for H.R. 3678, the Internet Tax Freedom Act Amendments Act, which extends the current moratorium to November 2011. I would be inclined to support further extending the moratorium if legislation is brought to the House floor for my consideration, and in the past have voted to permanently bar taxation.

The purpose of the moratorium is to prevent the thousands of overlapping tax jurisdictions across our Nation from laying claim to a piece of the Internet. Some have argued that States will lose revenue if they are not allowed to tax the Internet, but this is a false assumption.

The fact is the Internet economy is generating tremendous tax revenue for State and local governments. Extending this moratorium will help sustain our Nation's economic growth. At the same time, making Internet access more affordable will help reduce what is commonly known as "the digital divide."

Mr. WATT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 741, by the yeas and nays;

adoption of H. Res. 741, if ordered;

ordering the previous question on H. Res. 742, by the yeas and nays;

adoption of H. Res. 742, if ordered;

motion to suspend the rules on H.R. 3678, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H. RES. 734, EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 741, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 964]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Cubin
Holden
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1311

Mr. COBLE changed his vote from "yea" to "nay."

Mr. MEEKS of New York, Ms. WATSON, Mr. SNYDER, Ms. CORRINE BROWN of Florida and Mr. LARSON of Connecticut changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 11, as follows:

[Roll No. 965]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

☐ 1321

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 742, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 11, as follows:

[Roll No. 966]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

☐ 1331

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 967]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza

Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Carney
Carson
Cubin
Diaz-Balart, M.
Gilchrest
Honda
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3678, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 968]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel

Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Eshoo
Turner

NOT VOTING—25

Alexander
Boozman
Carson
Cubin
Davis (AL)
Emanuel
Gonzalez
Gordon
Hastings (FL)
Heller
Hirono
Inslee
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Rehberg
Ros-Lehtinen
Sires
Sullivan
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1346

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Mr. Speaker, on rollcall No. 968, I mistakenly voted "nay." I intended to vote "yea."

Mr. REHBERG. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. ALEXANDER. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. HELLER of Nevada. Mr. Speaker, on rollcall No. 968, had I been present, I would have voted "yea."

Mr. BOOZMAN. Mr. Speaker, on rollcall No. 968, H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I was not present due to an emergency situation. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on ordering the previous question on H. Res. 741, H. Res. 741; ordering the previous question on H. Res. 742, H. Res 742; and on suspending the rules and passing H.R. 3678 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 964 on ordering the previous question on H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 965 on passing H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 966 on ordering the previous question on H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 967 on passing H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 968 on suspending the rules and passing H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to House Resolution 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WAXMAN. Mr. Speaker, pursuant to H. Res. 741, I call up the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 734

Whereas Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified before the Committee on Oversight and Government Reform on October 4, 2007, that the "rising tide of corruption in Iraq" is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement";

Whereas David Walker, the Comptroller General of the United States, testified at the hearing that "widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency";

Whereas Judge Radhi Hamza al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity, testified at the hearing that "corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful officials in Iraq", that "the Ministry of Oil [is] effectively financing terrorism", and that Prime Minister Nouri al-Maliki "has protected some of his relatives that were involved in corruption";

Whereas the Independent Commission on the Security Forces of Iraq, chaired by General James L. Jones, U.S.M.C. (Ret.), reported on September 6, 2007, that "sectarianism and corruption are pervasive in the MOI [Ministry of Interior] and cripple the ministry's ability to accomplish its mission to provide internal security of Iraqi citizens" and that "the National Police should be disbanded and reorganized";

Whereas on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that ask for "Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons";

Whereas Members of the Committee on Oversight and Government Reform asked Ambassador Lawrence Butler, Deputy Assistant Secretary of State for Near Eastern Affairs, at the hearing whether "the Government of Iraq currently has the political will or the capability to root out corruption within its Government", whether "the Maliki Government is working hard to improve the corruption situation so that he can unite his country", and whether Prime Minister Maliki "obstructed any anticorruption investigations in Iraq to protect his political allies";

Whereas Ambassador Butler refused to answer these questions at the hearing because "questions which go to the broad nature of our bilateral relationship with Iraq are best answered in a classified setting", although he did answer questions at the hearing that portrayed the Iraqi Government in a positive light;

Whereas the State Department retroactively classified portions of the report titled "Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk", which was released at the hearing by Comptroller General Walker and which addressed the commitment of the Iraqi government to enforce anticorruption laws;

Whereas the State Department also retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq;

Whereas the United States has spent over $450,000,000,000 on the war in Iraq and the President is seeking over $150,000,000,000 more; and

Whereas more than 3,800 members of the United States Armed Forces have been killed in Iraq and more than 28,000 have been wounded: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) as Congress considers the President's request for over $150,000,000,000 more for the war in Iraq, it is essential that Congress and the people of the United States know the extent of corruption in the Iraqi government and whether corruption is fueling the insurgency and endangering members of the United States Armed Forces;

(2) it was wrong to retroactively classify portions of the report titled "Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk", which was released by the Comptroller General of the United States at the hearing of the Committee on Oversight and Government Reform on October 4, 2007, and other statements that are embarrassing but do not meet the criteria for classification;

(3) it is an abuse of the classification process to withhold from Congress and the people of the United States broad assessments of the extent of corruption in the Iraqi Government; and

(4) the directive that prohibits Federal Government officials from providing Congress and the people of the United States with "broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons" should be rescinded.

The SPEAKER pro tempore. Pursuant to House Resolution 741, the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Today we mark an ominous anniversary. It was 5 years ago today that President Bush signed the congressional authorization to use military force in Iraq. As we have learned since, that authorization was based on fatally flawed information. Congress and the American people were told that we needed to go to war against Saddam Hussein because he had weapons of mass destruction. But there were no nuclear bombs or biological weapons.

Now, 5 years later, more than 3,800 U.S. servicemembers have been killed, more than 28,000 have been injured, and the U.S. taxpayers have spent more than $450 billion; and Iraq is in shambles.

Today we are considering a different resolution. The purpose of today's resolution is simple: to end the abuse of the classification process and to demand the truth about corruption in Iraq.

We must stop the pattern of dissembling and the misuse of classified information. President Bush is now asking taxpayers for an additional $150 billion to support the war and to support Iraqi Prime Minister Nouri al-Maliki. But . . . is not being honest about the level of corruption in the Maliki government.

Just as it did 5 years ago, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger. We cannot allow this to happen.

Mr. ISSA. Mr. Speaker, I ask that his words be taken down for disparagement of the Bush administration.

The SPEAKER pro tempore. The Clerk will report the words.

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Mr. WAXMAN. I gather that the offensive word is that "he" is not being honest, and what I intended to say is that the Bush administration is not being honest. I think that removes the objection that would lie against a personal disparagement, so I would seek to make that clarification and ask unanimous consent to withdraw that spoken word.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ISSA. Mr. Speaker, I have no objection as long as the admonishment of the Chair would be that, in fact, there is a caution as to disparaging or appearing to disparage the office or the person of the President or the Vice President under our rules.

The SPEAKER pro tempore. The Chair can affirm that with respect to the person, as a response to a parliamentary inquiry.

Mr. ISSA. I thank the gentleman, and that is an acceptable UC.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger, and we cannot allow this to happen.

We need answers to some very important questions: How corrupt is the Maliki government? Are top officials in Iraq stealing billions of dollars to fund insurgents who are attacking and killing our troops? Is corruption undermining the chances for political reconciliation?

Secretary of State Rice says she will answer these questions only on one condition: every Member of Congress who hears the answers has to keep the answers secret. Well, that's an outrageous abuse of the classification system.

Earlier this month, the former head of the Iraqi Commission on Public Integrity, Judge Radhi, testified before the Oversight Committee. He told us that corrupt Iraqi officials had stolen a staggering $18 billion and used part of that money to fund terrorists. He told us that when he tried to track down who was responsible, well, 31 of his investigators were brutally assassinated, and his own family living in the Green Zone was targeted twice with rocket attacks. And he gave us copies of secret orders that Prime Minister Maliki personally issued to protect his allies, including his own cousin, from corruption investigations and prosecutions.

Judge Radhi, Special Inspector General Stuart Bowen and Comptroller General David Walker all told us that corruption is so entrenched in Iraq that it is jeopardizing our troops and our mission. But when we asked the State Department for unclassified documents about the extent of corruption in the Maliki government, Secretary Rice retroactively classified them. And when we asked the embassy officials when they knew about corruption, she ordered them not to respond.

Secretary Rice has made public statements praising the anticorruption efforts of the Maliki government, and he, himself, she praised; and she even praised the corrupt Interior Ministry. But when we asked embassy officials in Iraq whether her public statements were accurate, they said they were not allowed to respond unless we agreed to keep their answers secret.

Mr. Speaker, 5 years ago, abusive classified information got us into this war. It's time for these abuses to end, and that's why we ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to speak on H. Res. 734, a resolution about corruption in Iraq.

Corruption, the theft of public resources for private gain, saps the life out of everything it touches. The fact that official corruption has long undermined government effectiveness and public confidence in Iraq and throughout the Middle East should come as no news to anyone. But no one believes rampant corruption is inevitable or tolerable in Iraq. Republicans don't support corruption, Democrats don't support corruption, so the pace and reach of our efforts to help the Iraqis prevent, deter, investigate and punish corruption in their struggling democracy should be one thing, perhaps the only thing, about our policy in Iraq that we can agree on.

But we were never given the chance to agree. The language of this resolution has never been considered by any committee. Why not? Just last week, four House Committee chairmen wrote to the Secretary of State asking for her cooperation in "finding solutions" to corruption in Iraq. So those committees apparently have an interest in the issues raised by the resolution. But none of them ever considered this language. Why not? Because this resolution is just the latest find in the frantic search for proxy antiwar votes that the leadership has staged to feed an increasingly restive left wing of their party. Unable to prevail directly, they ignore regular order and nibble around the edges with symbols, surrogates, and sense of Congress resolutions.

In this political environment, it almost doesn't matter how we vote since the resolution means so little and accomplishes even less. But, fairly or not, as has been voiced by several Members on the other side, a "no" vote would be portrayed as "pro-corruption." That's unfortunate, and it didn't have to be that way.

Both the committee majority and the State Department have gone out of their way to politicize the discussion of corruption in Iraq. This resolution cherry-picks statements from our hearing testimony and tries to pick a fight with the Secretary of State over access to certain information. I offered a substitute to try to bring some balance and perspective to this resolution, but it was rejected by the majority in the Rules Committee. I will talk more about that substitute later.

For its part, the State Department's process for answering our inquiries about anticorruption assistance to Iraq has been sluggish and poorly thought out. When requested documents failed to show up, we didn't demand a committee vote on subpoenas the chairman decided to send to the Department. It's a separation of powers issue. The committee has a right to timely and meaningful access to information about executive branch programs and operations. The Department then classified information already, irretrievably, in the public domain. As a result of that decision, they felt compelled to limit open discussion on what everybody already knows about corruption in Iraq.

Had the State Department witness at our hearing said to the committee what Ambassador Satterfield said in today's Washington Post, broadly speaking about the Iraqi Government's political will to fight corruption, we might not have needed to consider this resolution at all.

Nevertheless, this is obviously not a resolution I'd bring to the floor to assert our constitutional rights. Both the process and the product tend to trivialize a serious and pernicious problem by reducing it to the terms of a spat over what State Department employees can say in an open forum and classification of a few sentences and two reports. It's a transparent attempt to draw the Secretary of State into a highly visible, but completely avoidable, conflict with the Oversight Committee.

What is the House being asked to "resolve" in this resolution? That we should know "the extent of corruption in Iraq"? That it was wrong to "retroactively classify" two draft State Department reports that had never been reviewed for sensitive information before? That it's an abuse of the classification process to "withhold" broad, unverified assessments of a foreign government by low-level State Department employees? And that a "directive" limiting discussion of potentially sensitive matters to a closed setting should be rescinded? Let me take them one by one.

The phrase "the extent of corruption in Iraq" is used several times. In truth, it's code for the unspoken conclusion that if we only knew the real level of corruption, we would all conclude Iraq could never stand on its own. But contrary to what this resolution implies, it's no secret there is widespread corruption in Iraq. We concede that. It's sadly well documented, from the scandalous Oil-for-Food Program in the 1990s to present-day diversion of oil revenues. Corruption is a critical concern to the United States Government, to the Iraqi Government, and to the Iraqi people.

No amount of handwringing or feigned indignation can avoid the hard truth that the United States did not bring corruption to Iraq, and it won't stop when we leave. And no spreadsheet or corruption clock will ever give us the real-time cost of bribes and the real-time cost of graft there.

Focusing on the extent of corruption rather than the extent of anticorruption efforts betrays a desire to publicize corruption, not help fix it.

On the classification question, in all honesty, I have my doubts whether the State Department's reports should have been classified. A sloppy process in Baghdad leaked them; they're on the Internet right now. It's probably counterproductive to put that genie back in the bottle. The Department simply should have said, "The reports got out. Our mistake. But they represent only the collected anecdotes and flavor added by the authors and were not official policy statements of the United States." That could have avoided the whole fight over classification, but they didn't do it.

On the question of "withholding" information, there is a difference, and in my judgment an important difference, between hiding information and simply exercising appropriate caution and good management in deciding who makes official statements about U.S. relations with another sovereign state and where those statements are made.

More determined to be aggrieved than informed, the committee refused repeated efforts and offers to question witnesses in a setting that could permit us to discuss sensitive and classified information.

If anything constructive comes out of passage of this resolution, I hope it's to refocus and reenergize State Department anticorruption efforts in Iraq. They need it. That might not be the goal of all those that are voting for this resolution, but it's my goal in voting for it, and it's the only positive outcome that I can see.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), the chairman of the subcommittee dealing with international relations of the Oversight Committee.

Mr. TIERNEY. Mr. Speaker, the fundamental issue before us on this resolution is whether or not this institution, the Congress, is going to absolutely carry out its oversight responsibilities and demand that the executive branch provide to us materials we need to make reasonable determinations as to whether or not there is an extent of corruption in Iraq with respect to what is going on there, but also whether or not our State Department and other agencies are doing all they should do to build up the capacity of the Iraqi Government to be able to combat corruption.

In December 2006, and again in July of 2007, the United States Embassy in Iraq produced two reports that weighed on those issues, corruption in the Iraqi Government, and would have shown us some capacity of whether or not the United States was doing enough about it. They were marked "sensitive but unclassified." And they were widely distributed within the United States Government and they were even posted on the Internet.

In September, the Oversight Committee requested copies of those two documents. But rather than provide them in their unclassified form, the State Department decided to retroactively classify them, in essence, keeping them from public view or from public debate.

The State Department classified these documents only after the committee requested that they be produced. And they gave this task to an official who told the committee he had never in his life been requested to review for classification before.

Incredibly, the State Department then retroactively also classified key portions of a Government Accountability Office report that was issued to the Oversight Committee at a public hearing on October 4. Now, David Walker, the Comptroller General, testified in open session that this Government Accountability Office report addressed corruption in Iraq and the failure of the United States agencies to properly support capacity-building efforts in Iraqi ministries. This is not about just deciding how much corruption there was in playing that. It's about deciding whether or not there had been sufficient capacity-building efforts in Iraq ministries to prevent corruption.

Mr. Walker issued the report, copies were handed out to the press, and it was posted on the Internet. But after the hearing, the State Department classified those portions of the report that addressed Iraq's commitment or a lack of commitment to fighting corruption. And yesterday, the State Department claimed in a letter to Congress that they classified the Government Accountability Office report prior to official publication, but, in fact, when we checked with the Government Accountability Office, they said that was not true. The State Department reviewed this report before it was released. They confirmed that it contained no classified information. It was not until after the report was released at the public hearing that the State Department retroactively classified it.

Secretary Rice may not want the public to know what the Government Accountability Office found when it investigated whether the Maliki government is committed to fighting corruption, or they may not want the public to know whether or not the government is actually working hard enough to build the necessary capacity to stop and check corruption in Iraq. But it's a gross abuse of the administration's powers to retroactively classify these findings and the findings of the State Department's own embassy officials and to do it retroactively.

Classification cannot be allowed to happen primarily because people think they're going to be embarrassed, whatever government may be embarrassed. Congress has to exercise its prerogative here and do the proper oversight for the protection of our troops and of the public's interests.

Testimony was that some $18 billion in corruption was occurring in Iraq, and that was without going into the oil ministry, where significant further corruption was believed to happen. Testimony was that monies from that corruption were going to fund militias, who in turn were placing their focus on targeting United States troops.

It is imperative that this Congress investigate whether or not, through review of these documents and other sources, we are making enough efforts to build the capacity in Iraq to make sure that that corruption stops and that our troops, our men and women in service, are not being targeted through corruption.

Mr. Speaker, this is an important matter. This is the prerogative of this House. This should not be about partisan politics or protecting the home team. This should be about making sure that we protect our troops and the public interest.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would be happy to yield 4 minutes to the gentleman from Indiana, the former chairman of the committee (Mr. BURTON).

Mr. BURTON of Indiana. Thank you, Mr. DAVIS, for yielding the time.

You know, I get such a kick out of my colleagues on the other side of the aisle, in particular the chairman of the committee. He was my ranking Democrat for 6 years. And during those 6 years we investigated the illegalities of the Clinton administration that took place, and he blocked and defended the administration, as I would expect him to do because he is a Democrat, every single time. But the thing that interests me is he's talking about corruption in our State Department. We sent out over 1,000 subpoenas, and he and his side tried to stop us at every turn in the road to get to the bottom of corruption during the Clinton years. We had over 100 people in the administration and associated with the administration either take the fifth amendment or flee the country. We have pictures of them up on the wall, people that would not testify, that had memory loss. We said there was an epidemic of memory loss at the White House. People were leaving the country. People were taking the fifth amendment. They wouldn't give us any information. They blocked us time after time after time for 4 years.

And so today, here they are on the floor talking about corruption and being blocked by the State Department when they are the authors of this process. They're the ones who did it for 4 straight years to protect Bill Clinton and his administration when there was no question about corruption in that administration.

We sent five criminal referrals to the Justice Department during the time I was chairman, and they and their colleagues in the Justice Department, the head of the Justice Department blocked us at every step of the way, every turn in the road. And here they are today complaining about our State Department, during a time of war, trying to deal with the problems over there, and they're alleging a cover-up, blockage and everything else. You know, there is nothing so righteous as a lady of the evening who is reformed. And so I just want to say to my colleagues tonight that this is another example of you coming to this floor complaining about the administration blocking you when you did it for 4 straight years. You did it every day, you did it every night, and now you're complaining because we're trying to do something about the war in Iraq and we're stopping you from getting some information that you think is absolutely essential. Where were you when we were investigating Clinton? Why didn't you want that stuff to come out?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to please direct their remarks through the Chair.

Mr. BURTON of Indiana. I will direct this to you, Mr. Speaker.

For 4 years, they did exactly what they're accusing this administration of doing, and they did it in spades. When people wouldn't testify, they stuck up for them. When people took the fifth amendment, they stuck up for them.

☐ 1415

When people from the administration came down here to testify and couldn't remember anything, they helped block the testimony coming before the committee. So today, they are complaining about the very things that they did for four straight years and during a time of war.

Mr. WAXMAN, I just want to say to you one more time I appreciate your reformation. I appreciate your changing. I am happy you are seeing the light. But I don't know why you didn't do it when I was chairman.

Mr. WAXMAN. Mr. Speaker, I want to point out that Mr. BURTON, who was chairman of our committee, issued thousands of subpoenas. He received millions of pages of documents. He had hundreds of hours of depositions. He conducted an investigation that has been widely regarded as irresponsible and reckless.

Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland to speak on this resolution.

Mr. CUMMINGS. Thank you very much, Chairman WAXMAN, for yielding.

Mr. Speaker, I rise in support of H. Res. 734, a resolution expressing our dismay at the withholding of information relating to Iraqi corruption, which I have cosponsored.

By all accounts, Iraq was a corrupt state at the time of the U.S. invasion. Unfortunately, it remains so today. The nonpartisan group, Transparency International, finds that the Iraqi Government is the world's third most corrupt country more than 4 years after Saddam Hussein was ousted.

In an October 4 hearing of the Oversight and Government Reform Committee, we listened to the heart-wrenching testimony of Judge al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity. During his tenure, the judge uncovered up to $18 billion in funds that were lost as a result of corruption. Rather than receive the accolades for his efforts, however, Judge Radhi faced severe retaliation instead. He told us of the horrible atrocities that he and his family and that of his staff suffered at the hands of those who aimed to stifle his investigations.

In total, 31 people from his office and 12 of their family members were killed. Many endured unspeakable torture, their bodies hung from meat hooks.

Judge Radhi's own home was struck by rockets. Harassment eventually reached the point that he was forced to flee his own country. This is not the sort of environment that leads to the free and democratic Iraqi society that President Bush is so fond of invoking.

We cannot achieve a victory in Iraq as long as we allow corruption to continue unchecked. Unfortunately, officials of the U.S. Department of State do not appear to agree. Following our hearing, the Department retroactively classified reports and portions of reports that detailed problems with Iraqi corruption. These actions represent a blatant attempt to manipulate the classification process to stave off bad publicity.

Mr. Speaker, this is a very sad reality indeed. I find it ironic that our own government is engaging in obstructive practices in an attempt to cover up the truth about corruption in Iraq. I urge all of my colleagues to join us in sending a very strong message to the administration that these practices will not be tolerated by voting in favor of H. Res. 734.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me just say that I appreciate what the chairman of the committee has done in holding the hearings and the investigations. I think this is something the American people should know. There is no question about that. But there are particular concerns that go to the particular content of the resolution. The chairman and I have discussed this.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Thank you, Mr. Ranking Member.

Mr. Speaker, the chairman of this committee cannot have it both ways. And the Speaker of the House cannot have it both ways. In their blind hatred for this administration and the President, they would have you believe on Tuesday of last week that you must believe the Ministry of Interior in Iraq and you must believe that the veterans, now serving for Blackwater, murdered in cold blood 17 Iraqis who were unarmed, defenseless, simply for the sport of it. On Tuesday, that is what Erik Prince had to deal with on the orders of Speaker PELOSI and dealt out by Chairman WAXMAN.

That was Tuesday. By Thursday, we were looking at what we see here today, that the administration was covering up so much corruption, particularly the corruption of the Ministry of Interior. Mr. Speaker, I am going to vote for this resolution not because it is flawless. It has its understandable flaws. But I am going to vote for it because in the whereases it says, whereas, the independent commission on security forces of Iraq chaired by General James L. Jones (Retired) reported on September 6, 2007 that "sectarianism and corruption are pervasive in the Ministry of Interior and cripple the ministry's ability to accomplish its mission."

It goes on and on to make the point I am making, just as the majority has already made, Mr. Speaker, and that is that in order to believe that combat veterans, special forces veterans, Green Berets and special forces SEALS now out of the military and out of harm's way in Iraq working for Blackwater, in order to believe that they murdered in cold blood defenseless civilians at an intersection just for sport just after a bomb went off, you would have had to believe the Minister of Interior. And Mr. WAXMAN would have had the committee believe that on Tuesday. But by Thursday, of course, we have the cover-up of such rampant corruption. Yet in the very, very resolution, we have an independent commission headed by a distinguished former general say, in no uncertain terms, there is rampant and widespread corruption. That has not been taken back by the administration.

Mr. Speaker, what I would say is Mr. WAXMAN and the Speaker of the House, NANCY PELOSI, cannot have it both ways. They cannot go after our troops in harm's way, our contractors serving in those capacities similar, most of them, if not all of them veterans, they cannot denounce every aspect of this war, how we got there and when we go there and then say, but this group is so corrupt we must leave.

The previous speaker, Mr. Speaker, went out of his way to say the third from the bottom in corruption is Iraq, never mentioning that Burma was below that. Burma managed to be one of the two at the very bottom. Mr. Speaker, would the majority have us pull out our representation and support in Burma and leave to those who are already the victims of corruption an even more corrupt government? Or would they, given that this administration in their view is not doing enough, say, We should do more, we should engage, we should spend the money insisting on transparency and reform?

Mr. Speaker, I am voting for this resolution because, in fact, I believe the majority and the minority should agree that there is corruption, corruption so widespread in Iraq for the Minister of Interior to frame men and women in harm's way in order to get them out of the way. I do not want this body and this Congress to be a party to framing Americans who are putting their lives on the line as patriots in Iraq.

I ask that people support it on both sides, not because Mr. WAXMAN isn't trying to have it both ways, but because, in fact, there is corruption in Iraq, and hopefully, at some point, he will begin to believe loyal Americans over those very corrupt entities that he denounces in other parts of his resolution.

Mr. WAXMAN. Mr. Speaker, I don't understand the argument the gentleman made. But I like his conclusion. So we welcome his support for our resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a very esteemed member of our committee.

Mr. KUCINICH. Mr. Speaker, I rise in support of the resolution. One must put this debate in perspective. The administration certainly helped to create the war. Iraq didn't have weapons of mass destruction, but Iraq did have one thing that is very valuable, and that is oil. The administration helped create the war. They created the Coalition Provisional Authority, and they helped to create the Maliki government. Now they are withholding information and classifying previously unclassified information. Again, no WMDs in Iraq, but oil.

I maintain that has all been about oil. The administration looks the other way on corruption, putting great pressure on the Maliki government at this very moment to privatize 20 to $30 trillion worth of Iraqi oil assets. Now, they can classify all they want over at the White House. But this is still about oil. It can't classify nearly 3,800 deaths of our soldiers. They can't classify 1 million deaths of innocent Iraqis. They can't classify that the war will cost up to $2 trillion. They can't classify that they are borrowing money from China to fight a war against Iraq. This war has been based on lies. We agree we should all abide by the rules of the House. We should also abide by the United States Constitution. That is why I support this bill. It is also why I support accountability, and I support impeachment.

Mr. TOM DAVIS of Virginia. I would like to inquire as to how much time I have.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from Virginia has 16 minutes remaining. The gentleman from California has 16½ minutes remaining.

Mr. TOM DAVIS of Virginia. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH), a member of our committee.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from California for yielding.

Mr. Speaker, I think it is important that the American people understand what exactly is going on here. This is not about the Clinton administration. It is not about Blackwater.

I just want to touch on a few facts here. Number one, $450 billion has already been committed by this President and his administration toward the war in Iraq. Recently, the President has come back to us with a request for an additional $150 billion also to be spent in Iraq on, among other things, schools, roads, bridges, power plants, water treatment facilities, not in the United States, but in Iraq.

Now, Congress, our responsibility here, we have the power of the purse. The power of the purse is not simply the power to open the purse, but it also includes the duty and the obligation to inspect appropriations and to inquire whether or not this country, this government, who has had the benefit of, if the bill goes through, it will be $600 billion, we have the duty to inquire whether that government is corrupt.

We received several reports, one from the Special Inspector General for Iraq Reconstruction, Mr. Stuart Bowen, who indicates there is widespread corruption. There is a commission headed by General James Jones, United States Marine Corps, indicating there is widespread corruption in Iraq among the government, and again by Comptroller General David Walker, who indicated, again, there is widespread corruption in Iraq.

We have requested, in response to these reports, testimony and documents from the State Department. They have said "no." They have said, no, they would not testify; they would not give us documents. Chairman WAXMAN had to join with the committee and we issued four subpoenas. They were joined in by my respected colleague from Virginia (Mr. DAVIS) who agreed that he would support the subpoenas, as well. However, they did not give us all the documents. The witnesses came forward, but refused to testify as to the level of corruption in Iraq. They have denied Congress the access to the information we need.

There's a strong irony here; it is inescapable to me. The State Department has retroactively classified two reports by its own officials regarding Iraqi corruption. Do you know, it is ironic, the name of the office inside the U.S. Embassy that wrote those reports? It is the Office of Accountability and Transparency. They have refused to give us information. They are the ones who are supposed to be teaching the Iraqi Government how to be more transparent, how to be more accountable to their own government.

What about the other report the State Department classified, basically has hidden from the American people? Who issued that one? The Government Accountability Office. The statement retroactively classified that one, too. If this were not so serious, it would be laughable. These offices were set up with the express mission of calling the government to account, not only the Government of Iraq but also the Government of the United States. This effort to classify this information has been done for the express purpose of saving the Maliki government from embarrassment because of the allegations of corruption regarding their officials.

So here we are supposed to be exporting democracy, but what we are doing here now is covering up for a corrupt government at the expense of the American people. And the irony runs deep. The Bush administration says we are in Iraq to spread democracy and the rule of law; but, instead, it appears that we are, indeed, complicit with the corruption that is going on in the Maliki government.

I question how it makes America look not only to Iraqis but to our own citizens. I believe it does render us complicit. It harms our core mission. It does not win the hearts and minds of the Iraqis. It loses them. America must lead by action and by example, not by suppressing public discussing of corruption in government.

□ 1430

Mr. TOM DAVIS of Virginia. Just to put it in perspective, the report was, I think, something like 60 pages. It was called back for five sentences.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the former chairman of the Armed Services Committee, now the ranking member.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this resolution. Let me just speak to the point that is made by the resolution that talks about the need to disclose in open session facts which would deal with corruption, and I am quoting, "including allegations that investigations were thwarted, stifled for political reasons, and that that classification should be rescinded."

I have looked at Mr. Butler's testimony to the committee. I have read it. I have got it in front of me. He talks a great deal, acknowledging that there is corruption in the Iraqi Government, as there is in practically every government in the Middle East, to some degree. He talks about that.

Mr. Speaker, he also said that he would be happy to talk about details concerning any political moves to avert investigations into corruption. He would be happy to talk about those details in a classified session. So he gave that opportunity, as I understand it, to the committee, and the committee didn't take him up on it.

I would just say, Mr. Speaker, that sources and methods are important. If there was a secret conversation that went on in the Iraqi Government and that secret conversation was listened to by somebody who then relayed that to the U.S. Government, or U.S. officials, laying that out for the public without going into classified session would not be good for American intelligence operations. This committee could have gone into classified session and had all the details that they needed.

Mr. Speaker, I rise in opposition to this particular resolution.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I can understand what the gentleman is saying about sources and methods, and we understand that under some circumstances talking about it in public session might be harmful. But we asked the representative from the State Department questions, such as whether the Government of Iraq currently has the political will or the capability to root out corruption within its government. We were told he couldn't answer that in a public session. That is the problem that we are complaining about in this resolution.

Mr. HUNTER. Mr. Speaker, what I have in front of me is the actual testimony of Mr. Butler, who says this: "The Department of State has devoted considerable effort and resources helping courageous Iraqis establish mechanisms and procedures to investigate and prosecute corruption." He says, "It's fair to say we probably do not have a program in the ministerial capacity development area that does not seek to build an environment in which corruption is less prevalent." He goes on to talk about what has been done. So he does engage you on this issue of corruption.

I think you could have gone to a classified session, as was invited by Mr. Butler, you could have gone to a classified session, he invited you to do that, and he would give you the details on that particular conversation. Incidentally, the particular conversation that you're talking about is the one that is manifested in your resolution. It's not this statement that you have just given me. It's the one that is in your resolution. You could have had him do that in private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. TOM DAVIS of Virginia. Let me say that who speaks for the State Department at certain times and how nuanced the statement is going to be is very important in diplomatic jargon in terms of what its meaning is. I think that was one of the difficulties they had at that time.

Mr. HUNTER. I thank the gentleman for his time.

Mr. WAXMAN. Mr. Speaker, I just want to point out that we asked Mr. Butler from the State Department questions such as whether the Maliki government is working hard to improve the corruption situation so that he can unite his country. We were told he could not answer that question unless we went into closed session, which would mean that if he answered it in closed session, it would be a national security violation for any of us to report his response. That was what was so offensive. They did not want to even discuss a broad kind of questions which go to the nature of our bilateral relations with Iraq how they are doing and what our efforts are doing and whether we are succeeding in stopping the corruption in Iraq, which is jeopardizing our mission and endangering our troops.

I would like to now yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, last week Lieutenant General Ricardo Sanchez, who led our forces in Iraq when the vast majority of the American public had yet to turn against the war, emphatically agreed with those of us who criticized the invasion and occupation from the start. In calling the situation a "nightmare," Lieutenant General Sanchez referred to the "unfortunate display of incompetent strategic leadership."

But from what I have seen from my seat on the Oversight and Government Reform Committee, with all due respect to the Lieutenant General, he is wrong. The administration isn't failing to implement the strategic leadership needed to bring peace to the region and protect our young men and women risking their lives in Iraq; they are refusing.

David Walker, U.S. Comptroller General, said that widespread corruption is robbing Iraq of the resources to develop the government and is funding the very insurgency we are fighting. Rather than working to end or mend this catastrophe, the State Department has instructed its officials not to cooperate. Instead of using the "Stabilizing and Rebuilding Iraq" report to rectify the problem, they classified it retroactively, giving the impression that honest information is seen by this administration as politically embarrassing rather than constructive.

Mr. Speaker, regardless of how they see it, they owe it to the American people not to ignore factors that endanger our soldiers, jeopardize Iraqi stability, and squander upwards of $18 billion due to corruption. In today's terms, that is 2½ years of health care for 4 million children through SCHIP. But this isn't merely a case of ignoring crucial information. Our government is actually covering up the rampant corruption, which Inspector General Bowen has referred to as "a second insurgency."

With article I of the Constitution, our Nation's Founders protected us against this abuse by calling for a representative government with all legislative powers vested in the hands of a Congress. By defying that mandate, the Bush administration is defying the American people. So I call on the President to return to those Constitutional principles by dropping the veil of secrecy and restoring the open, honest government envisioned by the Framers, demanded by the people, and depended upon by our soldiers.

Mr. Speaker, saying "supporting the troops" is one thing, but following through with actions is something entirely different. That means admitting our deficiencies so that we can correct them. For the 3,820 warriors we lost in Iraq, and for the more than 165,000 serving there today on the ground, I urge my colleagues to support H. Res. 734, and call on the administration to level with us and support our troops abroad.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, let me just add that official diplomatic statements, even under oath in congressional testimony, critical of foreign governments, have consequences. Criticizing foreign governments through official statements of our government, when you are trying to get them to comply with other things, have consequences. Criticizing specific ministries, which were some of the questions asked, have consequences within a fragile political framework of the Iraqi current coalitions, and, for one reason or another, the State Department felt that, at least in an open forum, they felt constrained to make appropriate statements.

However, I think it is clear from the amount of testimony and the volume of testimony and the substance of the testimony that we have heard that there has been corruption in Iraq for a long time. It continues, it will probably continue after we leave, and it is something that this Congress and the American people need to know about, and we can address it here on the House floor.

This resolution was introduced dealing with corruption in Iraq and the State Department's attempts to cover up the extent of the corruption, or, I should say, the alleged attempts. This quotes various witnesses that have appeared before our committee over the last several years to discuss the affairs of Iraq.

Along with the chairman, I participated in those hearings, too, and I listened to what the witnesses had to say, and I share his concern about the extent of corruption in Iraq, and I hope every Member does. But I am concerned about the way that the statements are being portrayed, the statements by the panels of expert witnesses who appeared before our committee, because in this resolution, it only paints half the picture.

I offered to work with the chairman to come up with a resolution that in my judgment paints a more complete picture of the extent of corruption in Iraq, but the offer wasn't accepted. I then, in good faith, filed an amendment with the Rules Committee that accepted basically the resolution that was presented by the chairman but added some additional whereas and resolved clauses that I thought provided a more accurate, bipartisan perspective on the extent of corruption in Iraq.

For example, the chairman's resolution quotes Stuart Bowen, the Special Inspector General for Iraqi Reconstruction, as stating before the committee on October 4 that the "rising tide of corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aides insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement."

I concur with the chairman's concerns about this particular statement by Mr. Bowen and included the same statement in the amendments that we proposed. But I also added an additional quote made by Mr. Bowen at the hearing that says, "Iraq has a history of corruption" and "the United States did not bring corruption to Iraq, and it will not be gone whenever we leave."

He said that, but apparently that proposed addition didn't fit the theme of what the majority is trying to do this week.

Additionally, the chairman's resolution quotes David Walker, the well-respected Comptroller General of the United States, as stating before our committee that "widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency."

I concur with the chairman's concerns about that statement made by Mr. Walker, something we want the world to know, Congress should be aware of. I included the same statement in the amendments that I proposed. But I also added an additional quote by General Walker at the hearing that says, "none of us should underestimate the challenges of establishing strong and transparent government institutions in the wake of a dictatorship where corruption was woven into the very fabric of governing. And none of us should underestimate the challenge of rooting out corruption in a combat zone, even one where violence is diminishing as we have seen over the past 6 months."

Apparently this proposed addition also failed to fit the majority's tidy little box for discussion this week.

Another example, the resolution highlights the fact that the State Department instructed officials not to answer certain questions. My amendment included the same language as the chairman's but added an additional whereas to acknowledge the fact that the State Department counsel, concerned about the specific assessments regarding the government's capacities of Iraq Ministries and Ministers made in an open setting, and that these statements could affect the United States' bilateral relationship with the Government of Iraq and could put in danger the lives of Americans, of our allies, repeatedly offered to make United States Government officials and employees available to respond to questions regarding potentially sensitive or classified information, including foreign government information, in an appropriate secure setting where we wouldn't be endangering lives.

But that truthful statement went too far as well to include in this resolution.

The resolution also states that the State Department retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq. I included the same whereas clause, but simply added an additional whereas, to explain that the original leaked report was an internal, unpublished, unedited and unapproved draft report on corruption in Iraq that, as described by one U.S. Embassy Baghdad employee has been embellished with anecdotes for flavor. The report had not been properly reviewed and vetted for classification purposes before.

The majority was not interested in including that explanation for why the State Department chose to classify the report.

Finally, my amendment would have included all but one of the chairman's resolved clauses and then added a handful of additional clauses to paint a more accurate picture of the extent and cause of corruption in Iraq.

For example, I proposed to add a resolved clause that stated it is not an abuse of the classification process to protect from unauthorized disclosure information contained in draft internal, unedited, unpublished and unapproved reports that reasonably may be expected to cause harm to the national defense or foreign relations of the United States.

Like all the previously discussed additions I proposed, apparently this assessment went too far, which leads me to the unfortunate conclusion that the resolution we are considering today is not a substantive resolution intended to achieve a bipartisan consensus on the important issue of corruption in Iraq, which we all agree on. It is intended to politicize and is a political measure, put forth by the majority, with no intention of trying to reach constructive steps to improve U.S. anticorruption efforts.

Is that enough for Members to oppose this press release masquerading as serious legislation? That is for each Member to decide. As for me, I am going to support the resolution, with those reservations.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the chairman.

Mr. Speaker, I think it is important to say it today that the conversation about corruption in Iraq, this isn't theoretical. It is not hypothetical. It is not just about numbers or statistics. Corruption in Iraq is real. It has a face. And, frankly, it is no secret to those Iraqis who are picking up their newspapers and their media outlets every day and finding out the corruption that is rampant there. So I think it is worthwhile just for a second to talk about the face of corruption in Iraq.

This is Salam al-Maliki, the former Iraqi Minister of Transportation. He is also the Prime Minister's cousin. He was accused of abusing his official position to purchase real estate at a fraction of its value. But the Prime Minister issued an order barring, barring, his case from being referred to court.

I want to now introduce you to Aiham Alsammarae. He was the Iraqi Minister of Electricity who was convicted in Iraq of the abuse of national funds; yet he escaped from the Green Zone with the help of U.S. contractors. He is now living, if you can believe it, in Chicago, running his own business and traveling around the world.

Finally, this is Hazem Shaalan. He was the Iraqi Minister of Defense, accused of embezzling almost $1 billion that should have been spent on weapons and vehicles for the Iraqi Army. Iraqi courts reportedly have audiotapes of his deputy discussing payoffs to various officials. After his conviction, he also fled the country, and he is now living in Europe or the Middle East.

Mr. Speaker, this is just the tip of the iceberg. But this administration doesn't think that the American people should be concerned or even know about this. By refusing to answer questions and retroactively classifying corruption reports, this administration has proved once again that they either don't trust the American people, or they know that their case for continuing this war is so weak that they have to obfuscate the facts on the ground.

Now government contractors are getting into the game. Two weeks ago, Erik Prince, the CEO of Blackwater Security, refused to disclose to this committee his salary or the profit margins of his company, despite the fact that Blackwater makes 90 percent of its money off of U.S. taxpayers.

This cannot stand, Mr. Speaker. I, for one, will never support another war funding authorization that doesn't provide for the redeployment of forces out of Iraq.

But for those on this floor who do support this war, I plead with you to at least demand accountability for the billions of wasted dollars that we have thrown at the Iraqis. Do not stand here on the House floor telling us that we cannot afford to heal children throughout the United States of America if we aren't even asking questions and getting the appropriate documentation that we require on the billions of wasted dollars in Iraq.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, it is my honor and privilege to yield 1 minute to the gentlewoman from California (Ms. LEE).

☐ 1445

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and also for his leadership as Chair of the committee for insisting that Congress exercise its constitutional responsibility of oversight of the executive branch.

The classification process is meant to protect State's secrets, not to cover administration's failed policies. The American people and Congress deserve honest answers about the extent of corruption in the Iraqi Government, and to what extent corruption is fueling the insurgency and endangering our troops. We deserve to know if our troops are dying to support a corrupt regime propped up with United States tax dollars.

But when the Committee on Oversight and Government Reform started to ask those questions, the State Department turned around and classified key sections of the report and testimony.

In a democracy, we do not run away from facts. We do not classify information just because it is embarrassing. Unfortunately, this administration has shown an alarming lack of interest in the facts. This incident looks more like the same kind of stuff we have seen coming from this administration that really wants to continue to keep our young men and women in harm's way knowing full well this is a civil war that cannot be won militarily. I urge my colleagues to support transparency and accountability and condemn this abuse of the classification process and to support this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve my time to close.

Mr. WAXMAN. Mr. Speaker, I yield to a very important member of our committee, the gentleman from Maryland (Mr. VAN HOLLEN), for 3 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, the chairman of the committee (Mr. WAXMAN) for his important work in this area and moving the committee to take a look at this.

Look, the question is why does the Bush administration not want us to see this information about corruption in the Iraqi Government. One thing is clear, it is not that we are hiding something from the Iraqis that they don't already know. They know about the problem. In fact, we had Judge Radhi from the Iraqi Government who had been thrown out of his job because he was uncovering corruption testify.

So if it is not the Iraqis we are trying to shield this information from, why is it? It is pretty clear that the administration doesn't want the American people to hear it. I think they are finally understanding that their position is untenable.

Just yesterday the State Department sent a letter saying: "There is no Department 'directive' prohibiting officials from providing Congress any information relating to corruption in Iraq." That is just flatly false. In fact, we have a copy of the directive right here.

Before the committee began its hearings, we asked for some State Department officials to come before the committee and talk about corruption issues. Well, the night before they came before the Oversight Committee, they were given this directive. Here is what it says. These are the areas which are red lined. That means these are the topics that they are not allowed to talk about in public: "Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted/stifled for political purposes," and it goes on.

It is very clear that the State Department did not want their representatives coming before the committee to tell the truth about Iraqi corruption. And since then, when their officials actually came before the committee during the hearings, they refused to answer questions, the broadest kind of questions.

Let me give you an example of questions that Ambassador Lawrence Butler, the Deputy Assistant Secretary of State for Near Eastern Affairs, said he couldn't answer: whether "the Government of Iraq currently has the political will or capability to root out corruption within its government."

That's an important question for the American people.

Also: "Whether the Maliki government is working hard to improve the corruption situation so that he can unite his country."

Another question that was put to the State Department representative by the committee: Whether Prime Minister Maliki "obstructed any anticorruption investigations in Iraq to protect his political allies." These are important questions to answer for the American people. These are questions that go to the heart of whether or not the policy in Iraq is succeeding or failing. They go to the heart of the question about whether the billions of dollars that taxpayers in this country have put into Iraq are being put to good use or whether they are squandered through waste, abuse, and corruption.

This resolution simply says let's not play games here. Let's not play games with the truth. Let's not try to hide the facts from the American people. The people of Iraq know well the problems they have with respect to corruption. In fact, some of their leaders have put their lives on the line and have had to flee Iraq when the government said they were getting too close to the truth.

But the people here need to know the truth, and the State Department and the Bush administration should not be using games to try and hide the facts and hide the truth from the American people on a very important issue.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me start by saying, Look, I think the State Department when this draft was leaked made a mistake in trying to reclassify this and put the genie back in the bottle. They should have just said this is unofficial, this has some problems, and gone ahead. I think that would have made it a lot easier for everybody.

Secondly, let's get real. For the State Department to make official pronunciations about another government and particular ministries can have its diplomatic challenges, and I respect the right of the administration in some of these instances to refrain from saying what the majority would like them to say.

Having said that, I think the State Department, when they go tell The Washington Post things that they wouldn't tell this committee, gives me some problems and puts me on the side of voting for this resolution rather than defending the State Department.

I want to thank the chairman for his oversight hearings on corruption in Iraq. I think it is entirely appropriate. I think he is certainly within his bounds in the right to get the information from the Department of State, and I hope in the future they will be more cooperative in terms of turning over information to the committee instead of just turning it over to the newspapers with their own slant. That is not the way this works. We have a separation of powers. We are a separate branch of government, the legislative branch, and we want to be part of these discussions.

Now, this resolution could have been about a strong bipartisan consensus calling attention to the corruption in Iraq and urging the State Department to step up its efforts to ferret out official corruption, but it is not.

The resolution is just the latest, as I said before, it is the latest find in a search for proxy anti-war votes that the leadership on the other side has staged to feed an increasingly restive left wing of their party.

Unable to prevail directly, they ignore regular order; they nibble around the edges with symbolic surrogates and sense of Congress resolutions.

Having said that, I am going to vote for this resolution. It is not the resolution I would have put forward. We would like to have had more input. I hope as we move down the road on a number of war issues, we can work across the aisle to try to bring some consensus and real change regarding what is going on in Iraq, instead of putting up a document such as this, drafted by one party. But I urge support for the resolution. I thank the chairman for his oversight hearings.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I wish we had everyone sign off on every word in this resolution, but I think the Members ought to understand what this resolution does. It says to the State Department: Don't go with a double standard. You can say publicly positive things about the Iraqi Government, but you can't say things that are honest that may be negative about them, and we are not talking about specific statements, but general statements as well.

Mr. Speaker, we are in a war in Iraq. Not everybody in this country is making a sacrifice for that war. But those who are being called to make a sacrifice are called to make the maximum sacrifice. They are giving up their lives potentially. The rest of us are paying through deficit spending billions and hundreds of billions of dollars.

But if we are going to ask people to give up their lives in this war, what we owe them is to know the truth, not propaganda, but the truth about what this Iraqi Government is doing that may enable them to accomplish the goal that we have said we wanted to accomplish in Iraq, and that is to reach out, to bring about reconciliation in Iraq and a government that has credibility for its own people.

If this Government in Iraq is so corrupt that our State Department won't even tell us about it, I have to wonder whether we can ask our brave men and women to risk and to give their lives to support that Iraqi Government.

I urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 734, expressing the sense of House of Representatives regarding the withholding of information relating to corruption in Iraq, introduced by my distinguished colleague from California, Representative HENRY WAXMAN. This important legislation recognizes the incongruities amongst reporting on the situation in Iraq and seeks to hold the Government accountable for the provision of and access to accurate and consistent information.

This resolution expresses the sense of the House that the State Department is misusing the national security classification process to withhold from the American people information about widespread and increasing corruption within the Government of Iraq. This misuse includes the retroactive classification of documents and directions to employees not to answer questions in an open forum that calls for "broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons."

Mr. Speaker, the American people have poured vast amounts of resources and treasure into the misguided war in Iraq. According to the nonpartisan Congressional Budget Office, CBO, the U.S. is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second. For this huge sum of money, we could have repaired the more than 70,000 bridges across America rated structurally deficient ($188 billion), potentially averting the tragedy that occurred August 1st in Minneapolis, MN. We could have rebuilt the levees in New Orleans ($50 billion), protecting that City from future hurricanes that could bring Katrina-like destruction upon the City. We could have provided all U.S. public safety officials with interoperable communication equipment ($10 billion), allowing them to effectively communicate in the event of an emergency, and we could have paid for screening all air cargo on passenger planes for the next 10 years ($3.6 billion). And, we could have enrolled 1.4 million additional children in Head Start programs ($10 billion). Instead of funding increased death and destruction in Iraq, we could have spent hard-earned taxpayer dollars on important progress here at home.

Given the enormous amount of resources involved, coupled with the catastrophic costs in human lives, we would certainly expect adequate oversight and management of U.S. funds and military supplies. We would expect clear records of exactly where those $10 billion a month is going, and to whom it is being given. And yet, the GAO reports that the Pentagon has lost track of over 190,000 weapons, given to Iraqis, particularly in 2004 and 2005. The report's author stated that the U.S. military does not know what happened to 30 percent of the weapons the United States distributed to Iraqi forces from 2004 through early this year as part of an effort to train and equip the troops. These weapons could be used to kill our American troops.

Americans who are footing this enormous bill deserve real answers about where their money is going. Recent indications have suggested that it is not being well spent. The recently released Government Accountability Office report on Iraqi progress toward the 18 legislative, economic, and security benchmarks indicated that only three of these benchmarks have been met by the Maliki government. Despite the surge, despite increasing U.S. military involvement, the Iraqi Government has not made substantial progress toward stabilizing their country. The over 3,750 U.S. casualties and the $3,816 per second we are spending in Iraq have not bought peace or security. Mr. Speaker, the time has long passed for the Iraqi Government to step up to take control of their own nation.

However, as long as corruption remains endemic in Iraq, the government will find it difficult, if not impossible, to address the ongoing insurgency and to successfully achieve stability in Iraq. Mr. Speaker, leading experts have testified to the widespread corruption of the Iraqi Government, and that this problem continues to threaten our mission in Iraq as long as it's not effectively addressed. According to Stuart Bowen, the Special Inspector General for Iraq Reconstruction, corruption in Iraq is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement." The Comptroller General of the United States, David Walker, agreed, testifying that "widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency."

The State Department must answer questions about the extent of corruption in the government of Iraq, and how this corruption is undermining both our governments' abilities to successfully end the insurgency. Instead, however, on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that asks for "broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons." On top of this, the State Department retroactively classified portions of a report on Iraqi corruption previously released by Comptroller General Walker.

In order to emerge successfully from our war in Iraq, we must be able to understand the situation on the ground and have access to documents and information that will allow our troops and fund to go where they are most needed. While the administration has put forward in a myriad of reports a sunny picture of the situation in Iraq emphasizing the progress of a few over the majority.

This legislation is so significant because it addresses the corruption, within both the Iraqi and the United States Government, which have allowed for such a skewed perception of the reality in Iraq. This legislation illuminates the active work of the State Department in masking information on Iraq from public view. In order for this Congress to do its duty and protect its citizens, both at home and serving in our military overseas, it must be able to see what it is that its funds and soldiers are supporting overseas. Voices of dissent and honesty must be heard. We cannot continue to provide open-ended funding and protection for a government which has failed in its mission to be transparent and based in integrity.

Mr. Speaker, the American people deserve more. The men and women who have fallen in this war due to this endemic lack of information deserve more. I strongly urge my colleagues to join me in supporting this legislation.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 734, a resolution that discloses the corruptive withholding of information in Iraq. The Administration cannot continue to hide corruption in the Iraqi Government. We cannot allow this abuse of the classification process. Americans have the right to know the truth about the situation in Iraq. The fact of the matter is, our military presence in Iraq is not making our country any safer. Instead, in my district alone, we have lost 13 brave young men to this war.

The Iraq War is costing the American taxpayers ten billion dollars a month. With the money we have spent in Iraq, we could have hired an additional 7.8 million teachers. Americans should be outraged by this abuse of the system. Americans are paying for the war with their money and more importantly, the lives of their loved ones. I urge my colleagues to cast a vote for honesty and accountability by supporting this resolution.

Mr. CUMMINGS. Mr. Speaker, five years ago today, President George W. Bush signed into law the "Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq," H.J. Res. 114.

In the House, the bill passed on October 10, 2002, by a vote of 296–133. I was one of 126 Democrats who voted against this grossly misguided bill, concluding that further diplomacy was needed over a U.S. military strike.

And today—I remain unyielding in my stance that diplomacy, rather than military action is the answer to creating political reconciliation in Iraq.

We must implement a diplomatic strategy that is framed upon the doorway of the U.N. and hinges on the Arab League, the Organization of the Islamic Conference, U.S. allies and the will of the Iraqi people.

Mr. Speaker, as the Iraq Study Group concluded, a diplomatic strategy of gaining multilateral and bilateral support throughout the international community, especially with Iraq's neighboring states will help marginalize extremists and terrorists, promote U.S. values and interests, and improve America's global image.

Unfortunately, to date, the President's new strategy is not a new strategy at all and continues the same failed plan that was utilized prior to the surge. His failed plan has resulted in over 3,800 U.S. soldiers being killed and over 27,000 American soldiers being wounded.

Additionally, at least 150,000 of our service members have been victims of concussions, many of whom will suffer from life long injuries that have no medical or technological resolutions—including blindness, deafness, Post-Traumatic Stress Disorder and Traumatic Brain Injury. In the great State of Maryland alone, we continue to mourn the deaths of 70 service members and our prayers go out to over 392 brave men and women in uniform who suffer from wounds gained on the battlefield of Iraq.

Mr. Speaker, as we look back over the last five years we can only point to meager accomplishments while the overwhelming factor that shatters the forefront of our memory is the onslaught of bloodshed, further internal and external displacement of the Iraqi people, further corruption of the Iraqi government and further strained relations in the Middle East due in large part to the President's stubborn course of military operations in Iraq.

In fact, corruption within the Iraqi government is as bad as ever and has become what has been described by Stuart Bowen, the U.S. State Department's Special Inspector for Reconstruction in Iraq as a 'second insurgency' threatening to undermine U.S. and Iraqi efforts to build a stable democracy. As concluded by the Iraqi Commission for Public Integrity, corruption cases have increased by a staggering 70 percent in the last year, despite the Administration's efforts to quell these concerns by layering them in bureaucratic red tape and retroactively labeling unwarranted information as being classified.

As such, I congratulate my colleagues on passing H. Res. 734, which is a step in the right direction. Specifically, this legislation sends a strong message to the Administration that anti-democratic practices will not be tolerated. It also sends a message to the Iraqi Government that the U.S. Government will not sit idly by as Americans continue to sacrifice their lives at the expense of sustaining a mismanaged Iraqi Government.

Considering the ongoing corruption in Iraq, it is clear that our military can not do what should be the job of ambassadors, foreign dignitaries and heads of state.

As we look to the future, I hope that the Administration will shift from these failed policies in Iraq to a new policy that is fundamentally diplomatic and weighs heavily on the assistance of the international community.

We owe this to our brave soldiers, their families and friends, the American people, and to the people of Iraq.

Mr. DINGELL. Mr. Speaker, I voted against the war in Iraq in part because I feared the challenges that the United States would face installing a government that was both democratic and responsible. I am increasingly concerned about the recent reports concerning the corruption of the Maliki government in Iraq. The Bush Administration has told us that the controversial troop surge has led to political progress in Iraq. The unfortunate reality is that corruption has been prevalent throughout the Iraqi government, hindering political progress in the nation. Even worse, our own government has attempted to shield the American people from the disturbing reality of what is really going on in the Iraqi government. I am pleased that the House of Representatives is considering this resolution, which condemns the deceptive actions of the State Department.

With over 450 billion dollars already appropriated to the Iraq War, as well as the painful death of over 3,800 of America's finest men and women and wounding of more than 28,000 more, this resolution is necessary to ensure that Congress and the American people understand what our sacrifices have accomplished in this war. By retroactively classifying documents that ridicule the Iraqi government, as well as refusing to answer questions before this body regarding the extent of corruption in Iraq, the State Department has set out to deceive not only the United States Congress, but also the American people who are fighting and funding this war. This resolution will ensure that the State Department understands that the truth, regardless of how dismal it may be, is more important than mere politics. I strongly urge my colleagues to join me in support of this resolution.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 741, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of House Resolution 734 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 2295, as amended, and the motion to suspend the rules and agree to H. Con. Res. 182.

The vote was taken by electronic device, and there were—yeas 395, nays 21, not voting 15, as follows:

[Roll No. 969]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Broun (GA)
Cannon
Cantor
Carter
Conaway
Doolittle
Dreier
Gingrey
Hall (TX)
Hunter
Jordan
King (IA)
Lewis (CA)
Linder
Miller, Gary
Neugebauer
Pence
Rogers (AL)
Rogers (MI)
Sali
Thornberry

NOT VOTING—15

Blunt
Boehner
Carson
Clyburn
Costa
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1520

Mr. GARY G. MILLER of California and Mr. HALL of Texas changed their vote from "yea" to "nay."

Messrs. FRANKS of Arizona, KLINE of Minnesota, BARRETT of South Carolina, SULLIVAN, BILBRAY, HASTERT, SHADEGG, and Mrs. BLACKBURN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 969, had I been present, I would have voted "yea."

ALS REGISTRY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2295, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2295, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 17, as follows:

[Roll No. 970]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—17

Blunt
Boehner
Burton (IN)
Carson
Clyburn
Cubin
Green, Gene
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weldon (FL)
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1529

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 182, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 182.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 971]

YEAS—414

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake

Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Akin
Blunt
Boehner
Carson
Clyburn
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Waters
Weller
Whitfield
Wilson (OH)
Woolsey

☐ 1537

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on H. Res. 734, H.R. 2295, and H. Con. Res. 182 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 969 on passing H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have "aye."

Had I been present for rollcall No. 970 on suspending the rules and passing H.R. 2295, the ALS Registry Act, I would have voted "aye."

Had I been present for rollcall No. 971 on suspending the rules and passing H. Con. Res. 182, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, I would have voted "aye."

FREE FLOW OF INFORMATION ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Flow of Information Act of 2007".

SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any proceeding or in connection with any issue arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information possessed by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than a covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is essential to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is essential to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent imminent and actual harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively; or

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret of significant value in violation of a State or Federal law;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), in violation of Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)), of any consumer in violation of Federal law; and

(4) that nondisclosure of the information would be contrary to the public interest, taking into account both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.

(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall, to the extent possible—

(1) be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and

(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term "communications service provider"—

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term "covered person" means a person engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person.

(3) DOCUMENT.—The term "document" means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term "Federal entity" means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term "journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to House Resolution 742, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Flow of Information Act of 2007".

SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any matter arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information obtained or created by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than the covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is critical to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is critical to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively; or

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret, actionable under section 1831 or 1832 of title 18, United States Code;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), actionable under Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Biley Act (15 U.S.C. 6809(4)), of any consumer actionable under Federal law; and

(4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.

(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall—

(1) not be overbroad, unreasonable, or oppressive and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as applying to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court.

SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and

(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term "communications service provider"—

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term "covered person" means a person who, for financial gain or livelihood, is engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

(A) any person who is a foreign power or an agent of a foreign power, as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); or

(B) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(3) DOCUMENT.—The term "document" means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term "Federal entity" means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term "journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–383 if offered by the gentleman from Virginia (Mr. BOUCHER) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen of the House, in recent years, the press has been under assault as reporters are increasingly being imprisoned, imprisoned for obstruction of justice and other charges. There are many causes of these attacks, including an increasingly consolidated media, abuse of position of power to intimidate members of the press, and a co-opting of the media as an investigative arm of the government.

Today, we are here in an attempt to reclaim one of the most fundamental principles enshrined by the Founding Fathers in the first amendment to the Constitution. Freedom of the press is the cornerstone of our democracy. Without it, we cannot have a well-informed electorate and a government that truly represents the will of the people.

This measure before us, H.R. 2102, the Free Flow of Information Act, helps restore the independence of the press so that it can perform its essential duty of getting information to the public. The bill will ensure that members of the press are free to utilize confidential sources without causing harm to themselves or their sources by providing a qualified privilege that prevents a reporter's source material from being revealed except under certain narrow circumstances. This measure balances the public's right to know against the legitimate and important interests that society has in maintaining public safety.

After the hearing and markup of this legislation, the sponsors of the bill worked hard to accommodate the concerns of all that were raised. While several good changes were made, I want to focus my comments today on the issue of national security and why I believe concerns about national security have been very effectively addressed in the bill and in the proposed manager's amendment.

The bill provides that disclosure of a source can be compelled where necessary to prevent an act of terrorism or significant specified harm to national security. The manager's amendment that will be offered by our colleagues, Mr. BOUCHER and Mr. PENCE, specifically addresses the Department of Justice and DNI's primary concern, which is that the bill's exception for national security concerns would hinder efforts to investigate and prosecute leakers of classified information.

In response to this concern, the manager's amendment provides that disclosure of a source can be compelled in a criminal investigation or prosecution of an unauthorized disclosure of properly classified information when such disclosure will cause significant harm to national security.

The bill defines a covered person to exclude foreign powers or agents of foreign powers, so that, for example, a government-controlled newspaper of a foreign nation does not receive the protections of the act. This provision insures that our national security and law enforcement efforts will not be flouted by foreign governments that try to hold themselves out as covered journalists and claim entitlement to the act's protections.

The bill makes it clear that any foreign terrorist organization designated by the Secretary of State is excluded from the protections of the act.

In addition, the manager's amendment adds three more exceptions to the definition of "covered person," so the privilege does not apply to any person designated as a specially designated global terrorist by the Treasury Department, any person who is specially designated a terrorist under FISA, and any terrorist organization as defined in the Immigration and Nationality Act.

Each of these exceptions were proposed by the Department of Justice and accepted by us. So, as you can see, the bill provides broad protection for national security.

□ 1545

If the exceptions were any broader, it would swallow up the rule itself. And for those who claim that the national security exception should not also be subject to the balancing test, I have no doubt that if a court finds that the disclosure of the source is necessary to prevent an act of terrorism or other harm to national security, it will also find that disclosure outweighs the public interest in gathering and disseminating the information.

So it is our responsibility, Congress's responsibility, to ensure the press is able to perform its job adequately. The Free Flow of Information Act is an important part of fostering the continued growth of a free and independent press in the United States. It will encourage increased dialogue on the issues that face this country; and, in doing so, it will strengthen the foundation of our democracy.

This legislation receives wide support. Over 100 editorial boards, a diverse group of over 50 media companies and organizations, including the Newspaper Association of America, the National Association of Broadcasters, the Associated Press, News Corp, the Newspaper Guild, ABC, NBC, and journalist organizations like the Reporters Committee for Freedom of the Press and the American Society of Newspaper Editors.

Please join with us on both sides of the aisle so that we can support and pass this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to say to my colleagues that beginning last night in the early evening and continuing and extending to this morning, a number of us have been in touch with each other about the provisions of this bill with the hope and expectation that we might be able to resolve our differences. I have been in touch with the White House. I have been in touch with the principal sponsors of the legislation; and I think we had engaged in some good-faith efforts to try to, as I say, resolve our differences.

Specifically, I had been hopeful that the other side would accept some of the provisions that had been in an amendment that I had hoped to offer today. Unfortunately, that amendment was not allowed by the Rules Committee. So Members of the House are not going to be able to vote on that amendment, which, in my judgment, would have improved the bill. There were a couple of provisions in that amendment, though, that I thought would be of interest to the sponsors of the bill and to the other side, and I regret that we were not able to come to a meeting of the minds, because I think that would have improved the bill and also yielded a better result when the bill perhaps becomes law.

Mr. Speaker, I also want to say to my colleagues that, if anything, I have a sympathy for the media, for the press. Long ago and far away, I was a newspaper reporter and spent 2 years writing articles, and so I have stood in the shoes of those who are reporters today. After being a reporter for a couple of years, I went to law school; and while in law school I actually wrote an article for the Texas Bar Journal called "Politicians Versus the Press: Libel in Texas," and I actually came down on the side of the press. So that is where my sympathies lie.

However, in the case of this bill, I am afraid I cannot support it. And because we were not able to reach a compromise on the bill, I remain opposed to the bill, the White House remains opposed to the bill, the Director of National Intelligence remains opposed to the bill, and the Department of Justice remains opposed to the bill. Unfortunately, it is still so flawed that we cannot support it.

Mr. Speaker, a free press strengthens democracy. In our Nation the first amendment of the Constitution guarantees the press their freedom to report. And for 200 years in this Nation, the press, in fact, has flourished. Information has flowed freely. And that is why I believe this bill is simply a solution in search of a real problem.

Members of the private sector and law enforcement officials believe H.R. 2102 diminishes legal rights, public safety, and our national security. We must ensure that whistleblowers can expose crimes, waste, and wrongdoing. But we should not create a protection so broad that those who would destroy people's reputations, businesses, and privacy can hide behind it.

The Federal Government defends our national security; so we must weigh the benefits of a reporter's privilege with the problems it may cause for those who protect our country.

I thank the primary authors of H.R. 2102, Mr. BOUCHER and Mr. PENCE, for working with the Department of Justice, interested groups, and Members to develop alternative language to address legitimate concerns of industry and law enforcement authorities. Despite efforts to accommodate their concerns, the Justice Department and the acting Director of National Intelligence, as I mentioned a while ago, still oppose this bill for very good reasons. The White House also opposes the bill and a veto is likely. The President's senior advisers, in fact, have recommended a veto of this bill. They believe the stakes are too high in a post-9/11 world to support the Free Flow of Information Act.

For example, they have pointed out that the exceptions language fails to address misconduct that the Justice Department confronts on a daily basis. To illustrate, neither the bill nor the manager's amendment that will be offered contains exceptions language allowing DOJ to obtain the identity of a new source with the knowledge of a child prostitution ring, an online purveyor of pornography, gang violence, or alien smuggling, all examples.

And the text governing source disclosure exceptions only addresses prospective events, not past events. For example, the Department may be able to acquire information about a source's identity to prevent a terrorist attack like September 11; but if al Qaeda decides to tell a media outlet on September 12 how it planned and carried out the attack, DOJ could not compel that media outlet to reveal its terrorist sources while conducting an investigation.

If a child molester spoke to a journalist and revealed that he molested a child yesterday, under this bill Justice officials could not compel that journalist to reveal his sources and cooperate in the investigation. The Department of Justice will be hamstrung as it goes about the business of conducting investigations and prosecuting criminals.

Yes, numerous States have shield laws, but they run the gamut; and many are not near as broad as the Federal shield law proposed today. But the key difference is that the States are not entrusted with the responsibility of defending our country; the Federal Government is. Under the bill, DOJ carries the burden of trying to establish a national security imperative which can still be negated by a judge's subjective notion of what constitutes the public interest in news gathering. The bill's terms will be subject to the different opinions of hundreds of Federal judges across the country.

The bill is simply a solution in search of a problem. It has been 35 years since the Supreme Court ruled that the first amendment does not shield journalists in grand jury proceedings. The Justice Department has issued only 19 subpoenas to reporters seeking confidential source information since 1991. Only 19 subpoenas since 1991. The system is not broken. So why are we trying to fix it?

I simply believe we must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or to deter their activities.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute before turning to the gentleman from Virginia (Mr. BOUCHER).

I want to just take this time to say to the distinguished ranking member of Judiciary, LAMAR SMITH, how much we appreciate his constructive work with the working group that has been trying to come together to reach an agreement on this bill. At all times he has been straightforward, candid; and we think that the work that we are doing should go on, even though we are bringing the bill up today and it is moving forward. And I invite his continued working with us so that we can reach as much conclusion as we can on the several points that are outstanding.

Mr. Speaker, I now yield 4 minutes to the gentleman who has put so much work into this matter, the distinguished gentleman from Virginia, RICK BOUCHER, the author of this bill.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan, the distinguished chairman of the House Judiciary Committee, for yielding this time to me. I want to thank Chairman CONYERS also for his strong leadership and his persistent effort that has resulted in this bipartisan measure's coming to the floor of the House this afternoon. His leadership has been invaluable to the success that we will experience when this measure is approved by the House later today.

I also want to commend the outstanding work of the gentleman from Indiana (Mr. PENCE), who has devoted his personal time and his commitment to this bipartisan undertaking. He is the lead Republican sponsor of this bill, and I want to say to him how much I appreciate the productive partnership that he and I have formed and the tremendous work that he has done in moving this measure forward. We truly would not be where we are today without the constructive work of Mr. PENCE.

He and I are joined by a total of 71 House cosponsors, who, on a bipartisan basis, believe that the time has arrived for the Congress to extend to journalists a privilege to refrain from revealing their confidential sources of information in Federal court proceedings.

The privilege our bill provides is similar to those currently extended by statutes in 34 States and in the District of Columbia. The ability to assure confidentiality to people who provide information is essential to effective news gathering and reporting. Typically, the best information that can be received about events like corruption in government or misdeeds in a large private organization, such as a corporation or a large public charity, will come from someone on the inside who feels a responsibility to contact a reporter and bring that sensitive information to public scrutiny.

But that person has a lot to lose if his or her identity becomes known. In many cases the person responsible for the corruption or the misdeeds can punish that individual through dismissal from employment or through more subtle means if the identity of that confidential source is disclosed. In most sensitive cases it is only by assuring anonymity to the source that a reporter can gain access to the information and bring that information to public light.

By granting to reporters a qualified privilege to refrain from revealing their confidential news sources, we are clearly protecting the public's right to know. And public knowledge of misdeeds can lead to the corrective action of criminal charges or of the passage, perhaps, of legislation.

While extending a broad privilege, we have included some exceptions for instances in which source information can and should be disclosed where a strong public interest compels that disclosure. The exceptions include disclosures to prevent an act of terrorism or to prevent an imminent and actual harm to national security, to prevent imminent death or significant bodily harm, or to determine who has disclosed trade secrets or personal health or personal financial information in violation of law.

□ 1600

An amendment that I will be offering shortly, along with Mr. PENCE, will permit disclosure in a number of other instances, including the instance of the leak of certain kinds of classified information.

In every instance, an exception to the privilege will only apply if the court determines that the public interest and disclosure outweighs the public interest in protecting news gathering and news dissemination. Our measure extends a needed privilege; it will protect the public's right to know.

I again want to thank Chairman CONYERS and his outstanding staff for the work that they have done which leads to this measure arriving on the floor today. And I thank my partner, Mr. PENCE, for his outstanding efforts.

Mr. SMITH of Texas. Mr. Speaker, before I yield to a colleague, I want to yield myself 1 minute.

Mr. Speaker, what I want to do is read an excerpt from the Statement of Administration Policy that might respond to some of the points that have been made.

The administration said that if H.R. 2102 were presented to the President in its current form, his senior advisers would recommend that he veto the bill, and here's one of the reasons why:

"The bill would impose an unreasonable and unjustified evidentiary burden on prosecutors seeking to issue a subpoena to a member of the news media, placing authorities in an untenable position.

"In order to satisfy the bill's requirements, prosecutors essentially must prove the existence of specific criminal activity in a hearing before a judge, with notice to the subjects of the investigation, before they will be able to undertake the necessary investigative steps to determine whether a crime has occurred. Thus, in many cases, prosecutors will have to conduct a minitrial before their investigation has concluded, and in some cases, even before their investigation has gotten off the ground."

Mr. Speaker, I am now happy to yield to the gentleman from Missouri, the minority whip (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I want to also thank my good friends, Mr. PENCE and Mr. BOUCHER, for working so hard on this legislation. I think it was first introduced 3 years ago. I was a cosponsor of it at the time and I am a cosponsor today. And I want to mention the hard work that Mr. CONYERS has done to get this legislation to this point today after a long effort, and also to suggest that the hard work of my good friend, Mr. SMITH, is deeply appreciated.

I'm always hesitant when I rise on the House floor with any position that's different than his, but this is a place where I really do think that it's important to draw a line, and important, a bright line, between the information that people have access to and how they get it. I certainly can't say that I agree with everything I read in a newspaper article or that I see on the evening news or that I hear on a local radio program, but I can say that the public is best served by maintaining the free flow of information on matters of public interest.

As James Madison said in the report of 1800, arguing against the Sedition Act, "To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression." Madison, Jefferson and our history lead to the conclusion that a free press is essential for a free people.

In the past few years, there have been too many instances where the pendulum has swung against the free flow of information and in favor of the government. I was troubled by the instances I've seen where reporters have been jailed or threatened with jail for simply protecting their sources. Journalists should be the last resort, not the first stop, for civil litigants and for prosecutors attempting to obtain the identity of confidential sources.

In my view, continuing to compel reporters to reveal the identity of their confidential sources will result in a chilling effect on the free flow of information and be detrimental to the public interest. Nevertheless, the privileges that reporters have should not be unlimited, they should not be absolute, and this bill defines those exceptions in an important way. This bill says that in cases where it's necessary to reveal a source to prevent an act of terrorism, to prevent other significant harm to national security, to prevent imminent death or significant bodily harm, the reporter can be compelled. It also includes an exception in cases where a properly classified national security secret along with financial information, a trade secret or personal medical information has been improperly leaked, where that reporter can face a penalty.

Finally, it excludes from protection terrorists and their media arms. Yes, there are times when confidentiality must be breached, and I believe this bill strikes that balance. Forty-nine States and the District of Columbia have legislation similar to this, but this establishes a national standard.

Again, I thank my colleagues for the hard work to bring this to the floor. I look forward to the vote today, and I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to Ms. SHELLEY BERKLEY of Nevada.

Ms. BERKLEY. I thank the gentleman from Michigan for being in the forefront of this issue as well as all other issues regarding the civil liberties of our fellow Americans, and a special thank you to Mr. BOUCHER and Mr. PENCE for their outstanding work on this particular piece of legislation.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This legislation strikes a careful balance by protecting journalists from being forced to reveal confidential sources unless there is an imminent threat to our national security.

I've heard from journalists and broadcasters in my district about the importance of being able to protect their sources without risking prosecution. Without this protection, stories involving conditions at the Walter Reed Army Medical Center, prisoner abuse at Abu Ghraib, and the unmasking of the culprits behind the Enron scandal might never have been written.

I wholeheartedly support this legislation, and I urge my colleagues to do the same.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana, a distinguished member of the Judiciary Committee and one of the original sponsors of the legislation we are debating today.

Mr. PENCE. I thank the gentleman for yielding.

I want to thank Ranking Member SMITH for his spirit of cooperation on this legislation. While we may differ ultimately on the vote today, he is a public-minded man deeply committed to the free press, and I appreciate his engagement.

My heartfelt thanks to Chairman CONYERS for his yeoman's work in moving this legislation forward. And I also want to express my profound gratitude to the gentleman from Virginia, Congressman RICK BOUCHER, who is the lead sponsor of this legislation today and has been my partner these last 3 years as we've moved the Free Flow of Information Act to this moment on the House floor.

This legislation today is a direct result of his bold and thoughtful leadership, and it is a result of a bipartisan partnership that has been a singular, personal and professional pleasure for me.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. The Free Flow of Information Act is not about protecting reporters; it's about protecting the public's right to know.

Not long ago, reporters' assurance of confidentiality was unquestionable, but today the press cannot currently make the same assurances, and we face a time when there may never be another Deep Throat. Compelling reporters to testify, in particular, compelling them to reveal the identity of confidential sources is a detriment to the public interest.

The Free Flow of Information Act has been carefully crafted after reviewing internal Department of Justice guidelines, State shield laws, and other gathering input from interested parties. In most instances, under our bill, a reporter will be able to use the shield provided to refrain from testifying or providing documents or revealing a source, but the privilege is not absolute or unlimited. Testimony or documents can be forced if all other reasonable alternative sources have been exhausted, it's critical to a criminal prosecution, and a judge determines, through a balancing act, that its disclosure is in the public interest.

In a situation where a reporter is being asked to reveal the identity of a source, the bill provides several exceptions where a reporter can be compelled to reveal a source, and in the Boucher-Pence manager's amendment we will add additional exceptions to this bill under which compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets.

It is important to know what the bill does not do. It does not give reporters a license to break the law, the right to interfere with police or prosecutors; it simply gives journalists certain rights and abilities to seek sources and report information without intimidation.

Lastly, let me say how humbling it is for me to have played a small role in moving this legislation forward. From my youth, I have enjoyed a fascination with freedom and the Constitution. I learned early on that freedom's work is never finished, that it falls on each generation to preserve the freedoms we inherit. The banner of the Indianapolis Star in my home State reads below the name, "Where the spirit of the Lord is, there is freedom." I opened my Bible this morning for my devotions, and it was that verse that happened to be in my daily readings; just happened to be. It reminded me of when we do freedom's work by putting a stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I urge my colleagues and both parties to join us in freedom's unfinished work. Say "yes" to the Free Flow of Information Act.

Mr. CONYERS. Mr. Speaker, I am pleased to have the gentleman from Kentucky working with us (Mr. YARMUTH) and I yield to him 2 minutes in support of this measure.

Mr. YARMUTH. I thank the chairman. And I also want to thank Mr. BOUCHER and Mr. PENCE for inviting me to become an original cosponsor of this important piece of legislation.

As the only member of the Society of Professional Journalists in Congress and as a former journalist, I fully understand how assurances of anonymity put a frightened insider at ease and turn a reluctant source into an eye-opening wealth of information.

At my newspaper in Louisville, we were able to open doors for the community on several occasions due to confidential accounts of protected sources which would have otherwise remained closed to us forever. Also, at Louisville, we saw what happens when we fail to protect a source's identity. There, Jeffrey Wigand, the famous tobacco whistle-blower, was victimized by threats and intimidation, ultimately losing his job, his family and his home. He is considered a hero today, but for many the lesson from that episode was, if you have incriminating information that will benefit the American public, just keep it to yourself.

The first amendment to the Constitution demands the right to free press. Now it falls on Congress to help facilitate that freedom pursuant to our authority vested in us by the first article of the Constitution. And speaking of article I of the Constitution, the article vests all legislative power in the Congress of the United States. It doesn't ask us to ask the White House first whether it approves of what we do. It actually imposes on us, not just the right, but the responsibility to legislate in the best interests of the country. And that's what we are doing with this legislation.

Without the Free Flow of Information Act, we, as a country, will be in the dark on certain issues, conscientious journalists will be imprisoned, and potential sources will remain tight lipped.

I urge my colleagues to join me in supporting this crucial measure.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend from North Carolina (Mr. COBLE), a distinguished member of the Judiciary Committee and the ranking member of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman.

H.R. 2102 was approved by the House Committee on the Judiciary by voice vote.

I feel strongly, Mr. Speaker, that the administration's opposition to this legislation is misguided.

Former Solicitor General of the United States, Theodore Olson, wrote that "the legislation is well balanced and long overdue, and it should be enacted."

The bill is good policy, and I urge all Members to vote in support of final passage and in support of the manager's amendment.

In closing, I want to thank the sponsors of the legislation, the distinguished gentleman from Virginia, the distinguished gentleman from Indiana, Representatives BOUCHER and PENCE, respectively. Both have been champions for H.R. 2102 and have diligently worked to address all concerns throughout the legislative process, as have Chairman CONYERS and Ranking Member SMITH.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a diligent member of the Judiciary Committee.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This media shield legislation is important because off-the-record, confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron, and the unacceptable treatment of soldiers recovering at Walter Reed.

A free and independent press which protects the public's right to know is needed for a healthy democracy and government accountability. That's why a majority of States already have media shield laws on the books, and why we need this law on the Federal level.

I urge my colleagues to vote "yes" on the Free Flow of Information Act.

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Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to read an excerpt from the Department of Justice's letter in opposition to the bill we are discussing: "Given the extensive safeguards already in place, the Department strongly opposes H.R. 2102 and similar legislative efforts to provide a 'journalist's privilege' that would prevent the disclosure of relevant testimony and evidence critical to the fair disposition of investigations and trials.

"H.R. 2102 would make it virtually impossible to enforce certain Federal criminal laws, particularly those pertaining to the unauthorized disclosure of classified information, and would seriously impede other national security investigations and prosecutions, including terrorism prosecutions.

"H.R. 2102 would undermine national security and other law enforcement investigations by permitting compelled disclosure of a media source only when necessary to prevent a terrorist attack against the United States and only when the bill's other burdensome prerequisites are satisfied."

But the problem here is that it would not allow us to get to the information after the fact. You could not force a journalist to disclose information, for instance, after a terrorist attack when you want to find out who was involved in that attack. For that reason, we should oppose the bill.

Mr. CONYERS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by complimenting MIKE PENCE of Indiana, a distinguished member of the Judiciary Committee who has been working on this bill before the 110th Congress. He was a leader in supporting this legislation in the 109th Congress and may have been working on it even before then. So when I listened to my other colleagues on the other side who have been working on and continue to support this legislation, I think it is very easy to perceive that with the working group, with the leaders on both sides of the aisle working with RICK BOUCHER on this for so long, we have now come to a point where most of the concerns have been addressed; and I deeply thank my colleagues on the Judiciary Committee for the constructive role they played not only in their independent capacity, but in the working group that has been working behind the scenes on this, as well.

Now, Members of the House, there has been something said about the importance of national security information. Sometimes it is just as important that the press report on information that the government has tried to hide in the name of national security. Because the problem frequently is that if we keep going after journalists trying to shut them up, trying to put them in jail, or threatening to prosecute them, they will be afraid to report some of the important stories that I am going to relate to you that up until now journalists have had to take it on their own risk to decide what to do. I don't think that is appropriate, nor is it necessary, nor is it contrary to any of our concerns about national security.

The history of the American press provides ample evidence of certain stories that would have never been known to the general public without the news media's use of confidential sources. Oftentimes these stories shed light on government misconduct, on corporate waste, fraud and abuse, and other matters of concern. The free flow of information to the public is vitally important to the operation of our democracy and to oversight our most powerful public and private institutions.

Now, here are a few examples of issues that were made known to the public through news reports based on confidential source information. Reporters decided that they would honor the confidence of their resources no matter what happened to them. These are courageous people of the media that had to take this on themselves. So this shield law is to take people out of this bind, out of this fear of having to be coerced because we don't know what is going to happen. This draws a very bright line for everybody to understand how we should proceed in the future.

Here is a matter that is important: the unsafe and deteriorating conditions at the Walter Reed Army Medical Center. Here is another public interest matter: the exposure of fertility fraud in Southern California based upon clinical records provided by anonymous sources, reporting more than 250 accounts of fertility fraud and revealed coverups, intimidation of clinical employees and bribery. Because of this reporting, the American Medical Association issued new guidelines for fertility clinics.

Here is another story that was of some consequence: a hospital scandal of patient dumping by a Los Angeles County emergency aid program. Reporting that article prompted a government investigation that brought it to an end. Rampant steroid use in Major League Baseball by world-class athletes which, in part, led Major League Baseball and its players union to open up its labor contract and adopt a steroid testing policy.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, The Free Flow of Information Act helps ensure that our press remains free. Our Constitution provides for a free press in the first amendment. The first amendment is first for a reason. It is the most important. Without the first amendment freedom of press, speech, religion and assembly, all the rest of the amendments are meaningless. A free press provides for a free flow of information.

I agree with the doctrine: a free press will ensure a fair press. The president and publisher of the Houston Chronicle, Jack Sweeney, said today: "Journalists should be the last resort, not the first stop for civil litigants and prosecutors attempting to obtain the identity of confidential sources. This bill would protect the public's right to know, while at the same time honoring the public interest in having reporters testify in certain circumstances."

This bill really does not create a new special protection. It gives journalists the protection that is already afforded to them in 49 States which protect the confidentiality of reporters' sources. Federal protection is long overdue.

Mr. Speaker, I gladly cosponsor this bill, and that's just the way it is.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my distinguished colleague from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, as a graduate of the School of Journalism at the University of Oregon and as the owner of radio stations with award-winning journalists, I am a firm believer in the need for journalists to be able to protect their confidential sources so they can have a vibrant and free press in America.

This bill is about much more than simply shielding reporters. It is about protecting the public's right to know. Jailing reporters to force them to divulge their sources has a chilling affect on whistleblowers and investigative reporters.

Thomas Jefferson said: "Our liberty cannot be guarded but by the freedom of the press nor that be limited without danger of losing it." A vote for the Free Flow of Information Act is a vote to protect citizens and taxpayers from an ominous and oppressive government that seeks to silence its critics. And in America, such government power would threaten our freedom and our informed democracy.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Texas has 11 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to read for my colleagues an excerpt of a letter we received from the Office of the Director of National Intelligence:

"We are joining the Department of Justice in opposing H.R. 2102, the Free Flow of Information Act of 2007. We share the Department's strong opposition to H.R. 2102 articulated in its letter of July 31, 2007.

"The government must retain the ability to obtain information from the press that would both prevent harm to the United States and its citizens and to identify and bring to justice those who cause such harm. Unfortunately, press reports on U.S. intelligence activities have been a valuable source of intelligence to our adversaries. Former Russian military intelligence Colonel Stanislav Lunev wrote: 'I was amazed, and Moscow was very appreciative, at how many times I found very sensitive information in American newspapers. In my view, Americans tend to care more about scooping their competition than about national security, which made my job easier."

What an indictment.

Finally, and I am quoting from the letter: "The bill, as drafted, would require that identification of the source be necessary to prevent an act of terrorism or other significant and specified harm to the national security. It would not, however, allow the government to compel the identification of a source if it was necessary to identify the perpetrators of a completed act of terrorism or an act that harmed the national security. Similarly, the bill could authorize the government to compel the identification of a source in order to prevent imminent death or bodily harm, but would not allow the government to compel disclosure of a source in order to identify a murderer.

"For these reasons and for the reasons set out in the letter from the Department of Justice, we urge the Congress to reject this bill."

Mr. Speaker, that is a letter from the Office of the Director of National Intelligence.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during our negotiations led by the Boucher-Pence team, I would like to bring to the attention of the ranking member and manager of this bill before us an important change that was made in the manager's amendment which may or may not have come to his attention because it was made so late in the day. We now have a manager's amendment that would allow the government to pierce the journalistic shield to prevent a terrorist attack, but also to identify any perpetrators of a terrorist attack. I wanted to make sure that my friend and colleague was aware of this very important change because it was made at the very last minute.

Mr. Speaker, I will submit a number of articles from newspapers, mostly editorials, that deal with the support of the shield law that is before the Congress at this time.

We have a contribution from the Post-Standard in Syracuse, New York, entitled, "The Shield Law Moves Closer to Reality," dated 14 October of this year.

In the Baltimore Sun, we had an opinion written yesterday in that newspaper, "In Search of Shield," in support of the legislation.

We have heard from the Detroit Free Press from today's paper, "Vote to Pass Law to Shield Reporters," in support of this legislation.

The Los Angeles Times earlier in May wrote an article: "Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources."

The Detroit News in May of this year wrote, "Why a Federal Shield Law is Necessary," authored by Christine Tatum.

The New York Times in two different instances in September and October of this year, "A Shield for the Public," was the editorial page comment, and in October, "The Public's Right to Know," another important article in support of this legislation.

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Here's one that the ranking member would be interested in. The San Antonio Express-News: "Smith's Decision on Shield Law Critical." We hope that had come to his attention before today.

The Washington Post, in September: "Protecting Sources."

Another important contribution: "A Much-Needed Shield for Reporters," written by Theodore B. Olson in The Washington Post in June of this year.

Finally, from USA Today: "Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information."

These are only a few of a notebook full of materials that we wouldn't dare introduce this many pieces of material into the CONGRESSIONAL RECORD. I will include for the RECORD the items that I cited.

SUBMISSIONS TO RECORD ON H.R. 2102

"Shield Law Moves Closer to Reality." The Post-Standard. Syracuse, NY: Opinion Section. 14 October 2007.

"In Search of Shield." The Baltimore Sun, Baltimore, MD: Opinion Section. 15 October 2007.

"Vote to Pass Law to Shield Reporters." Detroit Free Press. Detroit, MI: Opinion Section. 16 October 2007.

Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources." The Los Angeles Times. Los Angeles, CA: Editorial Page. 27 May 2007.

Tatum, Christine. "Why a Federal Shield Law Is Necessary." The Detroit News. Detroit, MI. 23 May 2007.

"A Shield for the Public." The New York Times. New York, NY: Editorial Page. 20 September 2007.

"The Public's Right to Know." The New York Times. New York, NY: Editorial Page. 9 October 2007.

"Smith's Decision on Shield Law Critical." San Antonio Express-News. San Antonio, TX: Editorial Page. 28 July 2007.

"Protecting Sources." The Washington Post. Washington, DC: A–18. 21 September 2007.

"Olson, Theodore B. "A Much-Needed Shield for Reporters." The Washington Post. Washington, DC: A–27. 29 June 2007.

"Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information." USA Today. McLean, VA: Editorial page. 14 May 2007.

[From the Detroit News, May 23, 2007]

WHY A FEDERAL SHIELD LAW IS NECESSARY

(By Christine Tatum)

Regardless of whether you think journalists use too many anonymous sources, it's hard to argue that they don't need to promise confidentiality sometimes.

Many of the biggest investigative stories of our age have been based in part on information shared with a reporter by someone who wanted to keep his or her identity a secret. Anonymous sources handed over the Pentagon Papers and unmasked the culprits behind Watergate and Enron. They have outed some of the nation's worst corporate polluters. They have helped inform Americans' debates about the Iraq War, the proliferation of nuclear weapons and global warming.

Yes, sources almost always have an agenda when they speak up, but sometimes they have information of vital interest to the general public and much to lose if they're caught passing it along. If journalists can't protect their sources' identities, you will be much less informed about the world.

Currently, 49 states (Wyoming is the only unenlightened one) have shield laws or operate under court rulings that grant journalists and their sources a "privilege" much like those afforded to clergy, lawyers and their clients and therapists and their patients. This protection applies only to local and state cases, not federal ones.

Lately, federal prosecutors have dragged too many journalists into court, flaunting subpoenas for notes, work product and recollections of private conversations. The feds' arrogant insistence that journalists should be compelled to act as arms of law enforcement undermines free speech, a free press and an informed citizenry.

Journalists need a federal shield law. Thankfully, one has been reintroduced in Congress. The Free Flow of Information Act of 2007 has bipartisan support in the House and Senate. The bill's sponsors include Reps. Mike Pence, R–Ind., and Rich Boucher, D–Va., and Sens. Richard Lugar, R–Ind., and Christopher Dodd, D–Conn. All four have fought for a federal shield law for a couple of years, arguing that transparency is good for democracy even if it exposes politicians to more scrutiny.

Among the bill's provisions: The federal government could not compel a person covered by the shield to provide testimony or produce documents without first showing the need to do so by a "preponderance of evidence."; Journalists can be compelled to reveal the identity of sources when the court finds it necessary to prevent "imminent and actual harm to national security" or "imminent death or significant bodily harm." Journalists also may be compelled to identify a person who has disclosed trade secrets, health information or nonpublic personal information of any consumer in violation of current law; and people covered by the shield would be those "engaged in journalism." Journalism is defined as "the gathering, preparing, collecting, photographing, recording, writing, editing, reporting or publishing of news and information for dissemination to the public." The bill does not explicitly protect bloggers, but to the extent a court determines they are engaged in the practice of journalism, they are likely to be shielded.

Even with the protection of a federal shield law, journalists should use anonymous sources sparingly and take great care to explain to the public why a source's identity needs to remain secret. More Capitol Hill reporters should insist their conversations are on the record. Newsrooms should tighten rules regarding the use of anonymous sources, which undermine the credibility of the news and leave journalism with black eyes at the hands of more reporters than we have the space to name here.

A federal shield law won't end journalists' abuse of anonymous sources, and it won't end prosecutorial witch hunts. It will, however, help the public have access to important information, and that, in the end, is what really matters.

[From the New York Times, Sept. 20, 2007]

A SHIELD FOR THE PUBLIC

For freedom of the press to be more than a promise and for the public to be kept informed about the doings of its government, especially the doings that the government does not want known, reporters must be able to pursue the news wherever it takes them. One of the most valuable tools they have is the ability to protect the names of confidential sources—people who provide vital information at the risk of their jobs, their careers, and sometimes even their lives.

That is why it is so important for Congress to finally pass a federal shield law for journalists and why we commend Senators Arlen Specter, Republican of Pennsylvania, and Charles Schumer, Democrat of New York, for a compromise bill designed to achieve passage.

The bill would create a qualified privilege, which is what this newspaper and other news organizations have sought, not an absolute protection against revealing a source's name under any conceivable circumstance.

The new measure does not contain everything we would have liked. The shield for sources in the sphere of national security is weaker than in a bill approved by the House Judiciary Committee in August and an earlier proposal by Senators Richard Lugar, Republican of Indiana, and Christopher Dodd, Democrat of Connecticut.

Under the new bill, in order to compel disclosure of a source, the government would have to show that withholding the information is necessary to prevent a specific act of terrorism against the United States or would create "significant harm to national security" that outweighs the public interest in maintaining the flow of information. That is a broad standard and much will depend on judges exercising care to ensure that the government meets its burden to prove that the alleged harm to national security is real.

However, some tweaking was necessary to reassure hesitating senators that the bill would not permit journalists to withhold information that is truly necessary to protect the United States.

The compromise has the support of dozens of news organizations, including The New York Times Company. Having worked for months to achieve this accord, Senators Specter and Schumer, and the chairman of the Senate Judiciary Committee, Patrick Leahy of Vermont, must do everything in their power to make sure that there is no further watering down of the protection for reporters and the whistle-blowers, or other insiders who will not speak without a pledge of confidentiality.

Passage of a federal shield law would be a major achievement. Some 32 states and the District of Columbia have such laws, and 17 other states have recognized a reporter's privilege to maintain the confidentiality of sources through judicial decisions. Prosecutions have not suffered, and it is past time for Congress to act.

In fact, a virtue of the Specter-Schumer bill is that it removes any excuse by lawmakers to avoid taking a step vital for the press's ability to report, so the public can exercise its right to know what government is doing and to make informed judgments.

[From the Washington Post, Sept. 21, 2007]

PROTECTING SOURCES: PRESERVING THE FREE FLOW OF INFORMATION

Next week, the Senate Judiciary Committee is scheduled to take up the Free Flow of Information Act of 2007, sponsored by Sens. Arlen Specter (R-Pa.) and Charles E. Schumer (D-N.Y.). This finally would bring to the federal government something that exists in 49 states and the District of Columbia: clear protection for the relationship between journalists and their sources.

Sometimes people who speak to journalists don't want it publicly revealed that they were the source of information that exposed ethically sketchy behavior or criminality; one common reason is a fear of reprisals. The relationship between reporters and confidential sources is rooted in trust, and the accountability it fosters is a foundation of a thriving democracy.

As with a bill approved last month by the House Judiciary Committee, the Senate measure does not give to reporters a blanket protection against disclosure of sources but instead offers a reasonable balancing of competing interests. Information identifying sources who were promised confidentiality would be covered by the new law. But courts would still be able to compel disclosure in certain circumstances—for example, if national security interests at stake in the case outweighed "the public interest in gathering news and maintaining the free flow of information." The Washington Post Co. and other media organizations that have lobbied for a bill might want more protection, but this represents a reasonable compromise that many legislators, including Sens. Richard G. Lugar (R-Ind.) and Christopher J. Dodd (D-Conn.), have labored to get right.

More than 40 reporters have been questioned in recent years by federal prosecutors about their sources, notes and reports in civil and criminal cases. No doubt those who would talk to the media confidentially have been chilled by such action. Without adequate protection on the federal level, much information that Americans have a right to know might never be known. That's not good for journalism—and it isn't good for the republic, either.

JUNE 29, 2006

A MUCH-NEEDED SHIELD FOR REPORTERS

(By Theodore B. Olson)

Journalists reporting on high-profile legal or political controversies calllot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption, misfeasance and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed as an informant.

Yet it has become almost routine for journalists to be slapped with subpoenas seeking the identity of their sources when their reports make it into print or onto the air. From the Valerie Plame imbroglio and the Wen Ho Lee investigation to the use of steroids by professional baseball players, it is now de rigueur to round up the reporters, haul them before a court, and threaten them with heavy fines and jail sentences if they don't cough up names and details concerning their sources.

Unfortunately, the rules regarding what reporters must disclose, and under what circumstances, remain a hopelessly muddled mess. Ask any reporter today, or his publisher, or his publisher's lawyer, whether a reporter must testify about his sources and you will get a litany of ambiguity. The answer may depend on which court issued the subpoena or the predilections of the judge before whom the reporter is summoned. State courts have their rules and federal courts have another set of standards that differ from one part of the country to another. That means that the journalist cannot tell sources whether promises of confidentiality have any teeth. And that, in turn, means that information vital to the public concerning the integrity of government, or of the national pastime, may never see the light of day.

It certainly doesn't have to be this way. Reporters do not expect to be above the law. But they should be accorded some protection so that they can perform their public service in ensuring the free flow of information and exposing fraud, dishonesty and improper conduct without being exposed to an unanticipated jail sentence. A free society depends on access to information and on a free and robust press willing to dig out the truth and spread it around. This requires some ability to deal from time to time with sources who, for one reason or another, require the capacity to speak freely but anonymously.

This is not a novel or threatening concept. Forty-nine states and the District of Columbia have laws protecting the confidentiality of reporters' sources. The Justice Department has had internal standards providing protection to journalists and their sources for 30 years. Yet no such protection exists in federal law. Thus reporters may be protected if they are subpoenaed in state court, but not protected at all if the same subpoena is issued by a federal court. No one benefits from that patchwork of legal standards.

Congress is moving forward to regularize the rules for reporters, their sources, publishers, broadcasters and judges. The Senate Judiciary Committee will soon take up a bill entitled the Free Flow of Information Act of 2006, sponsored by a bipartisan group of legislators and modeled in large part on the Justice Department guidelines. It does not provide an absolute privilege for confidential sources, but it does require, among other things, that a party seeking information from a journalist be able to demonstrate that the need for that information is real and that it is not available from other sources. Matters involving classified information and national security are treated differently. The current controversy over publications relative to the administration's efforts to deter terrorists does not, therefore, provide any basis for delaying or rejecting this needed legislation.

This legislation is long overdue and should be enacted. It will not, contrary to its opponents' arguments, hamper law enforcement. The 49 states and the District of Columbia that have such protection have experienced no diminution of law enforcement efforts as a result of these shield laws. Nor will it give reporters any special license beyond the type of common-sense protection we already accord to communications between lawyers and clients, penitents and clerics, doctors and patients and among spouses—where we believe that some degree of confidentiality of communications furthers broad social goals.

The same is true for journalists and their sources. We all know of stories that we might never have heard but for hardworking reporters who were able to pry vital information from reluctant sources. Watergate, of course, is the most memorable and important example, but others occur every day.

There is utterly no value served by the current state of confusion regarding when a meaningful promise of confidentiality may be made, or when it will simply be a prelude to a jail sentence for a conscientious reporter.

SMITH'S DECISION ON SHIELD LAW CRUCIAL

[From the San Antonio Express-News, June 28, 2007]

Freedom of the press is crucial to the survival of American democracy.

And part of that freedom must be allowing journalists to protect confidential sources.

Whistle-blowers aren't as likely to reveal what is actually happening in government if they are forced to risk all through exposure.

Knowing as much as possible about government activities is the best way for the public to get a true picture and protect itself from official malfeasance.

That's why a federal shield law is crucial to preserving a free press.

Media organizations have been hit with an exponential number of subpoenas from public and private entities seeking to learn about confidential sources in recent years. The harassment is costly, time-consuming and carries a chilling effect on the flow of important information to the public.

San Antonio Rep. Lamar Smith, the ranking Republican on the House Judiciary Committee, is in a position to protect the free press and the flow of information to the public.

The panel is scheduled to consider a proposed federal shield law, known as the Free Flow of Information Act, this week.

As the senior GOP leader on the judiciary panel, Smith's vote will be closely watched.

The Bush administration opposes the bipartisan legislation, but committee leaders already have made changes to deal with administration concerns about national security. Other objections forwarded by the Justice Department frankly are far-fetched.

> The legislation would allow prosecutors and others to compel a journalist to testify if the information can't be obtained elsewhere and they convince a judge that the testimony is necessary.
>
> The legislation would not provide blanket protection for journalists. But it would reduce efforts by lawyers to undermine confidentiality agreements and take shortcuts in the discovery process of routine cases.
>
> Smith has a record as a friend of a free press and open government. He has advocated improvements in the Freedom of Information Act to allow journalists and the public better access to government records.
>
> It is vital that Smith again stand up for the public's right to know by preserving the flow of information with the shield law.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING), who is the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the ranking member from Texas (Mr. SMITH) for yielding to me. I do appreciate the privilege to serve on this committee.

Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. It would protect journalists in most circumstances from having to reveal their sources or produce documents and notes to government.

This is not a problem. The press has flourished for over 200 years without a Federal privilege. The Department of Justice reports that since 1991 they have issued only 19 subpoenas to reporters seeking information. Only 19 since 1991. No one is above the law. Even reporters, as the Supreme Court has held, sometimes need to divulge information during the investigation of crimes. We have not seen the level of professionalism in journalism that we see in the medical profession, for example, and I think that is an argument we ought to weigh also.

Mr. Speaker, I would bring up the issue of our national security. Some of the people who hide behind the shield of journalism today routinely release classified national security data and publish it as if it were their patriotic duty and hide behind the shield of journalism.

H.R. 2102 places a heavy burden on the Department of Justice to demonstrate a compelling need for a reporter's source, which can be negated by the personal whims of hundreds of Federal judges who would handle these cases. The shield bill also makes it more difficult for the Department of Justice and other government agencies to fight crime and protect our national security. For example, the bill contains a limited number of examples where the privilege doesn't apply. Most of the Department of Justice crime fighting activity, such as efforts to combat child pornography or alien smuggling, is not addressed under this bill.

For example, there is a flaw in the bill because the Department of Justice could obtain source information to prevent a terrorist attack but not acquire the same information after the fact, after an attack, say, on the Twin Towers or on the Capitol. Additionally, H.R. 2102's definition of a journalist is so broad it would protect the media outlets of designated terrorist organizations, even terrorists themselves. I know the chairman has addressed that issue, but the language still remains broad.

Congress, State legislatures, and the courts have taken significant steps in certain circumstances to assure confidentiality, as have 49 States. Examples of protected information include pre-patent research, a person's medical records, the fact that someone may have sought medical health care, information related to a victim of sexual violence. The list goes on.

Mr. Speaker, with these very private subjects, there are significant legal, moral, or fiduciary obligations granted to protect people when their disclosure could cause serious and irrevocable hardships. People who improperly disclose them should not be protected through a media shield law just because they gave the information to a reporter or blogger, not someone else.

Historically, when Congress has enacted public access legislation, it has balanced the competing rights of personal and business privacy. Consider the Freedom of Information Act. It is one of the most important "public right to know" statutes in this country's history. FOIA specifically exempts from disclosure information protected by law, proprietary or privileged business information, and information that could lead to unwarranted invasions of personal privacy. Similarly, whistle-blower laws only protect the reporting of information related to suspected wrongdoing, not the disclosure of all private information. Congress's long-standing commitment to these distinctions in protecting confidential and proprietary information can and should be continued.

Mr. Speaker, H.R. 2102 protects the inappropriate leaking of a good deal of legitimately private information in the same way it protects a source who has disclosed information in an appropriate situation. For example, if a source told a reporter the name of a victim of a sexual assault, H.R. 2102 would block the victim from holding the leaker-source accountable for any harm such a story could cause.

The same would be true for information related to the location of a domestic violence safe house or employee records that might include Social Security numbers and credit information from stores and credit bureaus. It could also provide an absolute privilege when a source for purely personal purposes leaked information in violation of a specific court order protecting the contents of discovery or settlements that were sealed by a court. When and if such information appears in the media, the person harmed would be unable to use the judicial process to assure that the law fulfilled its purpose, even when every other avenue had been pursued to no avail.

So my question is, Mr. Speaker, what are we trying to fix? What is the problem? Nineteen subpoenas since 1991, a handful of cases stacked up against a mountain of information that has been pored through in the public media, classified information leaked into the New York Times, for example, jeopardizing our national security, and what is Congress doing about that? We are coming here to produce a shield law to protect even more of the same behavior.

Mr. CONYERS. Mr. Speaker, it is now my privilege to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman for yielding, and I appreciate his strong leadership in protecting and defending the Constitution of the United States. He leads us well in honoring our oath of office that we take.

I commend the cosponsors of this bipartisan legislation, Mr. BOUCHER and Mr. PENCE, for their leadership and commitment to working in a bipartisan way on an issue central to our democracy.

Thomas Jefferson once wrote, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost." Freedom of the press, protected by the first amendment, has been a cornerstone of our democracy, one that we cherish and promote around the world.

A free press keeps our Nation informed and holds those of us in government accountable. It is critical to freedom of speech and expression in our country. Freedom of the press is fundamental to our democracy and it is fundamental to our security.

Speaking truth to power is vital to our democracy today, as it has been throughout our history.

Mr. Speaker, the recent contracting scandals in Iraq, the appalling care of our wounded soldiers at Walter Reed Hospital, and the hidden Medicare drug prescription estimates a few years ago are several of the many examples where press coverage shaped our debate and our actions. These stories are central to accountability, the accountability necessary to make our Nation stronger and to be better stewards of the taxpayers' dollars.

However, the essential work of the press has been severely hampered by the lack of a consistent Federal standard or a federally recognized privilege concerning the disclosure of confidential sources by journalists. As a result, in recent years, more than 40 reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases.

Former Solicitor General Ted Olson, who served under President George W. Bush, wrote recently in The Washington Post, "Journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power."

Nearly all States have some form of press shield protecting the confidentiality of journalist sources; however, that protection is lacking at the Federal level and in the Federal courts.

It is for this reason that I have long supported a Federal press shield law, without which freedom of the press is threatened. The Federal Government's policies and actions should protect and preserve the press's ability to speak truth to power. And this legislation does so with appropriate national security safeguards, striking a careful balance between liberty and security.

Freedom of the press has long been an issue of importance to many of us in this body. When I was the ranking member of the Intelligence Committee, I encouraged President Clinton to veto the Intelligence Committee authorization bill one year because it made it easier to prosecute journalists. We fixed those provisions and passed a bill that both protected our Nation and protected our fundamental freedoms.

Mr. Speaker, we seek today to protect the freedom of the press that has served our Nation so well. We also seek to make clear to confidential sources that they will be protected in most circumstances when they bring forward public evidence of waste, fraud and abuse in government and in the private sector.

As we protect and defend our Nation, we must now protect and defend the Constitution by enabling our press to be free, as our Founders envisioned.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes for the purpose of engaging in a colloquy with my friend from Indiana (Mr. PENCE). I have a question I would like to ask him.

The bill states that the determination as to whether the testimony or document is critical to the underlying matter is to be made "based on information obtained from a person other than the covered person," the covered person being the journalist. There has been some confusion as to what is meant by "information from the covered person."

In the Washington Post on October 4, Patrick Fitzgerald, who was the U.S. Attorney in the Scooter Libby case, wrote, "The bill puzzlingly requires that agents prove that the leak occurred without relying on the newspaper article."

Is Mr. Fitzgerald right? Does this provision mean that the party seeking the subpoena cannot use the very newspaper article at issue in the lawsuit to show why the reporter's testimony is needed?

I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentleman for yielding, and I thank him for a thoughtful question.

The answer would be no, that was not our intent and it is not how this provision should be read. This provision is meant to close a potential loophole in the bill. Without this provision, we were concerned that a person would be able to call a journalist to testify or provide documents for the purpose of showing why the journalist's testimony or documents are needed in the litigation. That obviously would short-circuit the statute and would not make sense.

The news article would be a matter of public record and would not be obtained from the journalist, and therefore could be used at such a hearing.

Mr. SMITH of Texas. I thank the gentleman from Indiana for his answer to my question. That is much appreciated.

Mr. Speaker, I am the last speaker on this side, and I know the chairman of the Judiciary Committee has the right to close. I wonder if he has any additional speakers.

Mr. CONYERS. I have none.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me summarize the objections to this legislation. The White House, the Justice Department, the Acting Director of National Intelligence and many law enforcement officials oppose H.R. 2102 because they believe it diminishes legal rights, public safety and endangers national security. The Department of Justice is concerned that this legislation will impede its efforts to conduct investigations and prosecute criminals.

For 200 years, information has flowed freely to the press. Congress need not enact H.R. 2102, when the status quo is working and the legislation's potential harm to our national security is so significant.

Our Founders created a legal system where no one is above the law. But if the media shield bill passes, we will be carving out a special exception to that rule for reporters, tabloids and bloggers.

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This is not what our Founders intended when they created a free press. No one should be above the law, not even the press. We must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or deter their activities. I urge my colleagues to oppose this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time and just want to say that we have not given up on the possibility of winning some modest support from the ranking member of the Judiciary Committee. He has negotiated with us in good faith. We continue to work on any improvements. I am very proud of the work that the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Indiana (Mr. PENCE) have put forward, and I want to thank Members of the House on both sides. There is apparently a large number of bipartisan supporters for this measure. I want to assure the House that we are moving forward with deliberate speed, and it is in that sense that I continue to urge support for the measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak in strong support of H.R. 2102, the Free Flow of Information Act of 2007, which I am proud to co-sponsor. This legislation provides a qualified immunity from prosecution or contempt to journalists for refusing to disclose confidential sources or information.

Let me say, Mr. Speaker, that I am confident that this legislation adequately addresses and resolves the conflict between society's competing interests in a free and vigorous press, on the one hand, and not unduly hampering the ability of law enforcement to investigate and prosecute crimes.

Mr. Speaker, when it comes to the freedom of the press, the Department of Justice's Statement of Policy is clear. It states "Because freedom of the press can be no broader than the freedom of reporters to investigate and report the news, the prosecutorial power of the government should not be used in such a way that it impairs a reporter's responsibility to cover as broadly as possible controversial public issues." 28 C.F.R. 50.10.

I have long been a strong proponent of a qualified privilege for journalists. Indeed, in 2001 I spoke out in favor of the need for such a privilege when I went to the Federal Detention Center in Houston today to support the efforts of Professor Vanessa Leggett, a 33-year-old freelance non-fiction writer who had been jailed without bond since July 20, 2001 for asserting her journalistic privilege and First Amendment right not to reveal confidential source information.

After visiting Professor Vanessa Leggett I became convinced of the justice of her cause and the importance of her case. Professor Leggett had spent four years researching the 1997 murder of Doris Angleton. When she refused to give in to threats and intimidation by an overzealous prosecution, and asserted her First Amendment rights in a grand jury investigation, she was found in contempt and jailed.

Mr. Speaker, like you I believe the First Amendment is the most important amendment in the Bill of Rights. And it is not a coincidence that the freedoms of speech and press are the first freedoms listed in the First Amendment.

I believe allowing journalists the right to maintain the confidentiality of their sources when doing research must be protected because it is indispensable to a free press which is the sine qua non of a free society. We must heed the counsel of Justice

Douglas's dissent in Branzburg v. Hayes, 408 U.S. 665 (1972): "The people, the ultimate governors [of our democracy], must have absolute freedom of and therefore privacy of their individual opinions and beliefs." Justice Douglas reminds us that "effective self-government cannot succeed unless the people are immersed in a steady, robust, unimpeded, and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and re-examination."

Again, this principle, codified at Title 28 CFR 50.10 of the Department of Justice Statement of Policy, clearly recognizes and protects one of our most sacred democratic institutions: the media. It requires, for example, that the Department of Justice "strike the proper balance between the public's interest in effective law enforcement and the fair administration of justice," while other subsections clearly require that sanctions, such as those administered by the Department of Justice in this case, shall be reviewed by the Attorney General. As such, this Section presents a tension with the Court precedents set in Branzburg and in Jascalevich.

The Supreme Court's decisions in Branzburg v. Hayes, 408 U.S. 665 (1972), and New York Times v. Jascalevich, 439 U.S. 1331 (1978) establish the precedent that a journalist cannot rely upon an absolute First Amendment-based privilege to justify refusal to testify when called by a grand jury, unless the grand jury investigation is instigated in bad faith. However, since the Court handed down its decision in Branzburg, 49 states and the District of Columbia now recognize some version of a shield law protecting the press, to varying degrees, from unfettered disclosure of sources, work product, and information generally.

These various state protections range in type and scope, from broad protections that provide an absolute journalistic privilege to shield laws that offer only qualified protection. The majority of state shield laws currently in place offer some form of a qualified privilege to reporters, protecting source information in judicial settings, unless the compelling party can establish that the information is: (1) relevant or material; (2) unavailable by other means, or through other sources; and (3) a compelling need exists for that information. There is considerable variation among the states on the last prong, with some requiring the party seeking disclosure to establish a compelling need for the information. Other states require a compelling showing that disclosure is needed to achieve a broader and greater public policy purpose.

In Federal courts, however, there is no current uniform set of standards to govern when testimony can be sought from reporters. Rather, the Federal jurisprudence has developed on an ad hoc, case-by-case basis. That is why we need, and I support, H.R. 2102.

H.R. 2102 establishes a procedure by which disclosure of confidential information from a journalist may not be compelled to testify or provide documents related to information obtained or created by the journalist unless the following conditions are met by a preponderance of the evidence and after notice to be heard: (1) The party seeking production must have exhausted all reasonable alternative sources of the information; (2) in the case of a criminal investigation, the party seeking production must have reasonable grounds to believe a crime has occurred and the information sought is critical to the case; (3) disclosure is necessary to: prevent an act of terrorism against the United States or other significant specified harm to national security or to prevent imminent death or significant bodily harm or to identify a person who has disclosed a trade secret actionable under 18 U.S.C. § 1831 or § 1832; or (4) the party seeking production must prove that the public interest in compelling disclosure outweighs the public interest in gathering or disseminating news or information.

Mr. Speaker, section 4 of the bill defines the key terms used in this bill. A "Covered Person" is a person who, for financial gain or livelihood, is engaged in journalism, including supervisors, employers, parents, subsidiaries, or affiliates of a covered person. "Journalism" is defined as the "gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public."

Mr. Speaker, I applaud and commend Mr. BOUCHER's efforts to address the many concerns of his colleagues relating to the scope of a "covered person" and the definition of "journalism." Initially, I was troubled that one day in the future some runaway court or wayward judge may construe these definitions so narrowly that situations like the one involving Vanessa Leggett that I have previously discussed would be excluded. However, based on my consultations with the lead sponsors, as well as my detailed discussions and consultations with groups like the Reporters Committee for Freedom of the Press, I am satisfied that the proposed language is broad enough to cover journalists who are in Vanessa Leggett's situation.

Under this legislation, a freelance journalist facing a similar subpoena will be able to represent to a judge that at the time she was talking to sources, she represented to them that she was working on a story or non-fiction book that she planned to sell to a newspaper or magazine or publisher. A reasonable judge would have little choice but to find her to be covered by the statute.

Mr. Speaker, it is interesting to note that the District Court and the 5th Circuit never questioned Vanessa Leggett's status as a journalist. Rather, the court assumed she was a journalist using the test of In re von Bulow, 828 F2d 94 (2d Cir. 1987). If the issue of a freelancer being covered was found to be vague in the statute, I believe a court would revert to the von Bulow standard, which holds someone is a journalist if she represented to her sources at the time of the interview that she was a journalist and was gathering information intending to write a story to disseminate to an audience.

In short, Mr. Speaker, because I believe the language of the bill now leaves no doubt that the Congress specifically intends the Free Flow of Information Act to cover situations similar to the Vanessa Leggett case, I strongly support this legislation and urge my colleagues to join me in voting for H.R. 2102.

Mr. UDALL of Colorado. Mr. Speaker, I support this legislation and urge its passage.

The bill is intended to provide journalists with a limited, qualified shield against efforts by prosecutors or other officials to compel public disclosure of the identities of whistleblowers or other sources of information.

Like 48 other States (and the District of Columbia), Colorado has already provided a similar protection for journalists, but of course that State law does not apply in Federal cases—for that a Federal statute is required, which is the purpose of this legislation.

And while I recognize that the Justice Department thinks no such law is needed—their view is that their own guidelines adequately deal with the subject—I think our experience in Colorado shows that it is possible to provide the assured protection that comes with a statutory shield without compromising the investigation of wrongdoing or the vigorous prosecution of crime.

I think this legislation does a good job of achieving a similar balance between protection for investigative journalists and their sources while maintaining the ability of the government to protect national security and conduct effective law enforcement.

Under the bill, journalists would be required to testify if a judge finds that a prosecutor, criminal defendant or civil litigant has shown by a preponderance of the evidence that an applicable test for compelled disclosure has been met.

For a prosecutor, that means showing that he or she had exhausted alternative sources before demanding information, that the sought-after material was relevant and critical to proving a case, and that the public interest in requiring disclosure would outweigh the public interest in news gathering.

The bill includes special rules for cases involving leaks of classified information or involving a journalist's being an eye witness to a crime.

The bill will enable federal law enforcement authorities to obtain an order compelling disclosure of the identity of a source in the course of an investigation of a leak of properly classified information. It also provides that disclosure of a leaker's identity can be compelled whenever the leak has caused or will cause "significant and articulable harm to the national security."

And the bill also permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations by journalists of alleged criminal or tortious conduct, as well as cases involving alleged criminal conduct by journalists themselves.

And, in addition to provisions designed to guard against impairing efforts to prevent acts of terrorism, threats to national security, and death or bodily harm to members of the public, there are similar provisions to guard and make sure the legislation will not thwart efforts to identify those who disclose significant trade secrets or certain financial or medical information in violation of current law.

Mr. Speaker, the need for this legislation was well expressed by former Solicitor General Theodore B. Olsen in an article published in the October 4th edition of the Washington Post.

In that article, Mr. Olsen said:

> . . . journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed . . . Yet it has become almost routine for journalists to be slapped with federal subpoenas seeking the identity of their sources.
>
> Reporters do not expect to be above the law. But they should receive some protection so they can perform their public service in ensuring the free flow of information and exposing improper conduct without risking jail sentences.
>
> The lack of federal protection makes for an especially strange state of affairs because the Justice Department has had internal standards providing protection to journalists and their sources for 35 years, and Special Counsel Patrick J. Fitzgerald claimed to be adhering to those standards when he subpoenaed reporters in the Plame affair. Thus, as Judge Robert Sack of the U.S. Court of Appeals for the 2nd Circuit has noted, the only real question is whether federal courts should be given some supervisory authority to ensure that prosecutors have, in fact, met governing standards before forcing reporters to testify. The answer seems obvious: yes.
>
> The District and the 49 states with shield laws have experienced no diminution of law enforcement efforts as a result of those laws. The legislation would not give reporters special license beyond the type of commonsense protection we already accord to communications between lawyers and clients, between spouses and in other contexts where we believe some degree of confidentiality furthers societal goals.
>
> This legislation is well balanced and long overdue, and it should be enacted.

I agree with Mr. Olson, and I urge all our colleagues to join me in voting for this bill.

Mr. ISSA. Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. This bill goes too far in jeopardizing our national security.

The freedom of the press is an immensely important principal in our democratic society. That is why the Department of Justice (DOJ) has for the past 35 years followed a policy that strictly limits when Federal prosecutors are allowed to issue subpoenas to the press. These standards are so difficult to meet that prosecutors, under this current policy, are commonly discouraged from even seeking a subpoena for a reporter in the first place.

These protections, which are far reaching, should not be absolute. When critical, highly sensitive national security information is illegally disclosed to members of the news media and published for every enemy of America to see—Federal prosecutors must be empowered to aggressively investigate the disclosure of that information and the prosecution of those responsible. We simply cannot erect obstacles which hamstring Federal law enforcement when sensitive government secrets are divulged. Such disclosure can be treasonous, and reporters should not be able to protect individuals who jeopardize our national security. American lives are more important than the privilege of anonymity that reporters promise to a source who is compromising our nation's secrets.

According to the DOJ, the "unduly narrow exception to the legislation's broad prohibition on compelled disclosure would hinder efforts to investigate and prosecute those who have leaked classified information, undermine the ability of law enforcement to investigate national security breaches that have already occurred, and weaken Federal efforts to mitigate damage to national security that has already taken place." As a member of both the Committees on Judiciary and the Permanent Select Committee on Intelligence, I find these faults with the bill unacceptable.

While I do not stand in opposition to my friends Representatives MIKE PENCE and RICK BOUCHER, the primary sponsors of this legislation, I must ask my colleagues to vote no on this bill. H.R. 2102 establishes new dangers without sufficient justification.

Mr. STARK. Mr. Speaker, I rise today in support of freedom of the press and an informed public.

The Free Flow of Information Act (H.R. 2102) is a straightforward bill that will protect journalists from being legally obligated to disclose their confidential sources of information. This will allow sources to speak more freely, allowing for the vibrant exchange of important information between reporters, their contacts and the public.

Predictably, George Bush's Department of Injustice opposes today's legislation, in part because the Administration issued more than 300 subpoenas last year alone. That's understandable. If I had a track record of wasting money on a failing war, abusing civil liberties, suppressing scientific research, and failing to enforce important consumer protections and environmental regulations, I too would want to keep the press and the public in the dark.

But it is also despicable. Forty-nine states and the District of Columbia already recognize a reporter's privilege to keep confidential sources, and to do so without risking interrogation or prosecution. A federal media shield law would further protect the public's right to know about corruption, waste and mismanagement in and out of government.

In the past few years, journalists have depended on confidential sources to inform them about the torture of Iraqi prisoners at Abu Ghraib, the disclosure of CIA prisons in Eastern Europe, and the President's warrantless wiretapping program. If we left it up to the administration to decide what went into news stories, we would have headlines that told us the war in Iraq is a smashing success and that DICK CHENEY's hunting technique is unparalleled.

The Constitution guarantees the right to a free press. That freedom depends on not having to worry about being punished for revealing information that the public has a right to know. I urge my colleagues to vote in support of this bill.

Mr. HOLT. Mr. Speaker, I am pleased the House is taking action today to help protect reporters from prosecutions simply for doing their jobs.

Over the last few years, more than forty reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases. Although the Department of Justice has promulgated voluntary guidelines for issuing subpoenas to the media and reporters, these guidelines do not apply to civil litigants in federal court and give unreviewable discretion to special prosecutors.

H.R. 2102 would establish a Federal standard for all parties—prosecutors, civil litigants, journalists and sources—and send a signal to potential sources that they will be protected in most circumstances when they pass to news organizations evidence of waste, fraud and abuse in government and in the private sector.

The bill requires journalists to testify at the request of criminal prosecutors, criminal defendants and civil litigants who have shown by a preponderance of the evidence that they have met the various tests for compelled disclosure. The bill contains provisions to ensure that the privilege would not impair law enforcement's efforts to identify a person who has disclosed significant trade secrets or certain financial or medical information in violation of current law.

In the case of national security issues, the test is that "disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm." It is the latter half of this clause that would allow the Justice Department to compel testimony from reporters in national security leak cases.

It is important that we ensure that information that is properly classified be protected from unauthorized disclosure. However, as we've seen repeatedly over the last century, too often government officials will misuse the classification system to hide evidence of their own lawbreaking. It will be important for Congress to carefully monitor how this particular provision is employed by the Department of Justice to ensure it is not abused in a way that prevents Congress and the public from learning about violations of law carried out in the name of protecting the nation's security.

Organizations representing publishers, broadcasters, and journalists agree that this legislation provides a suitable framework for balancing the needs of a free press with the need to uphold our laws, and on balance, so do I. I urge my colleagues to vote for this important legislation.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 2102, the Free Flow of Information Act, I am pleased to support this legislation on the House floor today.

I support this bill because I believe news reporting fosters public awareness of important public issues and is an important means of ensuring government accountability.

This legislation would create criteria that must be met before a Federal entity may subpoena a member of the news media in any government, criminal or civil case.

H.R. 2102 closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media.

It simply makes the guidelines mandatory and provides protection against compelled disclosure of confidential sources.

In doing so, I believe this legislation strikes a balance between the public's need for information and the fair administration of justice.

Mr. Speaker, I urge support for this bill.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of the Free Flow of Information Act, H.R. 2102, legislation that would prevent journalists from being forced to reveal their confidential sources in legal proceedings.

This important bill has strong bipartisan support and the endorsement of countless news organizations and the Newspaper Association of America.

The "press shield" is critical to the functioning of our democracy. Compelling reporters to testify and reveal the identity of confidential sources hinders the free flow of information. Many people with important information about government wrongdoing would rather stay quiet than reveal their identities. Sometimes the only way a reporter can gain access to a source's information, and bring it to the public's attention, is by guaranteeing that source confidentiality.

H.R. 2012 strikes a commonsense balance between the public's need for information and fair justice. It would compel reporters to reveal the identity of a source if the court finds it necessary to prevent "imminent and actual harm to national security" or "imminent death or significant bodily harm."

The First Amendment states that, "Congress shall make no law . . . abridging the freedom of speech, or of the press." The Founding Fathers clearly envisioned a free press that would enable the electorate to make informed decisions and hold the government in check. That's precisely what this bill would do.

I urge my colleagues to support H.R. 2012 and protect the free press that our Founders envisioned.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–338 offered by Mr. BOUCHER:

Page 3, line 24, strike "to prevent" and insert "to prevent, or to identify any perpetrator of,".

Page 4, line 6, strike "or".

Page 4, line 22, strike "and" and insert "or".

Page 4, after line 22, insert the following:

(D)(i) disclosure of the identity of such a source is essential to identify in a criminal investigation or prosecution a person who without authorization disclosed properly classified information and who at the time of such disclosure had authorized access to such information; and

(ii) such unauthorized disclosure has caused or will cause significant and articulable harm to the national security; and

Page 5, after line 19, insert the following:

(d) EXCEPTION RELATING TO CRIMINAL OR TORTIOUS CONDUCT.—The provisions of this section shall not prohibit or otherwise limit a Federal entity in any matter arising under Federal law from compelling a covered person to disclose any information, record, document, or item obtained as the result of the eyewitness observation by the covered person of alleged criminal conduct or as the result of the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the conduct, if a Federal court determines that the party seeking to compel such disclosure has exhausted all other reasonable efforts to obtain the information, record, document, or item, respectively, from alternative sources. The previous sentence shall not apply, and subsections (a) and (b) shall apply, in the case that the alleged criminal conduct observed by the covered person or the alleged criminal or tortious conduct committed by the covered person is the act of transmitting or communicating the information, record, document, or item sought for disclosure.

Page 7, strike lines 14 through 18 and insert the following:

(2) COVERED PERSON.—The term "covered person" means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

Page 7, line 22, strike "or".

Page 7, line 26, strike the period and insert a semi-colon.

Page 7, after line 26, insert the following:

(C) any person included on the Annex to Executive Order 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section;

(D) any person who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(E) any terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

The SPEAKER pro tempore. Pursuant to House Resolution 742, the gentleman from Virginia (Mr. BOUCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the amendment I am pleased to offer at this time, along with the principal co-author of this legislation, the gentleman from Indiana (Mr. PENCE), incorporates recommendations that were made to us by a number of members of the House Judiciary Committee and other interested Members of the House both during the extensive markup of this legislation in the committee and in the time intervening between then and now.

The legislation was broadly supported in that committee and was approved by voice vote in that committee, and the recommendations that we have received now incorporated into this manager's amendment came from members of the committee and other Members of the House both on the Democratic and Republican sides. We have folded those various recommendations into the manager's amendment.

These amendments that are folded into the manager's amendment further limit the scope of the privilege that is conferred by the legislation itself.

First, the amendment expands the instances in which source disclosure can be compelled to include a leak by the source of properly classified information where the leak has caused a significant and articulable harm to national security.

Secondly, source disclosure could be compelled when the reporter personally witnesses criminal conduct or when the reporter is himself involved in criminal conduct.

Third, source disclosure could occur when necessary to identify any perpetrator of an act of terrorism against the United States or other significant and specified harm to national security.

The amendment also narrows the definition of the individuals who may assert the privilege to refrain from revealing confidential sources in Federal court proceedings. Under the amendment, only people who are regularly engaged in news gathering and reporting and who receive substantial financial gain or receive a substantial portion of their livelihood from the journalistic activity will qualify.

The amendment will also deny the privilege to journalists who have been designated as terrorists pursuant to law or who are employed by a terrorist organization as designated pursuant to law.

We offer this amendment on a bipartisan basis, and we ask for its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, although I am not opposed to the amendment, I ask unanimous consent to control the time in opposition to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, under the provisions of the Free Flow of Information Act where a reporter is being asked to reveal the identity of a confidential source, the underlying bill here provides several exceptions where a reporter may be compelled to reveal a source. Sources can be revealed under exceptions for the prevention of terrorism, other harm to the Nation's security, to prevent bodily harm, in cases where trade secrets and personal health information are revealed.

As a result of Chairman CONYERS' bipartisan working group, we have conceived of the Boucher-Pence bipartisan manager's amendment, and I rise to support it.

It adds additional exceptions to the bill. Under it, compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets. Also, if a journalist is an eyewitness to a crime or tortious conduct, the journalist cannot claim the privilege of the shield and can be required to turn over information documents.

Also, as Mr. BOUCHER said, the amendment makes two changes regarding the definition of a covered person. Covered persons are those who are able to use the shield, and we have been discussing how we define journalists throughout the history of this debate. In the manager's amendment, we restrict coverage to those people who regularly engage in journalism for substantial financial gain or a substantial part of their livelihood. And this way, the definition will exclude casual bloggers but not all bloggers, criminal offenders or the media wings of terrorist groups who are not practicing journalism. It also adds further exclusions to the list of terrorist organizations which are excluded in order to supplement the language already there to make it 100 percent clear that terrorists cannot claim the privilege of this bill.

I believe the Boucher-Pence manager's amendment, as the entirety of the bill, is a result of bipartisan cooperation. I believe the Boucher-Pence manager's amendment improves the Free Flow of Information Act. I urge my colleagues on both sides of the aisle to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

I support the manager's amendment offered by the gentleman from Virginia (Mr. BOUCHER). The provisions of the amendment do improve the bill by addressing some of the Justice Department's concerns. Despite this, it still does not cure the bill's fundamental flaws.

The legislation will still make it impossible to enforce certain criminal laws and will impede national security investigation. While I commend the sponsors of the amendment for trying to address the Justice Department's concern, even if the amendment is adopted, the bill should still be opposed. So I urge Members to support the amendment and oppose the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished chairman of the House Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am delighted and I congratulate the ranking member for joining us in supporting the Boucher-Pence manager's amendment. We think that we can move even further. Here is an amendment that alters the standard for piercing the shield where national security is involved. Also, it enables law enforcement to obtain an order compelling disclosure of the identity of a source in the course of a leak investigation.

So I am very happy about this. I think that it portends that there may be other areas of agreement that we will be able to reach. I thank the gentleman for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 742, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Virginia (Mr. BOUCHER).

The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 2102 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, H.R. 2102 presumes that a journalist is entitled to a reporter's privilege unless the government can show a court otherwise. The government can only do this by meeting certain threshold requirements set forth in the bill.

After all those requirements are met, the judge must then apply a balancing test. The judge must find that "the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information."

My motion to recommit provides further guidance to the judge as to what criteria should be considered in weighing that decision.

The motion to recommit simply states that the judge may consider the extent of any harm to national security. It does not dictate any result.

The manager's amendment partly addresses this issue by creating an additional exception to the privilege that excludes from the privilege leaks of classified information that harm national security in criminal cases. I agree with that idea as far as it goes.

This motion to recommit, though, goes further. It allows the judge to consider this factor in any case, not just a criminal case. It allows a judge to consider any leak that harms national security, not just a leak in violation of the laws on classified information.

There are many kinds of information that can harm national security. One example is grand jury information. Suppose that the government is conducting a grand jury investigation of a suspected terrorist ring. If a grand juror were to reveal that to a reporter, it might allow the terrorist to escape to strike another day.

Another example is information covered by various common law privileges like the attorney/client privilege. Suppose that an attorney knew his client, a former terrorist, was cooperating with authorities to avoid prosecution. If he revealed this to the press, it could reveal to the terrorist's former compatriots that they needed to change their plans.

Another example is confidential business information that is protected by contractual relationships. Employees of a computer company might know and reveal without authorization that a certain new chip is coming to the market in a matter of months. This might allow a foreign enemy to stop their research on that type of chip and devote their resources to some other project.

The problem is that any of these kinds of information could harm national security. If they do, a judge ought to be able to consider that in deciding what the public interest requires.

In short, I think we are going in the same direction, but the manager's amendment does not go far enough. The motion to recommit protects national security against harmful leaks in all cases, not just criminal cases.

When national security is threatened by leaks, we must protect ourselves in all cases, not just criminal cases.

I urge my colleagues to adopt this motion and protect our national security.

Mr. Speaker, I yield back the balance of my time.

☐ 1700

Mr. CONYERS. Mr. Speaker, I rise in support of the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I thank the Speaker and note his surprise, and I want everyone to know that this motion is one that we on this side can concur with. We think it's thoughtful and appropriate and indicates the kind of rapprochement that we are trying to reach on any other matters of difference that might be outstanding.

Allowing a court to take into account national security when considering the balancing test and allowing the court to retain full discretion on whether to consider this information, and it may consider this along with any other information it deems relevant, means that the ranking member's continued commitment to work on this issue is going on even now, and I thank him for his constructive efforts.

Mr. Speaker, I yield to the author of the manager's amendment, Mr. BOUCHER of Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan for yielding to me, and I concur in his statement that this motion to recommit is acceptable on our side, and in accepting this motion to recommit, we are clearly acting in furtherance of the bipartisan rapport that underlays the construction of the Free Flow of Information Act and its consideration here in the House today.

The motion to recommit provides that in performing the balancing test under the bill, which weighs whether the public interest in disclosure outweighs the public interest in news gathering and dissemination, the court may consider the extent of any harm to national security.

The extent of any harm to national security is clearly a relevant consideration when determining key questions relating to what is or is not in the public interest, and for that reason, Mr. Speaker, I'm pleased to join with the gentleman from Michigan in urging acceptance of the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 388, nays 33, not voting 10, as follows:

[Roll No. 972]

YEAS—388

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—33

Abercrombie
Castor
Clarke
Clay
Davis (IL)
Dingell
Filner
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Jackson-Lee (TX)
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Meeks (NY)
Miller, George
Moore (WI)
Napolitano
Olver
Paul
Payne
Rangel
Schakowsky
Slaughter
Stark
Velázquez
Wasserman Schultz
Waters

NOT VOTING—10

Carson
Clyburn
Cubin
Jindal
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1727

Ms. MOORE of Wisconsin, Messrs. HOLT, DAVIS of Illinois, HINCHEY, GUTIERREZ, Ms. VELÁZQUEZ, and Mr. MEEKS of New York changed their votes from "yea" to "nay."

Ms. DEGETTE, Mrs. CAPPS, and Mr. JACKSON of Illinois changed their votes from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2102, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 12, as follows:

[Roll No. 973]

AYES—398

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—21

Abercrombie
Akin
Barton (TX)
Brown (SC)
Buyer
Carter
Culberson
Herger
Issa
Johnson, Sam
King (IA)
King (NY)
Lungren, Daniel E.
Mica
Petri
Royce
Sali
Sensenbrenner
Smith (TX)
Thornberry
Weldon (FL)

NOT VOTING—12

Carson
Clyburn
Cubin
Gutierrez
Jindal
Johnson, E. B.
Peterson (PA)
Sherman
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining on this vote.

☐ 1736

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

RECOGNIZING THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 725) recognizing the 35th anniversary of the Clean Water Act, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 725

Whereas clean water is a natural resource of tremendous value and importance to the Nation;

Whereas there is resounding public support for protecting and enhancing the quality of the Nation's rivers, streams, lakes, marine waters, and wetlands;

Whereas maintaining and improving water quality is essential to protect public health, fisheries, wildlife, and watersheds and to ensure abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas since the enactment of the Clean Water Act in 1972, substantial progress has been made in protecting and enhancing water quality due to a deliberate and national effort to protect the Nation's waters;

Whereas substantial improvements to the Nation's water quality have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the Nation and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of pollution and to maintain the Nation's commitment to a "no net loss" of wetlands;

Whereas the Nation's decaying water infrastructure and a lack of available funding to maintain and upgrade the Nation's wastewater infrastructure pose a serious threat to the water quality improvements achieved over the past 35 years;

Whereas the Environmental Protection Agency, the Congressional Budget Office, and other stakeholders have identified a funding gap of between $300,000,000,000 and $400,000,000,000 over the next 20 years for the restoration and replacement of wastewater infrastructure;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Clean Water Act: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 35th anniversary of the Federal Water Pollution Control Act (commonly known as the Clean Water Act);

(2) recommits itself to restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters in accordance with the goals and objectives of the Clean Water Act;

(3) dedicates itself to working toward a sustainable, long-term solution to address the Nation's decaying water infrastructure; and

(4) encourages the public and all levels of government—

(A) to recognize and celebrate the Nation's accomplishments under the Clean Water Act; and

(B) to renew their commitment to restoring and protecting the Nation's rivers, lakes, streams, marine waters, and wetlands for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 725.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we meet on the 35th anniversary of the Clean Water Act from 1972; a bill that started out in the House, made its way through the Committee on Public Works, as it was known then, through the House, to the Senate Committee on Public Works, and then through a 10-month House-Senate conference, a remarkable meeting of Members of the House and Senate which, in a time very different from the times we experience recently, where Members actually participated, sat across the table from one another, not separated by staff, although I was a member of the staff at the time, not relegating their responsibilities to others, but actually participating vigorously with informed judgment, with strongly held views in shaping what everyone in that conference knew was going to be a new future for the waters of the United States.

That legislation was considered against a backdrop of 14 years of the Federal Water Pollution Control Act, crafted by my predecessor, John Blotnick, who was Chair first of the Subcommittee on Rivers and Harbors and then Chair of the Full Committee on Public Works, to clean up the Nation's waters.

In that year, 1955, and then following, in 1956, John Blotnick wanted to acquaint himself with the new responsibilities of being a chairman of the Subcommittee on Rivers and Harbors, and managing the inland waterways of the United States and the locks and dams and the harbors of this country, of the saltwater coast and the fresh water of the Great Lakes. So he journeyed down the Mississippi, part of the Ohio-Illinois river systems.

He was a biochemist by training, and a teacher of biochemistry, and observed that by the time he got to New Orleans, there was so much trash, discharge, waste, feces and raw phenols bubbling in the Mississippi River by the time they reached New Orleans, he was appalled. And he said the purpose no longer became how can we move goods through the inland waterway system and barges of this Nation, but how can we, what must we do to clean up this resource of fresh water.

On return to Washington that spring, he visited the Tidal Basin, the cherry blossoms in bloom, and he observed all of the debris and all of the foul smell in the Tidal Basin and called it the best dressed cesspool in America, and crafted a three-part program to deal with this problem of cleaning up America's waters.

□ 1745

And he undertook what was then a unique activity: A Dear Colleague letter. It's very common. We see them by the hundreds today. But it was very rare in 1955 and 1956 to do something of that nature, and reserved the Caucus Room of the Cannon House Office Building, which can seat over 600 people, because he thought so many would want to come and participate in this great enterprise of protecting America's waters and restoring our rivers and lakes.

And three people showed up: John Blotnick; Congressman Bob Jones from Alabama, who was elected in 1946, the same year as John Blotnick; and Murray Stein, an attorney in the U.S. Public Health Service whose office was, as John Blotnick described it, in the 7th sub-basement of HEW, the Health, Education, and Welfare building. And there they crafted broad outlines of what became the Federal Water Pollution Control Act.

Research, engaging the best minds in this country to understand what are the limiting factors in our waters that, if removed, would restore good health. Nitrogen, phosphates, toxics, phenols, how do you get them out of the water once they're in? How do you prevent them from getting in? The second point, treatment. Treating our wastes before they get into the receiving waters. And, third, an enforcement program to bring the States together to resolve common problems of enforcing a program of cleaning streams before they get into the receiving waters.

It was signed into law by President Eisenhower in 1956. It had $30 million in Federal funding, 30 percent Federal grants to municipalities to build sewage treatment facilities. It was supported by the garden clubs of America. They were the first ones, the leaders, seeing the need for a national program of clean water.

The next 3 years saw broad acceptance of this legislation, a need for increased funding. So John Blotnick proposed a successor to increase to $50 million Federal funding and 30 percent Federal grants and a stronger enforcement and more money for research. And that bill was vetoed by President Eisenhower with a veto message that read in its last sentence: "Pollution is a uniquely local blight. Federal involvement will only impede local efforts at cleanup."

But that was an election year. John F. Kennedy, Democratic candidate, committed to an expanded program of clean water. And he came in and signed a bill that moved through our committee for $100 million in Federal funding with 50 percent Federal grants and an expanded research and development and much stronger enforcement.

And over the succeeding years, the program grew, and so did our understanding of the broader needs and the broader reach of a Federal program to go beyond point sources but to get to the watershed, to go beyond the point of discharge, to reach further out into the country.

At the same time, great suds, mounds of suds, were floating down the Ohio River system and the Illinois River system and the Mississippi. And people were turning on their faucets and finding soap coming out instead of clean water. And then the Cuyahoga River caught on fire in 1968 in the town of the distinguished gentleman from Ohio (Mr. LATOURETTE), and the Nation was galvanized into action. That led to increased funding for the clean water program and a recognition that we need to have a much broader scope program.

So in 1970 the committee began extensive hearings on a much wider reach of the program. And in 1971 I was chief of staff of the Committee on Public Works when we began this much broader scope program.

The result of all these efforts was the Clean Water Act of 1972, whose opening paragraph reads: "The purpose of this act is to establish and maintain the chemical, physical, and biological integrity of the Nation's waters," not just the navigable waters, which had been the signature word of previous legislation but the Nation's waters, going beyond what you can paddle in a canoe, going to the source of pollution.

That massive bill was vetoed by President Richard Nixon. But the veto was overridden by a 10–1 vote in the House and a similar 10–1 vote in the United States Senate and has remained our cornerstone act for maintaining the integrity of the Nation's waters.

It is our legacy to pass on to other generations that all the water there ever was in the world or ever will be is here now, and we have the responsibility to care for it. This Clean Water Act is our guarantee that it will be done.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to manage the time on this important resolution for the minority to commemorate the 35th anniversary of the Clean Water Act.

Clean water is critical to the Nation and our standard of living. The Clean Water Act has resulted in significant water quality improvement in the last 35 years. However, we still have work to do before all of our lakes and streams meet State water quality standards.

H. Res. 725 encourages the American people to recognize and celebrate the water quality improvements we have achieved and recommit ourselves to the goals of the Clean Water Act.

No committee in the Congress has done more to work towards the clean water goals that all of us want to achieve than the Transportation and Infrastructure Committee, which was called, as Chairman OBERSTAR has mentioned, the Public Works and Transportation Committee for many years before the new name. And no one man who has ever served in this Congress has done more than has Chairman JAMES OBERSTAR in working to achieve clean water in this country, first as a staff member and then staff director for 11 years for the committee and then for the last 33 years representing his district and, indeed, the entire Nation in working to clean the waters of this Nation.

And we have made great progress over that time. The leading liberal magazine, the New Republic, said in an editorial a short time ago that to listen to some people "is to learn that the environment is in bad shape today and, with the smallest push, could be in disastrous shape tomorrow . . . Fortunately, this alarm is a false one. All forms of pollution in the United States," the New Republic said, "air, water, and toxic materials have been declining for decades."

In 1972 only 30 to 40 percent of our waters were estimated to have met water quality standards. Today, monitoring data indicate that 60 to 70 percent of our waters meet these goals and twice as many Americans are served by advanced or secondary wastewater treatment.

Twenty-five years ago, we were losing almost 400,000 acres of wetlands annually; yet the latest data collected by the U.S. Fish and Wildlife Service indicate that we are close to achieving a net gain in wetlands nationwide.

Our Nation's health, quality of life, and economic well-being rely on adequate wastewater treatment. Industries that rely on clean water, like farmers, fishermen, and manufacturers, contribute over $300 billion a year to our gross domestic product.

To provide clean water, our Nation already has invested over $250 billion in wastewater infrastructure. But this infrastructure is now aging and our population is continuing to grow, increasing the burden on our existing infrastructure. If communities do not repair, replace, and upgrade their infrastructure, we could lose the environmental, health, and economic benefits of this investment. And no matter how much progress has been made in the past, you can always do better. People always need to improve, although we need to do this in a way that doesn't overregulate, but that brings about progress in a commonsense, practical manner and one that doesn't impede progress.

Various organizations have quantified wastewater infrastructure needs. The Congressional Budget Office, EPA, and the Water Infrastructure Network have estimated that it could take between $300 billion and $400 billion to address our Nation's clean water infrastructure needs over the next 20 years to keep our drinking water and waterways clean and safe. This is twice the current level of investment by all levels of government. These needs have been well documented in our committee and subcommittee hearings.

We can reduce the overall cost of wastewater infrastructure with good asset management, innovative technologies, water conservation and reuse, and regional approaches to water pollution problems. But these things alone will not close the large funding gap that now exists between wastewater infrastructure needs and current levels of spending.

Increased investment must still take place. That leads to the question where is the money going to come from. There is no single answer to that question. Municipal wastewater services are a State and local responsibility, but there is clearly a strong Federal interest in keeping our waters clean.

With all due respect to President Eisenhower, who I think was a great President and who, especially, was certainly right in warning about the dangers of the excesses of the military industrial complex, I believe there is a legitimate Federal interest in clean water in this country. The people in Tennessee drink the water and use the wastewater systems of people in other States, and the people of other States fish and swim and drink the water in Tennessee. So there is a legitimate Federal interest, I believe.

But what we need is an effective partnership between all levels, Federal, State, and local. That means all partners need to contribute. If we do not start investing in our wastewater system now, it is going to cost our Nation many billions more in the future if we delay.

In any event, the Federal Government, while its role is important, is not going to be able to solve this problem alone. The Democratic Governor of Montana told us at a committee hearing earlier this year that his State did not want the "long arm of the Federal Government" imposing regulations that would threaten the livelihoods of ranchers, farmers, and miners. He asked that the Federal Government be a "partner and collaborator" with the States in a joint effort to protect water resources.

Clarity and reasonableness and common sense are needed in the regulatory program. It is unknown exactly what are the maximum limits of Federal authority under the Clean Water Act. Neither Congress nor the courts have defined them explicitly. This uncertainty is a matter for much speculation and probably much future litigation. What we may ultimately need is legislation that clearly and reasonably delineates the Federal role and the State role and the local role in regulating activities affecting the Nation's waters.

While the historical perspective of the Clean Water Act is interesting and informative, we must decide under today's circumstances what is appropriate Federal regulation of the Nation's waters.

We should celebrate the 35th anniversary of the Clean Water Act by providing the tools and resources needed to achieve the goals of that act.

We need to reform the Clean Water Act State Revolving Loan Fund program to make it more efficient, effective, and flexible to improve the management of infrastructure assets, fund those activities that will best improve water quality, address the needs of small and disadvantaged communities, and encourage private financing of treatment works to help bring private resources to bear on the overwhelming needs of the Nation's water infrastructure.

It is also time to fashion new water quality management tools so we can continue the job of achieving clean water. These new tools could include utilizing more in the way of performance-based standards than rigid Federal mandates; harnessing market forces within the public and private sectors to safeguard and improve the environment more effectively; protect individual and private property rights; and adequately considering the costs and benefits of government actions so we can set priorities.

□ 1800

It is appropriate today that we celebrate this anniversary of the Clean Water Act, but we must be prudent as we go forward. We all want the same thing, clean water. I encourage all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to thank the gentleman from Tennessee for his splendid statement, comprehensive, thoughtful overview of the needs of the Clean Water program, and also for his very generous comments about my service in the Congress.

I will also point out that the gentleman from Tennessee chaired the Water Resources Subcommittee for 6 years and led the committee in vigorous hearings on the issue of clean water, and we are the better for it.

I yield now such time as he may consume to the distinguished gentleman from Oregon (Mr. BLUMENAUER), the author of the resolution recognizing the 35th anniversary, and thank the gentleman for his splendid service to the Congress.

Mr. BLUMENAUER. I deeply appreciate the gentleman's courtesy in permitting me to speak on this, his kind words, and his leadership in expediting this legislation to come to the floor.

I am honored that Chairman OBERSTAR and Congressman DUNCAN are cosponsors of this legislation. And I was privileged to work on the Water Resources Subcommittee for those 6 years that Congressman DUNCAN chaired it, and it was a valuable and productive time. It was an opportunity for me to learn about this critical area.

And the reason we are introducing this resolution today is because of the history that was recounted by my good friend from Minnesota. There is nothing more critical to our survival than water. It is essential to our survival; it sustains human life. Its patterns have dictated the development of species and ecosystems, and more recently, of the bilky environment. I am pleased that we are celebrating this landmark legislation, and not just a celebration, but an opportunity to reflect upon what has worked and why, as my friend from Tennessee indicated, where we might go. We have an opportunity to understand where there are continuing challenges and what else needs to be done.

We must move beyond commemoration. We must make a commitment not to celebrate another milestone with the Clean Water Act without more demonstrable progress here at home and abroad. And I hope this resolution inspires further action that is both quick and ambitious.

Issues confronting us today and over the next 35 years are even more complex than when the Clean Water Act was enacted. There are still problems with pollution, water supply, infrastructure integrity, and the technical jurisdictional issues. The growth and development we've seen across the country compounds that. And global warming gives these issues a new sense of urgency. We just finished a meeting, and I know the Transportation and Infrastructure team met with officials from the Netherlands, who are dealing with immediate challenges with their water resources as a result of climate change, rising water levels and extreme water events.

Changing climate will have an influence on many aspects of our lives, and it will take many of them in the form of water; floods, sea levels, drought. This will make water supply and quality issues much harder to deal with.

In the Pacific Northwest, for instance, where we rely heavily on hydroelectric power, where the snowpack in the mountains every year determines the amount of our drinking water, we have a sense of urgency as we watch that snowpack diminish.

Just this last month, there have been two additional reports highlighting the work in front of us. A report by the U.S. PIRG found that thousands of facilities across the United States continue to exceed the limits under their Clean Water Act permits; 57 percent violated those permit limits at least once during the year 2005, many for more than once, and many for more than one pollutant.

A report by Food and Water Watch found that the majority of States are facing current and projected wastewater infrastructure needs that are far out of line with their available funding. At the same time, Federal support for State and community wastewater projects has declined.

When my good friend first came to Congress in the early days of this program, 78 percent of the funding was supplied by the Federal Government in 1978. Now, maybe we don't want to return to those glorious days of yesteryear, but last year it was 3 percent of the funding. It undercuts the potential partnership that we have. And all of this at a time when our decaying water infrastructure was recently given a grade of D minus by the American Society of Civil Engineers.

For these reasons, I believe we need a sustainable, reliable, dedicated revenue source that will help communities address these important needs.

Clean water is critical to environmental and public health. But I think it also, as demonstrated by the action here on this floor, has the potential of bringing people together. Mr. OBERSTAR mentioned the history back in contentious times when there was an overwhelming vote to sustain a veto, not the easiest thing to do. As was shown by this bipartisan resolution, I found working with the Water Resources Subcommittee that this brings people together and there is common ground.

This bipartisan resolution is evident of recent polling that shows that more than eight in 10 Americans are very concerned about America's water, that it will not be clean or safe enough for their children or grandchildren. Eighty-nine percent of Americans say that "Federal investment to guaranteed clean and safe water is a critical component of our Nation's environmental well-being."

I hope that, even as we move beyond commemoration and towards addressing some of these critical unresolved issues, that we can keep the same spirit of bipartisanship.

I hope our colleagues will do more than just vote for this resolution. I hope we educate ourselves and our constituents about what it represents, what it represents in terms of the status of water quality and infrastructure in our own State and community, offer our own contributions to practical solutions, and, as I said, a dedicated trust fund and financial resources to do the job right.

Mr. OBERSTAR gave us 50 years of history in a very short period of time. I hope this commemoration is a point of departure for the next 50 months under the leadership of the chairman, with the work of Mr. DUNCAN, with a new administration that's coming to town, that we will have, over these next 50 months, a landmark in water quality, and I look forward to working with you all in achieving it.

Mr. DUNCAN. Mr. Speaker, Chairman OBERSTAR was kind enough to mention my 6 years as chairman of the Water Resources Environment Subcommittee. I tried to have an active subcommittee with many hearings because I thought that that work was among the most important that the Congress could deal with, and that's why I'm here tonight, because I don't believe there is any topic, or very few topics, anyway, more important than clean water. And certainly the gentleman from Oregon (Mr. BLUMENAUER) was one of the most active members of that subcommittee.

Another member, though, who has also been very active on these issues is the gentleman from Illinois (Mr. KIRK), and I yield him such time as he may consume.

Mr. KIRK. I thank the gentleman, and I rise in celebration of this, one of the most important environmental laws in the history of our country, the Clean Water Act.

For 35 years, the Act has helped limit the discharge of pollution that poisons our water and our beaches. I think it's not enough just to commemorate groundbreaking legislation. As illness, beach closings, habitat loss, and billions of dollars in lost economic opportunity and environmental damage continue, Congress should move to strengthen the Clean Water Act.

This year sheds particular light on a gaping hole in the Clean Water Act. Just a few months ago, we learned that the State of Indiana ended a decade-long dumping ban in the Great Lakes, allowing British Petroleum to increase by 54 percent its ammonia dumping in Lake Michigan, and adding 35 percent more sludge to the lake each day. It was only due to the vigilance of citizens and environmental organizations and lawmakers around the Lake Michigan shore that we got BP to back down.

Thanks to the thousands of Illinois volunteers, BP has now agreed to maintain its current discharge levels. But shockingly, the permit that was issued by the State of Indiana was completely allowed under the current Clean Water Act. Now, Indiana is once again seeking to renew a discharge permit that failed to protect Lake Michigan.

The draft permit for United States Steel—Gary Works, already the largest polluter of Lake Michigan, will delay for 5 years compliance with Clean Water Act limits on dangerous toxic chemicals such as mercury, free cyanide, zinc, copper, and ammonia.

The draft permit sets a very weak standard for mercury, oil and grease, free cyanide and other harmful pollutants. It also would allow United States Steel to follow a 10-year-old storm water pollution prevention plan.

I want to commend the Environmental Protection Agency, especially from my region, for at least delaying the issuance of this Indiana permit because I think this permit fails to protect the people that depend on Lake Michigan for their drinking water.

Current law right now will fail to protect the drinking water for nearly 30 million Americans who rely on the Great Lakes. I believe it's time to commit this Congress to upgrade our Federal protection of the Great Lakes under the Clean Water Act. We should move forward in a bipartisan way to enact a complete future ban on all dumping in the Great Lakes and bring forward a 21st century clean water act that builds on the tradition that we commemorate today.

Mr. OBERSTAR. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 2 minutes remaining, and the gentleman from Tennessee has 8½ minutes remaining.

Mr. DUNCAN. Mr. Speaker, I will just simply close for our side by saying that I think this is a resolution that all of our Members can support. And it is very appropriate to commemorate this 35th anniversary of, as the gentleman from Illinois just said, one of the most important environmental pieces of legislation that this Nation has ever seen.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time, first to observe that Congresswoman EDDIE BERNICE JOHNSON, Chair of the Water Resources Subcommittee, would have been here to manage this bill were it not for the death of her mother. And we join with her in mourning that loss. I know that she and her mother were very, very close. She spoke so warmly of her mother so often, and we join in prayers for both of them.

We have engaged in spacecraft missions to the Moon, to Mars, to Saturn, to the asteroid belt in quest of water. The very first effort is to look for water on distant planetary objects in our system, for primitive life forms that may exist in that water, and yet we have not looked closely enough at the water here on Earth.

This recognition of the 35th anniversary of the Clean Water Act will give us that opportunity to stop, to reflect upon the journey that we have made over these three and a half decades, and the journey yet ahead of us to clean up that remaining one-third, to protect that other two-thirds of water, to pass on to the next generation this priceless heritage of fresh water, that we do not have to go wandering in space looking for water that we may have destroyed on Earth so that we may bring it from some extraterrestrial planetary system to replenish our fresh water on Earth. No, let us be custodians of that fresh water that we have. It's only 2 percent of all the water on Earth. Let us resolve and renew our efforts. Let's resolve to maintain the purpose of that Clean Water Act, to protect the waters of the United States.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H. Res. 725, to commemorate the 35th anniversary of the Clean Water Act. This landmark legislation established the basic structure for our national commitment to restoring and maintaining the environmental integrity of our Nation's waters.

When the Cuyahoga River caught fire and Lake Erie was declared "dead", Congress finally took action and passed the Clean Water Act, which is now the cornerstone of surface water quality protection in the United States. The statute employs a variety of regulatory and nonregulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

Even as the population of the United States has increased by close to 50 percent, the Clean Water Act has enabled our waterways to show dramatic improvement in water quality. In 1972, only one-third of the country's waters met water quality goals—today two-thirds do.

And for those of us who live in the Great Lakes region, the success of the Clean Water Act is even more personal and poignant. As a kid, my brothers and I used to have to hold our breath to swim past the dead fish in Lake Michigan before we could pop up and play in the cleaner water. Today, my children are able to enjoy a much cleaner Lake Michigan.

This success deserves our praise, but at the same time, we must recognize that there is still much work to be done. We have the opportunity to recommit ourselves to the goals and objectives of the Clean Water Act by dedicating ourselves to working toward a sustainable, long-term solution to the Nation's decaying water infrastructure. Recent events involving BP and U.S. Steel looking to expand the pollutants they discharge into Lake Michigan heighten concern for those of us who are committed to protecting and restoring the Great Lakes. The Great Lakes provide drinking water and recreation for over 30 million people, and they are the economic engine that drives the Midwest. The Clean Water Act has helped preserve this national treasure, but we have more work to do to restore it and invest in the environmental and economic health of the Great Lakes region.

Mr. Speaker, clean water is not a partisan issue. I am proud to have worked with my colleagues on both sides of the aisle to fight to clean up our Lakes, and I will continue to do so. The Clean Water Act has been a fundamental tool in the protection of our Nation's

environment, and I hope my colleagues will join me in commemorating this important legislation and its accomplishments by supporting H. Res. 725.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 725.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1815

RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) recognizing the importance of America's Waterway Watch program, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 549

Whereas the United States has a maritime border that exceeds 95,000 miles;

Whereas the Department of Homeland Security has begun to focus greater attention on potential security threats from small vessels and the importance of increasing maritime domain awareness;

Whereas the Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch program;

Whereas America's Waterway Watch is a public outreach program to encourage America's 70,000,000 boaters and others who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to the Coast Guard National Response Center and other appropriate law enforcement agencies;

Whereas America's Waterway Watch program educates the public on what suspicious activity is and provides a toll-free telephone number, (877) 24-WATCH, for the public to report such activity to prevent terrorism and other criminal acts;

Whereas the Coast Guard promotes this program by distributing educational materials, boat decals, posters, and reporting forms to recreational boaters, marine dealers, marinas, and other businesses located near waterways;

Whereas America's Waterway Watch program acts as a force multiplier for the Coast Guard and local law enforcement and builds on local and regional security programs;

Whereas the Department of Homeland Security conducted a National Small Vessel Security Summit on June 19 and June 20, 2007, to educate small vessel operators and other stakeholders on current security risks and initiate dialogue on possible solutions to mitigate gaps in United States maritime domain awareness; and

Whereas, during the National Small Vessel Security Summit, participants highlighted America's Waterway Watch program and recognized its importance to increasing maritime domain awareness: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of increasing maritime domain awareness;

(2) encourages those who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to appropriate authorities; and

(3) supports the goals of America's Waterway Watch program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 549.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume. House Resolution 549, introduced by Congressman GUS BILIRAKIS, recognizes the contributions made to our Nation's security by the Coast Guard's Waterway Watch program. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I strongly support the Waterway Watch program, and I support the resolution offered by the gentleman from Florida.

Put simply, America's Waterway Watch program enlists the 70 million Americans who work, play or live around our Nation's waterfronts, rivers, lakes, and coastal regions to become part of our Nation's first line of defense by observing and reporting suspicious activities. Founded by the Coast Guard in 2004, the Waterway Watch is similar to earlier Coast Watch programs instituted during World War II.

At the time, the Coast Watch program was comprised of a group of volunteers who scanned our coasts for U-boats threatening U.S. shipping. Today, America's Waterway Watch calls on volunteers to aid in the war on terrorism on our home front. People are advised to take note of suspicious activities and, if it can be done safely, they are encouraged to take photographs or videotape of the occurrence. Observers are then asked to immediately report incidents they have witnessed by calling 911 or the America's Waterway Watch 24-hour national toll-free telephone number, 1-877-24-WATCH. Reported information is then sent to the National Response Center located at Coast Guard headquarters to be evaluated and dispersed to local Coast Guard responders.

I emphasize that this watch program is meant to be a simple deterrent to potential terrorist activity by asking those who frequent our waterways, ports, and waterfront areas to report events and people that seem out of place. It is not a surveillance program and is not meant to spread paranoia.

Mr. Speaker, as chairman of the Coast Guard and Maritime Transportation Subcommittee, I also commend the Coast Guard Auxiliary, which is at the forefront of the Waterway Watch program. The auxiliary is the uniformed civilian component of the Coast Guard. It is primarily responsible for implementing programs that serve the recreational boating community. In fact, the auxiliary helps to promote America's Waterway Watch through their well-established recreational boating safety programs.

I also commend the Nationwide Insurance Company, which has supported the Waterway Watch program by giving the Coast Guard Auxiliary Association a $96,000 grant to support the auxiliary's role in the Coast Guard's maritime homeland security missions. The grant funded the purchase of Waterway Watch stickers that boaters can display on their boats. It also funded the printing of brochures, wallet cards, and posters that provide pertinent information on the watch program, including detailing how citizens can become involved in the program and listing the numbers that can be called to report suspicious activities.

The Coast Guard's active duty, Reserve and auxiliary forces have united with the U.S. Immigration and Customs Enforcement Agency, U.S. Customs and Border Protection, and the Federal Bureau of Investigation, and local law enforcement agencies to detect and deter threatening activities at waterfront facilities.

However, there are some 95,000 miles of shoreline, 300,000 square miles of waterways, 6,000 bridges, 360 ports of call, and 12,000 marinas in the United States; and the Coast Guard and other first responders simply cannot watch all of these facilities all the time. America's Waterway Watch program ensures that ordinary citizens can help our Nation's uniformed agencies protect our homeland simply by remaining vigilant in their own communities.

Mr. Speaker, in closing, I again express my support for America's Waterway Watch program, which helps keep citizens involved in watching our Nation's shores and waterways, and recognizes the importance of the service they are providing. I urge my colleagues to adopt H. Res. 549 and again commend Congressman BILIRAKIS for his work on this measure. I also congratulate and thank my colleague, the ranking member of our Coast Guard and Maritime Transportation Subcommittee (Mr. LATOURETTE), for his cooperation in this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. CUMMINGS from Maryland, for bringing this important measure to the floor in such a bipartisan way. I enjoy continuing to work with the chairman on a variety of matters that affect the Coast Guard and our Nation's maritime industry.

Mr. Speaker, I rise in support of House Resolution 549, which recognizes the importance of America's Waterway Watch program in enhancing our Nation's maritime security. America's Waterway Watch was established by the Coast Guard to encourage America's 70 million recreational boaters to report suspicious activity in the maritime environment to local law enforcement agencies. The program is a nationwide initiative that is similar to the Neighborhood Watch program that is so effective in many of our neighborhoods back home.

Through America's Waterway Watch program, the Coast Guard, the Coast Guard Reserve, and the Coast Guard Auxiliary are actively educating the public on actions and behavior that constitute suspicious activities. These outreach efforts are being made in cooperation with our Nation's recreational boaters, marine dealers, marinas, and other businesses located near waterways. America's Waterway Watch program acts as an important force multiplier for Coast Guard and local law enforcement and enhances the capabilities of local and regional security programs.

Mr. Speaker, I want to commend the resolution's sponsor, the gentleman from Florida (Mr. BILIRAKIS), and all of the other cosponsors for rightly recognizing this important community program.

Mr. Speaker, I urge all of the Members of the House to support this resolution.

I reserve the balance of my time.

Mr. CUMMINGS. We will reserve, Mr. Speaker.

We have no other speakers.

Mr. LATOURETTE. I thank the chairman.

At this time, it is my pleasure to yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), the author of the resolution.

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 549, a resolution that I have introduced to recognize the importance of increased maritime domain awareness and support the goals of America's Waterway Watch program. It has become clear in the years since 9/11 that all Americans have a shared responsibility for our country's security. That is why I am pleased to highlight the importance of a program that encourages citizens to do their part to strengthen our homeland defenses.

The Department of Homeland Security has begun to focus greater attention on potential security threats from individuals aboard small vessels and the importance of increasing maritime domain awareness. Many of us who represent coastal States already know and understand how vitally important it is to take reasonable and appropriate security precautions to secure our maritime borders from such threats.

The Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch. This program, which is the maritime equivalent of a Neighborhood Watch program, encourages boaters and others who live, work or engage in recreational activities around America's waterways to maintain a heightened sense of awareness and report suspicious and unusual activities.

This voluntary public outreach program educates America's 70 million boaters about the types of suspicious activities they should be looking for and encourages them to report any such abnormalities to the Coast Guard's National Response Center, which is manned 24 hours a day at 877-24-WATCH. Calls to the center are immediately evaluated and, if necessary, acted upon by local Coast Guard sector assets and other law enforcement authorities.

This program, which the Coast Guard promotes by distributing educational materials and other information to recreational boaters, marine dealers, marinas and other businesses located near waterways, acts as a force multiplier for the Coast Guard and local law enforcement to help increase maritime domain awareness and strengthen maritime security.

There is no question that we need to improve waterway security and bolster our maritime defenses. However, it is critically important that we do so in a reasonable and responsible manner with the input and advice of America's recreational boaters and manufacturers.

I am pleased that the Department of Homeland Security conducted a National Small Vessel Security Summit in June to educate small vessel operators and other stakeholders on current security risks and initiate a dialogue about possible solutions to close whatever gaps exist in our maritime security.

Summit participants highlighted America's Waterway Watch and its contributions to increasing maritime domain awareness and urge greater support for it. I agree that America's Waterway Watch program is a sensible and reasonable step toward bolstering our maritime defenses without imposing costly and confusing new regulations on recreational boaters who play an important economic role in my district. I look forward to a continuing and productive dialogue between them and Federal Homeland Security officials before any rules or mandates are proposed.

Before I finish, I want to thank Transportation and Infrastructure Committee Chairman JAMES OBERSTAR and Chairman CUMMINGS and Mr. LATOURETTE from Ohio and particularly also my Florida colleague, Ranking Member JOHN MICA, for moving this resolution through their committee and allowing it to come on the floor today. I also want to thank my colleagues from Florida who have shown their bipartisan support for this resolution, which is indicative of how important the issue of marine security is for our State. I would like to thank all of our colleagues who have cosponsored this particular resolution.

Mr. Speaker, I believe it is necessary to emphasize the importance of increasing maritime domain awareness and encourage recreational boaters and others to report suspicious and unusual activities, which is what America's Waterway Watch program does. I urge all of my colleagues to embrace the goals of this program and our shared responsibility for homeland security by supporting House Resolution 549.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve.

Mr. LATOURETTE. Mr. Speaker, I would advise my friend, the distinguished chairman of the subcommittee, that we have no additional speakers, and if he is prepared to yield back, I will yield back the balance of my time.

Mr. CUMMINGS. We are prepared to do so.

Mr. LATOURETTE. I yield back the balance of my time and urge adoption of the resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this resolution and I want to commend Mr. BILIRAKIS for drawing attention to this important program.

The attacks of 9/11 made every citizen mindful of the need for constant vigilance to protect our country from the threat of terrorism. Keeping America safe requires the efforts of every American.

The openness of our Nation's waterways and harbors prevents opportunities for terrorists to exploit. The U.S. Coast Guard works very hard to ensure the safety of these areas, and they do a tremendous job for which we are all very grateful.

However, recreational boaters also have an important role to play in this area, and America's Waterway Watch program works hard to teach recreational boaters about what they can do to protect our homeland. Boaters provide critical eyes and ears in watching over our coasts, our ports, and other important infrastructure like bridges and tunnels.

Specifically, participants in the campaign are requested to report: Individuals engaged in irregular activity such as surveillance or unusual boating operations; unattended vessels in strange locations; lights flashing between boats; unusual activity near bridges, overpasses, industrial facilities, or fuel docks.

In Michigan this program has been particularly important. My home state has over 3,000 miles of shoreline—more than any other state except Alaska—which presents an incredible challenge for our government agencies to patrol. And of course we share much of this water with Canada which enables people to come across into the United States very easily. And in some places this liquid border is quite narrow—such as the St. Clair or Detroit Rivers. So we really have to rely on our boaters to keep their eyes on things.

In Michigan, we have more than 900,000 boats registered in our state, which makes us the number 1 state for per capita boat ownership, and 3rd overall behind Florida and California. Boating is an important part of life in the Great Lakes State.

In 2005, state officials began a campaign to notify our state's boaters of this Waterway Watch program. Working with the Coast Guard and the Michigan Boating Industries Association, Michigan sent out a brochure on this program with each watercraft registration renewal notice. Since 2007 was the 3rd year this was done, we have now reached nearly all of our state's boaters with information about the Waterway Watch program.

In conclusion, Mr. Speaker, I strongly support this program, I strongly support the resolution, and I urge my colleagues to do the same.

Mr. CUMMINGS. Mr. Speaker, we urge Members to vote for this very meaningful resolution, and we wholeheartedly support it. I want to thank the sponsor for his thoughtful piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 716) expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 716

Whereas more than 200,000,000 American adults use the Internet in the United States, 70 percent of whom connect through broadband connections, to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas almost 9 in 10 teenagers between the ages of 12 and 17, or approximately 87 percent of all youth, use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach teenaged users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and information infrastructure holders face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and can cause extensive economic harm;

Whereas coordination between the numerous Federal agencies involved in cyber security efforts, including the Department of Homeland Security, the National Institute of Standards and Technology, the National Science Foundation, and others is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally-identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and the need for enhanced computer security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about computer security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the voluntary development and use implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 716, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 716, a resolution to applaud the goals and activities of National Cyber Security Awareness Month. The Science and Technology Committee has been a leader in the Congress supporting efforts to promote better security in cyberspace, and I am pleased to be able to help raise awareness of this crucial issue.

Each year, Americans become more and more dependent on technology for their daily lives. More than 200 million people in this country use the Internet for shopping, for education, for socializing, for information gathering, for banking and entertainment. An increasing number of Internet users are children and seniors. The Internet is looking more and more like real life.

Mr. Speaker, unfortunately, with this growth in usage, we have also seen a startling increase in cybercrime. Bank accounts are being hacked, children are being bullied and harassed on social networking sites, and personal information is being stolen from retailers, universities, and even government agency databases.

The United States Computer Emergency Readiness Team, US-CERT, found that security threats to personally identifiable information grew 500 percent between the first quarter of 2006 and the first quarter of fiscal year 2007 to 103,000 reports. Identity theft has topped the list of complaints consumers filed with the FTC for the 7th year in a row, accounting for 36 percent, or nearly 250,000 complaints.

Mr. Speaker, financial crimes are not the only issue; 32 percent of teenagers who use the Internet say they have been victims of cyberbullying. Criminals and terrorists can also use cyberattacks to affect infrastructure, potentially causing physical or economic devastation.

These data breaches and other cybersecurity threats come at a huge cost to consumers and to businesses. GAO reports that 31 companies that responded to a 2006 survey said that data breaches cost an average of $1.4 million per breach. Consumers lose valuable time and energy fixing their credit and recovering lost funds. Clearly, we as a Nation must make a stronger effort at securing cyberspace.

Mr. Speaker, that is why I join with my colleagues in applauding the efforts of the National Cyber Security Alliance, a public-private partnership focused on improving cybersecurity for home users, for small businesses and for educational institutions.

I especially want to thank Chairman LANGEVIN, Mr. McCAUL, Chairman WU, Dr. GINGREY, Ms. LOFGREN, Mr. LUNGREN, Chairman THOMPSON, Mr. KING, Chairman GORDON, and Mr. HALL for introducing this resolution. Their leadership during National Cyber Security Awareness Month and year round will help protect us from cybersecurity breaches in all forms.

The National Cyber Security Alliance conducts public education campaigns to alert computer users to potential threats and provides guidance on best practices. They organize events for businesses, universities and the public to raise awareness of cybersecurity. This resolution draws attention to this important organization and the critical cause that they champion.

Mr. Speaker, I urge my colleagues to support this resolution commemorating National Cyber Security Awareness Month.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of H. Res. 716 and yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas for his advocacy on behalf of this resolution. Information technology has become an integral part of our lives. It shapes how we communicate, how we entertain, and how we work with one another. Computers route our phone calls, print our paychecks, constantly tune our Nation's power plants and transmission lines to meet our energy demands. The extent to which our Nation's infrastructure, economy and way of life depend on computers is simply astounding.

Unfortunately, this reliance on information technology has also left us vulnerable to cyberattacks, viruses and worms, as well as identity theft. The National Cyber Security Alliance is a public-private partnership whose mission is to improve the safety of our computer networks at home and at work against those threats.

Mr. Speaker, the NCSA has declared October National Cyber Security Awareness Month and is sponsoring events throughout the country to raise awareness of the significant cybersecurity issues that we face as a Nation. There are straightforward steps we can take as individuals on our personal computers to help protect ourselves.

The NCSA has a Web site to help consumers and small businesses to prevent or respond to cyberattacks at StaySafeOnline.org. It includes tips such as how to create strong passwords, how to protect your children online, and what to do if you think something goes wrong. As part of Cyber Security Awareness Month, we should all visit StaySafeOnline.org and consider how we can better protect ourselves, such as by ensuring antivirus applications are installed and up to date.

Mr. Speaker, I applaud the organizations and agencies involved in the National Cyber Security Awareness Month for their efforts to help us all become more responsible and safer computer users. With that, I thank the gentleman from Texas (Mr. LAMPSON).

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Res. 716, a resolution supporting the goals and ideals of the National Cyber Security Awareness Month. I want to thank my ranking member, Mr. McCAUL, for his support of this resolution. I commend the other gentleman from Texas for his leadership on this issue as well.

Each year the National Cyber Security Division of the Department of Homeland Security joins with the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cybercrime incidents.

Mr. Speaker, these safeguards taken by everyday home and office users are a critical component in protecting not only these individuals themselves, but the larger universe of computer and Internet users as well. We all have a role to play. Unfortunately, though, it would be dangerous to believe that simple steps by end users will sufficiently combat the larger threats associated with an increasingly networked society.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held a number of hearings this year on our Nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. This is an area where I plan to hold increasing hearings and provide intense oversight because cybersecurity vulnerabilities can significantly impact our national and economic security.

Mr. Speaker, we all know that security networks can help prevent problems like identity theft, but secure networks can also protect our nuclear power plants, our electric grids and other critical infrastructure.

Sadly, the issue of cybersecurity has been largely ignored and misunderstood for far too long. This is an area that needs greater attention and far greater oversight, making sure that both government is doing what it is supposed to do, as well as the private sector, to make sure that our computer networks are as secure as they possibly can be. This is truly an issue of national security.

The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done. I want to commend Chairman BENNIE THOMPSON for the attention that he has given this issue as well.

We must continue to bring together greater attention to this issue by dedicating resources to securing cyberspace, such as increased funding for cybersecurity research and development, but we must also demand accountability and prompt action from those officials tasked with developing comprehensive strategies for securing cyberspace.

I am proud to recognize October as National Cyber Security Awareness Month, and I hope that the passage of this resolution will bring greater attention to the importance and urgency of securing cyberspace.

I want to thank Chairman GORDON for his leadership in bringing this measure to the floor. Again, I want to thank my ranking member, Mr. McCAUL from Texas, for his partnership in highlighting the importance of cybersecurity, and I urge all of my colleagues to join me in supporting this important resolution.

Mr. FEENEY. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in support of House Resolution 716. While the Internet offers a multitude of benefits, it can also pose threats, such as identity theft and online scams. It is important to raise awareness of these threats and how they can be avoided.

Cybersecurity is also critical to our national security. A cyberattack against our Nation could cripple our communications, destroy our energy grids and damage our economy. We must take proactive steps today to prevent and respond to future attacks.

I also commend the Air Force for establishing a Cyber Command. Our Nation must be able to defeat any adversary on tomorrow's cyberbattlefield.

I thank my friend from Florida (Mr. FEENEY) for yielding time, and I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I reserve my time.

Mr. FEENEY. I want to thank my friend from California.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL of Texas. I thank the gentleman from Florida.

Mr. Speaker, I want to thank the Members who introduced the bill. I want to thank Chairman LANGEVIN, who I have worked with very closely on this.

Mr. Speaker, I rise today to urge the passage of this resolution, which supports the goals and ideals of National Cyber Security Awareness Month. While I believe it is important to recognize the need for cybersecurity awareness, this is an issue that should not be limited to just one month. Cybersecurity should be on the minds of all of us throughout the entire year.

Computers and the Internet have become an integral part of American business, government and lifestyle. Over 200 million Americans use the Internet on a regular basis. Companies, both large and small, rely on the Internet to manage their business, expand their customer reach and enhance their connection with their supply chain.

Almost 90 percent of all youth use the Internet, and the vast majority of those use the Internet at school. It is important that these children are taught to use the Internet in a safe and secure manner. This will not only protect their own systems from attack, but will provide for their physical safety.

Cybersecurity is also a critical part of our Nation's overall homeland security. The systems that control and monitor our dams, power grids, oil and gas supplies, as well as our transportation systems and other critical manufacturing processes, are connected to the Internet.

Right now, a terrorist organization or a hostile nation-state could disrupt our critical infrastructure systems and do serious damage to our economy without even entering our country. Appropriate cybersecurity practices are essential to overall security.

The dangers associated with online behavior are becoming more and more common. These threats range from spam, viruses and identity theft to complex computer attacks created by organized crime, terrorist organizations and possibly nation-states designed to steal sensitive information through espionage.

Organizations, such as National Cyber Security Alliance, are making it their mission to increase awareness of cybersecurity and technologies to home users, students, teachers and small businesses. These organizations deserve to be recognized for their good work and be supported.

While there is much to do, cybersecurity awareness is growing. The Congress has a role to play in encouraging the use of proper cybersecurity practices and technologies throughout our country. National Cyber Security Awareness Month provides a solid platform from which to improve cybersecurity awareness in our country, and I am pleased that this Congress is supporting its ideals and its goals. We have much more work to do, but being aware of the need for cybersecurity is a necessary first step.

Mr. LAMPSON. Mr. Speaker, I continue to reserve my time.

Mr. FEENEY. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I wanted to talk a little bit about my dad. My dad is 89 years old. He has never owned a credit card. He has never even had a digital telephone. He doesn't have a computer. He doesn't have Internet. He is not interested in any of it. And yet, as removed as he might be from computer technology on a day-to-day basis, as it would appear in his personal life, the truth of the matter is, no one is isolated from high tech today.

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His veterans payments, his Social Security payments, his bank transfers, his Medicare, all of this comes to him through computer networks. If anybody messes up those computer networks, my 89-year-old dad will not get the services that he needs. That's why this is so important today.

Today there are some 64,000 hacker programs that are available to consumers for free. In addition, there are 12,000 that if you pay $1,000 for them, you get 1 year's support. Support for a hacker program, can you imagine that. And America's computers are absolutely under siege.

I am proud that in 2002 Armstrong Atlantic University in Savannah, Georgia, began its Regional Center for Cybersecurity Education and Training. This was part of the G–8 Summit which was held in Savannah, Georgia, in 2004, and they played a key role in the law enforcement efforts surrounding the G–8.

Since then, Armstrong Atlantic University has taken on partners of Washington Group International and Bridgeborn, and they are offering all kinds of computer security training programs, from simulating and modeling to visualization, covert channels, cybersecurity and security of networks.

Why is this important? Now, Mr. McCAUL said there are 200 million U.S. citizens connected to the Internet. It is even more than that. The numbers of people with access have increased over 182 percent from 2000 to 2005. In 2006, total nontravel-related spending on the Internet is estimated to be over $100 billion. That is a 24 percent increase over 2005. In 2005 the FBI has estimated that American businesses lost $67 billion because of computer crime, and that number of $67 billion in 2005 has moved to over $105 billion in 2007.

The United States is the location of 40 percent of the known command-and-control servers; and because of that, we are the target of attack after attack. Most of these are executed by botnets, which are a collection of broadband-enabled PCs hijacked during virus and worm attacks and seeded with software that connects back to a server to receive communications from a remote attacker. In other words, the botnets all work together to simultaneously and consistently and constantly attack computer networks, such as the Department of Defense, the Centers for Disease Control, and the Department of Energy.

In fact, in America our governmental computers alone get millions of attacks each and every day. It is something that we all should be very concerned about. The United States was the top country for malicious activity, making up over 31 percent of the worldwide total.

Personal information, for example, on veterans in May 2006 was taken home with a Veterans Administration employee, and 26 million veterans had their own personal information compromised simply because one employee took a laptop home. Now 25 years ago that may have required a truckload to carry that many files home. But just think about it, all he did was take a laptop home. And if the employee's house had not been broken into and the laptop stolen, we still might not have known about it. The Department ended up spending $200,000 a day just to operate a call center to explain to veterans how this might affect their service. Of course, there are class action lawsuits that have followed, and there will be a lot more discussion about that.

In September 2000, a 16-year-old young man in Florida intercepted 3,300 e-mails from one Department of Defense operation. He also stole 13 NASA computers.

In February 2001, Gary McKinnon of London took a poorly secured Windows system of NASA and the Pentagon and 12 other military operations and caused almost $1 million worth of damage by just basically playing around.

We know that in March 2007 Max Ray Butler, a 27-year-old computer expert working as an FBI informant was indicted on 15 criminal counts for allegedly hacking into the U.S. Department of Defense Air Force and other computer-sensitive systems.

The list goes on and on, even to the extent that you have folks in China and North Korea purposely attacking American systems. I will submit some of these for the RECORD, but the list goes on and on. That is why it is very important for us to support this legislation and have Members talking about it and knowledgeable.

If you think about cybersecurity now, the cost of it is more than what it is for the illegal drug trade in America. This is a huge problem, but it is kind of a quiet problem and this resolution helps raise its visibility.

Mr. FEENEY. Mr. Speaker, I have no further requests for time, I thank the gentleman from Georgia and the gentleman from Texas, and I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about my dad. My dad is 89 years old. He has never owned a credit card. He has never even had a digital telephone. He doesn't have a computer. He doesn't have Internet. He is not interested in any of it. And yet, as removed as he might be from computer technology on a day-to-day basis, as it would appear in his personal life, the truth of the matter is, no one is isolated from high tech today.

His veterans payments, his Social Security payments, his bank transfers, his Medicare, all of this comes to him through computer networks. If anybody messes up those computer networks, my 89-year-old dad will not get the services that he needs. That's why this is so important today.

I am proud that in 2002 Armstrong Atlantic State University in Savannah, Georgia, began its Regional Center for Cyber-security Education and Training. This was part of the G–8 Summit which was held in Savannah, Georgia, in 2004, and they played a key role in the law enforcement efforts surrounding the G–8.

Since then, Armstrong Atlantic State University has taken on partners of Washington Group International and Bridgeborn, and they are offering all kinds of computer security training programs, from simulating and modeling to visualization, covert channels, cybersecurity, and security of networks.

Why is this important? Now, Mr. MCCAUL said there are 200 million U.S. citizens connected to the Internet. The number of people with access has increased over 182 percent from 2000 to 2005. In 2006, total non-travel-related spending on the Internet is estimated to be over $100 billion. That is a 24 percent increase over 2005. In 2005, the FBI has estimated that American businesses lost $67 billion because of computer crime.

The United States is the location of 40 percent of the known command-and-control servers; and because of that, we are the target of attack after attack. Most of these are executed by botnets, which are a collection of broadband-enabled PCs hijacked during virus and worm attacks and seeded with software that connects back to a server to receive communications from a remote attacker. In other words, the botnets all work together to simultaneously, consistently and constantly attack computer networks, such as the Department of Defense, the Centers for Disease Control, and the Department of Energy.

In fact, in America our governmental computers alone get millions of attacks each and every day. It is something that we all should be very concerned about. The United States was the top country of attack origin, making up 33 percent of the worldwide attack activity.

Personal information, for example, on veterans in May 2006 was taken home with a Veterans Administration employee. Approximately 26.5 million veterans had their own personal information compromised simply because one employee took a laptop home. Now 25 years ago that may have required a truckload to carry that many files home. But just think about it, all he did was take a laptop home. And if the employee's house had not been broken into and the laptop stolen, we still might not have known about it. In mid-June of 2006, the Department was spending approximately $200,000 a day just to operate a call center to explain to veterans how this might affect their service. Of course, there are class action lawsuits that have followed, and there will be a lot more discussion about that.

In September 2000, a 16-year-old young man by the name of Jonathan James, who lived in Florida, hacked into a Pentagon system that monitors threats from nuclear weapons and a NASA system that supports the international space station. This gave him access to over 3,000 government e-mail messages. He was able to illegally access a total of 13 NASA computers and downloaded software which supported the International Space Station's physical environment, including control of the temperature and humidity within the living space.

In February 2001, Gary McKinnon of London took a poorly secured Windows system of NASA and the Pentagon and 12 other military operations and caused almost $1 million worth of damage by just basically playing around, stealing passwords and deleting files.

We know that in March 2000, Max Ray Butler, a 27-year-old computer expert working as an FBI informant, was indicted on 15 criminal counts for allegedly hacking into the U.S. Department of Defense, NASA, and Air Force computer systems. In 2007, he was once again indicted on charges of identity theft and wire fraud.

The list goes on and on, even to the extent that you have folks in China purposely attacking American systems, including the Pentagon. I will submit some of these for the RECORD, but the list goes on and on. That is why it is very important for us to support this legislation and have Members talking about it and knowledgeable.

If you think about cyber-security now, the cost of it is more than what it is for the illegal drug trade in America. Cyber-crime outstripped illegal drug sales worldwide and analysts estimate online fraud will bring in $105 billion in 2007. This is a huge problem, but it is kind of a quiet problem and this resolution helps raise its visibility.

Submissions of examples for the RECORD

June 2007: China's army hacked into a computer network at the Pentagon. Computer specialists with the People's Liberation Army (PLA) penetrated an unclassified network used by policy aides to U.S. Defense Secretary Robert Gates in June, resulting in a weeklong shutdown of the system.

May 2000: Montreal teenage hacker pleaded guilty to illegally penetrating the computer systems of several Canadian and foreign institutions, including NASA, Harvard University and the Massachusetts Institute of Technology, among others.

October 2002 to March 2003: Raymond Paul Steigerwalt, 21, infected DOD server with TK worm. The worm exploited well-known vulnerabilities in Microsoft's IIS Web Server to spread across the Internet and install backdoors under the control of hackers onto infected systems.

July 2006: State Department had large-scale computer break-ins worldwide that appeared to target its headquarters and offices dealing with China and North Korea. Hackers stole sensitive U.S. information and passwords and implanted backdoors in unclassified government computers to allow them to return at will.

Mr. LAMPSON. Mr. Speaker, I just want to encourage all of our colleagues to support this legislation. It is critically important, and I want to express my appreciation to all of the sponsors who made such a tremendous effort to bring it here to the floor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 716.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 50TH ANNIVERSARY OF THE DAWN OF THE SPACE AGE

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 225) honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 225

Whereas the dawn of the Space Age took place on October 4, 1957 with the launch of Sputnik 1, an event that was followed soon after by the American launch of Explorer 1;

Whereas the exploration of space evolved from cold war competition into an endeavor that has been marked by significant international cooperation, with results that have benefitted all humanity;

Whereas a new chapter in space exploration was opened when cosmonauts and astronauts first orbited the Earth in the early 1960s, culminating in the historic first steps taken by astronauts Neil Armstrong and Edwin E. Aldrin Jr. on the Moon in 1969;

Whereas robotic explorers have ranged throughout the solar system, with Voyager and Pioneer spacecraft now on the verge of entering interstellar space;

Whereas from space, we have been able to increase significantly our understanding of the universe and its origin;

Whereas observations from space have enabled large scale monitoring of the Earth's weather and climate;

Whereas satellites have become a part of our daily lives, transforming communications, navigation, and positioning;

Whereas the competition that accompanied the dawn of the Space Age reinvigorated the Nation's interest in science and technology, leading to an increased investment both in research and in science, technology, engineering, and mathematics education;

Whereas these investments contributed to the development of a technologically skilled generation of Americans that has led the world in innovation and accomplishment;

Whereas the new global competition for preeminence in science and technology and innovation has led to a call for a renewed commitment to research and to science, technology, engineering, and mathematics education akin to that which followed the dawn of the Space Age; and

Whereas Congress has responded by renewing our national commitment to science, technology, engineering, and mathematics education with the recently enacted America COMPETES Act: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 50th anniversary of the dawn of the Space Age;

(2) recognizes the value of investing in America's space program; and

(3) declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well educated scientists, engineers, and explorers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and to include extraneous material on H. Con. Res. 225, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the space age arrived with a roar of the Soviet launch of Sputnik, which propelled our Nation, the leader of the free world, into a space race. We recognized we faced a challenge, and we responded. We made smart investments in our people and in knowledge acquisition to enable us to compete technologically.

Specifically, we invested in what we now call STEM education, and we invested in science and engineering research. Those investments brought us preeminence in a new area of endeavor, and they inspired a generation of engineers and scientists.

And just 12 years later, two Americans, Neil Armstrong and Buzz Aldrin, stood on the surface of the Moon. The competition with the Soviet Union on a world stage is what drove us initially, but it was strongly coupled with America's innate yearning to explore and discover.

America was settled by people who already had lives elsewhere, but who wanted something more. They wanted to find out what was over the horizon. They wanted to determine if there was a better way. We are here today, we are the beneficiaries of that restless energy and that hard work.

An array of spacecraft high above works for us. Satellites monitor weather and climate, forest fires, pollution, the growth of cities, and even the shrinking of ice mass. They augment our infrastructure by providing positioning information, and television, radio, telephone and e-mail communications. They help our Nation remain secure. And they serve our restless need to always know more as they go on missions for us throughout the solar system and, soon, even beyond that boundary.

Every day people benefit: farmers, surveyors, pilots and sailors, and even moms using GPS to get the kids to soccer practice. For all of our relatively small investment, we get a lot back. That investment is a start-up payment that calls forth the strength of American entrepreneurship and taps America's restless energy.

Today we must not sit back, content with these benefits that we owe the previous generation. It is not American in nature to do so.

Congress recognizes that our Nation again faces a challenge. This time our adversaries are economic. In the space race we demonstrated the winning strategy and we need to maintain that commitment to a strong national space program. That includes human exploration beyond low Earth orbit, including missions to the Moon and beyond because rising to that challenge will bring out the best of us as a people.

In addition, we must renew America's investment in STEM education, in science and engineering research.

Congress got this under way with the recently enacted America COMPETES Act, and Congress will need to provide sustained support if we are going to maintain American technical superiority and if we are going to again inspire the world with our accomplishments.

I want to thank Chairman GORDON for his leadership in introducing this legislation. I also want to thank Representatives MARK UDALL from Colorado and RALPH HALL from Texas and TOM FEENEY from Florida who have joined me as original cosponsors of this legislation. We want to honor this historic anniversary by offering this concurrent resolution.

I would like to close by quoting a few lines and key phrases, namely: "Now, therefore, be it resolved by the House of Representatives, that the Congress honors the 50th anniversary of the dawn of the space age; recognizes the value of investing in America's space program; and declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well-educated scientists, engineers and explorers."

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of H. Con. Res. 225, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 225 honoring the 50th anniversary of the dawn of the Space Age and the ensuing 50 years of productive and peaceful space activities.

Fifty years ago, only 12 years after the end of World War II, America was enjoying the unprecedented peace and prosperity that characterized the 1950s.

But on October 4, 1957, America was shaken out of its technological complacency. The Soviet Union launched a beeping 180-pound aluminum satellite into orbit. Sputnik's capability was a wake-up call because it represented a threat to America's national security and technological preeminence.

Our early space program was born out of a clash of ideals between civilizations and systems of government, but it reinvigorated our interest in science and technology leading to increased investment in both research and in science, technology, engineering, and mathematics education.

These investments contributed to a technologically skilled generation of Americans that has led the world in innovation and accomplishments.

Our leadership over the last 50 years has encouraged international partnerships that allow us to harness the imaginations and technical talents of many nations for the benefit of all mankind. There is less direct competition and more cooperation.

Today, about 60 percent of NASA's science missions and 100 percent of its human spaceflight activities are done in partnership with other nations. In the growing world economy, developing countries are imitating many of the values and traits that have made America successful, and we are adopting policies that promote education and investment in research and technology.

☐ 1900

They clearly understand the link between an educated workforce, technological innovation and economic preeminence. The new global competition for preeminence in science and technological innovation must be met with a renewed American commitment to research and to science, technology, engineering and mathematics education akin to that which followed the dawn of the space age 50 years ago.

Over the next 50 years, it will be more critical, and not less, that we remain world leaders. Our ability to shape our destiny and influence others will depend upon it.

Mr. Speaker, as we mark the 50th anniversary of the dawn of the space age, Congress recognizes the value of investing in America's space program and declares that it is in America's interests to continue to advance knowledge and to improve life on Earth through a sustained national commitment to space exploration in all of its forms, led by a new generation of well-educated scientists, engineers and explorers.

I thank the gentleman from Texas.

Mr. Speaker, with that, I have no further speakers, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no further speakers and I thank the gentleman from Florida. I thank him for his comments, they were excellent, and certainly want to commend all of us who worked on this particular piece of legislation.

You know, in a thousand years, people aren't going to remember whether it was Sputnik or whether it was the United States or Russia or any other country that entered us into this space race that took us into a new age. So I'm very proud to be a part of offering this, and I thank the gentleman for working with me on it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 225, which commemorates the 50th anniversary of the dawn of the Space Age. I would like to thank my colleague Mr. GORDON for his excellent leadership in shepherding this important legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the dawn of the Space Age and the creation of the National Aeronautics and Space Administration (NASA). I support the resolution because it affords the Congress an opportunity to pay tribute to the extraordinary partnership between NASA and its 10 space and research centers.

Mr. Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when, on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish."

Always at the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration, from the 1958 launch of Pioneer 3, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station.

Over the past 50 years, NASA's accomplishments have included:

On 20 February, 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 April, 1965, the United States launched Intelsat I, the first commercial satellite (communications), into geostationary orbit.

On 13 November, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars).

On 12 April, 1981, NASA launched the space shuttle *Columbia* on the first flight of the Space Transportation System (STS–I).

On 18 to 24 June, 1983, NASA launched space shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, 2 months later NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 July, 1999, the space shuttle *Columbia*'s 26th flight was led by Air Force COL Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module. Armstrong set foot on the surface, telling the millions of listeners that it was "one small step for man—one giant leap for mankind." Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S., as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: "Here Men From Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We came in Peace for All Mankind."

On April 24, 1990, the Hubble space telescope was launched into space aboard the STS–31 mission of the space shuttle *Discovery*. The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.

Mr. Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile "blue marble" hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th century augurs well for its continued leadership in the 21st century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.
2. The Dryden Flight Research Center, the leading center for innovative flight research.
3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.
4. The Goddard Space Flight Center, which specializes in research to expand knowledge

on the Earth and its environment, the solar system, and the universe through observations from space.

5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees have lost their lives, including the crews of *Apollo 6*, the space shuttle *Challenger*, and the space shuttle *Columbia*.

Mr. Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to colonize and utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years. I strongly urge my colleagues to join me in supporting this historic legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in strong support of this bipartisan concurrent resolution.

Human existence has marched through a great many generations, yet only in this last half century have humans taken to space.

We have been transformed by the space program. We live our lives differently, with long-range weather forecasts and GPS positioning and international cell phone calls and international banking.

We think of ourselves differently. Our space exploration has uncovered information about the universe that surrounds us. We now can conjecture about the first seconds of the life of the universe. We have learned much about where we are, and about what is happening around us, and about existence itself.

We think of our own planet differently. The sight of this fragile, blue ball, seen from a distance in dark space, stirred us, and provided impetus for the fledgling environmental movement. We realized that we had to sustain "Spaceship Earth."

As the chairman of the Science and Technology Committee's Subcommittee on Space and Aeronautics, I observe the unique role that NASA plays in our technology capabilities.

The aerospace industry is one of America's biggest successes, and one of the strongest contributors to our trade balance. It owes much to NASA's fundamental aeronautics research.

Harder to quantify, but just as important, NASA's incredible achievements in space inspire young people to choose careers in technology fields. NASA recognizes this and has developed fine educational initiatives.

We have many competing societal priorities that must be addressed, but it is vital that we invest in the future, too. Throughout human history, the winner has been the nation that was more technically powerful. Investing in science and technology, with the space program and STEM education, is an investment for a richer and wider future.

If we aren't willing to make the investments to lead technologically, we know that others will take that lead. That isn't the future that I would like to see. Do we want a world in which our smart people are drawn to the work done in other countries, leaving us on the periphery?

There are widespread reports that China and India are building significant R&D capacity by investing in research at universities, and are elevating their industrial policies towards higher end work.

We have been warned. The National Academies' "Rising Above the Gathering Storm" laid it out. The investments that earlier generations made brought us our prosperous and secure lifestyle. Now it is time for us to renew these investments.

I am pleased with the American COMPETES Act that Congress and the White House enacted. It boosts STEM education to prepare the next generation for the technological challenges of the future and it strengthens our country's research and innovation environment to keep America competitive in the global economy.

Today when we look back over the 50 years of the space age, we feel proud. And I am proud to be a cosponsor of this resolution. It tells a success story. Now it is our job to write another success story, by continuing to invest in the fundamentals of a strong technology sector: STEM education, space exploration, and technology research.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 225.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 60TH ANNIVERSARY OF THE AERONAUTICS RESEARCH ACCOMPLISHMENTS EMBODIED IN "THE BREAKING OF THE SOUND BARRIER"

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 736) honoring the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 736

Whereas the National Advisory Committee for Aeronautics (NACA), and its successor agency, the National Aeronautics and Space Administration (NASA), developed and sustained the world's preeminent aeronautics research program after NACA's formation in 1915;

Whereas the speed of sound once presented a seemingly impenetrable and dangerous barrier to piloted flight;

Whereas NACA, the U.S. Air Force, and Bell Aircraft undertook a joint project to develop and test the X–1 aircraft and achieve piloted supersonic flight;

Whereas on the morning of October 14, 1947, an X–1 aircraft piloted by Captain Charles "Chuck" Yeager was dropped from a B–29 carrier aircraft and "broke the sound barrier" and achieved supersonic flight for the first time in history;

Whereas this flight provided proof of the feasibility of piloted supersonic flight, and delivered the data required to improve high speed performance and develop technologies for advanced supersonic aircraft; and

Whereas subsequent X-plane aeronautics research projects have built on the historic accomplishments of the X–1 aircraft and achieved advances in a wide range of aeronautics research areas: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of the scientists and engineers of NACA and its partners who pioneered the technologies to enable supersonic flight;

(2) recognizes and honors the bravery of Charles Yeager, and the bravery of the many other test pilots who, sometimes at the cost of their lives, enabled the aeronautics developments that made that first supersonic flight possible; and

(3) recognizes the importance of strong and robust aeronautics research activities to the well being of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 736, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of this resolution honoring the 60th anniversary of the breaking of the sound barrier, and I want to compliment Mr. ROHRABACHER for introducing it.

Last Sunday marked the 60th anniversary of Captain Charles "Chuck" Yeager's historic achievement that led to the first piloted flight at supersonic speeds.

As an airplane approaches the speed of sound, shock waves build up, creating increased drag, loss of lift and loss of control. Airplanes had previously broken up under these conditions, and brave pilots died.

We now know that the passage from subsonic to supersonic speeds is accompanied by some unusual phenomena which lie in the realm of nonlinear mechanical events, events involving some degree of chaos.

America's bright engineers and brave pilots were not deterred. They were drawn to the challenge of bursting through this obstacle to learn what lies on the other side, where no human had ever been.

On October 14, 1947, Captain Yeager, sitting on four rocket engines, blasted through that invisible barrier. Folks on the ground heard the sonic boom, and they knew that he had made it. His successful test flight freed humankind to travel faster and faster by providing data that enabled the mapping of a path to a supersonic future.

This success required all of the ingredients of successful innovation: technical competence, teamwork, a spirit of optimism and adventure that accepts risk taking.

World War II fighter pilot Captain Chuck Yeager was recognized as the man for this job. The X-1 was a joint project of the National Advisory Committee for Aeronautics, NACA, the Air Force, and Bell Aircraft, with the turbo-pump-equipped rocket made by Reaction Motors, Incorporated. It has been described as a bullet with wings on it, just 31 feet long and a 28-foot wingspan.

It's on display less than a mile from here over at the Air and Space Museum, surrounded by many other great achievements of NACA and its successor, NASA, the National Aeronautics and Space Administration.

The X-1 and subsequent aerospace achievements have kept us where the action is and kept us technologically competitive. We want to stay in this game for the next 60 years, and so I will continue to work to keep America technologically competitive in aerospace and in all other areas of innovation.

And with this resolution, I pay my respects to Chuck Yeager and to the many men and women of America's great aerospace tradition. I thus want to voice my support for this resolution, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I want to thank Mr. LAMPSON, and I yield the initial 7 minutes of my time to the prime sponsor of the resolution, my friend from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank Mr. LAMPSON and Mr. FEENEY for their hard work they have been doing here, not just on this legislation but overseeing America's space program. You certainly have my respect and my support, and I'm happy today for their support for this legislation.

This bill takes note and honors America's historic aeronautic accomplishments on the 60th anniversary of one of our great aviation milestones, that of achieving mach 1, better known as breaking the sound barrier.

It also honors those American scientists and technologists who conceived and designed the Bell XS-1, as well as the courage of the hero who flew the plane, General Chuck Yeager of West Virginia.

The leadership of Larry Bell of Bell Aircraft and John Stack of NACA, which is the predecessor of NASA, are also recognized and applauded here today.

The sound barrier was not called a barrier for nothing. As an aircraft approaches the sound barrier, many of the subsonic rules of aerodynamics change radically. Conventional airplanes that had flown close to mach 1 before that, and they had done this mainly when they were diving, were known to have shaken violently and quite often lost control. On that morning of October 14, 1947, the principles of supersonic flight were still not proven. It was unknown whether an airplane could surpass the speed of sound and survive.

The XS-1 was pushing the envelope and it was dangerous. Behind the plane, it was really a rocket, as described, a rocket with wings, which is sort of like the plane I have here. Behind that lay the hard work and dedication of pioneering American scientists and engineers who were to write the book on supersonic design, beginning with the XS-1 project.

The XS-1, a bullet with wings, as they say, was the first high-speed aircraft built purely for aviation research purposes, and the XS-1 project was destined to demonstrate that controlled, sustained flight was possible at supersonic speeds.

In addition, this bill honors Chuck Yeager of West Virginia and all that he represents in America's experimental aeronautics programs. Besides not knowing whether the aircraft would break the sound barrier without breaking apart, no one knew whether the human body could survive the kinds of forces Yeager was about to undergo. He was one of the best and the bravest, and he was, as Tom Wolfe described him, an individual with the right stuff.

Not only did he reach mach 1 on that October morning at Edwards Air Force Base, but he has repeated that on many occasions since, including October 1997 on the 50th anniversary of his flight. His life has been an inspiration to generations of young Americans and, yes, to young people throughout the world.

And so on that October morning, American expertise in aeronautic science and technology, and its human skills and experience in flight, were put to the test and came together to tear down the sound barrier wall and lead the way to a new era of aviation and to the space age beyond.

To continue that tradition and the tradition of these pioneers, I will be introducing an aeronautics and space prize scholarship bill this week. This legislation will create a National Endowment for Space and Aeronautical Technology Development, and it will include a scholarship program, but its primary mission is to provide prizes for those who break technology barriers and enable the further exploration and utilization of space. Certainly, Chuck Yeager would have won one of these prizes.

So I would ask my colleges to join BART GORDON, RALPH HALL, BUD CRAMER and others who are in this in bipartisan support for creating the National Endowment for Space and Aeronautics Technology Development.

I would also ask my colleagues to join me tonight in supporting H. Res. 736, honoring the 60th anniversary of this great milestone in aeronautics and space technology development.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I'm proud to be a cosponsor of this resolution, along with Mr. LAMPSON, that Mr. ROHRABACHER is the prime sponsor of, and it does a number of important things.

It congratulates the National Advisory Committee for Aeronautics and their test pilots. This was the successor agency to what we now know as NASA. It honors the bravery of Chuck Yeager and all of the many other test pilots that took on such risks, and it basically emphasizes a strong and robust aeronautics research program for America.

As both Mr. LAMPSON and Mr. ROHRABACHER have pointed out, Mr. Yeager's historic flight on October 14, 1947, breaking the sound barrier was a very dangerous and precarious experiment. At that time, pilots routinely risked losing control of their aircraft or, sadly, lost their lives due to extreme forces on the airplane.

But it's not just that great flight that made Chuck Yeager such a great test pilot in America. Chuck Yeager was only 24 when he flew the Bell X-1 on the famous flight above the Muroc Army Air Field in California. Two days prior to his record-breaking flight, Mr. Yeager broke two ribs after falling off a horse. Fearing that knowledge of this injury would disqualify him from the scheduled flight, he hid his injury from his superiors and, as a result, had to improvise a way to close the latch on his plane.

Having successfully broken the sound barrier, others soon followed in Mr.

Yeager's footsteps, flying newly designed aircraft at higher and higher speeds to help scientists and engineers gain critical knowledge about transonic and supersonic flight.

Only 6 years later, Chuck Yeager flew another Bell-designed rocket plane at more than twice the speed of sound.

A veteran of the Second World War, General Yeager flew P–51 Mustangs in the European theater. He ended the war credited with 61 missions and 11.5 shootdowns of enemy aircraft, including five kills in just 1 day. He was himself shot down over France, and with the help of the French Resistance, was able to make his way back to England where he continued flying against the Axis powers.

In the years following his historic flight, General Yeager continued an illustrious career in the Air Force. Among other accomplishments, he was the first commanding officer of the Air Force Aerospace Research Pilot School and a commander of fighter wings and squadrons in Germany and southeast Asia during the Vietnam War. He also continued to work for NASA as a consulting test pilot.

On the 50th anniversary of his supersonic flight in 1997, General Yeager, then 74, piloted an Air Force F–15 Eagle past mach 1.

General Yeager is a native of West Virginia and today resides in California. He's a gifted pilot who spent his career in service to his country, sometimes at extreme risk, defending our shores and advancing our understanding of aeronautics.

Mr. Speaker, I'm proud to be a cosponsor and supporter of H. Res. 736, commemorating the 60th anniversary of General Yeager's first flight exceeding the speed of sound. And with that, I would urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no more speakers. I'll just say that we commend Chuck Yeager for his bravery and for the work that he did to give us an opportunity to change the world, and we are quite excited about what transpired since that time and looking forward to what's going to happen in the future.

With that, Mr. Speaker, I encourage all of our colleagues to enthusiastically support this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this resolution.

I am an original cosponsor of H. Res. 736 because it is important to recognize one of the amazing achievements of the Nation's aeronautics R&D enterprise.

I also think it important to honor Captain Yeager and the other brave test pilots who have helped push back the boundaries of flight—with results that have benefited our security, our economic well-being, and our quality of life.

As Chairman of the Space and Aeronautics Subcommittee of the Science and Technology Committee, I am well aware that this amazing achievement was not an isolated event. It is just one thrilling chapter in the great story of American aviation and aerospace.

I am pleased that our predecessors in Congress recognized the importance of aeronautics, and invested in it.

Americans were drawn to the challenges of advancing the state of aeronautics, and they gave much of their discipline and intelligence to overcome seemingly insurmountable technical obstacles.

At times, bravery was required, too, and the breaking of the sound barrier is a good example of that.

Today we honor the 60th anniversary of Captain Chuck Yeager's breaking of the sound barrier, but we also take inspiration from it to renew our commitment to ensuring that America remains preeminent in aeronautics R&D.

I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 736.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1915

COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 222

Whereas in 1917, the Nation's first civilian aeronautical research laboratory was established by the National Advisory Committee for Aeronautics in Virginia, and named Langley Memorial Aeronautical Laboratory;

Whereas such laboratory, now called the National Aeronautics and Space Association (NASA) Langley Research Center, is one of the Nation's most prolific and most honored aerospace laboratories with a rich history of pioneering aviation breakthroughs, exploring the universe, and conducting ground breaking climate research;

Whereas NASA Langley Research Center helped give birth to the space age by, among other accomplishments, conceiving and managing Project Mercury, the first United States manned space program, training the original seven astronauts, proving the feasability of the lunar orbiter rendezvous, developing the lunar excursion module concept and research facilities for simulating landing on the Moon, and successfully sending the first Viking landers and orbiters to Mars;

Whereas NASA Langley Research Center is one of the leading aerospace research laboratories in the world and has consistently been a source of technology that has made aerospace a major factor in commerce and national defense;

Whereas NASA Langley Research Center aeronautics research has benefitted the United States military tremendously through the application of new technologies to the Nation's military, commercial, and experimental aircraft;

Whereas NASA Langley Research Center continues to make significant innovative contributions to aviation safety, efficient performance, and revolutionary vehicle designs for flight in all atmospheres, including developing key technologies for the next generation of air transportation systems;

Whereas NASA Langley Research Center has contributed through its research over the past several decades critical technologies to the United States aviation industry, which is a vital sector of the economy that employs over two million Americans and comprises roughly nine percent of the country's gross national product;

Whereas NASA Langley Research Center continues to provide critical research and development that advances the Nation's future in space exploration, scientific discovery, systems analysis, and aeronautics research while generating $2.3 billion in revenue and 21,000 high-tech jobs for the United States economy;

Whereas NASA Langley Research Center is known for unparalleled technology transfer to both aerospace and non-aerospace businesses, and for its commitment to inspiring the next generation of explorers, both of which have enormous benefit to the public and the national economy; and

Whereas NASA Langley Research Center celebrates its 90th anniversary on October 26 and 27, 2007, and continues pioneering the next frontier in aeronautics and space: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 222 which honors the 90th anniversary of NASA Langley Research Center.

House Concurrent Resolution 222 was introduced by the late Representative

Jo Ann Davis. Her four terms in Congress were characterized by hard work and dedication, and I am sorry that she can't be here today to take part in these proceedings.

NASA Langley is a special place. Institutions come and go in our society. You have got to be impressed with an enterprise that has delivered so reliably over the past nine decades. Located not very far from here in coastal Virginia, Langley Memorial Aeronautical Laboratory was the Nation's first government aeronautics laboratory.

If I were to list all of Langley's diverse accomplishments, we would be here until midnight. Langley research teams earned many Collier Trophies over the years, an award bestowed each year for the top contribution to American aviation. Their wind tunnel expertise brought benefits to American aviation era after era. Their first Collier Trophy was one for engine cowling research, which brought immediate large benefit to the aviation industry, resulting in greater speed of travel and enormous cost savings. Later, Langley built the world's first full-scale tunnel. The Harrier Vertical Takeoff and Landfighter; the F–16; American's supersonic transport, SST; the space shuttle; and the lunar landing test vehicle have all been evaluated in this facility, which is still in use.

The science of aviation developed rapidly, with Langley often leading the charge. No ivory tower, Langley has been so effective because of its continual interactions with the aviation community. Our military aircraft, which have turned the tide again and again, did so with capabilities developed at Langley. Their aeronautics test and analysis capabilities brought American aviation and aerospace to world preeminence and maintained that standing.

This is a great success story. Today, the aeronautics and aviation-related industries are responsible for 11 million U.S. jobs and are America's largest source of exports. Americans rely upon the aviation industry's safe and reliable transport of people and products. In our country, aviation and aerospace account for 5.4 percent of the Nation's gross domestic product. Add in aviation-related industries, and it is 9 percent. Investments in core technologies such as aeronautics pay off.

Langley is also responsible for basic aeronautics research in support of the Next Generation Air and Traffic Control System, NextGen, which we are so anxious to have put into effect. Langley leads initiatives in aviation safety and in quiet aircraft technologies.

The aerospace industry has changed rapidly, with Langley often leading the way. Langley staff work closely with Bell Aircraft Corporation and the Air Force in the design of the X–1, the first aircraft to break the sound barrier. Langley has been an important part of each U.S. space program, from Project Mercury through the space shuttle and the space station programs. It was a small group from Langley that determined the lunar orbit rendezvous strategy for sending Apollo to the Moon. Today, as one of NASA's 10 field centers, Langley NASA is an important part of the vision for space exploration.

Langley is helping to develop a replacement for the space shuttle, evaluating conceptual designs and wind tunnels at speeds in excess of 5,000 miles an hour. Langley has partnered with researchers around the world to study Earth from space. The clouds in the Earth's radiant energy system, or CERES, breaks ground in data accuracy. And NASA researchers at Langley are busy studying atmospheres on other planets in support of future exploration activities.

So, Mr. Speaker, with this resolution Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring American people. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I want to thank the gentleman, Mr. LAMPSON, from Texas. I yield the first 4 minutes of our time to the gentlelady from Virginia, Mrs. THELMA DRAKE.

Mrs. DRAKE. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 222, commending NASA Langley Research Center in Hampton, Virginia, on the celebration of their 90th anniversary, and out of respect to my friend and our colleague, Jo Ann Davis, who so ably represented NASA Langley and who introduced this, her last resolution, just 4 days before she passed away.

Established in 1917 by the National Advisory Committee for Aeronautics, NASA Langley Research Center is the oldest of NASA's 10 major field centers and the Nation's first civilian aeronautical research facility.

Research there began with 15 employees. Today, NASA Langley boasts a workforce of over 3,600. And from the very beginning, NASA Langley has been on the cutting edge of research into all aspects of aeronautics, from fixed wing to rotor craft, from propeller engines to jet engines. In fact, whether subsonic, supersonic, or hypersonic, NASA Langley Research Center has always been on the forefront of mankind's consistent refusal to keep both feet on the ground.

NASA Langley is uniquely suited to realize the current administration's bold new vision for space exploration. In 1958, as Project Mercury was commencing, NASA Langley served as the main office for the first U.S. manned space program. In the early 1960s, NASA Langley served as a training center for rendezvous and docking in space, which became known as Project Gemini. And later that decade, as Project Apollo was preparing to land the first man on the Moon, NASA Langley's facility served as the astronaut training ground for lunar orbit and landing.

Under Director Lesa Roe's dedicated leadership, NASA Langley will continue to play a critical role as we prepare to return to the Moon and look beyond to Mars.

NASA Langley is performing an integral part of Project Constellation. They have been given the responsibility to manage the Launch Abort System for the new follow-on for the space shuttle, the Crew Exploration Vehicle, or CEV. In addition, they are greatly assisting in the design and wind tunnel testing of the CEV and Crew Launch Vehicle.

Mr. Speaker, 2 weeks ago we commemorated the 40th anniversary of the launch of Sputnik and the beginning of the space race. It is fitting that today we commemorate NASA Langley Research Center, which has and will continue to play such an integral role in our Nation's constant pursuit of the next frontier. I urge my colleagues to support H. Con. Resolution 222.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I thank the gentleman from Texas, and I would like to rise in support of H. Con. Resolution 222, commending NASA on the occasion of the 90th anniversary of the founding of the Langley Research Center, located in Hampton, Virginia.

This legislation was introduced by our friend and colleague, Representative Jo Ann Davis, just a week before she succumbed to cancer; and it is with mixed emotion that I stand here today to talk about this resolution.

Mrs. Davis was proud to represent the engineers and technicians at NASA Langley Research Center who have made the United States aeronautics research and testing the envy of the world for 90 years.

First established as the Langley Memorial Aeronautical Laboratory in 1917, it was the Nation's first civil aeronautics research laboratory under the charter of the National Advisory Committee for Aeronautics, the precursor to modern-day NASA. It was created at a time when the United States was clearly lagging behind its European counterparts in the development of aircraft capable of controlled powered flight.

Our country's leaders well understood that the future economic and military well-being our country demanded development of advanced aeronautics capability, and Langley's founding was motivated in part by the evolution of aircraft used in the first World War and by our desire to match and exceed these capabilities.

The center is named after one of America's earliest aeronautical pioneers, Samuel Pierpont Langley, who began his research into aeronautical machines in 1886. Perhaps inauspiciously, Samuel Langley's final crewed test flight ended in failure when his aircraft, launched from the top of a houseboat, immediately plummeted into the Potomac River. Just 9 days later, on December 17, 1903, Orville and Wilbur Wright successfully achieved the first flight on the dunes of Kitty Hawk, North Carolina.

During the ensuing decades, Langley Research Center's research and development activities advanced the science of aeronautics from simple propelled-driven aircraft into the jet age.

Their accomplishments are too numerous to mention here, but it is no exaggeration to state that Langley was the nexus from which fundamental technological breakthroughs in propulsion, aerodynamics, materials, aircraft and wing designs propelled our Nation to become the world's preeminent designer and builder of high-performance military and civil aircraft.

In 1958, responding to the launch of Sputnik, Congress passed legislation creating the National Aeronautics and Space Administration, and with it the Langley Research Center's mission was expanded to lead our Nation's earliest efforts in manned space flight.

Many of the initial planning, design, test, and development activities related to Mercury, Gemini, and Apollo were conducted at Langley. Langley was the first of 10 research centers that now comprise NASA, and a number of highly talented engineers and scientists who began their careers at Langley eventually helped establish the other NASA centers.

Langley's role in space continues to this day, contributing its talents to testing the design of the new Ares One Launch Vehicle and the design testing of the Orion Launch Abort System. The Langley Research Center is home to 3,600 civil service and contractor employees, and it houses several of the world's most advanced wind tunnels and aeronautics laboratories.

Mr. Speaker, Langley's record of achievements in aeronautics and aerospace research is without comparison; and it is a testament to the creativity, dedication, hard work, and technical excellence of the men and women who contributed their talents to the agency's mission.

But as a word of caution, it bears mentioning that U.S. aeronautics research and testing programs are declining, no matter that countries in Europe and elsewhere are investing heavily in aeronautics research. The health of the U.S. aviation industry depends upon aeronautics research and development, especially long-term research that private industry cannot perform itself, in order to compete in the world market. NASA is the only Federal agency that supports research on civilian aircraft. Their researchers are working to make our planes and our skies safer, and Mrs. Davis believed that this is a worthwhile investment of taxpayers' money.

I am pleased to join with my colleagues to commemorate the Langley Research Center on its anniversary, and I urge members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman from Florida for yielding, and I rise today to commend the National Aeronautics and Space Administration Langley Research Center on its 90th anniversary, and, in doing so, express my respect for the resolution's sponsor, Representative Jo Ann Davis.

☐ 1930

Congresswoman Davis worked tirelessly to fight for the constituents of the First District of Virginia. This resolution was the last measure that she introduced in this body before she passed on just 10 days ago on October 6. I see it as only fitting that we pass it in a timely manner to honor this research center and our late colleague.

Since its inception as the Langley Memorial Aeronautical Laboratory in 1917, the focus of research at this facility has significantly changed, yet this research center remains on the forefront of scientific advances. These advances not only benefit the larger scientific community but have also played a crucial role in our national security and daily lives.

The men and women of the Langley Research Center have made countless contributions to the scientific community and our aeronautic and space programs in particular. From its crucial role in advancing flight as early as the First World War to the training for operation of the lunar module of the Apollo program, which subsequently transported the first and only human life to the surface of the Moon, this facility has been responsible for numerous scientific breakthroughs for an astonishing 9 decades.

Aeronautics played a critical role in the First and Second World Wars, providing our military with a strategic advantage that contributed to our victories in these two major global struggles. Subsequent advances in this field and the field of aeronautics provided the United States with the ability to achieve superiority in space exploration. These efforts have been crucial to our national defense and continue to play a major role in combating terrorism.

The Langley Research Center is also responsible for sending the first orbiters and landers to the planet Mars through the Viking program, and is also currently engaged in development of the next generation of spacecraft essential to maintaining our leading role in space exploration.

I urge my colleagues to join me in commending this facility's contributions to the scientific world and the security of our country, and in doing so, honor our late colleague, Congresswoman Jo Ann Davis.

Mr. FEENEY. Mr. Speaker, I have no further speakers, and would yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I think that the NASA Langley is a real jewel for advancement of science and engineering in the United States of America, and I think it's fitting that we recognize this anniversary, their 90th, and at the same time, honor our colleague Jo Ann Davis for the hard work that she did, the great work that she did in the United States House of Representatives.

I encourage my colleagues to support this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of Concurrent Resolution 222, because I believe NASA's Langley Research Center to be a national treasure. With this resolution we are acknowledging nine decades of outstanding technological achievement.

However, before I continue, I must note with sadness that the driving force behind this resolution, Ms. Jo Ann Davis, is no longer with us. In addition to all of the other important causes and issues for which she was such an articulate spokeswoman, she was an ardent champion of the importance of NASA's aeronautics R&D programs. I shall miss her as we all will, and I am sorry that this is the last time that I will be able to have the opportunity to speak in support of one of her initiatives.

One of the strengths of the Langley Research Center over the past nine decades has been that while Langley researchers are experts in scientific theory, they are able to work with many others throughout the aerospace community. They aren't an isolated research lab, but instead have always worked shoulder-to-shoulder with industry and with dynamic people at other government agencies, including DOD. In short, the researchers at Langley are problem solvers.

Step into the Air and Space museum and with the first glance one grasps how rapidly aeronautics has developed. The X–1, the first manned aircraft to break the sound barrier, was designed by Langley staff. Nearby are biplanes from the First World War. The separation in time is just thirty years, but what a difference!

The folks at Langley played a large role in that transformation, and in further advances in aeronautics and in space exploration, with the latter spanning their work on Mercury, Gemini, the Lunar Orbiter, Apollo, Viking, the Space Shuttle, and Space Station programs. They have been a critical enabler of our modern air transportation system.

Last year, U.S. air passengers exceeded 750 million. To handle even busier skies, the Next Generation Air Traffic Control System

(NextGen) is being devised. NASA Langley plays an important role in that effort.

For example, to test advanced concepts of aircraft self-separation, Langley conducted air-traffic-management research in its Air Traffic Operations Lab, in partnership with NASA Ames Research Center, Boeing, MITRE Corp. and United Parcel Service.

As another example, the NASA Aviation Safety Program—a partnership with the Federal Aviation Administration, aircraft manufacturers, airlines, and the Department of Defense that is led by Langley—recently tested a new way to predict thunderstorm turbulence.

We can't overlook the importance of military aviation to American freedom, and the importance of Langley to military aviation.

For example, during World War II, Langley used wind tunnel expertise to design modifications to fighter aircraft to improve their performance. Aerial dogfights were mostly contests between technologies, and a small improvement could make the difference between life and death.

Like the rest of NASA, NASA Langley promotes private sector participation with the Small Business Innovation Research program and the Small Business Technology Transfer program. The creation and transfer of innovation is a key goal at Langley. The Center delivers a steady flow of inventions and patents, across a range of technical areas.

In aeronautics and in space flight, Langley's parade of achievements has inspired generations of Americans, and has helped set the pace of American technological advancement. We need places like NASA Langley, and I hope that as we look back over its 90 years and celebrate its achievements, we are mindful of our future and work to maintain a strong and vital aerospace R&D capability at Langley and throughout our nation.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this resolution celebrating 50 years of America reaching for the stars.

Fifty years ago when the Soviets launched Sputnik our Nation was thrown into a panic because we believed we had fallen behind our major adversary.

That was true and America responded.

Our Nation came together and made it a national priority to advance our technology and challenge the Soviets in the space race.

This effort had an impact on my family as my father answered the Nation's call to work at the Redstone Rocket Factory with Werner Von Braun.

Those efforts produced the rockets that launched the first satellites, put an American into space, and ultimately landed a man on the moon.

The impact of the American space program on our Nation—and the efforts of the hundreds of thousands of people who participated in it—cannot be understated.

Today people from across our Nation and the world can watch these proceedings live due to satellite broadcast. We can communicate via cell phones and e-mail. We can cook our food in microwave ovens. We can access information immediately over the Internet. All of these advancements can trace their roots to the American space program.

The fact is that our space program has dramatically changed our Nation and our world for the better.

It has always been the case that when America is united toward a difficult challenge we rise to the occasion and succeed.

There is no greater example of this fact than the success of the American space program.

With all of the incredible developments of the last 50 years one can only wonder what the next 50 will bring.

Perhaps a permanent settlement on the moon.

Perhaps a manned mission to Mars.

One can only imagine what incredible advances such efforts will bring to our society.

One thing is certain—that when America reaches for the stars—the sky is the limit to what we can achieve.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 222, which honors the NASA Langley Research Center on its 90th Anniversary. Started in 1917 as the nation's first aeronautical research laboratory, NASA Langley has become a world leader in aeronautics research and has led the charge in developing technology to improve the field of aeronautics. NASA Langley has worked to improve aircraft landing systems, the shape of aircraft wings, and the safety of hypersonic flight. NASA Langley also tests the configuration of many commercial and military aircraft models in its unique wind tunnel system. Finally, the Center is conducting work to enable pilots to better land in bad weather through the use of satellite and global positioning information. These improvements have led and will continue to lead to critical advances in both commercial and military aircraft. The increased safety resulting from these advances benefits us all.

NASA Langley has also played a key role in furthering space exploration. From the first manned space exploration mission to sending landers and rovers to Mars, NASA Langley has made significant contributions to make these journeys possible. NASA Langley trained the original seven astronauts who flew with the Mercury 7 mission—the first national manned space flight. The Center also led the Viking mission to Mars—the first successful U.S. to that planet. After the Columbia shuttle tragedy in 2003, NASA Langley performed critical work to determine how to return shuttles safely to space, including conducing research in aero-thermodynamics and structures and materials used in space shuttle technology. These missions have helped to keep the U.S. at the forefront of space exploration.

NASA Langley is also doing its part to get the next generation prepared and excited about working for NASA. Through its education programs, NASA reaches out to students to get them involved and excited about the fields of Science, Technology, Engineering, and Math (or STEM).

I would like to thank NASA for its continued recognition of NASA Langley as a viable, thriving part of the NASA community. I would also like to thank the individuals who have worked and who are currently working at NASA Langley for their sustained efforts in making the Center a world leader in the aeronautics and space exploration fields. Finally, I would like to recognize the leadership of my former colleague, the late Representative Jo Ann Davis, on this resolution. Congresswoman Davis was a tireless champion for NASA Langley and will certainly be missed. It is my hope that the Virginia delegation can continue this strong support for NASA Langley and look forward to more anniversaries to come.

Mr. LAMPSON. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FEENEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. WELCH of Vermont (during consideration of H. Con. Res. 222), from the Committee on Rules, submitted a privileged report (Rept. No. 110-385) on the resolution (H. Res. 746) providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FREE AT LAST—DEPUTY SHERIFF GILMER HERNANDEZ

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Deputy Sheriff Gilmer Hernandez is 1 of 3 deputies in Edwards County, Texas. This county is the size of Delaware.

While on duty at night recently in Rocksprings, Texas, an SUV ran a red light. Hernandez pulled the vehicle over. The vehicle sped off and then tried to run down Deputy Hernandez. He shot out the 2 tires in self-defense. It turned out the vehicle was smuggling 9 illegals. One illegal was injured by a ricochet bullet. The Sheriff's Department and the Texas Rangers investigated the shooting and cleared Hernandez. But the Mexican Government demanded prosecution by the U.S. Justice Department, and over a year later the U.S. Attorney's office prosecuted Hernandez for alleged civil rights violations. The 9 illegals and the human smuggler were allowed to stay in the United States. Hernandez was convicted and sent to prison. But yesterday he was released from prison and returned home to Rocksprings, Texas as a hero. The community sided with Deputy Hernandez and resents the U.S. Government freeing the human smuggler and the illegals and prosecuting Hernandez for just doing his job. Yet another example of how it seems the U.S. government is on the wrong side of the border war and seems to be the puppet and whims of the Mexican Government.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LANCE CORPORAL JEREMY BURRIS, MARINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Liberty, Texas, is one of the oldest towns in Texas. It was founded in 1831 and named Liberty before Texas was an independent nation in 1836. This town has sent many young men off to war.

Today the town of Liberty laid to rest 1 of its favorite sons. The streets of this small town were lined with American flags. People came outside their homes and businesses to pay honor and tribute to a hometown hero. Some people stood erect with their hands over their hearts or saluting as the funeral procession went by. As the process passed Liberty High School and the middle school, students from both schools lined the streets with flags, tears and signs that said "Thank You."

Hundreds of citizens in this community turned out to honor 22-year-old Lance Corporal Jeremy Burris of the United States Marine Corps. Mr. Speaker, this is what people in southeast Texas do when 1 of their own is killed in combat.

Jeremy was killed on October 8, 2007, while conducting combat operations in al-Anbar Province in Iraq. He was assigned to the 1st Battalion, 4th Regiment, 1st Marine Division, Marine Expeditionary Force from Camp Pendleton, California.

I've talked to Jeremy's proud father, Brent Burris. He said his son was driving a military vehicle when it was accompanied by 2 other Marines when the vehicle hit an IED, that's an improvised explosive device, hidden in the road.

Lance Corporal Burris survived the initial blast and helped the other two wounded Marines from the vehicle. Then Jeremy returned to the vehicle to retrieve sensitive equipment when a second bomb detonated and Lance Corporal Burris was killed.

Mr. Speaker, it's not uncommon that our enemy sets a second delayed bomb explosion because they know Marines will always return for their wounded or dead or sensitive equipment from their damaged vehicles. This is how these cowards of the desert conduct war against our troops. They do so remotely. They won't come out in the open and fight because they fear the Marines and the Marine reputation.

General Black Jack Pershing, United States Army, and Commander of the United States forces in World War I, said of the Marines, "The deadliest weapon in the world is a Marine with a rifle." He was correct. Marines are a rare breed with dogged determination and put fear in the souls of our enemy.

Burris was a proud Marine. He was an unapologetic person of faith, and he attended the nondenominational church, Cornerstone Church, where he led worship and praise sessions for youth groups.

He loved Texas. His church pastor said today at the funeral, "No one had better say anything negative about his home State of Texas." And on Jeremy's Myspace page he wrote, "Born and raised in Texas and proud of it."

Lance Corporal Burris believed totally in his mission in Iraq. He said he was not afraid to die, and he joined the Marines a year and a half ago knowing he would go off to war. He told his youth minister "he would rather die young while he was able to give 100 percent than grow old and not be able to give that 100 percent." Amazing man, this young gun of the United States Marine Corps.

In a letter to Jeremy's father, Sergeant Drabicki, Jeremy's section leader in the Marines in Iraq said this about him: "Your son is a hero to all of us, especially me. He touched my heart and my soul in ways that I could never forget. Your son was the most loyal, hard-working, dedicated and selfless Marine that I had in my section, and his loss is felt by all of us. He never complained. He never faltered. He never quit, and it was my honor to lead your son in combat."

Mr. Speaker, I want to say this about the United States Marine Corps. They are the very best at what they do. They always have been. Army Major General Frank Lowe said in the Korean war, "The safest place in Korea was right behind a platoon of Marines. Lord, how they can fight."

Marine Lance Corporal Burris was one of those types of fighting men. They go where others fear to tread. They fight where the timid are nowhere to be found.

Mr. Speaker, this is a photograph of Lance Corporal Burris right before he was killed. And so the bugler has played taps for the final time for this lance corporal of the United States Marine Corps. And as his flag-draped coffin was laid to rest today in the small town of Liberty, Texas, red, white and blue balloons filled the air, a 21-gun salute was fired, and white doves flew into the heavens.

Ronald Reagan said this about the United States Marines: "Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the Marines, they don't have that problem."

Mr. Speaker, Jeremy Burris was one of those Marines. So semper fi, Lance Corporal Jeremy Burris. Semper fi.

And that's just the way it is.

□ 1945

STALLED CONTRACT NEGOTIATIONS AT KENNEDY SPACE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to say that some people in our Nation are taking notice of what is happening at the Kennedy Space Center with the stalled contract negotiations between USA Alliance, which is United Space Alliance, and the International Association of Machinists and Aerospace Workers, among the most talented and trained workers in our Nation.

USA Space Alliance is a company that was formed from Boeing and Lockheed, major defense contractors for our Nation, which also have huge space contracts. Their executives are very well paid, and these are companies essential to our Nation's defense.

But what is happening is that in these negotiations, strangely, the new demands that are being asked by these companies of the workers is that they have, the workers will have no pensions. Can you believe this, that workers who are involved in important NASA programs, particularly as we transition to Aries and Orion programs, that the conditions of work for people at the Kennedy Center will not be the same as they have been since we began the space program?

NASA gets about $16 billion a year. Without question, the United States of America is the world leader in space exploration. And we are a leader because of the bravery of those who are involved in the work, as well as their intelligence and their fine workmanship and workwomanship.

We shouldn't do anything to diminish this asset, this national asset, particularly when the Chinese are breathing down our necks and are able to hit targets in space already.

And yet, what we see happening is that the workers and future workers that will be at NASA's subcontractors will not have pensions?

This is very interesting, particularly because the individual running USA, United Space Alliance, Richard Covey, a very well-known American who's been an astronaut in many prior programs, gets about three retirement checks already, may be getting four.

The first one is a public pension that comes from his work and his patriotism in the Air Force of our country. So he gets that check. He gets a government pension from his work in the NASA program. And he had been a part of Boeing Corporation prior to his movement over to USA, United Space Alliance, and he gets a retirement check from that plus all the stock bonuses.

We have heard this before, that the people at the very top take enormous amounts? And the workers who are doing the actual work of retrieving the space launches, getting them ready are told, well, you won't get any retirement. What kind of attitude does that produce on the job in work that is truly dangerous, where lives are at stake, where America should seek the best and want the best and reward the best?

I was thinking today of the Kennedy Space Center named after President John Kennedy, who did so very much to inspire the Nation to treat all people equally and to better themselves, would have this happening at the Kennedy Space Center.

Defined benefit pension plans are the bedrock of retirement security, and over 40 million workers and retirees rely on them. And they give someone economic security to go to work every day and know that your life matters and that when it comes time for you to leave that position that you will have a retirement where you don't have economic worry. What is happening out at Kennedy now is a direct attack on Americans' retirement security. It sends a clear signal that this administration and its NASA administrator and all the subcontractors that it hires, including USA, support the elimination of secure guaranteed defined benefit pension plans, and for no workers, no pension plans. How's that for a deal? What are we going to do, go back to before 1940 again in this country?

We built a great Nation when America had a system where workers could be confident that their wages would increase with increasing productivity and that their retirement years would be secure. I would just say that the Nation is taking very close notice of an agency that gets a $16 billion budget whose top executives all get their pensions and now who hire subcontractors who are telling the very people who have their hands on the equipment down at the Kennedy Space Center that, sorry, you don't get the same type of consideration by the Government of the United States.

I would ask Mr. Covey and the folks at USA Space Alliance to pay close attention because Congress is paying close attention.

2007 COMMEMORATIVE COINS: LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION AND JAMESTOWN 400TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, public attention 50 years ago, in 1957, was on Little Rock, Arkansas. Everyone in the United States knew of the events that were going on at Little Rock Central High School and in the streets surrounding Little Rock Central High School.

Now this year we celebrate the courage of the Little Rock Nine. Now this year, 2007, we commemorate those events, the desegregation of September 25, 1957, very much aware of the work that we have to do in race relations.

As part of the honoring of these events and the honoring of the courage of the brave Little Rock Nine, this Congress passed a commemorative coin bill. We authorize 2 commemorative coins each year. The commemorative coin I want to show the Members, it is a beautiful coin. Now, the real coin is not this big. It's a silver dollar. It is a commemorative coin. While it is legal tender, you would not want to use it for legal tender because it costs substantially more than a dollar.

This is the one side. Each star honors one of the Little Rock Nine, the 9 stars. And these footprints show young people going to school with no other desire than to get an education. And it says: "Desegregation in Education, 2007, In God We Trust."

On the other side of the coin is the Little Rock Central High School itself, one of the most beautiful high schools in the United States, and it is noted there: "Little Rock Central High School."

Now, the reason I show this coin to the Members on the floor tonight is this coin is currently available for sale at the U.S. Mint, usmint.gov. And for those of you who need some help, go to usmint.gov and then go to the section that says "Coins and Medals" and click on that and click on "Commemoratives," and you can find out how to order this beautiful coin.

Also available at usmint.gov is the other 2007 coin that was brought by the late Representative Jo Ann Davis, a much beloved Member of this body who recently passed away. That coin honors the 400th anniversary of the founding of Jamestown in 1607.

So we have two wonderful commemorative coins: this one honoring the desegregation of Little Rock Central High School by the Little Rock Nine in 1957 and the 400th anniversary of Jamestown.

Now, what many people may not realize is $10 of every sale of each coin goes to support these historic sites, and that is why I am down here tonight, Mr. Speaker, encouraging people to go to usmint.gov and order these coins to tell the legacy, to pass a legacy on, to tell the stories. They make wonderful holiday gifts this year, but they also just make wonderful gifts from people to younger people to remember the legacy and the courage of the Little Rock Nine, usmint.gov.

I also want to acknowledge this evening in Little Rock, Arkansas, the presence of Kevin Klose, the present president of National Public Radio. Right now he is at a reception at the home of Don and Suzanne Hamilton in Little Rock, Arkansas. They are my neighbors across the street. They are great members of the Friends of KLRE/KUAR. Unfortunately, I can't be there. I believe my wife is ill and can't be there. But I wish them well and welcome Kevin Klose to Arkansas.

TRIBUTE TO VERNON BELLECOURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, today I rise to pay tribute to the life of Vernon Bellecourt of Minnesota, a selfless servant who committed his life not just to fight for American Indians but for the rights of all people.

Last night I was at a funeral service for Mr. Bellecourt, and while I regret to report the recent passing of Mr. Bellecourt at age 75, I am grateful for his spirit of equality and inclusiveness which will continue to live on in the Twin Cities of Minnesota and around the world.

Mr. Bellecourt, a member of the Ojibwe Band of the Minnesota Chippewa Tribe, came to St. Paul from Minnesota's White Earth Indian Reservation. As a skilled communicator and a natural leader, Vernon championed the power of community. He practiced what he preached, solidifying his commitment to community by operating several small businesses. And while Vernon was a businessman, his greatest contribution was as a human rights leader around the world and in Minnesota.

Let me read a little bit from the Washington Post obituary that appeared today in the paper:

"Vernon Bellecourt, who fought to restore land and dignity to Native Americans and against the use of Indian nicknames for sports teams as a longtime leader of the American Indian Movement (AIM) died October 13 of complications of pneumonia at a Minneapolis hospital.

"Since leaving behind careers as a hair stylist and real estate agent and joining his brother" Clyde Bellecourt "at AIM in the 1970s, Mr. Bellecourt had been in the forefront of the movement to ensure that treaty rights of Native American tribes and the U.S. Government would be fulfilled. He was president of the National Coalition of Racism in Sports and the Media and a principal spokesman for AIM.

"He was involved in numerous demonstrations to bring attention to his causes, including the 1972 occupation of the Bureau of Indian Affairs in Washington and the 1992 Super Bowl rally to protest the name of Washington's football team. He also spoke at colleges and universities around the world about more than 400 treaties that the group believed the U.S. was not honoring.

"Clyde Bellecourt, a founding member of AIM, said yesterday that his brother had been in Venezuela about 4 weeks ago" to talk about "providing heating assistance to American tribes."

Mr. Speaker, let me wrap up and say that Vernon Bellecourt brought an issue to the attention of the American people that most of us walk past very quickly. Most of us would look at Native American sports team mascots and think no big deal. But just imagine, if you would, Mr. Speaker, teams called the Chicago Negroes or the Washington Caucasians. None of us would appreciate that kind of depiction of our ethnicity, and Mr. Bellecourt didn't appreciate it either. And he helped elevate the self-esteem of young Native Americans and also helped us understand our common humanity as we respect each other due to his inspirational work.

I also want to say, Mr. Speaker, that I met Mr. Bellecourt in the early 1980s in Detroit, Michigan, when he was standing up for Native Americans at the Hopi Indian Reservation as they were in a conflict with Peabody Coal Company over land and treaty rights. I got to know him better when I joined him in northern Wisconsin, standing on the docks to stand up for Native American treaty rights. And whether you agree with him or not, Mr. Speaker, he embodied the spirit of an American standing up for what you believe in, speaking out for what is right, speaking up for the people who don't have a voice.

Mr. Speaker, Vernon Bellecourt will be sorely missed and will never be forgotten. In my opinion, he is a great man and he has helped us discover ourselves in a deeper and more meaningful way. May God bless Vernon Bellecourt and sympathy for his family.

OVERRIDE THE PRESIDENT'S VETO OF THE SCHIP BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, last evening I introduced you to a young girl that I had the honor of representing in northeastern Wisconsin. This is 3-year-old Kailee Meronek. Kailee and her family live in a trailer home just north of Appleton, and she receives care only because the United States Congress passed a Republican-inspired bill called the SCHIP, the State Children's Health Insurance Program. And through that program, funds were sent to Wisconsin, and we created in Wisconsin a program called BadgerCare. BadgerCare guarantees that nearly 57,000 citizens throughout the State have access to health care. And because they see their doctor in their doctor's office, the costs for their health care go down. They are not seen in the emergency room. They are seen in the doctor's office.

Kailee gets health care because of BadgerCare. But BadgerCare and SCHIP are in limbo. Their futures are in doubt. Why? Because this Congress is considering and will vote on Thursday morning whether or not to override President Bush's veto of this fundamentally important program that provides health care to millions of our children who are most in need across the country. The SCHIP bill, which was vetoed by the President, guarantees that our children, the children of our Nation, have access to health care at the physician's office. It focuses on those who are among us that need us the most: our Nation's children. It is a private program because private doctors, private insurance plans, and private hospitals deliver the health care. It spends $3.50 per day for a child like Kailee.

But Kailee doesn't live alone. She lives in a family and in a community, and allow me now to introduce you to her mother and her new sister. This is Kailee's mother, Wendy, who is a food server. She's a waitress. And she earns $2.33 per hour and tips. She is working hard to support her family and lives with her husband, Keith. Keith takes care of the children while Wendy is working. And this young girl, Cassidy, is 3 months of age. Cassidy doesn't understand health care. She only knows that she gets hungry and she has her mother to care for her.

This country, our Nation, must decide what kind of a Nation we are and in which direction we are going to turn. In several days we will decide here in Congress whether or not to override a veto, which I believe to be morally unacceptable. We cannot say no to our Nation's children. We must accept the responsibility of caring for those who are most in need.

That is not just my point of view. This bill is supported by everyone who is involved in delivering health care in this country, the American Medical Association, the American Nursing Association, and more. The American College of Allergy, Asthma & Immunology; the American Academy of Family Practice; the Federation of American Hospitals; the American Hospital Association; Catholic Charities; the March of Dimes; Lutheran Services; the U.S. Conference of Catholic Bishops; and more and more.

Everyone understands that we as a Nation must care for our Nation's children first because if our children are healthy, they will be in school and be able to learn and gain the education that they require to compete in this global marketplace. But it all starts right here Thursday morning when this House must vote to override President Bush's veto.

I believe we are at a precipice here in our country. It is getting dark, but it's not dark yet. We have to stand up for those who are among us that need us the most. Please reconsider your votes. Our people, our children need us. Please reconsider your votes.

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FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, thank you for the recognition.

And I would say that this week ought to be known as "FISA week." The reason I say that is because this week we will make an important vote on determining whether or not we will have the ability to defend our country, both now and in the future.

As we have moved on a bipartisan basis since 9/11 to attempt to meet the challenge of the threat internationally that is sometimes called the "war on terror," sometimes called the "war of Islamo-fascism," sometimes called the "war on radical jihad," no matter what the name, the American people know what it is we are speaking of. We have, in this House, in the Senate and in the executive branch adopted an analysis which allows us to respond in the most effective way, and that analysis is a risk-based analysis. And simply put, broken down into its constituent parts, risk equals threat plus vulnerability plus consequence.

The interesting thing in this equation is that the knowledge base of the bottom two elements, vulnerability and consequence, are within our grasp. Now, what do I mean by that? What I mean by that is vulnerability is our ability to assess how vulnerable our assets are that might be attacked by the enemy surrounding us. We can make educated judgments with respect to those assets, their value, how they could be attacked or destroyed, and how we can protect them against such attack or attempt of destruction.

Similarly, consequence is within our knowledge base. We know, with a successful attack, what the consequence would be. For instance, if the attack were lodged against a dam, a catastrophic event, a collapse of a dam as a result of an attack, we can measure what the consequences would be. How? Well, we know the number of people that would be in the way. We know the number of buildings that would be in the way. We can make a determination as to the overall destructive power of the surging water that would come through a destroyed dam. We can make an educated judgment as to the time by which those assets that would be destroyed, the time it would take to restore such assets, such as highways, byways, such as shopping malls, homes, hospitals, all of those sorts of things. So, within our risk assessment, we are capable, more or less, of determining what our vulnerability is and what the consequences of a successful attack would be.

There is a third element, threat, which is not as much in control of our already existing knowledge. Why? Because threat essentially is the intention of the enemy, the targets of the enemy, the timing of the enemy. That's what, in fact, a threat is. So, since that knowledge base is not within our power, essentially, how do we deal with that? How do we calculate what the threat is? We do so by utilizing intelligence. We gather intelligence. We find information from the other side, if you will, of the battle.

This is not a novel approach. It is recognized in the Constitution and the interpretations of the Constitution by the Supreme Court and other Federal courts from the beginning of this Republic in that it is recognized that the President of the United States was given Commander-in-Chief powers. Why? Because of the failure of the Continental Congress, because of the failure of the first Confederation of States when they found that you could not have multiple commanders in chief. You had to have a single executive, particularly in the area of war, defense of our country, or relationships with foreign governments.

Now, implicit in the ability or the capability of a Commander-in-Chief to exercise military strength on behalf of the Nation to defend itself, that is, to destroy those who would attempt to destroy us, yes, to give the President of the United States the power to exercise lethal action against the enemy, and that means, quite frankly, to wound or kill the enemy, to stop the enemy from destroying us, implicit in that authority is the authority to gather intelligence, the authority to gather foreign intelligence. In other words, one of the ways you find out what the enemy is to do on the battlefield is to find out what he is saying, the conversations that take place on the other side, the plans that they are developing, and the commands that they give to carry out their intended lethal action. That, essentially, is foreign intelligence.

And what we are going to vote on this week is something called the Foreign Intelligence Surveillance Act, FISA. Now, the reason I bring this to the floor and I spell out these words is to remember what the focus of this bill is. It is on foreign intelligence, not domestic intelligence, not the ability to try and stop the mob from acting in the United States, not the ability to stop certain criminals in the United States from committing a crime or to investigate after they've committed the crime in order to prove up the case against them and to give them their just punishment, but rather, foreign intelligence, intelligence which deals with foreign governments, foreign powers, and associated organizations or people.

The FISA Act was passed by the Congress in 1978, intended to establish a statutory procedure authorizing the use of electronic surveillance in the United States against foreign powers or agents of foreign powers. FISA established two new courts. First, the Foreign Intelligence Surveillance Court, which authorizes such electronic surveillance, and secondly, the U.S. Foreign Intelligence Surveillance Court of Review, which has jurisdiction to review any denial of an order under FISA. These courts are made up of Federal judges from around the country, and they meet in secret session here in Washington, DC.

I would note that the House Permanent Select Committee on Intelligence report that accompanied FISA in 1978 clearly expressed Congress' intent to exclude from coverage overseas intelligence activities. In other words, they never intended for the FISA court and procedure to somehow have authority over what is truly overseas intelligence activities dealing with foreign intelligence or intelligence of foreign governments or foreign organizations.

The report stated this: "The Committee has explored the feasibility of broadening this legislation to apply overseas, but has concluded that certain problems and unique characteristics involved in overseas surveillance preclude the simple extension of this bill to overseas intelligence." In other words, it was not the focus of the 1978 act, rather, the act focused on domestic surveillance of persons located within the United States. The law was crafted specifically to exclude surveillance operations against targets outside the U.S., including those circumstances where the targets were in communication with Americans, as long as the U.S. side of the communication was not the real target. That's a very important thing to understand.

In the ability to be able to record these messages or in some way pick up these communications, you really have the ability to target one side of the communication. And so what we do is we target a foreign person in a foreign country.

Contrary to what Congress originally intended, due to the changes in technology and resulting interpretation of the FISA Act, warrants have been recently required in order to conduct surveillance against terrorists located overseas in some circumstances. Why? The technology changed in that, in 1978, most local communication was by wire, most international communication was wireless by satellite. We could take it basically out of the air, for want of a better description, and it was overseas. The 1978 act did not contemplate bringing those conversations, those communications within the ambit of FISA.

In the intervening years, we've had a revolution in technology by which most local communication now is by wireless and international communication basically comes by wire. And the fact of the matter is the nodes or the centers or the switching places, whatever you want to call it, not technical terms, happen to be, most of them, in the United States. And so suddenly the interpretation of FISA, now looking at the connection where you would try and somehow be able to capture this conversation that really was of someone overseas and not American, now, because it transited somehow the U.S., an interpretation by the FISA court was that a warrant was now needed.

Now, why would this present a problem for our intelligence community? Admiral McConnell, the former head of the National Security Agency, NSA, under President Clinton and now the current Director of National Intelligence, explained this to our Judiciary Committee. It takes about 200 man-hours to prepare a request for a court order in the FISA court for just one telephone number; 200 man-hours. As he explained to the judiciary in the other body, intelligence community agencies were required to make a showing of probable cause in order to target for surveillance the communications of a foreign intelligence target located overseas; then, they need to explain the probable cause finding in documentation and obtain approval of the FISA court to collect against a foreign terrorist located in a foreign country.

Frequently, although not always, that person's communications were with another foreign person located overseas. In such cases, prior to the Protect America Act, that's the act that we passed before we left in August, which I might add is not going to be allowed to be considered on the floor, at least the Rules Committee told us earlier today they would allow no amendments, the FISA's requirement to obtain a court order based on a showing of probable cause slowed, and in some cases, prevented altogether the government's ability to collect foreign intelligence information out serving any substantial privacy or civil liberties interests.

Again, as the legislative history of the 1978 FISA Act made clear, it was never the intention of the act to cover surveillance of non-U.S. persons overseas so long as the U.S. person located in the United States was not the real target of the surveillance. Yet prior to the enactment of the bill that we passed in August, which has a sunset in February of next year, that's the reason we have to consider it this week, our intelligence community was saddled with the requirement that they devote substantial resources for the preparation of applications required to be submitted to the FISA court.

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As an economist might say, this substantial diversion of resources imposed opportunity costs measured in terms of the intelligence analysis which was not done because of the need to complete paperwork in order to surveil foreign intelligence assets outside the U.S. who were never intended to be covered by the old law. In other words, you had to take the analysts off the job of looking at current communications that might protect us against attacks in the United States or elsewhere by those who want to kill Americans, who have said, by the way, that they would be justified in killing 4 million Americans, 2 million of whom would be women and children. We take them off that pursuit and instead put them on this job of doing the intellectual work that would allow for the paperwork to be presented to the FISA Court.

Furthermore, in response to a question I posed to him, Admiral McConnell affirmed that prior to the Protect America Act, again, the act we passed just before we left in August, the intelligence community attempted to work under the laws interpreted by the court but found that as a result of working under those restrictions, his agency was prohibited from successfully targeting foreign conversations that otherwise would have been targeted for possible terrorist activity. Think of that: those kinds of conversations that we always were able to pick up before, before we ever had a FISA, after we had the 1978 FISA Act, we were not able to pick up anymore.

In fact, he said that prior to the enactment of the Protect America Act this past August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA requiring the government to obtain FISA warrants for overseas surveillance. To put it in graphic terms, we have put blinders on one of our two eyes as to the ability for us to look at those dots and connect those dots that the 9/11 Commission said we weren't finding and weren't connecting before 9/11.

The consequences of this for our Nation's security are very real. As Admiral McConnell explained to our committee: "In the debate over the summer and since, I heard from individuals from both inside and outside the government assert that threats to our Nation do not justify this authority. Indeed, I have been accused of exaggerating the threats that face our Nation," said Admiral McConnell.

He continued: "Allow me to attempt to dispel this notion. The threats that we face are real and they are indeed serious. In July of this year, we released a National Intelligence Estimate, commonly referred to as an NIE, on the terrorist threat to the homeland. In short, these assessments conclude the following: the United States will face a persistent and evolving terrorist threat over the next 3 years." Why 3 years? That is the total time of the NIE. They are not saying it will only just be 3 years, but in the time frame that they were supposed to assess, this threat will continue.

They say that the main threat comes from Islamic terrorist groups and cells, especially al Qaeda. Al Qaeda continues to coordinate with regional terrorist groups such as al Qaeda in Iraq, across North Africa and other regions.

Al Qaeda will likely continue to focus on prominent political, economic, and infrastructure targets with a goal of producing mass casualties. Mass casualties. That means thousands, if not millions, of Americans if they were successful. Visually dramatic destruction, significant economic aftershock and fear among the U.S. population. These terrorists are weapons proficient. They are innovative and they are persistent. Al Qaeda will continue to seek to acquire chemical, biological, radiological and nuclear material for attack; and they will use them given the opportunity. This is the threat we face today and one that our intelligence community is challenged to counter. So says Admiral McConnell.

This is the real issue, the 800-pound gorilla in the room, if you will, which remains the central question before us: How do we best protect America and the American people from another cataclysmic event? I do not believe it is good enough for us to say we are preparing to respond to an attack. I believe what we need to do is to prepare to prevent such an attack.

As I have suggested before, when you assess the risk which allows us a proper assessment to be able to determine how we best array our resources against such an attack, we need to have threat, plus vulnerability, plus consequence. And the only way you can assess threat is by having proper intelligence.

As the National Security Estimate makes clear, those who seek to kill us continue in their resolve to, once again, inflict mass casualties upon our Nation. The threat is still there. Although we have been successful in thwarting another attack since 9/11, there are no guarantees in this business. In fact, if you would look at the polls that I've seen most recently, you will find that something like 70 percent of the American people, in fact I believe it is 73 percent of the American people in the latest poll I saw, believe that we, that the U.S. Government, has been effective in forestalling a terrorist attack on our shores. However, 57 percent believe that we are less safe. So you put those two things together, you try and figure out what the American people are saying. I think what we are saying is they believe that many of the things that we have done in government with the support of the American people and the funding of the American people have been successful in forestalling a terrorist attack on American shores, but they know that al Qaeda and their affiliates and associates have not been deterred to the extent that they are still trying to do us harm.

So they see a continuing problem, and they expect us to see the continuing problem and bring us the efforts necessary to protect against a successful attack as seen from the other side.

Independent sources such as Brian Jenkins in the RAND Corporation have stressed that intelligence capability is a key element in our effort to protect our homeland. He states this: "In the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders."

In this regard, Admiral McConnell came before us last August asking for changes in the 1978 FISA Act. When you think about it, a definition of "electronic surveillance" constructed almost 28 years ago certainly could not have kept pace with changes in technology. Ironically, as I said, when FISA was first enacted, almost all international communications were wireless. The cell phone did not even exist. Although the revolution in telecommunications technology has improved the quality of all of our lives, it has taken a quantum leap beyond the law.

When FISA was passed in 1978, almost all local calls were on a wire and almost all international calls were wireless. However, now the situation is upside down. International communications which would have been wireless 29 years ago are now transmitted by wire. While wireless radio and satellite communications were excluded from FISA's coverage in 1978, certain wire or fiber optic transmissions fell under the definition of electronic surveillance. Thus, changes in technology have brought communications within the scope of FISA which Congress never intended to cover in 1978.

Similarly, the rise of a global telecommunications network rendered irrelevant the premium placed on geographic location by the 1978 act. As Admiral McConnell explained to our committee, it is the Judiciary Committee, in the old days location was much easier. Today, with mobile communications, it is much more difficult.

So a target can move around. So the evolution of communications over time has made it much more difficult. So what we were attempting to do is get us back to 1978 so we could do our business and legitimately target foreign targets and keep track of threats and respect the privacy rights of Americans. Because a cell phone, he continued, for example, with a foreign number, GSM system, theoretically could come into the United States and you wouldn't appreciate it had changed. So you would have to now work that problem, and if you did then determine that it was in the United States and you had a legitimate foreign intelligence interest, at that point, you have to get a warrant.

It was with this backdrop that we enacted the Protect America Act this past August. According to Admiral McConnell, this act has provided us with the tools to close our gaps in our foreign intelligence collection. Think of that. That is what the 9/11 Commission asked us to do, close those gaps. He found those gaps that were at least as wide and even wider following the decision by the FISA Court earlier this year. He said, and says, that the bill we passed in August has closed those gaps.

He described five pillars in the important new law. First, it clarified the definition of electronic surveillance under FISA that it would not be interpreted to include surveillance directed at a person reasonably believed to be located outside the U.S. Under the law, it is not required for our intelligence community to obtain a FISA warrant when the subject of the surveillance is a foreign intelligence target located outside the U.S. This important element of the law is entirely consistent with the legislative history of the 1978 act. As I previously mentioned, it was not intended to reach foreign intelligence outside the U.S.

The second pillar of the act we passed in August establishes a role for the FISA Court in determining that the procedures used by the intelligence community are reasonable in terms of their capacity to determine that surveillance target is outside the U.S. The third pillar of the act provides the Attorney General and the Director of National Intelligence with the authority to direct communications providers to provide information, facilities and assistance necessary to obtain other information when targeting foreign intelligence targets outside the U.S.

The corollary of this obligation to provide intelligence information is the fourth pillar which establishes liability protection for private parties who assist the intelligence community when complying with a lawful direction under the law.

Finally, the law continues the requirement that the intelligence community must obtain a court order to conduct electronic surveillance or a physical search when the targeted person is located in the U.S.

Admiral McConnell defined the concept of the gap to be closed to mean foreign intelligence information that we should have been collecting. I am sure that most Americans would agree with the admiral that in a world with weapons of mass destruction there is no room for gaps in our intelligence capacity. Let me repeat: this is the considered judgment of a career officer in the U.S. Navy who headed the National Security Agency under President Clinton for 4 years and who now serves as the Director of National Intelligence. It is his considered judgment that the changes we made in the law in August were necessary.

Although it was scheduled to sunset 180 days after enactment on February 5, the ink was hardly dry before the left-wing blogosphere was going bananas. Now, don't get my wrong. I defend the right of any American to scrutinize and seek a different course concerning our national security policy. However, based on Admiral McConnell's service to his country to Democrat and Republican administrations, I would suggest that those who seek substantive changes in what he has told us to be necessary should face a heavy burden of proof. In fact, in his appearance before the Judiciary Committee while reserving the right to see the fine print, he indicated he himself was open to discussions concerning changes in the end.

I would also make the observation that it is time for all of us to agree that this is not about President Bush. Whether you hate him or love him or don't have any feelings about him at all, that is not the issue here. We are talking about the security of our Nation, the safety of our people, the men, women, children, grandchildren we encounter in our districts at Little League games, Girl Scout meetings, and our town halls. Those who send us here to represent them are depending on us to protect their lives and the lives of their children. This is the context within which we must consider this ultimate matter of our responsibility.

While the law we passed in August, the Protect America Act, represents a major step forward in protecting the American people, there remain elements of the larger package unveiled by Admiral McConnell and General Hayden which should receive our prompt attention.

First and foremost, it is imperative for this body to extend liability protection to companies who responded to the entreaties of their government since the 9/11 attacks. That is why I am so disappointed when I appeared before the Rules Committee earlier today and we were told, as we walked in, as anybody walked in with an amendment, We will listen to you, but we have already decided it is going to be a closed rule. One of the amendments offered would have given this liability protection. At a time when our country was in peril, these companies responded to the call for help. In an earlier era, maybe in a simpler time, this might have been described as patriotism. But now, instead of kudos, what do they get? They receive a summons and a complaint. They were met by costly litigation because of their willingness to respond to our country in a time of need.

When we brought the issue up in our Judiciary Committee, one of the members on the other side of the aisle said, Well, these companies have millions dollars' worth of lawyers so they can defend themselves. Boy, that is the way we ought to do things. We are going to fight the war on terror with summonses and warrants.

□ 2030

We are going to sue them out of existence. Oh, I'm sorry. We are not suing the terrorists; we are suing the companies who helped us respond to the terrorists. Figure that one out.

Mr. Speaker, I would go so far as to suggest that regardless of what you think of the war in Iraq, regardless of what you may think of the war on terror, this violates all notions of fundamental fairness. It sends the worst possible message, not only to companies, but to the American public itself, that those who would come to the aid of their country are fools, and it is those on such an ideological crusade seeking to protect this Nation through lawsuits that are somehow the true American heroes. Rosy the Riveter of World War II fame has been replaced by lawyers in three-piece suits.

Some of you may be old enough to remember the standard text used in our typing classes. We would practice over and over again. Boy, I recall this, typing out the following sentence: Now is the time for all good men to come to the aid of their country. Of course it would have been better stated that:

Now is the time for all good men and women to come to the aid of their country.

This was an ethos which went unchallenged. Believe me, in typing classes it wasn't a Republican idea, it wasn't a Democratic idea, it was an American idea, so noncontroversial, that it was standard text: Now is the time for all good men and women to come to the aid of their country.

Mr. Speaker, we must not send a message to our companies and the American people that if you respond to your government when our fellow citizens are threatened by a cataclysmic attack that the very government which sought your help will not be there for you when the ideologues come after you with lawsuits.

Even if you hate this President so much you can't see him to succeed in anything, at least consider the possibility that there will be a war down the line that you may support. Furthermore, those who drive around with 1/20/09 bumper stickers need to consider the fact that maybe, possibly there could be a new occupant in the White House more to their liking. He or she is going to need all the help that he or she can get.

Mr. Speaker, the war on terror is not going to end with the term of the current President. The new administration is going to need to call on the help of all Americans, including companies like those whose only offense was to respond to the tragedy of 9/11. By what? Serving their government.

Consider the additional downside of using litigation as an ideological weapon. As anyone who picks up the daily newspaper knows, there is always a story concerning the latest lawsuits. The litigation system can produce leaks of the most sensitive information. It is not the dissemination of information to the public which is even our principal concern. Rather, potential leaks of sensitive information to terrorists will better equip them with the ability to maneuver in the plan which they are committed to doing, killing innocent Americans.

Unfortunately, H.R. 3773, to be considered on this floor, the so-called RESTORE Act that we passed out of Judiciary Committee last week and passed out of the Intelligence Committee, and which is scheduled for floor action as early as tomorrow, fails to address this issue. It does nothing, zero, provides no protection for the companies who came to the aid of our Nation after 9/11. As a matter of fact, if you listen to what happened in the Rules Committee, if you heard the debate in the Judiciary Committee, I presume if you heard the debate in the Intelligence Committee, you would not consider these companies to be something valuable in the defense of our Nation. They are suspect. They are questioned. They are, in essence, patsies, if you really look at this.

Mr. Speaker, the Protect America Act does not contain retroactive liability protection; not because we didn't believe in it, but because Admiral McConnell agreed to delay discussion on the agreement in order to reach an agreement on the law we passed in August to enable us to close the critical gaps in our Nation's intelligence-gathering ability prior to the August break. Since by its own terms that law was to expire February 5, this was an issue to be resolved at this time.

Unfortunately, the RESTORE Act resolves it by ignoring it. It is, therefore, essential for this body to take the necessary action to ensure that those who responded to the call for help after 9/11 will not be fed to the litigators.

Mr. Speaker, I would be pleased to yield to my friend from New Mexico (Mrs. WILSON), a member of the Intelligence Committee, a former member of our military forces, and someone who has been probably the most articulate in explaining the need for the changes in the law that we passed in August and for making that permanent as we go forward.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from California. I very much appreciate his hosting this Special Order this evening.

Mr. Speaker, before the August break we fixed a problem. It was a problem that grew worse over the course of this year in that we were increasingly hampered in our ability to prevent another terrorist attack on this country because of the change in telecommunications and a law that was woefully outdated.

It's called the Foreign Intelligence Surveillance Act. It was put in place in 1978 to protect the civil liberties of Americans. Think about it. 1978 was the year that I graduated from high school. The telephone hung on the wall in the kitchen. Cell phones had not been invented. The word "Internet" did not even exist. Technology has changed since 1978, and the law had not kept pace.

In 1978, almost all long-haul communications went over the air. Almost all international communications went over the air, and they were explicitly exempted from the provisions of the Foreign Intelligence Surveillance Act. Our intelligence community folks would go ahead and collect those communications if they had foreign intelligence value. They minimized or suppressed any involvement of Americans who were innocent and just happened to be referred to in a conversation or something. But there were no restrictions on foreign intelligence collection.

Mr. Speaker, unfortunately, technology has now changed, and what used to be over the air is now almost all on a wire. The courts have found that under the old Foreign Intelligence Surveillance Act, before we changed it in August of this year, that if you touched a wire in the United States, even if you were targeting a foreign terrorist talking to another foreign terrorist who had no connection to the United States at all, then you needed a warrant. This began very rapidly to cripple our intelligence capability with respect to terrorism in particular.

The Director for National Intelligence, Admiral McConnell, has testified in open session that without the changes, without keeping the changes, making them permanent, that we put in place in August, we will lose between one-half and two-thirds of our intelligence collection on terrorism. Think about this for a second.

Now we all remember where we were on the morning of September 11, remember who we were with, what we were wearing, what we had for breakfast. Most Americans don't remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up simultaneously over the Atlantic. They don't remember it because it didn't happen.

The American people want us to prevent the next terrorist attack. They don't want to have to remember where they were when a preventable disaster happened. That is what intelligence gives us, and that is why the Protect America Act is so important and why we have to make it permanent.

Sadly, the Democratic majority is going to bring a bill to the House this week which will gut the progress that we made in early August. They say things in this bill that, on its face, initially you think, well, that makes sense. One of them is you would not need a warrant for any foreign-to-foreign communication.

Well, doesn't that solve the problem? Wait a second. If Mr. LUNGREN, my colleague from California, was a foreign terrorist, just for the purposes of discussion, how do I know who he is going to call next? I don't. And if the law says that it is a felony to listen to the conversation of someone who is a foreigner calling into the United States, that means as soon as I collect that conversation, as soon as that terrorist makes a phone call into the United States, I become a felon. As a result, you have to have warrants on everyone.

It doesn't relieve the system of this huge legal bureaucracy. It means they have to get warrants on every foreigner in foreign countries, even if they are only talking to foreigners, because they might some day pick up the phone and call an American. And, oh, by the way, that is the conversation we want to be listening to. If we have a terrorist affiliated with al Qaeda calling into the United States, you bet we should be on that conversation. We should be all over that like white on rice. We shouldn't be waiting to get a warrant from a judge in Washington, D.C.

But it gets worse than that. They also put in this bill some things called blanket warrants.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, reclaiming my time, I have referred to that section, that first section where they say you don't need it if it is foreign-to-foreign as the "furtive fig leaf" section of the bill, which appears to give Admiral McConnell what he needs, but because of the actual practicality of it, denies him the opportunity to do it, because essentially that was sort of the state of the law prior to the time we passed the law in August, and he told us it doesn't work.

Mrs. WILSON of New Mexico. If the gentleman would yield further, that is exactly right. There is already a provision in the law and was in 1978 that if it was foreign-to-foreign communication, you didn't need a warrant.

There are some circumstances where you are tapping into a line that is between a command headquarters of the former Soviet Army and one of their missile silos where it is a dedicated line. But modern telecommunications don't operate that way, and the terrorists who are trying to kill us are using modern commercial telecommunications. They are not using dedicated lines between headquarters. They don't even have headquarters.

Mr. DANIEL E. LUNGREN of California. If the gentlewoman would allow me to reclaim my time for a moment, evidently some on the other side of the aisle have listened to a little bit of our complaint here, so in the manager's amendment they have included what they consider to be the saving piece of that first section, which says if the electronic surveillance referred to in paragraph 1 inadvertently collects a communication in which at least one party to the communication is located inside the U.S. or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General.

If that is all they did, that would be fine with me. But they then go on to say this, that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used for any purpose or retained for longer than 7 days, unless you get a court order or unless the Attorney General determines specifically in this case that the information indicates a threat of death or serious bodily harm to any person.

Now, Admiral McConnell has suggested to us that time frame, they say you can't keep it longer than 7 days, may not be practical within the contours of how we actually get that information, number one; and, secondly, you can't use that information. You can't give it to anybody. You can't disclose it to the FBI, even though the information doesn't make the person in the United States a target, the information contained in that conversation is all about Osama bin Laden calling into the United States and something he says that is important for our purposes. That is the extraordinary thing here, because it says no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used.

It is exactly contrary to what Admiral McConnell said, which is the law should be directed at the identity of the individual we are targeting. So in this case, because you now capture a conversation that has taken place with the foreign person in a foreign land into the United States, even though it doesn't give rise to anything that would make a target of that person in the United States, you can't use any of that conversation with respect to the target for which you don't need a warrant, even though that person could be Osama bin Laden or one of his top people.

That is nuts. With all due respect, I use the word "nuts," but I think that is probably proper.

Mrs. WILSON of New Mexico. Let's just think of an example here. Let's say Osama bin Laden or one of his chief lieutenants did call into the United States to a completely innocent person, a completely innocent person under this law which the Democrats are going to try to pass this week, and what he says in that conversation is "Don't go to the Sears Tower tomorrow. Stay away from the Sears Tower tomorrow." Whoever in the intelligence community gets that communication is barred by law from giving it to anyone who can take any action to prevent a terrorist attack on this country.

Mr. DANIEL E. LUNGREN of California. Unless they go to court and get an order, which requires all of the necessary preparation that Admiral McConnell has told us we cannot do.

Mrs. WILSON of New Mexico. You may not even know who the person is being called, other than it is an area code and number in the United States, which means you don't have any probable cause. You have to send the FBI out and find out whose number that is and whether they are reasonably believed to be involved in a crime.

☐ 2045

But the threat is immediate. We cannot have our intelligence agencies tied up in legal redtape when they are the first line of defense for this country in the war on terrorism.

I am appalled that we have people in this body who put forward legislation who seem to be more concerned about protecting the civil liberties of terrorists overseas than they are about protecting Americans here at home and preventing the next terrorist attack.

This would be an unprecedented extension of judicial oversight into foreign intelligence operations. We don't even do this in criminal cases, and my colleague is much more experienced in criminal law than I am. But if we are listening to a Mafia kingpin and he happens to call his son's second grade teacher.

Mr. DANIEL E. LUNGREN of California. Or his sainted mother or his brother, the priest.

Mrs. WILSON of New Mexico. Anybody. And we are not prevented from using that information until we get a warrant on the priest or his mother or his son's second grade teacher. The target is the Mafia kingpin.

This legislation will tie our intelligence community in knots in order to protect the civil liberties of terrorists in foreign countries who are trying to kill Americans.

There are some in this body who may believe we shouldn't have intelligence services. I believe it was Hoover who said that gentlemen shouldn't read each other's mail. Well, we are not dealing with gentlemen here. We are dealing with terrorists who are trying to kill Americans and are using commercial communications to talk to each other. We must do everything we can to prevent that terrorist attack, and that means listening to their conversations if we get an opportunity to do so.

Mr. DANIEL E. LUNGREN of California. I would like to pose this question to the gentlelady. The gentlelady has studied this issue for a long time and was one of the first people to raise certain points of considered alarm, trying to bring a sense of urgency to this House to respond to the threat that is out there.

There is another troubling aspect of the bill to be brought to the floor. It has a sunset of December 31, 2009. So that would suggest to anybody looking from the outside that there is an end game or an end date at which the threat no longer exists. Can the gentlelady give us any advice, considered opinion, as to whether or not this threat is long lasting? Or should we limit this law just to the next 2 years?

Mrs. WILSON of New Mexico. I don't think anybody believes that the threat of Islamic terrorism to the United States, or other foreign threats, are somehow going to go away in the next 18 months. That is just not going to happen. What is even worse about this bill, while they set up some system of blanket warrants with respect to some national security matters, they do not allow any so-called blanket warrants for things that are outside of direct threats to the United States, which is unprecedented in foreign intelligence collection.

That means if we are trying to listen to Hugo Chavez in Venezuela, or we are trying to figure out whether the leader of Sudan is about to launch another wave of genocide in Darfur, or we want to listen in to what the Chinese or the North Koreans are talking to each other about with respect to the Six-Party Talks and the potential for weapons of mass destruction on the Korean Peninsula, we are absolutely prohibited from listening to those conversations without a warrant from a court in the United States of America. The courts have never been involved in that way. Never in the history of this country, nor should they be. Foreign intelligence collection of foreigners in foreign countries has never been subject to warrants here in the United States.

Mr. DANIEL E. LUNGREN of California. Today I presented two amendments before the Rules Committee for consideration on this floor. Both were denied. One would have expanded the definition of foreign intelligence individuals or states to include nonstate actors who are involved in proliferation of weapons of mass destruction.

The reason I did that is al Qaeda is not a state. There are free actors out there who would attempt to work with nation states or with organizations such as al Qaeda; and technically under the definition currently in the FISA law, they are not covered so that we couldn't do these sorts of things you talk about, listening in on their conversations without warrants, even though they may be as much a threat as a small nation state somewhere. But yet we don't even have an opportunity to discuss that on the floor of the House because that amendment and every other amendment was denied.

Mrs. WILSON of New Mexico. There is historical precedent for this, one of a Pakistani who ran a criminal enterprise, an international network that was selling nuclear materials and the capability to build nuclear weapons to people and countries around the world. While he was Pakistani by nationality and had helped with the Pakistan Government's weapons program, there was no question that he wasn't acting as an agent of Pakistan, at least I don't think there was. He was running a criminal enterprise for money, and we should be able to listen in and track people like that.

Likewise, I think our foreign intelligence should be able to listen to narco-rings in Burma and be able to detect whether there are cocaine smugglers who are trying to ship drugs into the United States.

These are all foreigners who are doing things that we do not like that are not in our interests and our intelligence capabilities should be used to disrupt those things. This law would shut that down. Shut it down. And Admiral McConnell has been very clear on that.

Mr. DANIEL E. LUNGREN of California. Let us return to the protections of Americans.

In the criminal justice system for years and years and years, somewhere between 30 and 50 years, we have done minimization, which means that if you have a wiretap on a Mafia member, and as I say, he calls his sainted mother or his priest, and the conversation has nothing to do with Mafia activities, that is minimized. That is, it is taken out of the data field and thrown away, essentially. If he says something in that conversation, while not implicating the other person in the conversation that is of benefit to our investigation, that is, he comments he is going to be going to Nashville and that's an important piece of information for us to know, we can use that. If the receiver of the conversation or communication, by what he or she says, indicates activity of an illegal nature such that that person becomes a target, it is at that point we require a warrant for that person.

Similarly, the way the law that we passed in August works is once you have the legal nonwarrant wiretap, or whatever you want to call it, catch of or capture of the communication because the target is a foreigner in a foreign country and you have reason to believe they are involved in some way that is covered under the law, that conversation or communication to someone within the United States is treated in the very same way.

If the conversation has nothing to do with terror, it is minimized. It is thrown out. If the conversation contained some information about the legal target that is of benefit, we can use that information against that target. If in fact the response or the statement made by the person in the United States, the American, is of a nature that gives us cause to believe that person is involved in terror, we then go get a warrant because that person becomes a target. Is that the gentlelady's understanding of how we operate?

Mrs. WILSON of New Mexico. That is exactly how this law works. If the target is an American, you need a warrant. If the target is a foreigner, you don't need a warrant; foreigner in a foreign country.

I think one of the things that is important to remember here, something that has been the greatest accomplishment in the last 6 years in this country has been what has not happened. We have not had another terrorist attack on our soil. And it is not because they haven't tried.

Osama bin Laden and al-Zawahiri have been very clear: They want to kill millions of Americans, and they will do it if they can.

The question is whether we will use the tools at our disposal, entirely constitutional and legal tools, in order to prevent the next terrorist attack, to stop the attack on the USS *Cole*, to prevent the planes from taking off from Heathrow to kill thousands of innocent Americans. Intelligence is the first line of defense in the war on terrorism. It is possible to provide our intelligence community with the tools to keep us safe while protecting the civil liberties of Americans, and that is the perspective that the Democrat majority has lost.

When Admiral McConnell appeared before the Judiciary Committee, he wanted to make clear our understanding of the technology of the capture of conversations. And he put it this way: He said when you are conducting surveillance in the context of electronic surveillance, you can only target 1 end of the conversation. So you have no control over who that number might call or who they might receive a call from. He then went on to say if you require a warrant in circumstances that we have never required before, as is the implication of the bill to be brought before us, he said if you have to predetermine it is a foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you are going to target, you have to program some equipment to say I am going to look at number 1, 2, 3. So targeting in this sense, you are targeting a phone number that is foreign. So that's the target. The point is you have no control over who that target might call or who might call that target.

Mr. DANIEL E. LUNGREN of California. Is that consistent with your understanding in the years you have been on the Intelligence Committee and the years you have looked at this issue?

Mrs. WILSON of New Mexico. That is exactly right. The biggest problem is that the terrorists who are trying to attack us, and even foreign governments, are increasingly using commercial communications. So they don't have dedicated lines between a couple of government buildings. In modern communications, those communications will flow wherever it is fastest to get to wherever they are calling to. Sometimes that call will transit the United States, and we shouldn't require a warrant just because the point of access to that conversation happens to be within the United States.

Mr. DANIEL E. LUNGREN of California. I know we only have about 5 minutes left. This is testimony that Admiral McConnell gave before the Judiciary Committee. He was asked this directly by a Member from the other side of the aisle: How many Americans have been wire tapped without a court order?

The direct response by the DNI, none. He went on to say there are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that foreign person calls in the United States, we have to do something with the call. The process is called minimization. It was the law in 1978. It is the way it is handled.

Is that your understanding?

Mrs. WILSON of New Mexico. That is my understanding, and he has testified to that in the Intelligence Committee as well. That is what gets lost here. People seem to think that somehow this impacts the civil liberties of Americans. No, this bill that the Democrats are bringing to the floor this week will extend civil liberties protections to foreigners trying to kill Americans. It will make it harder for our soldiers and our law enforcement folks and our intelligence community to find out when the next attack is coming in order to prevent it.

I don't understand why they are going in this direction. Sometimes I don't think they really understand what they are doing here. Sometimes I think it is not entirely intentional on the part of some of these folks, that they really do not understand how this works and how badly they are crippling American intelligence if they pass this law.

Mr. DANIEL E. LUNGREN of California. We should recall the words of the United States Supreme Court in the Keith case which is the case that dealt with wiretaps in the United States. They said that while there was no warrant exception in domestic surveillance cases, it was not addressing the question of activities related to foreign powers and their agents. And in that unanimous opinion, the court noted that were the government to fail "to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Justice White, a John Kennedy appointment to the Court who personified the definition of a moderate, said this in his concurring opinion in the Katz v. U.S. case: "We should not require the warrant procedure in a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

In other words, the court when it dealt with this issue those years ago recognized the difference between a criminal justice system and a system of intelligence and counterterrorism to protect our country from attack by those who would basically destroy everything, including our Constitution and our constitutional foundation.

Mrs. WILSON of New Mexico. If you think about how the challenge has changed since the Cold War, in the Cold War, we had early warning systems. We had Cheyenne Mountain that was watching early warning systems to see if Soviet bombers were heading towards us or missile systems had launched, immediately scrambling airplanes and taking immediate action to protect this country.

□ 2100

And we had intelligence systems set up to be able to detect and give us that early warning. The problem has changed, but the need for early warning is still there.

Now, what we didn't do when we got a detection that bombers were coming towards the United States was call the lawyers in Washington to see if we could launch our airplanes to protect us. The system was set up to be fast and immediately responsive.

What the Democrats are going to do this week is to say if you get a detection, if you believe you have early warning, that the terrorists are coming to destroy Americans or attack Americans, put that on hold while you go get a warrant, talk to judges, take hours to decide whether we can respond. That will not allow us to protect America.

Mr. DANIEL E. LUNGREN of California. The gentlelady is exactly correct, and let me suggest, to get down to basics, that when surveillance is directed overseas, legitimate concerns relating to purely domestic surveillance are not implicated. We should all be concerned about the protections of civil liberties, as the 9/11 Commission put it.

The choice between security and liberty is a false choice as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.

And I thank the gentlelady for her comments.

Mrs. WILSON of New Mexico. I thank the gentleman for having this hour tonight.

TRUCKS COMING IN FROM MEXICO

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BOYDA of Kansas. Mr. Speaker, tonight I rise to speak on behalf of so many in the 2nd District of Kansas who are as concerned as I am about what's happening with the trucks coming in from Mexico.

I have stood strong and said from the beginning what on Earth are we doing here. We have a rule of law in this country, and some way or another it is once again being completely disregarded, the will of the American people, the rule of law, and I stand before you here tonight to say the people of the 2nd District want me to say something, and that is, enough is enough.

My Safe American Roads Act basically said this pilot program is not going to keep our families safe. It, in fact, will make our highways more dangerous, and asks the President, please, Mr. President, stop this program now.

We had a bill that was voted on this very floor right here, 411–3, virtually unanimously, and yet on Labor Day weekend, just a stunning, a stunning reversal of what the American people had asked our President, on Labor Day weekend it was announced that these trucks coming up from Mexico would be allowed that weekend, and in fact, the first trucks started to roll.

Tonight we want to talk about what's going on and why we are so concerned, and I'm joined here with my friend and colleague Mr. RYAN from Ohio, and I will just turn it over to you for a few minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that, and I appreciate all your work on this particular piece of legislation that we have a lot more work to do convincing our friends on the other side of the Capitol to act on this.

But what I find interesting is we're just standing here. You're from Kansas; I'm from Ohio. This is not a border State issue where we're directly across the border from Mexico. This is an issue that affects all of us all across the country. So, whether it's manufacturing in my district or, you know, in someone else's district across the country, this is an issue, as you said, that represents America.

We sign a lot of these trade agreements, and many people don't even know what's in the fine print, and here we find out 15 years later about this little program that's going to go on that really, I think, does several things.

One, it's a real threat to U.S. jobs in the trucking industry. And then as your bill pointed out, why it is, I think, such an important piece of legislation, and Mr. Speaker, this is the Safe American Roads Act of 2007, H.R. 1773, sponsored, pushed, advocated for by the gentlelady from Kansas who's been such a strong advocate on this issue. But basically, what we're trying to do from our vantage point is put some responsibility into this thing, to make sure that there are certain standards that are met.

And I know that was the key impetus for this whole piece of legislation from the beginning is let's have some standards, Mr. Speaker, where if you want to compete in the global economy, we're all playing by the same rules.

Now, all of the sudden we have American truckers who have drug testing and there are certain standards for the trucks and certain training that needs to happen and equipment and on and on and on down the line. Now, all of the sudden they're going to be competing with folks who just don't have to abide by the same rules.

Mrs. BOYDA of Kansas. I know a lot of good people are concerned about their jobs.

Our trucking industry, while I'm sure you've heard the same thing as well, as of January I had to put on some pretty strict environmental controls, and they did it. They went out and spent the money. They maintain their trucks. They keep them up to standard, so that when you and I are out there with our families, we don't have to breathe as much smog and we know that trucks that are out there are, in fact, safe.

Those men and women who have purchased those trucks at great expense are now going, What did I do that for? Why is it that I'm required to meet a standard and yet our companions to the south are not, in fact, required to do that? Something is just definitely awry here, and the American people have stood up and said enough is enough.

Let me make this real clear. This is not a partisan issue, Mr. Speaker. We both happen to represent the heartland, but this is an issue that speaks across not only party lines but across our geographic districts and speaks to people up and down the United States.

What the Safe American Roads Act basically did was say NAFTA provided for a pilot program, but it said there had to be some standards, let's have some standards here, and there had to be a public comment period. Well, we have a grade card here, and I'd like to pull that up for a minute.

Mr. Speaker, here is that grade card. First of all, it said that we had to have a public comment period. Now, traditionally, the minimum comment period is 30 days. Did this get 30 days? No. On June 8, after the Safe American Roads Act was passed, on June 8 there was an announcement that, by the way, all the safety standards had now been met. A simple statement, by the way, they've been met. I compare that to, you know, giving a third-grader 5 hours of homework and 5 minutes later they're running out the door saying, I got it done.

Mr. RYAN of Ohio. Well, that's kind of like the President during Katrina; he flies in. He says, Hey, you're doing a great job, Brownie. Well, maybe you should look and see what he did before you start making the comments. So there's a little bit of a pattern that this administration may have.

Mrs. BOYDA of Kansas. I would absolutely agree with that.

So on June 8, the statement was made, yeah, good job, all the safety standards have been met, and the public comment period is starting. That was June 8. It was over on June 28, 20 calendar days, 10 short of what's considered to be the very minimum. You know, it was just a slap in the face of the American people.

Basically, it said that you had to comply with the rules that are already out there. We have section 350 of the FMCA, the Federal Motor Carrier Safety Act; you can't bring this new pilot program in until you at least meet those requirements. Well, the fact is that they have not met those requirements either. That has to do with bus inspections. This makes a difference. These aren't just petty little infringements. This is real big business here. Bus inspection facilities still have not been met. Hazardous materials transportation, still we have an F here.

How about keeping the promise of inspecting every truck every time? Well, I think as we noted tomorrow, the Secretary of Transportation is having a press conference with the Secretary of Transportation from Mexico. They're going to be having a press event. Oh, did I say "press event"? I meant they're going to be doing inspections, I'm sorry. They're going to be doing inspections. They're going to inspect one truck from Mexico and one truck from the United States.

Now, I don't know how you feel about that, but I am not convinced that we take a look at one truck and then deem the whole program safe, and I am deeply concerned again that we are heading in a direction that it's going to be harder and harder and harder to pull back on this thing.

We all know once it's out of the door, once the horse is out of the barn, it's harder and harder to pull this back, and they're just going off in a direction, again that's clearly, clearly opposite the will of the American people.

Mr. RYAN of Ohio. And it makes our roads less safe. I mean, that's why you're here. That's why I'm here. We care about jobs. We care about economic development. We care about all these things, as we'll continue to talk about tonight, Mr. Speaker, but the bottom line is this. We have unsafe trucks that will be coming in that are now through the pilot program, will continue to come into our country, lack inspection, lack the safety standards that we're accustomed to in the United States. That puts those kids who are riding in cars in the other lane, or in front or behind or whatever the case may be, in jeopardy. We have certain standards in the United States.

Mrs. BOYDA of Kansas. So when you first started learning about this, I'm sure you thought the same that I did. Certainly, maybe we're just overreacting, maybe there are standards there, and those standards are being met and we shouldn't worry. Then you come to find out that they don't even have drug testing facilities. They don't even have drug testing facilities in which to perform these. The whole recordkeeping, the hours of service is just extremely worrisome. There's no way to even begin to verify that when someone comes across the border, we don't know how many hours of service that they've had already.

So this is not even an attempt to meaningfully enforce these laws, and they will tell you that, in fact, these systems are not put in place, the same standards that we have, we've come to expect in this country, training, recordkeeping, sleep, drug testing.

And certainly if we're going to talk about drugs, I don't know about in your area, but in mine, we are finally getting the meth labs in the rural parts of my district, we're getting those under control, only to have huge meth shipments coming in from where? From Mexico. And this, again, will just exacerbate that situation and make it harder and harder and harder to control the influx of drugs into this country.

This is not a partisan issue. This is not anything that is being done politically.

Mr. RYAN of Ohio. Look at the vote on your bill, 411–3.

Mrs. BOYDA of Kansas. Don't you wonder who the three were?

Mr. RYAN of Ohio. I bet I could guess, but I won't comment on that.

Mrs. BOYDA of Kansas. You just have to wonder who said no, and then it went to the Senate, and the Senate basically said we'll take something and we'll put it into the supplemental bill. And it also, of course, then passed as well.

And again, we now have a law that's, in fact, in force today as we speak, and it's very difficult in my district to ask people to believe that there's any real meaning when it comes to enforcement of these laws.

And it's one of the real outrages in my district is with immigration, and that's why it all comes together in saying this is yet another law that they're not even trying to enforce it.

Mr. RYAN of Ohio. You brought up the immigration issue, and I think it's important is we have put through the homeland security bill and a variety of other bills, more border patrol on the border, Mr. Speaker. We're trying to continue to try to make sure that people who come into this country come in legally, and that is a major issue.

But because the resources that we are trying to provide are going down to the border to try to prevent illegal immigration, at the same time we do not have the resources to provide the kind of oversight and to make the kind of investments given the history of corruption in many of the industries and in the Mexican Government that lack oversight.

So here we are saying, well, we're going to let you come into our country, but they are not providing the oversight. We don't have the money to provide the oversight with the budget deficits that we're running now. So this is a critical, critical issue.

And like I think most issues of globalization, things happen too quickly, where the infrastructure is not in place in many countries for labor, for health, for the kind of protections that we want.

We like having our truckers in safe trucks. We like knowing they've got the proper amount of sleep. We like knowing the proper environmental advances are going to be made so the air is cleaner. Those are good things. I like clean air and clean water. I don't think I'm really out on a limb on this one.

But what we are saying is, if you want to do business in our country, you have got to come up to our standards. And for too long, we've been dropping ours to meet everybody else's, especially wages, which is a whole other Special Order that we could talk about.

Mrs. BOYDA of Kansas. Another Special Order on food safety and different standards of food. We have standards for food in this country.

□ 2115

But we bring in food that doesn't even meet our own standards. Now, tell me if that makes any sense. Is it safer to eat something that comes in from someplace else? It is just that the hypocrisy here is becoming, I think, very, very clear to the American people, Mr. Speaker. They have had enough. They are speaking up and telling us they want change.

One thing that concerns me, too, and especially with what is going on tomorrow. There is going to be one truck from America and one truck from Mexico that is going to be inspected. Now, my background is in the pharmaceutical industry. I was in the research and development side. When we did studies, you can believe how much time went into that protocol to say is this going to be safe and effective. Those same kinds of standards apply to this very project right here. So if we are going to do this pilot program, certainly there must have been some kind of a protocol put together that says, here is how we are going to study this, and at the end here is how we are going to know if in fact we have the data, we have collected the data to tell us if we are now safe. There hasn't been anything that has been done in that regard, that hasn't been looked at as is this a statistically significant sample? Are we testing it? Is it rigorous?

When we are done with this, really there is one of two things that can happen a year from now when this pilot program is finished. We will have had 500 trucks on the road for a year. And if there is no incident, will we know at that time do we just open up the borders? Now, let me tell you that I would rather that there is not an incident with those 500 trucks, but the fact of looking at 500 trucks, you could keep an eye on each one of those individually for one year, this isn't difficult. At the end of the year, are they going to tell us, if there isn't any problem that it is now safe and we have demonstrated that this has been a pilot program? That is kind of like saying we are going to give a drug to 500 people, and if nobody dies on it, let's put it out to the American people and market it. Now, that is not the way I did business and certainly not the way the pharmaceutical industry would even want to do business, but legally would not be allowed to, but they wouldn't want to do it that way.

Why is it that we are taking a small sample that we know probably is going to be handpicked and watched closely for a year, and then use that to determine what goes on?

Mr. RYAN of Ohio. Without having this system in the infrastructure in place to say that every truck in the future that is going to go on the road, this is just maybe fixing up trucks and picking the right people to make sure you get the right results.

Mrs. BOYDA of Kansas. It is called cherry-picking where I come from.

Mr. RYAN of Ohio. It is called cherry-picking, and you are getting the results. But at the end of the day, you don't have a system in place in the Mexican domestic government, the civilian side, to monitor this to say that every truck that comes through or at least minimize. Now, we have truck accidents in this country. You are probably never going to be able to eliminate all of it. But, at the same time, we have these strict enforcement mechanisms. And we all deal with trucking companies in our district; they have got to go through a lot, logging miles and hours and sleep.

Mrs. BOYDA of Kansas. It is disciplined.

Mr. RYAN of Ohio. And it is a tedious task. People can make a few bucks doing it, I have noticed, but at the same time it is very rigorous. But at the end of the day, we decided as a country we would rather have safer roads. These trucking companies do not want the insurance payments if they would cause an accident, so they are inclined to abide by it. So all we are saying is let's lift everybody up and let's all play by the same rules, and we would be happy to do business with you.

Mrs. BOYDA of Kansas. It seems like it should make sense. In the State of Kansas, I don't know in Ohio but in the State of Kansas we do triples. Do you do triples, triple trailers? We do triple trailers across Kansas. One truck pulls three trailers. And I don't mind saying, as a mom, when you have got kids in the back seat, it is unnerving. Now, I have come to understand that triple trailers in fact are safe and there is data out there to prove that in fact they are safe, but I don't mind saying it is unnerving.

The concept that we would be doing triple trailers, I would assume that if triple trailers are allowed, then Mexican triple trailers are going to be allowed across Kansas. I am telling you, I don't think many people in Kansas are going to sit still very long. So are we saying that our own truckers then should start to dummy down their standards, that they shouldn't be able to do things because these other trucks are coming in and they might not be as safe?

Actually, when my kids were small and they were in that back seat and we were traveling across I–70, we went from Kansas across to St. Louis, Missouri, across I–70, I am sure fathers as well as mothers just have that sense of dread when you are so close to those big trucks. And, unfortunately, there are accidents. I can't imagine driving my grandkids now across I–70, wondering if these trucks are going to be safe.

We had a news conference, Mr. Speaker, about a month, maybe 3 weeks, ago and this woman I thought was incredibly brave. She told the story that was an absolute, it was literally tear jerking. She had just gotten married on her parents' 45th wedding anniversary. They were so very close. And to make a long story short, not long after she was married, her parents were in their car going down the highway in California with her nephew when the drive train fell out of the car. Needless to say, what happened after that was just, you couldn't even describe. And she was so brave. And this truck was from Mexico; and she said not only had they lived through this terrible, and of course wondering what her parents' last moments were like and the terror that resulted from it, but then the legal nightmare.

Mr. Speaker, trying to find the driver and trying to find the company, trying to find anybody who could give them information about, first of all, what had happened, who owned this truck, who was this person. And obviously the truck driver lived; her mom and dad of course did not. Getting any kind of compensation has been a nightmare.

Now, again, we are taking a fairly small, limited sample. And I am sure that we both agree that within this first year we both want this first year to be completely accident free. We should all want that. But what is it going to tell us if it is accident free? What knowledge are we going to have gained 12 months from now if it has been accident free?

This is what concerns me, that they take the entire program, put a great big Good Housekeeping stamp of approval on it and call it good and open it up. And then we are going to see what really happens.

Mr. RYAN of Ohio. And the concern for a lot of us is that this administration does not really have a very good track record of being open and honest with the Congress through a variety of issues. We go all the way across the board from the Iraq war, whether you were for it or against it or wherever you ended up; the actual execution of unbid contracts and lack of oversight and not getting the kinds of answers we need.

Katrina, we have the same kind of deal. The President goes down, Mr. Speaker, and says everything is doing great. Good job, Brownie, we are doing everything we can. Then you find out over the course of several days, several weeks, several years that it wasn't going well at all. There was no infrastructure in place; there was no civil coordination. We had all kinds of problems.

And I think it is so important that the gentlewoman, Mr. Speaker, from Kansas has brought this issue to the Congress and made it a priority, not only for her but for the whole Congress, passing legislation with 410 other Members other than herself, is that we need to make sure that, if we do it, we do it right and we get it done, and we make sure that we have the safety standards in place, the drug testing, the sleep, the caps, the traditional safety standards that we have here, Mr. Speaker.

This is important stuff. And it can't be you say one thing today, and we find out a year later that it is not going as well; everybody passes, we completely implement the program, and we find out a year later. Now we have 5,000 trucks on the road coming from Mexico, and none of them are safe, or 50 percent of them are safe. That is too risky for I think our tastes.

So it is important that we continue to push the other side of the Capitol to pass this piece of legislation, talk to our Senators, talk to the people we work with to get this thing done. This is important for the American people, a priority for you, a priority for me, and a lot of our other colleagues to the tune of 411 of us. We can't agree on anything with 411 people, but we agree on this issue.

Mrs. BOYDA of Kansas. Absolutely. I think that really speaks for it. In July, what, 114 Members in the House also signed an urgent, urgent letter to the President, Mr. Speaker, just calling on him to stop this pilot program until these safety concerns were met.

Is this about jobs? Sure. Is it about safety? Absolutely. And ultimately that is why I had to stand up and say something. This is about safety, and 114 Members of this House right here, absolutely bipartisan, wrote a letter to the President imploring that he stop this program before it gets started.

And so in the House we have passed the Safe American Roads Act; we have signed on to some statements in the supplemental asking for the President, telling the President and/or law to stop this. We have written a letter. I am hoping that our colleagues in the Senate, certainly I am calling on my colleagues from Kansas, to stand up and to really get behind this issue very clearly, very forcefully, and impress in whatever way we can to influence the President of the United States, and to see that we bring this extremely ill conceived project to a halt. The horse has not left the barn, but it is getting ready to. Now, that is what we say in Kansas.

Mr. RYAN of Ohio. It has got the hoof out.

Mrs. BOYDA of Kansas. We have lots of horses in Kansas. The horse has left the barn. It has not left the barn; it is getting ready to. And then we are going to hear that it is going to be impossible to pull back. And this is what we have to do, and it just cannot be allowed to go further.

Some of the independent truckers in my district were so concerned because they knew that this pilot program was being discussed; and yet time after time they were told, no, don't worry about it, this is not going to happen.

And I agree with you, Mr. RYAN, that just the issue of trust has so much to do with this right now. And I think the American people are just deeply offended that the President has said "trust me" one more time, and they are just not able to.

This is not about race, it is not about Mexico, it is not about anything other than keeping our families safe when we get out on the road that we could be assured that every safety precaution, every reasonable safety precaution has been met, and that the force of law is behind it and the American people, their tax dollars are going to make sure that this is being enforced, and they can get out on the roads, take the kids to wherever they are going, over the river and through the woods, and know that they are going to be safe.

Mr. RYAN of Ohio. I want to in closing just say that hopefully, and I think this has, that there is a real move afoot in Congress, whether it is with your bill regarding transportation and Mexican trucking, ROSA DELAURO talking about food safety, toy safety coming in from China. There is a lot of movement coming in Congress to say, hey, we have got these standards here. We were one of the first countries to implement them. They were important to us. We like the standard of living that we have here, and we want to keep it moving. That is why I think this is such a key piece of legislation.

So I am happy to support you and continue to talk about this and keep pushing.

Mrs. BOYDA of Kansas. I thank you very much. I think we both asked the American people to stand up and to make their voices heard. Everyone plays a part in our democracy. That is the beauty of our democracy.

So, Mr. Speaker, I implore the good people of America to stand up and very clearly and forthrightly, respectfully of course, very respectfully, say that they cannot support this, nor can they support people who are unwilling to stand up and take a stand on this.

With that, I thank my colleague from Ohio for joining me this evening, and I certainly am hoping that very, very soon we will have good news and this program will be put to rest.

□ 2130

SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I'm not certain my voice is going to hold out for a full hour, but I will do my best.

I come to the floor tonight to talk, as I do every week, about health care, the state of health care in America. We have an unusual week ahead of us here in the House of Representatives. Many people know that we have been debating the reauthorization of the State Children's Health Insurance Program for several months now.

The bill that was passed on the floor of the House at the end of September was vetoed by the President and that bill, I'm assuming, will be coming back to the floor of the House this week to test the possibility of an override on the President's veto.

Mr. Speaker, I support the reauthorization of the State Children's Health Insurance Program, as does, I suspect, almost everyone in this body. But, Mr. Speaker, the bill that we received the end of September was not a good bill to accomplish the purposes that we're looking to accomplish.

Mr. Speaker, we need to focus on the poor children in this country and only expand the program after we're doing a good job taking care of the poor children and the near poor in this country. And I don't think we have yet met that test, and that's why I supported the President when he vetoed the legislation; and I hoped that that would be an impetus for both sides to come back together in this House and work on that bill and get a product for the American people, a viable product to reauthorize the State Children's Health Insurance Program for the American people. Unfortunately, that has not, that expectation has not been met.

Now, Mr. Speaker, the State Children's Health Insurance Program was introduced 10 years ago. You know, when we all stood up in this Chamber last January and raised our right hands and swore our oath to defend the Constitution, every man and woman among us in this body knew that September 30th of this year the State Children's Health Insurance Program was going to expire, was going to go away. It had a shelf life, and September 30th of 2007 was that date.

I was very disappointed that we had only the most general hearings about insurance coverage in our Committee on Energy and Commerce. We never had a legislative hearing on the bill that we voted on at the end of July, the first part of August. We never had a subcommittee markup during the summer on the bill that we voted on the beginning of August. We had a bill that was delivered to us about 24 hours before it was rammed through the full committee on our Energy and Commerce Committee and then brought to the floor of this House.

I had four amendments that I took to the Rules Committee. None were made in order. The bill was passed primarily on a party line vote, and it's called bipartisan. I guess that's what passes for bipartisanship in this town right now.

But, Mr. Speaker, let me reemphasize, I support the reauthorization of the State Children's Health Insurance Program. In 1997, I wasn't here in this House. But a Republican House of Representatives, recognizing there was a gap between children whose parents made too much money to qualify for Medicaid and yet not enough money to be able to afford their own insurance coverage, there was a gap in the coverage for health insurance for children, and the Congress, in 1997, wisely, I think, stepped up and provided the leadership and provided the legislation that gave us a program that I think, arguably, has functioned very well for the past 10 years.

But part of the wisdom, part of the reason of having a program be reauthorized after a set period of time is, let's step back and look at the program. Is it doing a good job? Is it functioning as intended? Are there things we could do better? Are there improvements that can be made? Are there areas where it could be streamlined? I think the answer to every one of those questions in regard to the State Children's Health Insurance Program was yes. And it's a tragedy, it's unfortunate that we never got a chance to even talk about any of those improvements. Instead, we got a very draconian process and a bill pushed through the House that was absolutely unacceptable to the President and, as a consequence, he vetoed it. And as a consequence, after 2 weeks of some of the most severe political hammering that has ever been seen in this country, we're now going to have a vote this Thursday on whether or not to override the President's veto.

Mr. Speaker, in 1997 the committee on which I currently serve, the Committee on Energy and Commerce, crafted this original legislation. It was done with the best of intentions. There were children whose parents earned too much money for Medicaid. They earned over 150 percent of poverty. That's about a level of $35,000 for a family of four. But they didn't make enough money to pay for their own health insurance. Two hundred percent of poverty is a level of about $41,000 a year for a family of four. So the children who fell into that gap couldn't be covered under Medicaid, and their parents didn't quite make enough money to cover them on their employer-derived insurance.

Now, about 50 percent of the children in that category did have employer-derived insurance, but the other 50 percent were the ones who needed help, and that's where the help was targeted.

The program, as it was initially authorized, was a $40 billion program over 10 years' time. Every State had 3 years to spend its State allotment.

Now, that's important in my home State of Texas because our legislature meets every 2 years. Anything less than a 3-year time period in which to spend the allotted money means that any changes that are made in the program won't have time to go into effect, and Texas would be at risk of losing some of those dollars under the bill passed by the House and vetoed by the President.

Now, I said it before and I'll say it again. I think almost every person in this body wants to have this program reauthorized and wants to make certain that children have health care coverage. Let's ignore the question of cost for a moment. But I don't think we can ignore some of the other issues that surround this concept.

What if we expand the program in a way that erodes, it takes away the component of commercial insurance that's available to families with children. Is that ultimately a good thing or a bad thing? Will the future look better or worse if we erode that private coverage?

Now, raising taxes to pay for the program, if we have to do it, but Mr. Speaker, the funding mechanisms that are before us on this authorization actually disappear in 5 years. Under the current PAYGO rules of the House, the program has to be fully funded, so it's all front loaded. And guess what happens? Four or 5 years into the program, it falls off a cliff, and someone's going to have to deal with that cliff, someone who perhaps is currently serving in this body or someone who will be serving in this body, they will have to face those funding shortfalls in years to come.

We all know that there are difficulties that face the Congress in the years ahead as far as paying for entitlement programs, so any time we expand an entitlement program, we have to be very careful, very careful that we have thought through the issue of funding support for the future, or else that very famous line of passing the cost on to our children and grandchildren, in fact, becomes a self-fulfilling prophecy.

Mr. Speaker, some of the problems I see with the bill that was passed by this House at the end of September: The 2-year time interval to spend money by the States is, for a State with a 2-year legislative process, that's going to be mighty difficult.

This program will be spending more money than the previous authorization of SCHIP. The current funding is to be $60 billion over 5 years. Remember, the original SCHIP bill back in 1997 was $40 billion over 10 years. This bill will spend $60 billion over 5 years.

There is no hard limit. Although you will hear people talk about the upper limit being 300 percent of poverty, because of income set-asides and disregards that are available to the States, there are no hard upper limits.

But, Mr. Speaker, is that what the American people want? When we hear that this issue polls very well for Democrats and very poorly for Republicans, well, let's look into that just a little bit. A poll out just this week from USA Today shows a majority, over 50 percent of the people in this country, agree that poor children should be covered first. It's a fairly simple concept. And guess what? The American people get it. That's what they want to see us do, cover poor children first.

Now, if we follow a process that allows those State disregards, those income disregards and set-asides and have a system of open-ended Federal funding for the States that go over budget, imagine what is going to happen when people in this body are faced with reauthorizing this program in 5 years' time.

Now, one of the real pernicious aspects of this is that it shifts children who are participating in private insurance to a government program.

Mr. Speaker, let's take a look at this next graph. We see, if we look at children whose families earn in the 100 to 200 percent of the Federal poverty limit, about half of those children have private health insurance. So it's this group of children that the SCHIP program initially set out to cover.

Now, if we expand the eligibility limits between 200 and 300 percent of the Federal poverty limits, three out of four kids are already covered by private health insurance. If we go up to 300 percent of the Federal poverty limit, nine out of 10 are already covered. And if we go up to 400 percent of poverty, 95 percent of those children already have insurance. And yet some States, two eastern States, have exceptions in the Democratic-passed bill which would allow children to be covered whose families earn up to 400 percent of poverty.

Well, Mr. Speaker, I submit that the universe of children in that group is pretty small that doesn't have health insurance. And to be sure, we should find them and help them. But do we want to move children who are already covered by viable commercial insurance, do we want to move them to a government program?

What are we trying to do here? Grow the government or build stronger families? I'll vote for the families every time.

Now, carve-outs for States, primarily States in the northeast, essentially requires other States to subsidize their programs. How's that going to happen?

Well, a State like Texas that right now has 3 years to spend its State allotment is going to be cut back to 2 years. Our legislature met this last year in 2007. It won't meet again till 2009. So if their State allotment requires a higher level of spending or money is left on the table, guess what? The money's left on the table. But it's not really left on the table for very long. Where's it going to go? It's going to go to one of those States that is now allowed to cover children up to 400 percent of the Federal poverty limit. Well, I don't think anyone in Texas, if they really understood what was happening here, would be in favor at all of the bill that passed this House the end of September, and they would be very grateful that the President provided a backstop with a Presidential veto and said, Get back to the House and get back to work on that.

Mr. Speaker, one of the real problems with the SCHIP bill, and one of the, when we talk about things that we could do to improve the SCHIP bill, one of the ways we've gotten away from those original intentions when this bill was passed back in 1997 is that we have allowed adults to be covered under the SCHIP program. In fact, there are four States right now that cover more adults than they do children. In fact, one State, 87 percent of the participants in the SCHIP program are not children. Well, that seems to fly in the face of what was a good and sound public policy at its inception.

Now, to be sure, those waivers have been granted by the previous administration and by this administration. Well, they've got to stop. And certainly, the language in the current SCHIP bill that was voted on the floor of the House made moves in that direction, but nowhere near fast enough.

Every dollar we spend on an adult in this program is money that we can't spend on a child. And you know what? It only costs about 60 percent of the dollars to insure a child versus an adult. Children are relatively cheap to insure because they're healthy. If we take those dollars and displace them to the coverage of adults, we push proportionately more children off of the program. And I don't think that's what anyone had in mind. So ending the coverage of adults under the SCHIP program is certainly something we've got to pay strict attention to, and simply phasing it out in 5 years' time, in my mind, is probably not moving aggressively enough in that area.

□ 2145

Putting the children back in SCHIP ought to be one of our first principles, one of our first priorities in the reauthorization of this bill.

Now, another pernicious aspect of the House-passed bill in September, and it's not a big deal, probably didn't get any headlines anywhere in this country, but eliminating some of the demonstration projects that were carefully crafted to try to look at other options for people who fall between the Medicaid and not quite being wealthy enough to provide their own health insurance, to allow States to have the flexibility to set up a health opportunity account, to allow a family to perhaps build and develop a medical IRA so that they can transition from a State-based insurance program to a private-based insurance program in the future.

Now, I saw a lot of patients in my medical practice who were covered under Medicaid. I had an obstetrics practice; and because of Texas State law, obstetrics is one of the things that is almost automatically covered under Medicaid. We saw a fair amount of Medicaid patients. But, Mr. Speaker, over time those families wanted to gravitate to a private insurance coverage because it was better coverage and they had more choice of whom they could see. They weren't so restricted in their choice of providers. Allowing them to begin to build the equity that will allow them to do that, well, I think that's a fundamental desire of a lot of young families who start out on one of the State or Federal assistance programs.

Now, one of the really difficult issues for me back home with this bill, even though it is advertised differently, is that this bill will make it easier for people who are in our country without the benefit of citizenship or a Social Security number, it will make it easier for them to qualify in the State Children's Health Insurance Program. The citizenship verification requirement that is currently in the SCHIP authorization is eroded under the bill passed by the House. Now, they tell you that, no, we protect, it's only American citizens; but the reality is the CBO, Congressional Budget Office, that studies these things will tell you that the erosion of the verification process will, in fact, allow many more people in to have coverage that are in the country without the benefit of going through the legal process to be in this country.

And the number is significant. The Congressional Budget Office estimates that over 10 years' time, that will account for about $3.5 billion of new spending to cover people who are in the country without benefit of Social Security numbers.

Shouldn't we be focusing on those children between 150 percent of poverty and 200 percent of poverty that we are not finding now: Shouldn't we be focusing on those instead before we begin to focus on people who are in the country without the benefit of citizenship? I think so. I know the constituents in my district back in Texas think so.

We need to do a good job for the people who are here legally or are natural citizens of this country before we start reaching out to cover other populations. We can't cover those other populations at the expense of the people that we are required to take care of.

Well, Mr. Speaker, I have a lot of concerns about the bill that passed the floor of this House, and I am grateful now that we are going to get another opportunity to visit that with a vote. The cost is high, but I don't think we should be focusing on cost. I think fundamental issues like freedom and I think fundamental issues of erosion of private coverage of insurance are more important than this argument.

Now, wouldn't it be great if we gave families the help they needed to keep their kids on their employer-derived insurance? A family of four earning a little over $40,000 a year, if the mom and dad or the primary wage earner is covered under employer-derived insurance but they look at the cost of pulling the kids onto the policy, and it is just too much for us, we can't swing that, what if we took the approach that we are going to buy down the cost of that coverage for their children for them so that their children would have the coverage? Wouldn't that be better than just placing the children onto a State-run program? Wouldn't it be better if everyone in the family was covered under the same provider book? When it came time to go to the doctor or necessary to go to the doctor, you have just got to look in one book. You don't have to have a book for Mom and Dad, who are covered under the employer's policy, and a book for the kids, who are covered under the government policy. One policy that covers an entire family makes a lot of sense.

Now, the current SCHIP bill, the one from 1997, does allow for the concept of premium support, but it is restricted in the total number of dollars that can be spent in that regard; and, quite frankly, there are so many obstructions and so many regulations that people get wrapped around the axle and they just never get through the process of getting that done. It's just easier to go down to fill out some paperwork and get on the full SCHIP program. Let's not worry with premium support. We can streamline that. We can make it easier.

Now, to be fair, there were some attempts in the bill passed on the floor of the House last September, some attempts to streamline that process, but we could go a lot farther. We actually ought to encourage that because, again, it builds healthy families and that is what we ought to be about, building healthy families, not building a bigger government or building a government with a bigger appetite. Let's build healthy families and give them the power to make the decisions.

The other issue that we hear talked about a lot is, well, we are going to be covering many more kids with this program. But if we actually break the numbers down, the numbers are all over the map. You will hear quotes or read quotes from people who will talk about numbers that are literally all over the place. If you watched the Sunday shows, I don't think the same two numbers came out of the same person's mouth more than once. But if we break it down by the Congressional Budget Office and look at the population that will be covered that has previously not been covered, the number most consistently quoted is an additional 1.2 million children enrolled in the SCHIP program. But that includes about half of them who already have private health insurance coverage.

So the actual number diminishes by about half, that 600,000 children will be the increase, the uptick in the number of children who are covered under the bill that we passed on the floor of the House at the end of September. It costs a lot of money to do that. And it's not that I mind spending the money on something as worthwhile as children; but, really, shouldn't we be ensuring that we are getting value for the dollar, and is that really the best way to go about doing it, putting half of them on private health insurance in order to cover the other 600,000 children? I don't know that that is the wisest and best use of our time. I don't know that that is the wisest and best use of our dollars.

We should strive to deliver value for the taxpayer in everything we do, whether it be national defense, whether it be transportation funding, whether it be legislation supporting research and development, or whether it be legislation supporting the State Children's Health Insurance Program. But, Mr. Speaker, I really think it would be better if we gave more families more power and gave them the option of buying down the cost of that private health insurance so that we could keep them in a program where both parents and the children are covered under the same policy. If we could make the improvements in the premium support provisions of the bill, we might actually give a family the ability to cover their kids under their employee health plan and keep them all together under one umbrella coverage.

But this bill chooses to take those kids, about 600,000 who already have insurance, and push them into the SCHIP program.

Mr. Speaker, instead of federalizing health care, instead of expanding the power and reach of the Federal Government, why don't we give families a lift and let the families make the best decisions? I think they will make the best decisions regarding their health and their families' health. But more and more families will be dropping private health insurance if this bill as passed by the House is allowed to stand.

Mr. Speaker, again, we hear a lot of stuff about how this veto fight polls very well for Democrats and this is an election issue that has been handed to them and they wouldn't think of compromising because, after all, by golly, they are on the right side of this fight.

But look at this, Mr. Speaker: Are Americans concerned that families would drop private coverage if they had the option to have a Federal program available to them? You bet they are. Fifty-five percent are concerned or very concerned about just this eventuality.

Mr. Speaker, it's a shame when politics trumps sound public policy; but, unfortunately, we seem to be very much involved in a time where that's the coin of the realm and that's one of the things we are going to have to expect and work through.

When you look at the State Children's Health Insurance Program passed in 1997, what was the situation? You had a Republican majority in Congress and you had a Democratic President, and they were able to work that out between them and come up with a plan that is fairly sensible and has worked well for 10 years' time. Well, now we have got a Democratic House and a Republican President. Is there any reason why this shouldn't work when the reverse worked 10 years ago? I am at a loss to explain that. I am at a loss to understand why it wouldn't work now.

Mr. Speaker, I am a physician by trade. As a consequence, I frequently get to talk to doctors who come up to Congress to talk to us about the health policy decisions that we make and those that we should make and some of them we have made that have had unintended consequences. So I spend a lot of my time talking to physicians who come to Washington who are concerned about things. And a lot of doctors have been through town the past couple of weeks concerned about SCHIP and trying to learn more about it, trying to find out what all the fighting is about, why can't Congress agree on things.

And I was talking to a group of probably 70 doctors at the end of last week, and I asked if anyone in the audience practiced pediatrics. And a gentleman raised his hand. And I said, Are you aware of the fight going on in Congress right now with the reauthorization of SCHIP? And he said, Yes, I've been following it some.

And I asked him, When you are at home in your private practice of pediatrics and an SCHIP patient comes in, for the reimbursement for the services you render for that patient, does the government treat you the same as a private insurance company does? Is your reimbursements rate identical for those two patients?

He said, Oh, no. It's about a third less on SCHIP.

So, sir, what would be the effect if we took your patients who are on private health insurance and moved more of them to SCHIP? Would that have a positive or negative financial impact on your practice?

He said, It would be very negative, obviously.

And I said, Would you have any difficulty? Would you be able to make up that difference?

And he didn't have an answer for me. He was obviously doing some figuring in his head.

But, Mr. Speaker, that points up one of the other problems here. When we expand the reach and grasp of the Federal Government in health care, what happens? When it comes time to shave a few dollars off the program to find dollars for something else or find dollars to expand the program, one of the first places we go, witness the Medicare program. What is the number one complaint we hear from providers all over the country about the Medicare program? It is not that their patients can now get prescription drugs. It is that every year they face a 5 to 10 percent reduction in reimbursement rates for providers because of the way the Medicare program is scheduled and structured.

Can we honestly take a step back and say it would be a good thing to do that to the pediatricians of this country? We are having enough trouble right now with the health care workforce. Do we think we are going to improve that if we expand the size and grasp of the Federal Government and, as a consequence, ratchet down reimbursement rates for pediatricians? Do we expect to find more pediatricians in our community or less? I think you know the answer to that.

Now, Mr. Speaker, there is one other aspect to this, and I am always advised by people who advise me about communications and, in talking with regular people, that no one wants to hear about process in Washington. But, after all, we are about process here in this House, and I think it is worthwhile to at least mention once again some of the process problems that have given us this impasse on the State Children's Health Insurance Program. Remember, in this body I could probably name one or two people that wouldn't have voted for a sense of the Congress that said we want to reauthorize SCHIP this year. If we all gathered here in January and said before the fiscal year is over, do you want to reauthorize SCHIP or not, I don't know if there would have been a single negative vote had that been taken on the floor of the House in January.

So how do we get here where we are? I would submit to you it has been the activities of House leadership, the way this bill was brought to the floor. No legislative hearings, no subcommittee markup. A full committee markup that was a joke and then pushed to the House floor, and, oh, by the way, if you have got amendments, don't bother to stay up late for the Rules Committee because we are not going to entertain them.

□ 2200

And that bill was so fatally flawed it died a tortured death during the month of August and then resurrected. The Senate had a bill. The House bill was so flawed, there was no way they could go to conference between the two of them, so we did kind of a conference but kind of not a conference, where we just kind of sprung from the Earth out of whole cloth a new House bill that was remarkably similar to the Senate bill, but it wasn't a conference report. It was brought to the floor of the House like a conference report, that is, once again, no hearings, no subcommittee markup, no full committee markup, no possibility of amending or improving the bill, even though it's a brand new bill. It had never been through the committee process. It was the Senate bill that just kind of got massaged a little bit, given a House number, and here we go, it's a conference report. But it's not, and no one believed that it was. But we treated it like one, we brought it to the floor of the House, it was voted up or down, no possibility for amendment. The vote passed, but not with enough numbers to override the Presidential veto. And that's what we will face at the end of this week.

The Democratic leadership asked for an additional 2 weeks to make their case to the American people. Well, they've had their 2 weeks; they've made their case to the American people. And as people look at this bill, they say, I don't know if we want to encourage people to drop their private coverage to go on a Federal program, and that's because the American people are a lot smarter than a lot of us about these things.

Mr. Speaker, I would give to you as an example of how things can be done correctly, we reauthorized the Food and Drug Administration earlier this year. That also came through my committee. We had hearings, we had a subcommittee markup, we had a full committee markup. The original legislation that I saw early in June was so awful I didn't even want to be associated with it as it came through the process. But we worked on it. We worked on it in the subcommittee, we worked on it in the full committee, we amended it. Staff had meetings between times. We coaxed it along. And at the end of the day, we had a bill that I think 400 of us could support when it came to the floor of the House. And then it went over to the Senate, similar activity. And then a conference report came back to the House, it went to the President and was signed. The biggest change and restructuring of the Food and Drug Administration in 40 years.

We heard the other side talking about it just a little while ago. We need to give the FDA the tools it needs to be able to function in the 21st century world. And guess what? In my committee we did that, and we did it the right way. We did it by working through the process. Yes, the Democrats were still in charge. Yes, they could have defeated every one of my amendments on a party line vote. But you know what? They didn't. Or if it was defeated, the chairman said, Well, we're going to look at that in the conference process, I promise you. And as a consequence, we got a bill that should be the model for the way legislation passes through this House of Representatives. And instead, when just a few months later it came time to reauthorize the State Children's Health Insurance Program, we got a tragedy of a bill.

Now, even just today we marked up a bill in full committee, after a subcommittee markup last week, on mental health parity. I didn't agree with a lot of things in the bill, but I had a chance to have my say. I got the chance to put my ideas out there and have them voted on by the committee. I knew I wasn't going to win on the votes, but I knew I had to present my argument. People watched that on C–SPAN. People will see that in the committee record. Over time, if I'm right, then I will win the argument of ideas. But if we never have the opportunity to debate it in committee, how is anyone going to know? How is anyone going to know? Sure we're going to lose the vote because we don't have the numbers over here, but if we never get a chance to debate the ideas, how are the American people going to decide when they look at this critically and say, I don't think that's a good idea. Well, we should give the American people that chance; the fact that we're not is just flat wrong.

We'll have our chance to vote on the bill this Thursday. I'm not a prognosticator. I don't know how it will turn out. I think it is the correct thing to do to support the President's veto and bring this bill back to the House. And I hope people of goodwill can get together and work on it, but, Mr. Speaker, I've got to tell you, although I'm generally optimistic about things, I'm worried. I'm worried that we've decided we have a political bludgeon that is just too important to use to hold on to power. And that's a tough thing for me to say, but all of the articles I read in the throw-away journals out here lead me to believe that.

Now, Mr. Speaker, think back on 1996, when welfare reform was passed by this House. Again, you had a Republican House of Representatives, a Republican Senate. It passed welfare reform, then President Clinton vetoed it. It goes too far. You're going to put people out on the streets. It's a bad bill. So they came back, they passed it again. They didn't include any Democrats in the process, they just passed it again. And President Clinton looked at it and said, It's a bad bill. I'm going to veto it. So the third time both sides did get together and changed some things, albeit fairly modestly, but ended up with a bill that had, at the end of the day, both Republican and Democratic input, and the President was able to sign the bill.

I hope we have a repeat of that story in 2007 with the State Children's Health Insurance Program because the program is that important it requires involvement from both sides. It's a travesty to eliminate any single Member from the process because each one of us is charged with representing about 650,000 people back in our home districts. Is it right to simply silence those 650,000 voices, say no, you don't get a say in this because we're the majority party, we're in charge and what we say goes? The American people don't want to see that. I think they will have ample opportunity to judge both sides by their actions and by their words this Thursday, and most importantly, follow what occurs after that. Because if, indeed, the two sides can sit down together and work out realistically what may be some very modest differences between the bills, if that can happen, Mr. Speaker, we score a win for the American people. If that can't happen, if the allure of the perfect political bludgeon is too great and that bludgeon is seized and raised above the head and walked out of this Chamber with it to simply bash the opposition political party for another 12 years before the next legislation, well, I think the American people will be the big losers there.

Mr. Speaker, this is an important bill, it's an important subject. The reauthorization of the State Children's Health Insurance Program is supported almost unanimously in this body. So how did we get to a point where we have a bill that everyone wants to see reauthorized and no one wants to sit down and work on it? That's not a good work product for us to turn in for the American people.

Now, Mr. Speaker, after the bill passed, the Democrats passed the bill at the end of September, most people don't know what happened in this Chamber 2 days later. Remember, the bill was going to expire the 30th of September. Did it? Did it go away? Is there a State Children's Health Insurance Program right now? Yes, there is. We passed a reauthorization very quietly with a continuing resolution 2 days later, September 29th, here on the floor of this House, and that legislation is law and lasts until November 16th, when our target adjournment date is. I hope we get our work done by November 16th or 17th. I'm not overly optimistic that we will, but I hope we do. I know if I were a Governor of a State and looking at what dependability do I have for these funds coming in to help me take care of the poor children in my State, I wouldn't want to see that meted out in small little two- or three-month segments. That's too hard. That's too hard to make decisions. That's too hard to govern with that kind of apportionment.

So, if we are not able to come to a decision before the 16th of November, I would argue for a much longer term of reauthorization under a continuing resolution. And although the numbers would stay the same, as they were in the bill that was passed in 1997, the dependability of having those founds I think is something most State Governors would want. I hope that State Governors will weigh in on this issue with Members of both political parties and impress upon them the importance of providing the stability of that source of funding as we go forward in this process.

Mr. Speaker, again, remember, the population of children that was originally the object of focus in the original State Children's Health Insurance bill were those children, that population of children that was between 150 percent and 200 percent of the Federal poverty limit. Ask yourself the question, where we are today, have we covered the majority, 90 or 95 percent of the children in that bracket? And the answer to that question is no. Let's do the hard work of finding those children, identifying them, and getting them into the program. Let's do that hard work before we go after easier applicants in higher income brackets.

The whole intent of the program was to provide the coverage for those who needed it the most; and Mr. Speaker, they still need it. Their needs have not changed. Even though our focus has changed to successively higher income groups, those children in the 150 to 200 percent of poverty, too much money to be covered under Medicaid, not enough money to buy private health insurance for about half of them, there are children in that bracket who remain uncovered to this day.

Let's put our outreach efforts on those children. Let's put our focus on those children and bring those children into a condition of coverage before we begin to vastly expand the program. And I think that's the message that has been delivered by the ranking member of my Committee on Energy and Commerce, Ranking Member BARTON, the ranking member of my subcommittee, Ranking Member DEAL. That's been the message. That's been the focus that they have consistently articulated on the floor of this House, and they're exactly correct. If we don't want to do the hard work, the American people will see through that. And if we just simply want to bring other children into the program, children who already have coverage from some other location, to expand the program, just simply expand the program for expansion's sake, to expand the reach and grasp of the Federal Government, are we doing right by those children that are just too tough for us to find? No, I don't think so.

I think, although it's hard work, it's good work. I think the States have the means, the mechanism and the capability of finding those children. And that's what we ought to be about in this body, encouraging them to find those children and bring them into the program. Then, and only then, can we talk about expansion beyond that limit. And if, indeed, we can show that across the country we have identified those children, we have brought them into the program, and then we want to talk about expansion and there's the money there to do it, I'm all for it. But until we identify those children, until we have made certain that we have covered the children that we were supposed to cover in the first place, we really don't have any business trying to expand the program.

I would argue for an upper limit being placed at 250 percent of poverty. I think that is a reasonable upper limit. If we cover 95 percent of the children below 200 percent of poverty and then we expand that to children up to 250 percent of poverty and we do a good job of identifying those children, I think the SCHIP program is functioning as intended and providing the coverage it needs to provide.

And Mr. Speaker, let me just go back to the previous slide for a moment. If we identify those children, and perhaps expand to cover some children who are in up to the 250 percent of poverty, fill in the gaps, look what's happened. We're covering almost all the children in the United States of America, and that's something of which every Member in this House can be proud, Republican and Democrat alike. And wouldn't it be great if we worked together to accomplish that instead of going after the cheap political hit and trying to advance our own power.

Mr. Speaker, you have been very generous with your time tonight. In summation, I would just say once again, I favor the reauthorization of the State Children's Health Insurance Program. I want to see that program reauthorized. I want to see it done sensibly. I don't want to see us grow the reach and grasp of the Federal Government unreasonably. I want us to keep families involved in their own health care. And Mr. Speaker, I think we can do it. It is hard work. It is going to have to require some compromise on both sides, but after we sustain the President's veto on Thursday, I look forward to getting involved in the process and getting that work done because it's the right thing to do for America and it's the right thing to do for our kids.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and October 17 on account of medical reasons.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

Mr. REYES (at the request of Mr. HOYER) for October 15 on account of travel and weather problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SNYDER) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 23.

Mr. JONES of North Carolina, for 5 minutes, October 23.

Mr. DAVIS of Kentucky, for 5 minutes, October 17.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 17, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-

2005-21748; Directorate Identifier 2005-NM-071-AD; Amendment 39-15044; AD 2007-10-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction [Docket No. FAA-2006-25584; Directorate Identifier 2000-NE-62-AD; Amendment 39-14733; AD 2006-17-12] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste III B and III B1 Turboshaft Engines [Docket No. FAA-2006-26128; Directorate Identifier 2006-NE-34-AD; Amendment 39-14875; AD 2007-01-64] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-200624036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airlanes [Docket No. FAA-2006-26285; Directorate Identifier 2006-CE-69-AD; Amendment 39-14932; AD 2007-04-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26233; Directorate Identifier 2006-CE-63-AD; Amendment 39-14979; AD 2007-05-18] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-15018; AD 2007-08-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, A300 B4-603, A300-B4-605R, A300 C4-605R Variant F, A310-204, and A310-304 Airplanes Equipped With General Electric CF6-80C2 Engines [Docket No. FAA-2007-27012; Directorate Identifier 2006-NM-188-AD; Amendment 39-15017; AD 2007-07-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB-X and D3A32C409/8NDB-X Propellers [Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD; Amendment 39-15021; AD 2007-08-04] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; LATINOAMERICANA DE AVIACION (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 Previously Held by the New Piper Aircraft, Inc.) Models PA-25, PA-25-235, and PA-25-260 Airplanes [Docket No. FAA-2007-27109; Directorate Identifier 2007 CE-005-AD; Amendment 39-15024; AD 2007-08-07] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream 3201 Airplanes [Docket No. FAA-2007-27070; Directorate Identifier 2007-CE-003-AD; Amendment 39-15023; AD 2007-08-06] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-27013; Directorate Identifier 2006-NM-236-AD; Amendment 39-15022; AD 2007-08-05] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15026; AD 2006-11-05R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines [Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD; Amendment 39-15028; AD 2005-13-25R1] (RIN; 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27898; Directorate Identifier 2007-NM-078-AD; Amendment 39-15029; AD 2007-07-05 R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters Inc. (MDHI) Model MD600N Helicopters [Docket No. FAA-2007-27343; Directorate Identifier 2007-SW-05-AD; Amendment 39-15030; AD 2007-05-51] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes [Docket No. FAA-2007-27786; Directorate Identifier 2007-CE-031-AD; Amendment 39-15031; AD 2007-09-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, SD3-30, and SD3-60 Airplanes [Docket No. FAA-2007-27866; Directorate Identifier 2007-NM-055-AD; Amendment 39-15027; AD 2007-08-09] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2007-27980; Directorate Identifier 2007-NM-066-AD; Amendment 39-15033; AD 2007-09-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1955. A bill to prevent homegrown terrorism, and for other purposes; with an amendment (Rept. 110–384, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 746. Resolution providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–385). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 1955 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KANJORSKI (for himself, Mr. FRANK of Massachusetts, Mr. WILSON of Ohio, and Mr. HODES):

H.R. 3837. A bill to require escrows for certain mortgage loans, to improve mortgage servicing, to promote sustainable homeownership opportunities, to enhance appraisal quality and standards, to better appraisal oversight, to mitigate appraiser pressure, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3838. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes; to the Committee on Financial Services.

By Mr. CALVERT:

H.R. 3839. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H.R. 3840. A bill to prohibit commercial fishing of Atlantic menhaden for reduction purposes in inland, State, and Federal waters along the Atlantic coast of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GILCHREST:

H.R. 3841. A bill to prohibit the commercial harvesting of Atlantic menhaden for reduction purposes in the coastal waters and the exclusive economic zone; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. HINOJOSA, Mr. HONDA, and Mr. MCGOVERN):

H.R. 3842. A bill to establish dual-language education programs in low-income communities; to the Committee on Education and Labor.

By Mr. REYNOLDS:

H.R. 3843. A bill to amend the Internal Revenue Code of 1986 to provide a special allocation under the new markets tax credit in connection with trade adjustment assistance; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Ms. WATSON, Mr. FORTENBERRY, Mr. WOLF, Mr. TANCREDO, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, and Mr. SOUDER):

H.R. 3844. A bill to establish the United States Commission to Monitor Slavery and its Eradication in Sudan; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. BARTON of Texas, Mr. ALLEN, Mr. ARCURI, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. EDWARDS, Mr. ELLSWORTH, Mr. EMANUEL, Ms. DEGETTE, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. MATHESON, Mr. MCNERNEY, Mr. MOORE of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SHAYS, Mr. SHULER, Mr. SPACE, Ms. SUTTON, and Mrs. TAUSCHER):

H.R. 3845. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself, Ms. NORTON, Mr. DAVIS of Illinois, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, and Ms. SHEA-PORTER):

H.R. 3846. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 3847. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. CONYERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3848. A bill to provide for a reporting requirement regarding communications between the Department of Justice and the White House relating to civil and criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Utah:

H.R. 3849. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Natural Resources.

By Mr. CARNEY (for himself and Mr. CHABOT):

H.R. 3850. A bill to improve the collection and use of data related to crimes of child exploitation, and for other purposes; to the Committee on Education and Labor.

By Mr. CARTER:

H.R. 3851. A bill to amend various laws imposing criminal penalties to double the maximum penalty for illegal aliens who commit those crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. CLAY, Mr. AKIN, Mr. KIND, Mr. WAMP, Mrs. EMERSON, Mr. BAKER, Mr. HULSHOF, Mrs. SCHMIDT, and Mr. WHITFIELD):

H.R. 3852. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 3853. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Resource Center for Positive Youth Development and School Success; to the Committee on Education and Labor.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. GONZALEZ, and Mrs. MALONEY of New York):

H.R. 3854. A bill to assure quality construction and prevent certain abusive contracting practices by requiring each bidder for a Federal construction contract to identify the subcontractors that the contractor intends to use to perform the contract, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 3855. A bill to amend title 10, United States Code, to prohibit the disposal by the Department of Defense of surplus military items designated as Identification Friend or Foe items, to amend title 18, United States Code, to make it a misdemeanor to possess or traffics in Identification Friend or Foe items, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3856. A bill to amend the Servicemembers Civil Relief Act to guarantee the right of deployed members of the Armed Forces who are elected members of State and local legislatures to vote on matters pending before such legislatures; to the Committee on Veterans' Affairs.

By Mr. NEUGEBAUER:

H.R. 3857. A bill to establish requirements for the consideration of supplemental appropriation bills; to the Committee on Rules.

By Mr. SALAZAR:

H.R. 3858. A bill to improve the further development of water resources in Colorado and New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 3859. A bill to support further research by State departments of wildlife and agriculture, colleges and universities, and related research entities regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support additional State efforts to control the disease, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 3860. A bill to amend the Immigration and Nationality Act to require the use of

DNA testing for purposes of confirming a biological relationship, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, and Mr. RAMSTAD):

H.R. 3961. A bill to amend the Internal Revenue Code of 1986 to increase the AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. BUTTERFIELD):

H.R. 3962. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. FEENEY, Mr. COBLE, Mrs. BLACKBURN, Mr. CARTER, Mr. WAMP, Mr. CULBERSON, Mr. ROHRABACHER, Mrs. DRAKE, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. PASCRELL, Mr. DUNCAN, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BURGESS, Mr. HAYES, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. HUNTER, Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mr. KUHL of New York, Mr. WHITFIELD, Mr. HODES, and Mr. BLUNT):

H.J. Res. 58. A joint resolution expressing support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ROTHMAN, Mr. ANDREWS, Mr. ISRAEL, Mr. CHABOT, Mr. BURTON of Indiana, Mr. RENZI, Mr. DOYLE, Mr. LINDER, Mr. COHEN, Mr. PORTER, Mr. MCKEON, Mrs. SCHMIDT, Mr. SHAYS, Mr. MCCOTTER, Mr. BONNER, Mr. SHUSTER, Mr. ROYCE, Mr. FERGUSON, Mr. PITTS, Ms. FOXX, Mrs. BLACKBURN, and Mrs. MUSGRAVE):

H. Con. Res. 235. Concurrent resolution regarding ending World Bank disbursements to Iran until the International Atomic Energy Agency certifies the compliance of the Islamic Republic of Iran with Resolutions 1696 and 1747 of the United Nations Security Council and the terms of the Nuclear Non-Proliferation Treaty; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. RADANOVICH, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. BLUNT):

H. Con. Res. 236. Concurrent resolution recognizing the close relationship between the United States and the Republic of San Marino; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 237. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 747. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Foreign Affairs.

By Mr. ADERHOLT (for himself and Mr. BARTON of Texas):

H. Res. 748. A resolution providing for consideration of the bill (H.R. 3584) to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP), and for other purposes; to the Committee on Rules.

By Mr. ANDREWS:

H. Res. 749. A resolution expressing support for designation of a National Animal Rescue Day to create awareness, educate, increase animal adoption, and increase financial support for animal rescues throughout the United States; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. POE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. REYES, Mr. ORTIZ, and Mr. RODRIGUEZ):

H. Res. 750. A resolution recognizing the noble service of the 147th Fighter Wing on their 90th anniversary; to the Committee on Armed Services.

By Mr. REYES (for himself, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. HOLT, Mr. GINGREY, Mr. HONDA, Mr. WELCH of Vermont, Mr. UDALL of Colorado, Mr. DAVID DAVIS of Tennessee, Mr. OLVER, Mr. WOLF, and Ms. ZOE LOFGREN of California):

H. Res. 751. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. GILCHREST and Ms. RICHARDSON.

H.R. 136: Mr. CALVERT.

H.R. 138: Mr. CALVERT.

H.R. 139: Mrs. MCMORRIS RODGERS.

H.R. 140: Mr. YOUNG of Alaska.

H.R. 270: Ms. ROS-LEHTINEN.

H.R. 303: Mr. ORTIZ.

H.R. 338: Mr. MORAN of Virginia.

H.R. 510: Mr. LAMBORN.

H.R. 513: Mr. HASTINGS of Florida, Mr. STEARNS, Ms. ZOE LOFGREN of California, and Mr. SPACE.

H.R. 542: Ms. HIRONO.

H.R. 618: Mr. WICKER.

H.R. 643: Mr. ETHERIDGE and Mr. HULSHOF.

H.R. 654: Mr. SMITH of Washington.

H.R. 718: Ms. FOXX.

H.R. 724: Mr. PICKERING.

H.R. 725: Mr. SENSENBRENNER.

H.R. 743: Mrs. BIGGERT.

H.R. 758: Mr. SESTAK.

H.R. 891: Mr. HALL of New York.

H.R. 1043: Mr. GRIJALVA.

H.R. 1091: Mr. MILLER of Florida and Mr. SMITH of New Jersey.

H.R. 1110: Mr. YOUNG of Alaska and Mr. BROUN of Georgia.

H.R. 1174: Mr. JINDAL and Mr. ROTHMAN.

H.R. 1177: Mr. SALAZAR.

H.R. 1222: Mr. KLINE of Minnesota.

H.R. 1223: Mr. KLINE of Minnesota.

H.R. 1237: Mr. BILIRAKIS, Mr. FOSSELLA, Mr. MARKEY, and Mr. LEWIS of Georgia.

H.R. 1275: Ms. NORTON.

H.R. 1283: Ms. ROS-LEHTINEN.

H.R. 1286: Mr. GILCHREST, Mr. SARBANES, and Mr. HALL of New York.

H.R. 1330: Mr. STUPAK.

H.R. 1390: Mr. GARRETT of New Jersey.

H.R. 1415: Mr. KUCINICH.

H.R. 1422: Mr. GERLACH, Mr. LYNCH, and Mr. ANDREWS.

H.R. 1459: Ms. JACKSON-LEE of Texas, Mrs. BOYDA of Kansas, and Mr. WESTMORELAND.

H.R. 1537: Mr. NEAL of Massachusetts.

H.R. 1553: Mr. GALLEGLY and Mr. JOHNSON of Georgia.

H.R. 1560: Mr. GUTIERREZ.

H.R. 1586: Mr. GOODLATTE, Mr. MCCOTTER, and Mr. GOHMERT.

H.R. 1609: Mr. TIM MURPHY of Pennsylvania, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, and Mr. COSTA.

H.R. 1643: Mr. ALTMIRE.

H.R. 1647: Mr. SNYDER, Mr. FERGUSON, Mr. KLEIN of Florida, Mr. CUMMINGS, and Mr. MICHAUD.

H.R. 1738: Mr. AL GREEN of Texas and Mr. CLEAVER.

H.R. 1742: Mr. CROWLEY, Mr. VAN HOLLEN, and Mr. ALTMIRE.

H.R. 1747: Mr. MILLER of North Carolina and Mr. SHERMAN.

H.R. 1845: Mr. DENT, Mr. KUHL of New York, Mr. POE, Mr. WESTMORELAND, and Mr. LARSEN of Washington.

H.R. 1927: Mr. HONDA, Mr. GONZALEZ and Mr. KILDEE.

H.R. 1937: Mr. CARDOZA.

H.R. 1959: Mr. ALEXANDER.

H.R. 1971: Mr. GUTIERREZ.

H.R. 2005: Mr. LARSEN of Washington.

H.R. 2045: Mr. MILLER of North Carolina.

H.R. 2090: Mr. SHULER.

H.R. 2164: Ms. HERSETH SANDLIN.

H.R. 2210: Mr. LINCOLN DIAZ-BALART of Florida, Ms. WATERS, Ms. WOOLSEY, Mr. HONDA, Ms. SLAUGHTER, Ms. SOLIS, Mr. MEEK of New York, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Ms. KILPATRICK, Mr. CLYBURN, Mr. GORDON, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. LOEBSACK, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Ms. CLARKE, Ms. RICHARDSON, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. DOGGETT, Ms. MOORE of Wisconsin, and Mr. CHANDLER.

H.R. 2215: Mr. HINCHEY.

H.R. 2255: Mr. MCNERNEY.

H.R. 2262: Mr. KILDEE, Mr. KIND, and Ms. SOLIS.

H.R. 2265: Mr. RANGEL.

H.R. 2266: Ms. SLAUGHTER.

H.R. 2287: Mr. JACKSON of Illinois and Mr. FATTAH.

H.R. 2318: Mr. PAUL.

H.R. 2353: Mr. UPTON.

H.R. 2370: Mr. NEUGEBAUER and Mr. PICKERING.

H.R. 2373: Mr. SCOTT of Georgia.

H.R. 2452: Mr. ARCURI.

H.R. 2511: Mr. UDALL of New Mexico.

H.R. 2517: Mr. KELLER, Mr. KUHL of New York, and Mrs. MCMORRIS RODGERS.

H.R. 2522: Mr. WALSH of New York, Mr. SESTAK, Mr. KIRK, and Mr. BURTON of Indiana.

H.R. 2609: Mr. FORTENBERRY.

H.R. 2633: Mr. BLUMENAUER.

H.R. 2744: Mr. MANZULLO, Mr. SARBANES, Mr. WATT, Mr. ALTMIRE, Mr. LATOURETTE, and Mr. LOBIONDO.

H.R. 2762: Mr. TAYLOR, Mr. NEAL of Massachusetts, Mrs. MILLER of Michigan, Mr. MICHAUD, Mr. THOMPSON of Mississippi, Mr. WALDEN of Oregon, Mrs. BOYDA of Kansas, Mr. ADERHOLT, Mr. SPRATT, Mr. COHEN, Mr. DAVIS of Alabama, Mr. TOM DAVIS of Virginia, Mr. FOSSELLA, Mr. CAPUANO, Mr. UDALL of New Mexico, Mr. SPACE, Mr. GENE GREEN of Texas, and Mr. WICKER.

H.R. 2788: Mr. WAMP.

H.R. 2796: Mr. PUTNAM.

H.R. 2827: Mr. BERRY.

H.R. 2833: Mr. CONYERS.

H.R. 2846: Mr. JACKSON of Illinois and Mr. FATTAH.

H.R. 2851: Mr. ALLEN, Mr. RANGEL, Mr. EHLERS, Mr. MCHUGH, and Mr. ETHERIDGE.

H.R. 2878: Mr. GUTIERREZ, Mrs. MALONEY of New York, and Ms. SLAUGHTER.

H.R. 2897: Mr. MANZULLO.

H.R. 2910: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2930: Mr. WEXLER.

H.R. 2933: Mr. KINGSTON, Mr. BERRY, and Mr. LAHOOD.

H.R. 2951: Ms. HIRONO and Ms. MOORE of Wisconsin.

H.R. 2955: Mr. SCOTT of Georgia.

H.R. 3010: Mr. CAPUANO, Mr. AL GREEN of Texas, Ms. SOLIS, Ms. BALDWIN, Mr. DEFAZIO, Mr. PAYNE, Mr. FILNER, Mr. DOGGETT, Mr. MCGOVERN, Mr. PALLONE, Mr. FATTAH, and Mr. NADLER.

H.R. 3014: Mr. EMANUEL, Mr. FARR, Mr. LANTOS, and Mr. KUCINICH.

H.R. 3016: Mr. BRADY of Texas.

H.R. 3041: Mr. EMANUEL.

H.R. 3042: Mr. UDALL of Colorado and Mr. BERMAN.

H.R. 3045: Ms. BERKLEY, Mr. HONDA, Mr. WELCH of Vermont, Mr. WEINER, Mr. INSLEE, Mr. KENNEDY, Mr. MCDERMOTT, Mr. OLVER, Mr. ISRAEL, Ms. HOOLEY, Mrs. MALONEY of New York, Mr. LYNCH, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. GRIJALVA, and Ms. NORTON.

H.R. 3053: Mr. POE, Mr. ISSA, Mr. WELLER, Mr. PENCE, Mr. CALVERT, Mr. PITTS, Mr. ADERHOLT, Mr. CANTOR, Mr. GOODE, Mr. HELLER, Mr. LOBIONDO, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. SESSIONS, Mr. SIMPSON, Mr. WAMP, and Mr. DAVID DAVIS of Tennessee.

H.R. 3055: Mr. ALTMIRE.

H.R. 3140: Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SALI, Ms. NORTON, Mr. SOUDER, and Mr. BACHUS.

H.R. 3144: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3153: Mr. POE.

H.R. 3204: Mr. TIERNEY.

H.R. 3224: Mr. ALTMIRE and Mr. CARNAHAN.

H.R. 3274: Mr. BAIRD.

H.R. 3298: Mr. DONNELLY and Mr. MCNERNEY.

H.R. 3326: Mr. UDALL of Colorado.

H.R. 3334: Mr. KINGSTON and Mr. TOM DAVIS of Virginia.

H.R. 3337: Mr. SERRANO.

H.R. 3339: Mr. BAIRD and Mr. ALTMIRE.

H.R. 3359: Mrs. MYRICK and Mr. JONES of North Carolina.

H.R. 3372: Mr. BAIRD.

H.R. 3381: Ms. SUTTON.

H.R. 3429: Mr. ALTMIRE.

H.R. 3414: Mr. MILLER of Florida.

H.R. 3457: Mr. DAVIS of Alabama, Ms. KILPATRICK, and Mr. MEEK of Florida.

H.R. 3508: Mr. LAMBORN and Mr. HERGER.

H.R. 3533: Mr. SCOTT of Georgia.

H.R. 3546: Mr. HALL of New York, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. SOUDER, and Mr. CRAMER.

H.R. 3548: Mr. JOHNSON of Georgia and Mr. WELCH of Vermont.

H.R. 3578: Ms. LORETTA SANCHEZ of California, Mr. SPACE, and Ms. BEAN.

H.R. 3628: Mr. MILLER of Florida.

H.R. 3637: Mr. BUTTERFIELD.

H.R. 3650: Mr. GERLACH, Mr. WOLF, Mr. RENZI, Mr. CONAWAY, Mr. PUTNAM, and Mr. TIBERI.

H.R. 3660: Mr. MCCOTTER.

H.R. 3689: Mr. KIND.

H.R. 3691: Ms. HIRONO and Mr. GONZALEZ.

H.R. 3700: Mr. HINCHEY.

H.R. 3724: Mr. BURTON of Indiana.

H.R. 3725: Mr. GARRETT of New Jersey.

H.R. 3726: Mr. EMANUEL.

H.R. 3737: Mr. RAHALL.

H.R. 3738: Mr. TIBERI and Mr. PLATTS.

H.R. 3741: Mr. BRALEY of Iowa.

H.R. 3748: Ms. SUTTON.

H.R. 3769: Mr. MORAN of Virginia, Mr. LINDER, Mr. DOOLITTLE, Mr. WU, and Mr. MARSHALL.

H.R. 3779: Mr. SULLIVAN, Mr. KLINE of Minnesota, Mr. DONNELLY, Mr. PITTS, Ms. FALLIN, Mr. SOUDER, and Mr. SMITH of Nebraska.

H.R. 3797: Mr. DELAHUNT and Mr. DINGELL.

H.R. 3811: Mr. MCHUGH.

H.R. 3812: Mr. WEXLER.

H.R. 3818: Mr. BURGESS, Mr. GINGREY, Mr. MCCARTHY of California, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. SENSENBRENNER, and Mr. KINGSTON.

H.J. Res. 54: Mr. HOLDEN, Mr. COSTELLO, and Mr. UDALL of Colorado.

H. Con. Res. 40: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 176: Ms. BORDALLO.

H. Con. Res. 198: Mr. DEFAZIO, Ms. CLARKE, Mr. WYNN, Mr. MCDERMOTT, Mr. LOEBSACK, and Mr. CLEAVER.

H. Con. Res. 205: Mr. GRIJALVA.

H. Con. Res. 224: Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. SHAYS, and Mr. TERRY.

H. Con. Res. 225: Ms. GIFFORDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, Mr. SHAYS, Mr. GALLEGLY, Ms. BORDALLO, and Mr. SENSENBRENNER.

H. Con. Res. 230: Mr. OBERSTAR, Mr. DREIER, Mr. YOUNG of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BACHMANN, Mr. WOLF, Mrs. BLACKBURN, Ms. CARSON, Mr. PAYNE, Mr. UPTON, and Mrs. WILSON of New Mexico.

H. Con. Res. 234: Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. PITTS.

H. Res. 143: Mr. TIERNEY.

H. Res. 185: Mr. MCNULTY.

H. Res. 237: Mr. KAGEN.

H. Res. 333: Ms. WATSON.

H. Res. 338: Mr. MORAN of Virginia.

H. Res. 542: Mr. PETERSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. NEUGEBAUER, Mr. MAHONEY of Florida, Mr. LAHOOD, and Mr. CALVERT.

H. Res. 573: Mr. KUCINICH and Mr. CARNAHAN.

H. Res. 618: Mrs. CHRISTENSEN, Mr. ELLISON, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Mr. FALEOMAVAEGA, and Mr. JOHNSON of Georgia.

H. Res. 620: Mr. MARIO DIAZ-BALART of Florida and Mr. FOSSELLA.

H. Res. 680: Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, and Mr. KNOLLENBERG.

H. Res. 696: Mr. BILBRAY and Mr. HINOJOSA.

H. Res. 708: Mr. WEXLER.

H. Res. 713: Mr. MEEKS of New York and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 725: Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LINDER, Mrs. CAPPS, Mr. DAVIS of Illinois, Ms. MATSUI, and Ms. LEE.

H. Res. 726: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. ELLISON, Mr. HOYER, Mr. LEVIN, Mr. LAHOOD, and Mr. ETHERIDGE.

H. Res. 733: Mr. PORTER and Mr. MEEK of Florida.

H. Res. 734: Mr. WATT.

H. Res. 735: Mr. WEXLER, Mr. ENGEL, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. HINOJOSA, Mr. PAYNE, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, and Mr. MORAN of Virginia.

H. Res. 740: Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. PAYNE, Mr. MCGOVERN, Mr. AL GREEN of Texas, and Mr. PITTS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. JOHNSON of Georgia, Mr. LAMBORN, Mr. MITCHELL, and Mr. HOLDEN.

EXTENSIONS OF REMARKS

IN MEMORY OF WILLIAM T. GOLDEN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. HINCHEY. Madam Speaker, I am deeply saddened by the news that one of America's greatest thinkers has passed away, my friend and constituent William T. Golden. Although his name may not be well known to many Americans, his influence on our government, scientific community and countless charitable causes is broad and deep.

Mr. Golden was born in New York in 1909, the son of a wool trader who later went on to become a banker. He was raised in Washington Heights, but left New York to study English and biology at the University of Pennsylvania with the intent of becoming a physicist.

After finding that he disliked mathematics, he attended Harvard Business School for a year and then followed his father's footsteps to Wall Street. He went to work with a Harvard acquaintance, Harold Linder, who became a lifelong friend, neighbor and colleague.

In an interview with the New York Times, Mr. Golden said of this period of his life, "The idea was to make a lot of money on Wall Street and then do interesting things." He set about achieving that goal with great zeal.

On the brink of World War II, he joined the Navy's Bureau of Ordnance, spending most of the war in Washington where he developed a reputation as a great strategic thinker, as well as an inventor. He spent time at sea testing a device of his own invention that controlled antiaircraft machine guns. After the war, his experience in government led to his appointment as assistant to Lewis Strauss, a member of the fledgling Atomic Energy Commission. He served in that capacity for three years, traveling around the world to atomic test sites, bringing together the finest minds in American science, and becoming a skilled operator in how to get things done in government.

These efforts led to perhaps his greatest achievement in government, the creation of a national science advisor to the president. In 1950, on the eve of the Korean War, Mr. Golden was asked to advise President Truman on the reactivation of the wartime Office of Scientific Research and Development. In a pattern often repeated in his storied career, he set out to gather the information from the most distinguished scientists in the public and private sectors, traveling across the country and interviewing more than 150 people. Upon returning to Washington, he concluded that a new OSRD would be an impediment to the work of the many new research-oriented agencies established in the post-war period, including the AEC, the Office of Naval Research and the National Institutes of Health.

Bill Golden offered President Truman an alternative: The establishment of a presidential science advisor, who would coordinate all of this groundbreaking work and make direct recommendations to the commander in chief. Although meeting initial resistance from the National Science Foundation—an agency that he was instrumental in founding—and the Pentagon, he employed his political skills to pacify the objectors, expanding his original proposal to make the president's science advisor the chairman of a committee that would include the heads of the existing research agencies. The presidential science advisory committee went on to become extremely influential in the 1950s, providing critical information to President Eisenhower on the Cold War arms and space races.

Although Mr. Golden left government and returned to New York after this achievement, this was not the end of his contributions to government and science. Among his accomplishments, he is responsible for decades of service to the American Association for the Advancement of Science, where he established a congressional fellowship program to send scientists to Capitol Hill and whose headquarters are named for him. As a leader of the Carnegie Commission on Science, Technology and Government, he orchestrated private, biannual meetings of the science advisers of the G7 nations. He also remained, throughout his life, a strong supporter of his brainchild, the presidential science advisor, and published numerous books and articles about science policy over the years. For all of these efforts, Mr. Golden is credited as a key figure in the development of our national research triumphs in the 20th Century. As John Gibbons, science advisor to President Clinton, told the New York Times, "Without people like him, there would be no infrastructure, no research."

Mr. Golden, of course, was not content to rest on his laurels. As his financial career flourished, so did his philanthropy. He was an active and engaged leader of nearly 100 nonprofit organizations and institutions. Among those to which he was most devoted were the American Museum of Natural History, the Mount Sinai School of Medicine, which he helped to establish, the Carnegie Institution of Washington, the New York Academy of Science and the Hebrew Free Loan Society, which had lent his Lithuanian immigrant father money to get started in America.

I had the pleasure of getting to know Mr. Golden because of his love of the great outdoors, which led him to purchase a weekend home in Olivebridge, New York, in the district I represent. He continued his activism there, donating land for a local park and becoming involved in the community. One of the great achievements of his later life was saving from development the Black Rock Forest in the Hudson Highlands, which is now preserved in perpetuity as a field station for scientific research, education and conservation.

I consider it a great privilege to have known and had the opportunity to work with Bill Golden, one of the greatest minds of our time and one of the most important figures in American science. Although he will be truly, deeply missed by his hundreds of friends and colleagues, and most especially by his wife, Catherine Morrison and his daughters Rebecca and Pamela, his legacy lives on.

TRIBUTE TO SHERIFF HARRY LEE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. HONDA. Madam Speaker, I rise today to pay respect and tribute to one of law enforcement's finest and the only Chinese-American Sheriff in the Nation, Harry Lee of Jefferson Parish, Louisiana. Sheriff Lee died of leukemia on Monday, October 1 at the age of 75. I had the pleasure of meeting Sheriff Lee during the House Democratic Caucus' Katrina Task Force trip to the Gulf Coast. He was a fixture in Louisiana politics and a fine example of Asian Pacific American leadership.

Sheriff Lee had a humble beginning, the son of Chinese immigrant parents and the oldest of 8 children. His parents instilled in him a strong work ethic and a determined spirit which served him well in his educational and occupational pursuits.

After a promising educational start at Francis T. Nicholls High School, where he served as both senior class president and student body president, a school first, Mr. Lee went on to college at Louisiana State University where he earned a bachelor's degree in geography. While at LSU, Mr. Lee participated in the ROTC program and was designated an outstanding ROTC cadet. Upon graduation, Mr. Lee entered the Air Force and, as a Junior Officer in the Strategic Air Command was rated in the top two percent of Junior Officers in the entire Air Force.

Returning to Louisiana in 1959, Mr. Lee helped his family open the famous House of Lee Restaurant. Because of his leadership, Mr. Lee was elected president of the New Orleans Chapter of the Louisiana Restaurant Association in 1964. His fellow restauranteurs credit his leadership for the peaceful integration of restaurants in New Orleans after the enactment of the Civil Rights Act of 1964.

Soon after, Mr. Lee enrolled at the Loyola University School of Law while working 12 hour days at the family restaurant. Mr. Lee's diligence paid off as he was named the first Magistrate for the U.S. District Court in New Orleans in 1971. Due to his outstanding leadership abilities, Mr. Lee was elected President of the National Council of United States Magistrates in 1973. He subsequently became the chief attorney for Jefferson Parish in 1976.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1979, Mr. Lee was elected Sheriff of Jefferson Parish, a position he held for more than two decades, earning him the distinction as the second-longest serving sheriff in Jefferson Parish history. Under his watch, Mr. Lee modernized the Sheriff's Office and led Jefferson Parish to a homicide solve rate of more than 90 percent. An unconventional leader who often shot from the hip, Mr. Lee was fiercely loyal to his deputies and earned the respect of even his most vocal adversaries. Mr. Lee soon became a household name in Louisiana and was inducted into the Louisiana Political Hall of Fame in 2001.

Madam Speaker, I ask my colleagues to join me in remembering Sheriff Lee, a dedicated community leader and great friend to all. I would like to extend my most heartfelt condolences to Sheriff Lee's wife, Lai, his daughter, Cynthia Sheng and his 2 grandchildren. He will truly be missed.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE SHANESVILLE LUTHERAN CHURCH IN SUGARCREEK, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, Whereas, the dedicated people of the Shanesville Lutheran Church of Sugarcreek, Ohio celebrates the 175th anniversary of the Shanesville Lutheran Church with great joy; and

Whereas, this occasion is a time to look back at the origins of the church and appreciate how much it has grown from the first days in the log church when Rev. Snyder preached in 1820; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

FAVORING A SINGLE, INTEGRATED MARKET FOR THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RANGEL. Madam Speaker, I rise today in favor of the harmonization of the Caribbean economy, and in that spirit, introduce the article, "Jamaicans To New Government In Kingston: Do Not Change Regional Course On Caribbean Single Market, It's Vital." The article—written by Tony Best and published in New York CARIB News on Sept. 19, 2007—highlights the optimism of Jamaicans in the Diaspora that the island nation's new government will keep pace with the area's push towards economic integration.

The ambitious move promises to augment the production and trade of goods and services, engender products of better quality and prices, bolster the service sectors of transportation and communication, and elevate standards of living. The article conjectures that the integration of the Caribbean's air transportation may already be top priority, as the area's tourism nears consolidation.

[From the New York CARIB News, Sept. 19, 2007]

JAMAICANS TO NEW GOVERNMENT IN KINGSTON: DO NOT CHANGE REGIONAL COURSE ON CARIBBEAN SINGLE MARKET, IT'S VITAL

(By Tony Best)

Keep Jamaica on course with the rest of the Caribbean as the island-nations and coastal states move forward with the plan for economic integration.

That appeal to the new administration in Kingston led by Prime Minister Bruce Golding has come from Jamaicans in New York who believe it would be a mistake for the Jamaica Labor Party Administration to show a lack of enthusiasm for Jamaica's vital role in the efforts designed to launch the Single Market and Economy.

It was a course set for Jamaica by successive Governments formed by the People's National Party led by Michael Manley, P.J. Patterson and more recently Portia Simpson-Miller and it should be embraced by the Jamaica Labor Party's administration.

At the same time, Jamaicans are urging the new Prime Minister and his cabinet to continue working closely with the Jamaican Diaspora in North America and elsewhere so that the country would continue to reap maximum benefits from the human, financial, cultural and other resources if nationals living and working abroad. "Historically, the JLP was never a very warm supporter of Caribbean unity, Caricom if you will, and this goes back to the time of the West Indies Federation," the Rev. Patrick Perrin, Pastor of Hanson Place Central United Methodist Church in downtown Brooklyn told the New York Carib News.

"But when I begin to look at the new persons on the scene within the JLP government, many of the new leaders that they have, I believe I don't have to have that fear," added Pastor Perrin. "I think the new blood, they are probably more broad-minded. The economists, political scientists and others who have gone through the University of the West Indies, which is an integrative kind of force and studied and worked with persons in the other territories, would have this broad view. They would have a feeling of the Caribbean, as distinct from the narrow, nationalistic, isolationist type of policy."

"I believe the new leadership would probably be more open to an integrated Caribbean," he added. "We can expect a display of courage from the new Prime Minister, looking at the way he dealt with his own party by not being afraid to leave when he couldn't agree with certain things. That's a good sign if strong leadership that bodes well for Jamaica."

For instance, the Methodist Minister believes the new government place the question of integration of air transportation high on its list of priorities.

"It should be a part of the general integrative package because Caribbean tourism is becoming more and more integrated," he said. "We have to take a broad look at some of the institutions that we have and decide what's best for our interest. What I do know is the Caribbean needs an integrated Caribbean airline. It should consider putting all of the airlines together and make it work, that would be the road to take. We need to look at how we integrate air travel in the entire Caribbean."

The Methodist Minister, head of the Hanson Place church for the past decade, also said Jamaicans abroad were ready and eager to work with the new administration in much the same that they had linked arms with the PNO Government for the good of their birthplace.

"Jamaicans in the Diaspora are interested in the welfare of their country, regardless if the political party that formed the government and the new government must continue to harness that nationalism and interest," Perrin insisted.

Hyacinth Spence, a Jamaican community activist who is also President of the New York chapter of the Mico Old Students Association said that any lukewarm attitude to Caribbean integration that Golding and the JLP displayed in recent years when they were in the opposition was unlikely to become government policy towards the rest of the Caribbean.

"He has to improve with his relations with the rest of the Caribbean," Spence said of Golding. "You can't be a separatist. You can't separate Jamaica from the rest of the Caribbean because Jamaica plays an important part in regional affairs and development. So, if before he had lukewarm feelings while in the opposition, Golding would have to change them, based on the negotiations, the discussions, the meetings in which they have to come to table and participate" as the government of Jamaica.

In essence, she insisted, when in the opposition politicians say things to motivate followers and criticize Governments but once in power reality sets in.

"You have to keep the country in line with good relations, progressive relations, encourage development because you have to build, cement relations and make things better," she added.

Turning to the Diaspora, Spence expects Jamaicans to continue support for their country regardless of the party in office.

"We in the Diaspora have to make a determined effort to continue to support Jamaica in all the ways we can," was the way she put it. "It doesn't matter which party is in power."

Wellington Sharpe, an educator and politician in Brooklyn agreed.

"We must give the government a chance to see what they are going to do," he said. "We must continue to support our country. When a person in the opposition, and I have seen it over and over, their positions are different from when they have to make decisions as a government. It becomes a different thing when they have to make decisions on things that affect an entire country. Mr. Golding's statements may have seemed lukewarm to regional integration but my hope is that it was simply an opposition stand and not a true philosophy in terms of leadership."

That's why he is taking a wait-and-see attitude when it comes to Jamaica's approach to the rest of the Caribbean and the CSME.

"When the decisions have to be made we would see the true Bruce Golding," he said.

TEXAS GRANDPARENTS JOIN PEACE CORPS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. POE. Madam Speaker, Maya Angelou once said, "You shouldn't go through life with a catcher's mitt on both hands. You need to be able to throw something back." Since its inception in 1960, the Peace Corps has labored tirelessly throughout the world, "throwing back" to improve the lives of others. In these short 47 years, more than 187,000 volunteers in 139 countries, have worked on issues ranging from environmental preservation to information technology.

Despite the fact that many people recognize this global need, fully committing to serving is often easier said than done. Mary and Tom Evans, of Humble, Texas, however, are an example to us all. These Texan grandparents want to "return to the communities of the world," their "good fortune."

At the age when most of the couple's peers are retiring, they will soon be departing for their second tour with the Peace Corps. The Evans's are part of the volunteer organizations recent drive to utilize the wisdom of America's baby boomers. Life experiences, undergone by this generation give them a better understanding of what is required to more effectively aid others in foreign cultures. Already serving the community at home in Humble, Mary has taught at local schools for 15 years. Her Husband Tom is retired chemical salesman, who too began teaching as a substitute at area schools.

The grandparents' combined experience adds to the proficiency of their ability to educate and assist different populations, as was demonstrated on their first tour in the Republic of Kiribati. During their previous trip, Mary and Tom's main task was to create textbooks for the Gilbertese speaking islanders. The "tangible difference" that the couple observed in the people they helped, made up for the seemingly remote living conditions.

Currently, these Peace Corps volunteers are busy preparing for another adventure this time in the Ukraine. In anticipation of their upcoming trip, Mary and Tom are busy learning both the language and culture of their new posting. Although time has passed since their last endeavor, the couple is confident that they will even now be able to "serve their country in the cause of peace."

Giving back to the global community is truly an honorable endeavor. The example set by the Evanses and numerous other Peace Corps volunteers should be heeded by all. These patriots show the world what it means to be American; I commend their noble service.

And that's just the way it is.

TRIBUTE TO DR. NORMAN E. BORLAUG

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. LATHAM. Madam Speaker, up until July of this year, in all the history of America, there are only four individuals who ever received the Nobel Peace Prize, the Presidential Medal of Freedom and the Congressional Gold Medal, America's highest civilian honor. They are Mother Theresa, Nelson Mandela, Elie Wiesel, and Dr. Martin Luther King, Jr.

On July 17, President George W. Bush joined with the bipartisan Congressional leadership in presenting the Congressional Gold Medal to a fifth person, a native of Iowa, born in my congressional district, Dr. Norman E. Borlaug. Dr. Borlaug's name is not as well known as those other four vaunted individuals, but the achievements of this humble and self-effacing man are just as magnificent. It was one of the proudest moments of my service in Congress to be on the dais with the President and Dr. Borlaug and to hear him described as: the Father of the Green Revolution; the man who saved a billion people from starvation: and the man who, "has saved more lives than any other person who has ever lived."

If there is one person who is the symbol of our struggle to diminish hunger in the world it is Dr. Borlaug. He is a hero on almost every continent from Mexico, where he first developed his "Miracle Wheat" that could triple the yield of the plant; to India and Pakistan where his new approach to agriculture staved off famine and helped those two countries become self-sufficient in wheat; to the Middle East and East Asia where his revolutionary agricultural innovations produced unprecedented surpluses in both wheat and rice; and finally to Africa, where his efforts continue to this day as he heads the Sasakawa Global 2000 effort to uplift food deficit countries there.

Dr. Borlaug is in Iowa today attending the first ever Iowa Hunger Summit, which is organized by the World Food Prize Foundation and which is drawing hundreds and hundreds of participants from across Iowa and across America for a day-long focus on countering global food insecurity. I was pleased to learn that members of the Alliance Against Hunger and Bread for the World are traveling to Iowa from many States to take part in this exciting and innovative program. It is highly appropriate that Dr. Borlaug will be surrounded by the bipartisan political leadership of the State of Iowa for the past 40 years in the person of Governor Chet Culver and former governors Bob Ray, Terry Branstad and Tom Vilsack.

While we cannot be there to join with them in this important work, we can send messages of support such as this so that all who are attending the Hunger Summit can know that we in the Congress are also present in spirit, indeed a bipartisan spirit, which comes from the admiration Republicans and Democrats share of Dr. Borlaug and the shared concern we have for people who do not have enough to eat.

RECOGNIZING MITCHELL JOSEPH CREAGH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mitchell Joseph Creagh, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and in earning the most prestigious award of Eagle Scout.

Mitchell has been very active with his troop, participating in many scout activities. Over the many years Mitchell has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mitchell Joseph Creagh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING THE AMERICAN SOLDIERS HOMECOMING TRIBUTE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the veterans and home front workers of WWII will reunite with great pride; and

Whereas, they will honor Dreamville, USA as the place that served them during WWII; and

Whereas, they will share their memories with one another and reflect on their time served; be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the soldiers and home front workers for your commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

PRAISING TRINIDAD AND TOBAGO PM PATRICK MANNING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RANGEL. Madam Speaker, I rise today to honor the Prime Minister of Trinidad and Tobago, Hon. Patrick M. Manning, whose triumphs were fittingly and deservingly acknowledged by Medgar Evers College on September 26, 2007. The head of government was presented with an honorary Doctor of Laws degree, according to a New York CARIB News article published on September 25, 2007, titled "Medgar Evers College Honors Prime Minister Manning Of T&T."

Mr. Manning is noted for his fervid defense of democracy in the region and as a generous supporter of his struggling neighbors. A liberal democracy known as a leader among its peers, Trinidad and Tobago is a steadfast member of CARICOM—the regional pact intent on economic integration—and it sits on the recently created Caribbean Court of Justice. But Mr. Manning is well-reputed for striving to bolster his nation's political and economic prowess even further, vowing to surge it to developed-country status by the year 2020.

The Prime Minister has kept a keen and perceptive eye on the future, all the while refusing to forsake those peers embattled with a harrowing present. He is to be lauded for possessing the foresight and wherewithal to dream an ambitious destiny for the Caribbean and set it on the path towards getting there.

[From The New York CARIB, September 25, 2007]

MEDGAR EVERS COLLEGE HONORS PRIME MINISTER MANNING OF T&T

The Hon. Patrick M. Manning, Prime Minister of the Republic of Trinidad and Tobago, will be honored by Medgar Evers College on Wednesday, September 26, 2007 with the conference of a Doctor of Laws degree—Honoris Causa. The ceremony will take place at 10.00 a.m. in the Founders Auditorium. Prime Minister Manning is expected to deliver a major address on the occasion.

Prime Minister Manning's statement will address "The Role of Trinidad and Tobago in Shaping Regional and Global Affairs."

Trinidad and Tobago, a liberal democracy located in the southern Caribbean, is a political leader in the region. The country is a member of the Caribbean Community and Common Market (CARICOM)—a regional organization aimed at the ultimate integration of its member economies—and also the Seat of the Caribbean Court of Justice (CCJ)—the recently established regional judicial tribunal.

"Medgar Evers College welcomes Prime Minister Manning in the spirit of ongoing international exchange. His visit is yet another indication that our work here at Medgar is receiving worldwide recognition," says Dr. Edison O. Jackson, President of Medgar Evers College.

The College has been a venue of choice for several government dignitaries speaking on issues of global import such as Director General of US Commercial Services Israel Hernandez, who spoke on the Bush Administration's Economic and Trade Initiatives.

ABOUT PRIME MINISTER MANNING

The Honorable Patrick Manning was elected to his third term of office as the Prime Minister of Trinidad and Tobago on October 7, 2002. Born in San Fernando in 1946, Mr. Manning entered politics in 1971, at the tender age of 24, emerging victorious in the general elections as the People's National Movement candidate for the Constituency of San Fernando East.

Under two Prime Ministers, young Representative Manning served as Parliamentary Secretary in Ministries ranging from Works and Transport, Industry and Commerce, to Petroleum and Mines. He became a full-fledged Minister in 1981 holding the Industry and Commerce, and Information portfolios, then Energy and National Resources. In 1986, he became the Leader of the Opposition and within two months was elected to the post of Political Leader of the PNM.

In 1991 Mr. Manning was elected Prime Minister of Trinidad and Tobago. Four years later he returned to opposition after a loss in the general election of 1995. In 2001, after a deadlock in the House of Representatives, Mr. Manning was appointed Prime Minister by President Arthur N.R. Robinson. A general election was then held on October 7, 2002 and Mr. Manning again emerged victorious. He is currently the Prime Minister and the Minister of Finance.

Prime Minister Manning is well-respected in the international community for his vision as a new-style Caribbean leader dedicated to propelling his nation to developed country status by 2020, while simultaneously contributing to the development of fellow regional states.

His accolades include the Guyana Institute for Democracy "Democracy Prize" for his outstanding work in upholding the principles of democracy in the Caribbean region (December 2003) and the Caribbean—Central American Action's "Star of the Caribbean Award," for his unwavering support of Caribbean neighbors in their time of distress (December 2004).

Mr. Manning attained his primary and secondary education in South Trinidad followed by his B.Sc. Degree (Special Honors) in Geology at the University of the West Indies, Mona, Jamaica.

He is married to the Honorable Senator Hazel Manning, current Minister of Education, and they have two sons—Brian and David.

RAPE OF A NATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. POE. Madam Speaker, Congo is facing a rape epidemic. The sexual violence in Congo is the worst in the world. Congolese women are raped, butchered by bayonets, and assaulted with chunks of wood. These brutal attacks leave their reproductive and digestive systems beyond repair.

The election last year has not ended the violence and instability in Congo. The government is inept. The justice system and military barely function. Large parts of Congo remain authority-free, leaving civilians at the mercy of armed militiamen, the Rastas. The Rastas are known for burning babies, kidnapping and raping women, and butchering anyone along their path. Rastas are former Hutus, who escaped into Congo after exterminating 800,000 Tutsis and moderate Hutus during Rwanda's genocide. Rastas seek to destroy the Congolese women.

According to the U.N., 27,000 women in the South Kivu Province alone reported sexual assaults in 2006. That's only a fraction of the number of raped women across Congo. This is especially disturbing because the largest U.N. peacekeeping force in the world, over 17,000 troops, is in Congo.

Rape is a common weapon of war, but the sexual assaults in Congo are now a social phenomenon. Abuse of women, even by their husbands, is now considered "normal."

Congolese women face an extraordinary struggle. Their husbands leave them after they are raped for fear of "disease." Congo does not have enough resources to treat sexual assault victims. The lack of hospital beds forces rape victims to return to their villages before they have fully recovered.

Rape victims are often left with colostomy bags, damaged internal organs, pregnant or unable to bear children, and afraid of being attacked again.

I founded the Congressional Victim's Rights Caucus to provide a voice for victims and to advocate on their behalf. As the co-chair of the caucus, I hope we continue to raise awareness of the devastating effects of domestic violence and other crimes on victims across the world.

Congolese women are victims of sadistic sexual assaults, irreversible internal damage, and a government that has failed to protect them. And that's just the way it is.

TRIBUTE TO ALYSSA RANDALL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Alyssa Randall of State Center, Iowa, as the recipient of the Golden Apple Award for her commitment and enthusiasm as an educator.

Alyssa teaches the Trojan Tots program at West Marshall Elementary School, which includes 2 separate programs for 3 and 4-year-olds. At an early age, Alyssa acquired a strong interest in utilizing her talent for working with young children. As she was growing up Alyssa's own teachers played a crucial role in this interest. I am certain that Alyssa's passion for the teaching profession is, and will continue to be, a significant influence on a number of her own students as well.

The Golden Apple Award is a special recognition given to one exceptional teacher each month during the school year by WHO-TV 13 in Des Moines, Iowa and by Allied Insurance. Alyssa's own students, Ryan and Kody Carver, nominated her for this recognition by writing letters describing why she is their favorite teacher.

I consider it a great honor to represent this dedicated teacher Alyssa Randall in the United States Congress. And, I also know that my colleagues in Congress will join me in expressing my gratitude to Alyssa and to all of our Nation's educators for their hard work and dedication to our children and grandchildren.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to flooding in my county.

On Monday, October 15, 2007, I was tending to personal matters and thus missed rollcall votes Nos. 961, 962, and 963. Had I been present, I would have voted "aye" on all votes.

A PROCLAMATION HONORING THE 32ND ANNUAL NATIONAL CONVENTION OF THE PAN-MESSINIAN FEDERATION OF USA AND CANADA

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the people of the Pan-Messinian Federation of USA and Canada celebrate the 32nd National Convention with great pride; and

Whereas, the 180th Anniversary will be celebrated, recognizing the Navy of Battle of Navarino; and

Whereas, the battle which took place on October 20, 1827 ensured Greece's independence

Whereas, they are known for fostering fraternal bonds, renewing acquaintances and annually gathering to conduct official business; and

Whereas, Pan-Messinian Federation of USA and Canada is recognized for their hard work to preserve cultural traditions, educational scholarships, and charities;

Be it resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Pan-Messinian Federation of USA and Canada for your unwavered commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

IN RECOGNITION OF THE 2007 CONGRESSIONAL BLACK CAUCUS FOUNDATION ANNUAL LEGISLATIVE CONFERENCE—THE IRAQ WAR: THE COSTS, THE LESSONS, AND THE FUTURE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the 2007 Congressional Black Caucus annual legislative conference, the speakers who presented at the forum I hosted on the war, and the reason I selected the war for an issue forum.

On September 28, 2007, I hosted a forum to address issues related to the costs, lessons and future of the Iraq war. I was honored to have as my speakers: Dr. Michael Eric Dyson, Reverend James Forbes, Congresswoman BARBARA LEE, Eugene Robinson, Senator JIM WEBB, and General Anthony Zinni. I thank each of them for taking time to share their views on these important topics. I also wish to thank all of the people who attended the forum and those who watched it live via the Internet.

This is the fifth time in a row I held a forum on the war for the annual legislative conference. I decided once again to focus on the war for several reasons. There is a continuous need to explain to the American people why the war has not ceased yet. Americans are utterly confused about the politics as well as the rationale for continuing. Day in and day out Americans hear rhetoric versus solid withdraw plans and solutions. Americans are outraged and tired of the loss of life and other human tragedies associated with fighting the war. The human, financial, spiritual, and loss of reputation cost for our great country is immeasurable. I will continue to express my opposition to the war and work to bring it to an end.

The forum speakers were phenomenal and provided their ideas on how America got in the war and how America can get out. Specifically, Dr. Dyson, a professor at Georgetown University, eloquently encouraged the audience to speak out against the war and described the similarities in the Bush's administration response to hurricane Katrina to the handling of the Iraq war. Rev. James Forbes, Jr., founder of the Healing of the Nations Foundation, passionately spoke about the moral failures of the war. Congresswoman BARBARA LEE of California, discussed the difficulties she faced in opposing the wars in Afghanistan and Iraq. Eugene Robinson, a Washington Post columnist, discussed the administration's use of fear to build support for the war. Senator JIM WEBB of Virginia, emphasized the need for the U.S. to get out of Iraq and addressed issues related to fraud, waste, and abuse. General Zinni, a former commander of U.S. forces, explained the U.S. interests in Iraq and discussed his ideas on how the U.S. can get out of Iraq.

I would like to express heartfelt thanks to the Congressional Black Caucus Foundation chair, Congressman KENDRICK MEEK, and the Congressional Black Caucus chairwoman, CAROLYN CHEEKS KILPATRICK, for all their hard work to organize the annual legislative conference, which provides members of the Congressional Black Caucus an opportunity to highlight issues that impact the lives of Americans. The information shared by the speakers was informative and provided another outlet for critics of the war to openly express their views.

CELEBRATING THE LAUNCH OF UNIVISION'S NEW SHOW, "AL PUNTO"

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Ms. SOLIS. Madam Speaker, I rise today to congratulate Univision on the launch of the new political news show "Al Punto."

"Al Punto" is paving the way to promote dialogue within the growing politically active and conscious Latino community. For 1 hour every Sunday, the show will bring together newsmakers, policymakers, business and political leaders, or entertainers to talk about the contemporary issues that affect the Latino community. The discussions will go beyond politics to include culture, science, and the arts. Furthermore, "Al Punto" will address current events in Latin America which impact the Latino community at home. This show will work to enlighten and empower the Latino community, as it will provide them with vital information on the current issues and news events that are impacting their everyday lives.

Again, I would like to recognize and congratulate Univision on the launch of "Al Punto" and for its contributions in educating the Latino community on political issues. I wish it continued success.

IN HONOR OF THE 2007 SACRAMENTO RIVER CATS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Ms. MATSUI. Madam Speaker, I rise in recognition of the 2007 Sacramento River Cats, the champions of the 2007 Pacific Coast League and winners of the Triple–A Championship. I ask all of my colleagues to join with me in honoring this excellent achievement.

The River Cats remarkable playoff run began when they clinched the Pacific Coast League Southern Division by finishing the regular season with a record of 84–60. Despite falling behind two games to none against Salt Lake City in the first round of the playoffs. The River Cats came back to win the next three games. Using that positive momentum, the River Cats quickly beat the New Orleans Zephyrs in three games, winning the Pacific Coast League title for the third time in 5 years. The series final game was seen before a spirited and soldout crowd of 14,414 fans at Sacramento's Raley Field. During this impressive playoff run, the River Cats strung together seven straight playoff victories to end their season. The final victory came against the Richmond Braves in the second annual Bricktown Showdown. By defeating the International League Champion in the one game playoff, Sacramento was able to lay their claim as outright Triple–A champions.

This year's Sacramento River Cats team exhibited resilience in the face of adversity. Despite continually loosing players to their parent affiliate, Major League Baseball's Oakland A's, to replenish their injured roster, the River Cats overcame more then 180 roster changes to win the championship. This meant that they accomplished the feat by receiving contributions from numerous and sometimes unlikely sources. No one epitomized this more then Nick Blasi, who spent much of the season with Class–A Stockton before becoming a playoff catalyst and the Pacific Coast League's Series MVP. Blasi hit a remarkable .457 in the playoffs.

Throughout this roster shuffle, every member of the 2007 River Cats demonstrated outstanding commitment to team play and hard work. Manager Tony DeFrancesco once again was a steady mentor for his young and ever changing roster. The River Cats featured some of baseball's brightest prospects who are destined to become the stars of tomorrow. The roster was anchored by contributions from recently promoted major leaguers: Daric Barton, Kurt Suzuki and Santiago Casilla, as well as prospects Jason Perry, J.J. Furmaniak and Brad Knox.

Under the leadership of President and CEO Art Savage, the River Cats players reaffirmed the front office's commitment to the people of Sacramento. On the Opening Day of the season, the River Cats unveiled the Mario

Encarnacion Humanitarian Award which will annually honor a young student athlete who shows a commitment to his or her teammates and classmates. Furthermore, the River Cats Foundation has been providing support to Sacramento non-profits that assist with youth and family activities. The River Cats commitment to the community was reciprocated by the Sacramento fans, as the River Cats led the Pacific Coast League in attendance for an astounding 8th year in a row. 710,000 fans attended River Cats 71 home contests this year, and since beginning play at Raley Field in 2000, the River Cats have drawn over 6,000,000 fans.

Madam Speaker, now that the Sacramento River Cats have concluded their championship season, I am honored to pay tribute to the many hard working men and women of the River Cats organization who brought so much joy and pride to the people of Sacramento. Their successes are highly commendable. I ask all my colleagues to join me in celebrating the River Cats 2007 championship season.

IN RECOGNITION OF SOUTH TAMA COUNTY SCHOOL

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. BOSWELL. Madam Speaker, I rise today to honor South Tama County High School, a school in my Congressional district, for their outstanding achievements in the "President's Challenge," a program sponsored by the President's Council on Physical Fitness and Sports.

South Tama County High School, in Tama, Iowa, was named 1 of 2 President's Challenge State Champion schools in Iowa for the 2006–2007 school year. The President's Challenge is designed to encourage students to find new and exciting ways to integrate fitness and physical activity into their daily lives. The fitness program at South Tama should be a model for other Iowa schools, and is recognized by the President's Challenge as an exemplary example for its dedication to encouraging students to become physically fit and active, and its success in achieving those goals.

As childhood obesity and the chronic diseases caused by it become an increasingly serious issue in the United States, I would like to commend South Tama on its commitment to instilling the importance of a healthy lifestyle, and for giving its students the tools to make healthy decisions for years to come. I ask my colleagues to join me in congratulating this Iowa school—we are very proud of your accomplishments.

A PROCLAMATION HONORING THE 50TH BIRTHDAY OF THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES, (NARFE), TUSCARAWAS VALLEY CHAPTER 635

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the National Active and Retired Federal Employees Tuscarawas Valley Chapter 635 celebrates its 50th birthday with great joy; and

Whereas, they started with 18 members and now have over 135; and

Whereas, the organization works to better the quality of life for active and retired employees of the Federal Government; and

Whereas, they are working to put federal employees on an equal level with employees of other companies and organizations; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend you on your 50th birthday. With great appreciation and respect, we recognize the remarkable impact the National Active and Retired Federal Employees Tuscarawas Valley Chapter 635 has had in the community.

CELEBRATING THE GROUNDBREAKING WORK OF THE SCHOMBURG CENTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RANGEL. Madam Speaker, I rise today to introduce the article, "Heritage Watch: Breaking the Silence," written by Howard Dodson and published in Africana Heritage in its Vol. 7, No. 4 periodical. It details the Schomburg Center's efforts—through innovative exhibition and persistent advocacy—to render a history of slavery that grants its subjects active agency. More than mere objects of exploitation, oppression, and victimization, the enslaved population crafted a rich history, wielding the powers of critical thinking and self-actualization to transform language, religion, family, and culture.

The center boasts of its unprecedented "Lest We Forget: The Triumph Over Slavery" exhibition, the first of its kind focused exclusively on the topic of slavery. Showcasing an exhaustive 300 items, travelling versions of the presentation have made their way to 16 countries across the Atlantic and back. Its other ambitious production, "In Motion: The African-American Migration Experience," follows the major migrations of Africa-descendant people.

It led the charge for historic preservation of an African burial ground discovered in the recesses of Manhattan, a cemetery to 20,000 Africans from colonial New York. Already both a city and national landmark, a segment of the burial ground was named a national landmark in early 2006. In 2008, the Schomburg will take center stage in commemorating the bicentennial anniversary of the abolition of the transatlantic slave trade.

A cherished institution nestled in the heart of my district, the Schomburg Center serves an oft-unsung—but necessary—purpose. It strives to keep slavery and the slave trade a fundamental thread in the fabric of this country's heritage, so that the contributions of the enslaved will never fade from the American consciousness.

HERITAGE WATCH: BREAKING THE SILENCE

Prior to the 1960s, the basis of much of the scholarship and the perspectives on slavery available derived from the abolitionist literature and campaign of the 1830s to the 1860s. This body of literature was written or collected to document the horrors of slavery. Its purpose was to show how slavery oppressed, exploited, and victimized the enslaved African population—hence the victim's perspective. A closer, more critical reading of many of the same sources, especially the slave narratives, revealed a much more complex set of relations in slavery and an equally more diverse and complex enslaved African population.

Over the next four decades, the scholarship on slavery and the slave trade shifted from the dominant victim's perspective to a more nuanced one in which the enslaved African population became the subjects—active agents in the making of their own history rather than mere victims of oppressive, exploitative, all powerful slavery systems. The results of this approach and the scholarship it produced have been stunning and quite revelatory—becoming the foundation of the Schomburg Center's action strategy to remember America's slavery past and hopefully prevent its ever being forgotten again.

Seven years ago, the Schomburg Center celebrated its 75th Anniversary and unveiled an exhibition on the slave trade and slavery. Lest We Forget: The Triumph Over Slavery became the first major exhibition on the subject in the United States. Comprised of more than 300 objects, Lest We Forget documented the origin and development of the slave trade from Africa to the Americas. Reflecting the new scholarship, however, it went a step further. It explored the ways in which critically-thinking, self-actualizing enslaved Africans transformed themselves into new people in the midst of slavery. The new languages, religions, families, and cultures they created were documented and celebrated as well as the forms of resistance and struggle they fashioned.

In conjunction with National Geographic Press, the Center published a companion book to the exhibition entitled Jubilee. An online exhibition was also created on the Schomburg's Web site. Early in 2004, the Center entered into an agreement with UNESCO to expand the site and make it one of the centerpieces of the Year to Commemorate the Struggle Against Slavery and its Abolition. In its expanded form, the site added more content about slavery and abolition in Latin America and the Caribbean. Lest We Forget, the online exhibition, is now available in four languages. The Center also collaborated with UNESCO to create traveling versions of the original Lest We Forget exhibition. A total of six bilingual exhibitions in 32 framed color panels have been created for distribution throughout the Atlantic World. To date, bilingual versions have appeared in Cameroon, South Africa, Cape Verde, Senegal, Mozambique, Guinea Bissau, The Bahamas, Jamaica, Dominican Republic, Trinidad, Brazil, Ecuador, Sweden, France, Finland, and Norway. While on tour, it has served as a catalyst for a variety of educational and cultural programs interpreting and/or commemorating the struggle against slavery and its abolition.

In February 2005 another exhibition, In Motion: The African-American Migration Experience, focused on documenting the major migrations of people of African descent to, within, and outside of the United States. A remarkable online version, www.inmotionaame.org. includes over 8,000 images and over 16,000 pages of text—narratives, scholarly essays, primary source documents, and curriculum modules. National Geographic Press published a companion book and the Center produced a Black History Month Kit for dissemination to teachers. A traveling version of In Motion opened for a limited time during Black History Month 2006 at Miami's Lyric Theatre. Since the rediscovery of the African Burial Ground in lower Manhattan during construction on a federal office building in 1991, the Schomburg Center has been involved in its historic preservation and interpretation. A Federal Steering Committee, headed by Schomburg Chief Howard Dodson, drafted a report to the United States Congress outlining the ways in which the burial ground should be memorialized. Following the report's recommendations, Howard University's W. Montague Cobb Laboratory conducted scientific study of the 419 remains that were excavated. The African Burial Ground has been designated as both a City and National Landmark and in February 2006, President Bush proclaimed the portion located at Duane and Elk Streets a National Monument. The full five-acre site is believed to be the final resting place of over 20,000 Africans from colonial New York.

The 419 excavated ancestral remains were reinterred at the African Burial Ground Memorial site on October 4,2003. As part of the reinterment ceremonies, the Schomburg Center organized a series of commemorative programs in five cities over a three-day period, ending with a vigil, tributes, and special programming in New York City. Since then, annual tributes to the ancestors have taken place, including a Ring Shout ceremony with New York City schoolchildren circling the original burial ground site. The Ring Shout has grown every year—reaching 3,000 participants last year.

In April 2005, the U.S. General Services Administration and the National Park Service selected Rodney Leon, of AARRIS Architects, to design the African Burial Ground Memorial. A dedication ceremony as well as celebratory events will take place the weekend of October 5, 2007. The Office of Public Education and Interpretation, located in the lobby of the federal building at 290 Broadway, continues to provide site tours of the commemorative artwork and memorial site, documentary film presentations, and programs for educators. A link documenting the African Burial Ground and the commemorative tribute programs is available on the Schomburg Center's homepage. Keeping with the goal to make New York's African Burial Ground a major heritage tourism destination, the African Burial Ground Monument Foundation was founded by Edward Lewis, Chairman and Founder of Essence Communications, Inc.; Dr. James Forbes, former Senior Minister of Riverside Church; and Howard Dodson, Schomburg Chief. The Foundation aims to raise funds and generate global outreach for the African Burial Ground National Monument.

October's Dedication Ceremony will be the Foundation's first task. A second slavery-related project undertaken by the Schomburg Center focused on a New York State legislative initiative, which established a New York State Freedom Trail Commission to document and interpret the state's Underground Railroad history. The Schomburg Center was contracted to research and write the Commission's background document and action agenda. Historic sites, personalities, and events relaced to slavery in New York have been documented and selected historic properties are being restored. A historic marker program is being planned to identify significant Freedom Trail sites, events, and personalities throughout the state, the ultimate goal of which is to organize educational programs and heritage tourism activities throughout the state. The Center has also drafted a Freedom Trail Curriculum which has been mandated to be incorporated into the State's K-12 curriculum. This year, Great Britain marked its Bicentennial of the Abolition of the Transatlantic Slave Trade with a series of events and in 2008 the United States will recall its own.

To coincide with these two important milestones, the United Nations organized a special month long exhibition of Lest We Forget in March 2007, to observe the International Day for the Commemoration of the Abolition of the Transatlantic Slave Trade; and the Amistad America's Freedom Schooner Amistad began its yearlong Atlantic Freedom Tour sojourn in June retracing the slave route. As part of its continuous involvement and interpretation of slavery, the Schomburg Center is a member of the planning committee for the 2008 U.S. commemoration. The Schomburg Center has continued to build its collections of primary and secondary source materials on slavery, the slave trade, and the African Diaspora. Slavery-related topics have been a regular part of the Center's annual program agenda.

Finally, the Center and these initiatives have been catalysts for additional programs by other organizations. Americans in general and African Americans in particular are still wary of remembering slavery and the slave trade as a fundamental part of America's national heritage. But the contributions of those who were enslaved to building this country should not be forgotten. The educational content of the initiatives described herein have contributed in meaningful ways to opening dialogues on these subjects. While there is still a lot of work to be done, the strategies for action described herein have worked and are working to break the silence.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Ms. LINDA T. SÁNCHEZ of California. Unfortunately, I was unable to be present in the Capitol on Monday, October 15, 2007, and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted "aye" on H. Res. 738, condemning the campaign of murder, terror and intimidation aimed at overthrowing the democratically elected Government of Lebanon; "aye" on H.R. 2089, a bill to designate the facility of the United States Postal Service in New Orleans, LA as the "Louisiana Armed Services Veterans Post Office"; and "aye" on H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

TRIBUTE TO JANE MALONEY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SAXTON. Madam Speaker, I rise today to congratulate my good friend, Jane Maloney, the 2007 recipient of the Hope Award. This great honor, awarded annually by the Caregiver Volunteers of Central Jersey, recognizes a member of the community who has demonstrated outstanding dedication to the area's senior population. I am so pleased that this year's honor is bestowed upon Jane.

Jane has served as the director of the Ocean County Office of Senior Services since 2004, and was formerly the assistant to the director for 15 years. During this time, Jane has been a dedicated, tireless advocate for the seniors of Ocean County, NJ. She was one of 58 Americans to serve on the National Advisory Committee for the 1981 White House Conference on Aging, and was also a delegate to the 1995 and 2005 White House Conferences on Aging. Additionally, Jane is an active member of the New Jersey Association of Area Agencies on Aging, as well as other committees with common goals of improving the quality of life for older adults, and has been a long-time supporter of the Interfaith Volunteer Caregiver Initiative.

Jane and I have had the pleasure of working together over the past 2 decades on a variety of issues of importance to the seniors of Ocean County. Throughout this time, we have collaborated on many important initiatives, and it is always with great interest and appreciation that I learn of the valuable work she is doing.

These details are just a few of the reasons Jane Maloney is a deserving recipient of the 2007 Hope Award. I wholeheartedly congratulate her on this great honor, and look forward to our continued work together on behalf of Ocean County's senior population.

ENDING WORLD BANK DISBURSEMENTS TO IRAN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. KIRK. Madam Speaker, both the U.N. Security Council and the International Atomic Energy Agency, IAEA, found that Iran is in breach of its obligations under the U.N. Nuclear Non-Proliferation Treaty. The IAEA reported that Iran ignored the Security Council's deadline to stop enriching uranium and expanded its nuclear program.

As Iran's Atomic Energy Organization moves towards its announced goal of operating 50,000 uranium enrichment centrifuges in Natanz, the World Bank is funding nine government projects in Iran totaling $1.355 billion—one of which operates in Isfahan, the headquarters of Iran's nuclear program.

The United States remains as the top investor in the World Bank, contributing $950 million in 2006 and $940 million in 2007. The House of Representatives approved another $950 million contribution while the Senate approved more than $1 billion. Meanwhile, the bank disbursed $220 million to Iran in fiscal year 2007, with more than $870 million remaining in the pipeline for fiscal years 2008, 2009 and 2010.

To date, the World Bank's board has taken no action to end these disbursements—which it could by demanding a policy review and then voting to stop credit transfers. Furthermore, the U.N. Security Council has given no explicit direction to the World Bank on this issue—which it could in its next resolution.

Therefore, as the World Bank prepares for its annual meetings this week in Washington, I am introducing a bipartisan resolution today calling on the bank's board of directors to end disbursements to Iran until the IAEA certifies Iran's compliance with U.N. Security Council Resolutions and the Nuclear Non-Proliferation Treaty. Should the board fail to act, we call on the U.N. Security Council to order the bank to suspend these disbursements.

As part of the United Nations family, the policies of the World Bank should be aligned with the policies of the U.N. Security Council. The United States and the World Bank should not subsidize Iran's economic development while its government enriches uranium in violation of U.N. Security Council resolutions.

I want to thank my dear friends and colleagues, Congressman STEVE ROTHMAN and Congressman ROB ANDREWS, for joining me in introducing this bipartisan resolution.

A PROCLAMATION HONORING THE 104TH NATIONAL CONVENTION OF THE PAN-ICARIAN BROTHERHOOD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the people of the Pan-Icarian Brotherhood celebrate the 104th National Convention with great pride; and

Whereas, the Pan-Icarian Brotherhood, "Icaros", is the oldest Hellenic organization in the western hemisphere; and

Whereas, they are known for fostering fraternal bonds, renewing acquaintances and annually gathering to conduct official business; and

Whereas, the Pan-Icarian Brotherhood is recognized for their hard work to preserve cultural traditions, educational scholarships, and charities; now, therefore, be it

Be it resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Pan-Icarian Brotherhood, "Icaros" for your unwavered commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. CONAWAY. Madam Speaker on rollcall Nos. 961, 962 and 963. My flight from Midland was cancelled and I did not arrive in D.C. until 1:15 a.m. on October 16, 2007. I left Midland at 4:30 p.m. on October 15, 2007. My original flight was scheduled to leave at 8:40 a.m. October 15, 2007.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. PASTOR. Madam Speaker, on rollcall Nos. 961, 962, and 963, I missed voting due to an airline delay.

Had I been present, I would have voted "yea" on all three.

HONORING DR. ADINA GALICH, M.D., FOR HER MANY YEARS OF SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor a distinguished physician in my district, Dr. Adina Galich, M.D., who celebrated her 80th birthday this past summer. For 50 years, Dr. Galich has ably served the people of Berwyn and has been a true pioneer for female doctors throughout Illinois.

From an early age, Dr. Galich overcame great adversity. She grew up in Nazi-occupied Belgrade, where she remembers her family running through burning streets after their home was bombed. After her father's death, Dr. Galich took over the family real estate business at the age of 15, which was soon confiscated by the postwar communist Yugoslav Government.

In 1952, Dr. Galich graduated magna cum laude from medical school. Dr. Galich was finally able to obtain a visa and immigrate to the United States after the Yugoslav Government branded her and her family "class enemies." When she arrived in Chicago, she became the first woman at Chicago Mount Sinai Hospital to specialize in internal medicine, though only permitted to teach and not practice. Dr. Galich was the lone female physician in her 1956 class.

Throughout Dr. Galich's career, she has committed herself to treating those most in need. While training in internal medicine she also worked at the Chicago Board of Health's Infectious Diseases Department. Later, Dr. Galich was among a group of physicians who founded the Union Health Service, an organization created to provide health care to members of the Janitors' and Doormen's Union.

Dr. Galich continued to be a trailblazer for female physicians into the 1960s, when she became the first female internist on the staff at MacNeal Hospital in Berwyn. Later, she became the first female physician to open a private practice in the city.

It is my honor today to commend Dr. Adina Galich, M.D., for her outstanding service to the Berwyn community for over half a century. Dr. Galich has triumphed over great adversity, challenged the perceptions of female physicians, and opened the doors for countless women to follow.

IN HONOR OF DR. DAVID REBOVICH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, last week the State of New Jersey lost one of its great political analysts, Dr. David Rebovich. On Friday, October 12, 2007, Dr. Rebovich died from a heart attack while teaching a class. He was 58 years old.

Rebovich was an associate professor and managing director of the Rider Institute for New Jersey Politics. He received a bachelor's degree in political science from Johns Hopkins University, and a master's and doctorate degree from Rutgers University.

As one of Dr. Rebovich's former students, I can honestly say that he was a genuine and fair professor. He continually put his students before himself and was an admired political asset to the State of New Jersey. He will be missed.

My prayers and best wishes go out to the Rebovich family.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. REICHERT. Madam Speaker, on October 9, 2007, and October 10, 2007, I missed rollcall votes because I was unavoidably detained. Had I been present, I would have voted in the following manner: "aye" on House Resolution 32, rollcall No. 949; "aye" on final passage of H.R. 400, the War Profiteering Prevention Act, rollcall No. 950; "nay" on rollcall No. 951; "nay" on rollcall No. 952; "nay" on rollcall No. 953; "nay" on rollcall No. 954; "aye" on rollcall No. 955; "nay" on rollcall No. 956; "aye" on rollcall No. 957; "aye" on final passage of H.R. 2895, the National Affordable Housing Trust Fund Act, rollcall No. 958; "aye" on rollcall No. 959; and "nay" on final passage of H.R. 3056, the Tax Collection Responsibility Act, rollcall No. 960.

A PROCLAMATION HONORING THE 60TH ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF ADMINISTRATIVE PROFESSIONALS, ZANESVILLE CHAPTER

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the Zanesville Chapter of the International Association of Administrative Professionals celebrate the 60th anniversary with great joy; and

Whereas, this milestone is the result of what a hardworking people began in 1947; and

Whereas, occasions such as these illustrate to us that reliable and diligent employees will stand the test of time; and

Whereas, administrative professionals are recognized for their contributions to the workplace; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I congratulate the International Association of Administrative Professionals, Zanesville Chapter, for their service and dedication.

INTRODUCTION OF PROVIDING RESOURCES TO IMPROVE DUAL LANGUAGE EDUCATION ACT OF 2007

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Ms. SOLIS. Madam Speaker, access to high-quality early childhood education programs, including dual language programs, can play a significant role in closing the education gap. So I am proud to rise today to introduce the PRIDE Act, which will establish dual language education programs.

One in every five students who enters schools in the U.S. speaks a language other than English at home. The English language learners (ELL) population represents more than five million students in the K–12 public school system, which constitutes about 10 percent of our total public school population. In Los Angeles County, ELL students are no longer a subgroup of students. Rather, ELL students represent the student population the school district serves. More than 40 percent of students in the Los Angeles Unified School District are ELLs. Of those students, 94 percent speak Spanish as their native language. The vast majority of ELL students are native-born U.S. citizens.

English language learners and low-income children start kindergarten well behind their peers, and this gap continues to widen over time. For example, by kindergarten, only 50 percent of Latino children are able to name and recognize letters of the alphabet compared to 75 percent of Caucasian children. The National Task Force on Early Childhood Education for Hispanics cites that only 23 percent of Latino ELLs who knew little to no English at the start of kindergarten score at high levels of reading comprehension in the 5th grade. By 8th grade, 71 percent of ELL children score below basic in reading and math.

Dual language programs are in extremely high demand across the country. Programs in very affluent communities have long waiting lists of children. These programs help train biliterate and bilingual children. Although schools in low-income communities have instituted dual language programs to improve ELL instruction, these communities have less access to programs that truly follow the dual language model. We must provide our public school system with the tools necessary to ensure the success of all students, especially those in underserved communities and school districts.

That is why I have introduced the Providing Resources to Improve Dual Language Education Act of 2007 (the PRIDE Act). The PRIDE Act would serve children in economically disadvantaged communities and limited-English proficiency students from preschool through 5th grade. The PRIDE Act would recruit, train, and continuously develop staff to implement high-quality, dual language programs. These programs focus on instruction, second language acquisition, and content knowledge.

We know how important the role of a family is in a child's education. The PRIDE Act would also establish a responsive infrastructure for positive, active, and ongoing relationships with students' families and the community, one that reflects the needs of the community and goals of the program.

The PRIDE Act is endorsed by at least 30 groups, including the National Council of La Raza, the National Education Association, the Mexican American Legal Defense and Education Fund, the National Black Child Development Institute, and the National Association for Bilingual Education.

Madam Speaker, in order for the U.S. to remain globally competitive, Congress must address the ongoing challenges in our education system. We must promote and build bilingual skills for all our children, including those in impoverished communities. As a diverse nation, this includes ensuring education meets the needs of all students, including ELL children. I urge my colleagues to cosponsor the PRIDE Act, because educating our children is a commitment that we must not abandon.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. ELLISON. Madam Speaker, on October 15, 2007, I was back in Minneapolis attending a funeral for a constituent and failed to vote on rollcall votes: 961, 962, and 963. Had I been present I would have voted "aye" on rollcall votes, 961–963.

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE LOYAL CHRISTIAN BENEFIT ASSOCIATION OF SACRED HEART CATHOLIC CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the Loyal Christian Benefit Association of Sacred Heart Catholic Church will celebrate the 100th anniversary with great joy; and

Whereas, they protect and care for the church, family and future; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavered labor and commitment, recognizing that all great achievements come at a cost. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your Lord, Jesus Christ.

TRIBUTE TO DR. CARSON EOYANG

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. REYES. Madam Speaker, today I would like to commend Dr. Carson Eoyang on completing 33 years of federal service.

Last week Dr. Eoyang retired as the Chancellor of National Intelligence University and the Assistant Deputy Director of National Intelligence for Education and Training. He had served in this position since shortly after the creation of the DNI and endeavored to forge a viable National Intelligence University from the various and diverse education elements of the Intelligence Community.

Among his many accomplishments, Dr. Eoyang most notably instituted much-needed, community-wide policies on curricula and standards, and ensured that all Intelligence Community training courses were available to students from anywhere in the community and not just the hosting agency. He successfully advocated for additional funding for training and education, to include critical linguist and analyst training.

Dr. Eoyang brought a wealth of experience to his time at the DNI. Prior to his service with the DNI, Dr. Eoyang served as the Associate Provost for Academic Affairs at the Naval Postgraduate School in Monterey, California, where he was responsible for academic administration. He also ran the School's executive education programs.

A truly dedicated public servant, Dr. Eoyang previously worked at the Office of Science and

Technology Policy at the White House to advance distance learning initiatives and interagency technology collaboration. He has also served as the Director of Training at two federal agencies, the Federal Aviation Administration and the National Aeronautics and Space Administration.

Dr. Eoyang also had significant experience with the intelligence community prior to his assignment at the DNI. Earlier in his career, he served as the Director for PERSERC, the Defense Personnel and Security Research Center, where he conducted research on espionage, security, and counterintelligence.

Dr. Eoyang's long and noteworthy history in management experience was recognized when he was named to the study group for the National Performance Review, the highly respected effort to reinvent government led by Vice President Al Gore.

In addition to his distinguished career in the Senior Executive Service, Dr. Eoyang was a tenured professor of Management at the Naval Postgraduate School, where he taught leadership to the Nation's naval officers. He earned his Ph.D. in Organizational Behavior from Stanford University, and his M.B.A. from Harvard Business School.

Madam Speaker, Dr. Eoyang is an exemplar of all the qualities that I value highly: integrity, professionalism, and commitment to diversity. Dr. Eoyang's superlative career reflects positively on the many agencies and institutions he has touched.

I thank Dr. Eoyang for his service to the nation, and wish him success in his future endeavors. I extend my best wishes to his wife, Kemay, and his children, Mieke, Mason, and Lian, who have supported and encouraged this dedicated, remarkable man in all of his pursuits.

HONORING THE MEMORY OF SHIRLEY UNDERWOOD, RESIDENT OF THE FIRST DISTRICT

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Judge Shirley Underwood, a resident of the First Congressional District of Tennessee, who passed away October 7, 2007.

Judge Underwood received her law degree from the University of Tennessee in 1948. She first practiced law in Bristol with her father. She was appointed juvenile court judge by Governor Buford Ellington in 1961 and in 1962, was elected to an 8-year term. She was re-elected 4 times by overwhelming margins. Upon retirement in 2002, Judge Underwood had the longest tenure of any current juvenile court judge in Tennessee and one of the longest in the Nation.

Judge Underwood was the first woman to be elected by UT alumni of the First Congressional District to serve as their representative on the UT board of governors. She was honored as a Distinguished Alumnus of the College of Law in 1984 and received its Alumni Leadership Award in 1989.

In 1956, she married Dr. Charles T.R. Underwood. Judge Underwood was an active member of Central Baptist Church.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Judge Shirley Underwood. She was dedicated to her family and her service to the residents of east Tennessee.

Her service is greatly appreciated, and she will be deeply missed.

TRIBUTE TO MR. GEORGE L. PIRO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor Mr. George L. Piro, in recognition of being awarded the Federal Bureau of Investigation Director's 2007 Award for Excellence. Mr. Piro received this award of special achievement for his actions while assigned as the Team Leader for the sensitive interrogations of former Iraqi President Saddam Hussein and senior leaders of his regime.

Mr. Piro's exemplary actions as team leader of the High Value Detainees Team and as primary interrogator of Saddam Hussein resulted in the successful conduct of extremely sensitive and critical interviews. The results of Mr. Piro's interviews led to the November 6, 2006 conviction for genocide and eventual execution of Saddam Hussein. Mr. Piro's efforts on behalf of the Federal Bureau of Investigation were crucial in determining the extent of Iraq's relationship with Al-Qadea.

In addition to his work as a FBI Supervisory Special Agent, Mr. Piro has also been recognized in the past as an exemplary police officer for the City of Ceres, California and as a Criminal Investigator II for Stanislaus County District Attorney's Office.

Originally from California's Central Valley, Mr. Piro joined the United States Air Force before beginning his career in law enforcement with the City of Ceres Police Department in 1989. Working his way up the ranks Mr. Piro became a Criminal Investigator II for the Stanislaus County District Attorney's office where he investigated felony cases involving career criminals and was assigned to the Stanislaus County Drug Enforcement Agency. In 1999, Mr. Piro began his career with the Federal Bureau of Investigation. First assigned to the Phoenix, Arizona Field Office, Mr. Piro then became the Team Leader and Lead Interrogator of the Saddam Hussein Interrogation Team in Baghdad, Iraq. Currently, Mr. Piro serves as Supervisor of the Federal Bureau of Investigation's Joint Terrorism Task Force in the Washington, DC Field Office.

Madam Speaker, I urge my colleagues to join me in recognizing Mr. George Piro for his outstanding service to our nation and congratulating him on receiving the Federal Bureau of Investigation Director's Award for Excellence.

IN MEMORY OF HENRY "HANK" SPRINGER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. GALLEGLY. Madam Speaker, I rise in memory of Henry "Hank" Springer, who passed away Sunday at age 84.

When Hank Springer became my football and track and field coach 45 years ago at Huntington Park High School in Southern California, little did I know that I also was gaining a mentor and a lifelong friend. Of all the teachers I have ever had, no one had a greater impact on me than Coach Springer.

Standing at about 6 foot 5 inches and weighing about 255 pounds, Coach Springer was nonetheless a gentle man who always put his students' education before their athletics. In spite of that—or perhaps because of it—he brought out the best in his athletes, bringing us to championship after championship.

We stayed close over the years, and he would recall decades later things I had done as his student. Even his wife, Doris, recalled just months ago how I would call in the school's sports scores to the Signal newspaper for a dollar a week. Teachers, mentors, and friends like that are very special.

Coach Springer was himself a champion athlete, having won the National Championship as a shotputter at Compton Junior College, a feat he repeated at the University of Southern California, where he earned his teaching credential and obtained a master's degree. Once at Huntington Park High School, he brought both football and track and field league championships to the school.

In 1959, Coach Springer led his football team to the pinnacle of success by winning the Los Angeles City Schools Championship. Many of his students went on to collegiate and professional success.

Included in Coach Springer's accolades, championships, achievements, and awards was a life achievement award from the California Scholastic Federation.

Coach Springer retired in 1983 and became an avid fisherman. He was already an avid family man and friend.

Madam Speaker, I know my colleagues will join me in honoring Hank Springer for his positive impact on student athletes and in mentoring them to be as competitive in their studies as they were on the field. In addition, I know my colleagues join me in extending our condolences to Doris, their sons, Mark and Brian, and to all who called Coach Springer a friend.

Godspeed, Coach.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote 961 (H. Res. 738). Had I been present, I would have voted in the following manner: rollcall 961: "yes."

A PROCLAMATION HONORING THE VETERANS FIRST FOUNDATION ON RECEIVING THE 2007 ADVOCACY AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SPACE. Madam Speaker, whereas, the dedicated people of the Veterans First Foundation provide a vital public service; and

Whereas, serve the veterans of Ohio admirably; and

Whereas, the volunteers who serve the organization selflessly give of their time; and

Whereas, the Veterans First Foundation has a long history of serving the community; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the Veterans First Foundation for its unwavering commitment and dedication to the veterans of Ohio. Congratulations to the Veterans First Foundation for their selection to receive the 2007 ADVOCACY award from the Governor's Council on People with Disabilities.

RECOGNITION OF WORLD FOOD DAY

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. BOSWELL. Madam Speaker, today we celebrate World Food Day, a day to focus on global food security. In the city of Des Moines, a very significant observance of World Food Day will take place—the first Iowa Hunger Summit. Representatives from many hunger fighting organizations from across America will join hundreds of Iowans in a day-long focus on increasing efforts to eliminate malnutrition, poverty and human suffering.

This event will be the first of a week-long series of World Food Prize programs and events that will draw individuals from more than 60 countries for an in-depth discussion of the global challenges facing biofuels and biorenewable energy.

Joining all of these events will be Dr. Norman E. Borlaug, the Nobel Peace Prize laureate and Congressional Gold Medal recipient, who is credited with saving a billion lives through the green revolution. Dr. Borlaug is an Iowa native and the founder of the World Food Prize, who returns each October to his home state to present the $250,000 award which has become known as the Nobel Prize for Food and Agriculture.

I am very pleased that Iowa's Governor, Chet Culver and our three immediate past governors Robert D. Ray, Terry Branstad, and Thomas Vilsack plan to attend the summit. I am proud to see our Iowa leadership come together for such a worthy common cause—ending world hunger.

That was why I was so pleased to join with other members of the Iowa Congressional Delegation as we worked to get Dr. Borlaug the Congressional Gold Medal, America's highest civilian honor.

I ask members of both parties to join with me in a World Food Day commitment to help reduce hunger both at home and abroad. In doing so, we will be honoring Dr. Borlaug's legacy and supporting the important work that is taking place at the Iowa Hunger Summit in Des Moines.

PAYING TRIBUTE TO JOHN C. MACAULEY ON HIS 90TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to my dear friend and constituent John C. (Jack) Macauley on the occasion of his ninetieth birthday. Jack has dedicated most of his adult life to serving his country and his community. It is with great pride and respect that I join in recognizing Jack's accomplishments and celebrating this amazing milestone.

Jack Macauley was born in Brooklyn on October 23, 1917. Like so many young men of his generation, he enlisted in the military in March 1943 and was assigned to duty in the 17th Airborne Division, 513th Parachute Infantry, Headquarters Company, 2nd Battalion. Jack served with distinction and was ultimately promoted to platoon staff sergeant. During his tour of duty in the European theatre, Jack participated in the Battle of the Bulge and Operation Varsity, fought in the German Rhineland and throughout Central Europe and, during a critical campaign, parachuted into Wesel, Germany. Jack was honorably discharged on October 20, 1945 after earning his Paratrooper Wings, Combat Infantryman Badge, three Silver Stars, a Bronze Arrow, Purple Heart, Bronze Star and a Presidential Unit Citation.

After serving with distinction in the Army, Jack returned to the United States to continue his service to his country. In 1946, he joined the New York City Police Department where he was eventually promoted to Detective, Second Grade. In the course of 20 years of service in the NYPD, Jack was recognized for outstanding performance on many occasions, earning him the Combat Cross, three Honorable Mentions and thirteen other citations. Jack's career in the police department was highlighted when he was voted "Policeman of the Month" in November of 1953.

Jack retired from the New York City Police Department in 1966 and took a civilian job as a manager with the United States Postal Service, where he served with pride until his retirement in 1981.

Jack is fortunate to be married to Cecelia Marr Macauley. Together they've had three children, three grandchildren and three great-grandchildren.

Earlier this year, Jack attended the final reunion of the 17th Airborne Division as part of a "Farewell to a Distinguished Association". Jack joined many of his surviving brothers in arms to celebrate the heroism and accomplishments of the 17th Airborne and all of the brave men who served our Nation during World War II.

Madam Speaker, it is with great pride and admiration that I rise in this chamber to honor my good friend, Jack Macauley, for a lifetime of heroism and accomplishment and to wish him well as he celebrates his ninetieth birthday.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 866—H. Res. 643, which commemorated the 9/11 attacks, I was with my constituents in Nevada's Second District. Had I been present, I would have voted "yea".

TRIBUTE TO ABBEY MEYERS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. WAXMAN. Madam Speaker, I rise to pay tribute to a selfless and a truly great American. For more than 20 years Abbey Meyers has been the voice of people in this country with rare diseases. She has helped establish national policy that has improved the lives of countless patients. Before Abbey Meyers began this important work, these patients had no advocate in Washington. Today no one is more effective in advocating on their behalf.

The patients for whom Abbey Meyers works have one of more than 1,000 diseases, diseases that are not known to most people. Because the populations are so small, before 1980 drug companies did virtually no research to find cures for rare diseases, even though these diseases are devastating for afflicted patients and their families.

In 1983 Congress enacted the Orphan Drug Act, which provided incentives to drug companies to invest in drugs for rare diseases. Since that time the Food and Drug Administration has approved approximately 200 orphan drugs; another 1000 drugs have been designated for orphan drug research. I believe that most of this work would never have been done without Abbey Meyers and the organization that she established in 1983, the National Organization of Rare Disorders (NORD).

Abbey Meyers's success is due to her enormous skills in assisting patients in navigating the political world in Washington and in mastering complex scientific issues. Abbey Meyers and NORD support more than 2,000 patient organizations. She is a frequent witness on Capitol Hill on health policy issues. And she has had a significant influence on research into pharmaceuticals for rare disease.

Recently Abbey Meyers has announced that she will retire as President of NORD. It is hard to imagine resolving major public health issues without her input. While we wish Abbey a joyful retirement, we know with near certainty that she will never stop thinking about what policies will best benefit patients in this country, and we will continue to benefit from her commitment and knowledge.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 865—H. Res. 257, which supports the goals and ideals of Pancreatic Cancer Awareness Month, I was with my constituents in Nevada's Second District. Had I been present, I would have voted "yea."

HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE RICHARD D. GIDRON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. RANGEL. Madam Speaker, I rise today in tribute to a pioneering entrepreneur, a natural-born salesman, a trailblazer in the African-American and business communities, and a dear friend, the late Richard Daniel Gidron. Dick Gidron overcame the many obstacles to success that faced Black entrepreneurs of his generation to become a successful car dealer who opened doors of opportunity for the current generation of successful Black businessmen. A man of firsts, Mr. Gidron rose from car jockey at a Cadillac dealership in his native Chicago to become the company's first Black salesman, and later, the second African-American Cadillac dealer nationwide and the first in New York. In honor of that stellar legacy, I want to recognize his achievements on the floor of the House so that his contributions can be appreciated. I introduce for the information of my colleagues his New York Times obituary, "Richard D. Gidron Is Dead at 68; Ran an Empire of Car Dealerships," published October 15, 2007, and written by Robert D. McFadden.

Mr. Gidron was head of a dealership empire that spanned three companies—Cadillac, Oldsmobile, and Ford—and four regions—Bronx, Yonkers, Mt. Kisco, and Mahopac—that became quite a successful enterprise. He boasted impressive numbers, eclipsing $45 million in annual sales by 1980 to become one of the Nation's top 10 Cadillac dealers.

The one-time president of the Bronx Chamber of Commerce and Chairman of the Bronx County Democratic Committee, Mr. Gidron maintained a slew of friends representing the fields of politics, sports, and entertainment. At a time when African Americans found themselves seldom represented in the upper echelons of the entrepreneurial world, Mr. Gidron successfully led a franchise that served as the very symbol of wealth, stardom, celebrity, and power. We should remember and praise him for the pathway he blazed for the successful Black entrepreneurs of today.

RICHARD D. GIDRON IS DEAD AT 68; RAN AN EMPIRE OF CAR DEALERSHIPS

Richard D. Gidron, a politically savvy Bronx businessman who became one of America's earliest and most successful black owners of a Cadillac dealership before falling on hard times and going to prison for a year for fraud and tax evasion, died Thursday at a New York hospital. He was 68 and lived in Scarsdale.

Mr. Gidron died at New York-Presbyterian Hospital/Weill Cornell Medical Center, said his son, Richard Jr., who declined to disclose the cause of death.

For three decades, Dick Gidron, as he was known to a generation of car buyers as well as mayors, congressmen, star athletes and other celebrities, presided over an empire of Cadillac, Oldsmobile and Ford dealerships that began in the Bronx and moved into Yonkers, Mt. Kisco and Mahopac.

Starting as a teenage car jockey parking Caddies at a dealership in Chicago in 1957, Mr. Gidron, a born salesman, learned his trade when America's craze with Cadillacs inspired visions of stardom and celebrity—of Elvis Presley whizzing through Memphis in a gold Cadillac and of Sugar Ray Robinson cruising the streets of Harlem in a flamingo pink convertible.

In 1972, when General Motors wanted a minority owner for its Bronx Cadillac franchise, it selected Mr. Gidron, by then one of its top salesmen, over competitors who included Sammy Davis Jr. and Henry Aaron. He thus became New York's first African-American Cadillac dealer and the second in the nation.

By 1980, with annual sales of $45 million, Mr. Gidron was among the top 10 Cadillac dealers in the United States. He acquired three homes, a 36-foot yacht and a host of prominent friends and political connections. He was president of the Bronx Chamber of Commerce for more than 10 years in the 1980s and '90s, and was chairman of the Bronx County Democratic Committee for several years in the 1980s.

On his showroom walls were photos of Mr. Gidron with President Ronald Reagan, Gov. Mario M. Cuomo, Mother Teresa and Muhammad Ali. Super Bowl parties at his home drew a pantheon of judges, politicians and celebrities. Friends included George Steinbrenner, the principal owner of the Yankees; Stanley M. Friedman, the former Bronx Democratic leader; Mayor David N. Dinkins; State Senator Guy J. Velella; Representatives Mario Biaggi and Charles B. Rangel; and Dave Winfield, the Yankees slugger.

But by the 1990s, as the nation's love affair with Cadillacs waned, America's most prestigious car had become an outsize relic, overtaken by fuel-efficient imports and other luxury brands. As Mr. Gidron's sales plummeted, he fell behind in his corporate taxes, General Motors terminated his franchise, and revenue agents seized parts of his business.

In 2002, Mr. Gidron was indicted on charges of evading more than $1.5 million in state and federal taxes from the sale and leasing of cars from 1995 to 2000. In 2003, he pleaded guilty to two counts of grand larceny and one of offering a false instrument for filing—admitting that he kept car payments meant for lending institutions—and was ordered to pay $1.6 million in restitution and sentenced to three years of home confinement and five years of probation.

In 2005, state tax agents shut down Gidron Cadillac-Oldsmobile in Yonkers, seizing assets for what they said was his failure to pay more than $800,000 in sales taxes. Three other Gidron dealerships were also closed. Mr. Gidron was arrested after a monitor appointed to oversee his business charged that he had again kept car payments intended for lending institutions. He pleaded guilty to violating probation and defrauding nine victims of up to $100,000, and was sentenced to one to three years in prison. State officials said his former dealerships still owed $12 million in taxes.

In 2006, Mr. Gidron emerged from a year in prison, said he hoped to make a comeback and sued General Motors for $150 million, charging that the automaker had reneged on a deal to sell him an auto repair center in Yonkers that he had restored at a cost of millions after it was damaged in a fire in 2000. The suit is pending.

Richard Daniel Gidron was born in Chicago on Oct. 10, 1939, and was raised by his mother and grandmother after his father died when he was 7. At 19, he got a job in a Cadillac dealership on Chicago's South Side. He went to night school but learned salesmanship on the lot and in the showroom. By 26, he had become Cadillac's first black salesman, a natural who did not come across as a super pitchman but moved cars with drumbeat regularity.

Besides his son, of Scarsdale, Mr. Gidron is survived by his wife, Marjorie; a daughter, Bridgett Gidron of Scarsdale; two sisters, Dorothy J. Holmes of Stone Mountain, Ga., and Freddie M. Kessee of Aliso Viejo, Calif.; a brother, Thomas Parker of Little Rock, Ark.; and two grandchildren.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 15, 2007, I was unable to cast my votes on H. Res. 738, H.R. 2089, and H.R. 20 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 961 on suspending the rules and passing H. Res. 738, Expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon, I would have voted "aye."

Had I been present for rollcall No. 962 on suspending the rules and passing H.R. 2089, To designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Service Veterans Post Office," I would have voted "aye."

Had I been present for rollcall No. 963 on suspending the rules and passing H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research Care Act, I would have voted "aye."

TRIBUTE TO IC CORPORATION OF TULSA, OKLAHOMA

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SULLIVAN. Madam Speaker, I rise today to recognize IC Corporation of Tulsa, Oklahoma, and its parent company, Navistar

International. This year, the IC school bus facility in Tulsa, Oklahoma will manufacture its fifty thousandth school bus since the company became part of the Tulsa community in 1999. I am honored to represent the employees at IC Corporation who build the school buses that provide a reliable means of transportation and keep our children safe as they travel to and from school.

The current IC facility originally opened 19 days after the bombing of Pearl Harbor and was built to make B–24 Bombers to help our Nation win WWII. Based on a history of hard work, the first school bus was built by IC Corporation in January 2001. Still one of the largest industries in Tulsa County, the buses built by the employees of the Tulsa IC Bus Plant carry hundreds of thousands of children around the country to and from school.

The employees at the Tulsa plant exemplify dedication and are one reason that the IC Corporation has more than 60 percent market share in the school bus industry. The fifty thousandth school bus will be delivered to the Ardmore City Schools in Oklahoma at a ceremony on October 17, 2007. Congratulations again, and thank you to IC Corporation and the more than 900 employees who work at the Tulsa Bus Plant in Tulsa, Oklahoma.

FREEDOM FOR ERNESTO DURÁN RODRIGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Ernesto Durán Rodriguez, a prisoner of conscience in totalitarian Cuba.

Mr. Durán Rodriguez is a pro-democracy activist currently imprisoned in a dungeon for his peaceful work to liberate Cuba from the grasp of the terrorist totalitarian regime. His insistence on freedom, fundamental human rights and speaking openly about the plight of the Cuban people under the tyranny's machinery of repression has made him a target of the totalitarian regime.

Mr. Durán Rodriguez has been repeatedly harassed and detained by regime thugs since 1995, when he was first arrested and in a farcical trial "sentenced" to 22 years in the regime's heinous gulag on charges of "evasion" and attempting to exit the country without "proper permission". Let me be very clear, Mr. Durán Rodriguez has been thrown in the gulag for daring to dream of and working on behalf of a democratic Cuba.

On August 8, 2002, Mr. Durán Rodriguez and another political prisoner, Leoncio Rodriguez Ponce were brutally beaten by regime thugs and thrown into the wretched squalor of punishment cells. On August 28 of that year, both men were tried on trumped-up charges that they had "disrespected" the demented tyrant. Both men were denied the right to a defense, and although the exact motive for their second trial is unknown, the so-called "court" found "sufficient cause" to increase their prison terms by 2 years.

While incarcerated in the squalor of the heinous gulag, Mr. Durán Rodriguez has suffered beatings, lack of medical treatment and being persistently denied the opportunity to communicate with his family. On January 29, 2006, prison thugs without warning entered his cell during the early morning hours and placed him in shackles on mere suspicion that he might have circulated leaflets in the prison. With his movement constricted, they proceeded to ransack his cell, stealing what few documents he kept and leaving his few precious personal effects thrown throughout his cell.

Mr. Durán Rodriguez is one of the many heroes of the Cuban pro-democracy movement who are locked in the dungeons of an oppressive totalitarian dictatorship for their beliefs. These men and women are symbols of freedom and democracy who will always be remembered when freedom returns to Cuba. Mr. Durán Rodriguez's courage in defiance of tyranny serves as an inspiring reminder that the tyranny's gulags are full men and women who represent the best of the Cuban nation.

Madam Speaker, it is absolutely unacceptable that peaceful pro-democracy activists are languishing in the heinous and depraved prisons of tyrants. My Colleagues, we must demand the immediate and unconditional release of Ernesto Durán Rodriguez and every prisoner of conscience in totalitarian Cuba.

COMMENDING THE WORK OF WILSON HOSPICE ON ITS 20TH ANNIVERSARY

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. JORDAN of Ohio. Madam Speaker, it is with great pride that I recognize the staff of Wilson Hospice in Sidney, Ohio, as they mark 20 years of service to the region.

As part of Wilson Memorial Hospital in Sidney, Wilson Hospice provides invaluable care to the people of Shelby, Auglaize, Champaign, Darke, Logan, and Miami Counties. The hospice's professional and volunteer caregivers take great pride in helping those with terminal and other challenging illnesses in the final stages of their lives.

Wilson Hospice offers a wide range of assistance, from in-home care to aid in nursing facilities and other assisted-care centers in the region. Hospice staffers tailor care to each patient's needs, working in concert with families and doctors to provide pain management, spiritual and emotional care, and whatever other support is required. Because catastrophic illnesses frequently come with significant financial burden that harms quality of life, no one in need is ever turned away from Wilson based on an inability to pay.

The hospice excels in the outstanding grief support services it provides to families—including a phenomenal program targeted at teens and children, who often have the most difficult times dealing with the loss of a loved one. For more than a year after a loved one's death, family members may receive personal and group counseling and support services through the hospice. Those who have participated in these programs never forget the commitment and compassion of the many caregivers who help them cope with their losses.

Madam Speaker, Wilson Hospice will celebrate its 20th anniversary with an event this Monday, October 22. I look forward to attending and joining people throughout the region in applauding the dedicated staff of the hospice for all they do to provide comfort and peace to patients and their families.

COMMEMORATING PHOENIX HOUSE'S 40 YEARS OF COMMITMENT TO SERVING THOSE STRUGGLING WITH ADDICTION AND SUBSTANCE ABUSE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to commend Phoenix House, an honorable organization that has been an outstanding member of my community and many other communities nationwide for 40 years. The praise is well-deserved, and I am proud to recognize its invaluable service to our country.

Phoenix House is a provider of substance abuse treatment and prevention services operating in nine states across the country. In my district alone, it provides critical services to nearly 600 people each year. Phoenix House utilizes an approach based on mutual support and success through community. Today, we celebrate Phoenix House's 40 years of commitment to and success in serving those struggling with addiction and substance abuse.

Six heroin addicts started the Phoenix House in 1967 when they came together at a dextoxification program at a New York hospital. Today, it is the nation's leading nonprofit substance abuse treatment and prevention agency—operating more than 100 programs in New York, California, Texas, Florida, New Hampshire, Rhode Island, Massachusetts, Maine, and Vermont.

Over the years, Phoenix House has treated approximately 150,000 substance abusers and currently cares for nearly 6,000 men, women, and teens each day. Phoenix House operates more than 100 programs including residential centers for adults, as well as outpatient, and prison programs—at close to 120 locations in nine states. It also provides education and prevention programs, with in-school and after-school programs that reach more then 30,000 young people every year.

Moreover, for more than two decades, Phoenix House has operated the Phoenix Academies, where teens can make up schooling lost to drugs and recapture opportunities for higher education and careers. As a result, thousands of at-risk youth every year are given the tools and support they need to leave drug abuse behind and become contributing members of their communities. There are now eleven Phoenix Academies operating in seven states, and they were designated by the U.S. Department of Justice as a "model program" in 2005.

A 2004 study by RAND Corporation, a respected research organization, found that adolescents treated at a Phoenix House Academy demonstrated substantial reductions in drug use and unlawful behavior and improvement in psychological status—and that the Academy outperformed other juvenile programs in achieving these objectives.

Phoenix House is also the leading research organization among treatment providers. Its expanding research agenda reflects the broad array of services it provides; its growing number of research partners; and the historic imperative of Phoenix House to improve, refine, and innovate to make its services better, stronger, less costly, more accessible, and more predictably effective. I believe that those are objectives that all of us, as a Congress, can support.

Phoenix House was recently featured in an HBO documentary series titled Addiction. The project is one of the most ambitious efforts ever undertaken to educate the American public about drug addiction as well as recent advancements in treatment. Addiction aired on HBO in March, April, and May of 2007. I am honored to join Phoenix House in celebrating its 40 year commitment to fighting the war on drugs. I want to thank Phoenix House for the lives it has touched and its leadership in battling this harmful addiction that affects every family.

A TRIBUTE TO CROWELL, WEEDON & CO. ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to commemorate the 75th anniversary of a very prominent business located in my 34th Congressional District, Crowell, Weedon & Co., the largest independent investment firm in the western United States.

In 1932, during the depths of the Great Depression, Warren Crowell and George Weedon had the vision, courage and conviction to open the doors of a stock and bond brokerage firm on Spring Street in Downtown, Los Angeles. The venture posed a significant risk at the time considering the nation was still grappling with the fallout from the 1929 stock market crash and the nation's financial center, New York City, was considered the likely home for such ventures. Nevertheless, Mr. Crowell and Mr. Weedon were determined to help individuals and small business owners reenter the stock market. They felt very strongly that families and businesses should establish savings and investment plans with the long-term goal of achieving financial independence.

Three generations and 75 years later, Crowell, Weedon & Co. continues to be guided by the same core principles upon which it was founded: Confidence in the vitality of the American free enterprise system; reliance in long-term investing, rather than short-term speculation; a conservative philosophy of investing in select enterprises; and an enduring commitment to serving clients by making their individual investment needs a priority.

Crowell, Weedon & Co.'s approach to working with their clients is reminiscent of a time when investing was less complicated and more personal. As its motto "Built on Integrity. . . Grown on Trust" reflects, the firm places a strong emphasis on developing strong and enduring firm-client relationships. Crowell, Weedon & Co.'s business approach has produced an insightful investment philosophy, which has strengthened the company and enabled it to withstand numerous market fluctuations. Crowell, Weedon & Co. today boasts of a partnership with more than 70 owners and 75 years of consistent profitability since its first day of operation.

The company's proud legacy is reflected in the firm's leadership. Donald Crowell, the founder's son, served as Managing Partner for over 40 years. Today, Donald's sons, Andrew and Don, Jr. serve as 2 of the firm's 70 partners. Together, they carry on the proud Crowell family tradition.

Madam Speaker, on October 19, 2007, more than 500 employees and guests will gather at the Los Angeles Westin Bonaventure to celebrate the company's 75th year. I congratulate Crowell, Weedon & Co. on this landmark achievement and ask my colleagues to join me in extending to the firm's management and employees best wishes for many more years of continued success.

INTRODUCTION OF IDENTIFICATION FRIEND OR FOE LEGISLATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to introduce legislation that will stop the selling of our U.S. servicemembers' safety.

Between August and October of 2006, 4,800 used combat uniforms bearing "glo-tape" patches were inadvertently sold despite a determination by a Defense Department office in July of that year that the patches had to be removed and destroyed before such uniforms could be put on sale. A year later less than 350 of the uniforms and patches have been returned. The availability of these items on the black market has the potential to cost U.S. military lives.

Glo-tape patches and other military items designated as "Identification Friend or Foe (IFF)" are specifically designed to allow members of our armed services to easily identify each other in poor lighting and certain other inclement conditions.

In the hands of the enemy, these patches could allow for infiltration into our ranks, as happened in January of this year when insurgents dressed in U.S. military uniforms in Karbala entered a secure compound killing one serviceman and abducting four others.

IFF items are listed by the military as items that are required to be completely demilitarized, and are not to be sold to the public. Yet, there is currently no enforcement procedure to ensure that persons illegally in possession of these items return them to the Department of Defense.

An investigation in July of 2007 by Newsweek magazine determined that IFF items were easily obtained at retailers in several areas of the United States without consequence (See article following).

I have introduced legislation that will protect our men and women from those whose reckless acts would cause them harm. First, the bill codifies into law that it is illegal to possess, purchase, or sell Identification Friend or Foe items. The bill further requires the Department to provide notice anywhere that the Department authorizes the private sale of surplus or used military items that the possession, purchase, or sale of IFF items, original or counterfeit, is punishable by law.

Secondly, the bill makes it a Class B Misdemeanor, punishable by up to six months in jail per incident, to possess these items or transact business related to the items. It would also be a crime to counterfeit these items for personal or retail use.

We can and should do everything in power to protect our men and women in uniform by removing any advantage the enemy might seek to gain. Please join me in making the selling of our servicemembers' safety a crime.

[From Newsweek, July 16, 2007]

THE MILITARY: A DANGEROUS PATCH

The Pentagon prides itself on the ability of U.S. combat units to operate under cover of darkness. But that advantage could be eroded if a key item—infrared patches that troops use to ID each other at night—were to fall into the wrong hands.

According to a Defense Department spokesman, 4,800 used combat uniforms bearing "glo-tape" patches were inadvertently sold to U.S. and Canadian clients of an Arizona-based company between August and October 2006—despite a Defense Department determination in July of that year that the patches had to be removed and destroyed before such uniforms could be put on sale. When the oversight was discovered, the Pentagon ordered the company, Government Liquidation, to return 1,200 garments containing the infrared patches that were still in its possession. (A company spokeswoman says the Pentagon did not notify Government Liquidation of any restrictions on the sale of the glo-tape items prior to October of last year, and a senior Defense Department official said the company did not violate any existing clause of its contract with the Pentagon when it was selling the glo-tape uniforms.)

The Pentagon imposed a blanket ban on the sale of combat fatigues this past February after Iraqi insurgents in U.S. combat uniforms entered a government security compound and killed 5 soldiers. But individual patches can still be easily obtained—as Newsweek reporters learned last month when they purchased several patches at military supply stores in Jacksonville, N.C., and Oceanside, Calif., without being asked to produce military ID. More than 4,000 of the patchbearing used uniforms are still at large, according to senior Pentagon official Paul Peters.

The U.S. Army began issuing combat fatigues bearing the glo-tape patches after a friendly-fire incident in the first week of the Iraq invasion that may have contributed to the deaths of 10 Marines. Known as IFF (Identification Friend or Foe), they come in various shapes and sizes that include U.S. flags; they can be detected at night by ground troops and airborne combat pilots equipped with night-vision goggles. No law forbids civilian surplus stores in the United States from selling the items, a fact that 1 Marine corporal finds alarming. "If you're moving around in the dark and you see someone with infrared patches, you won't be as on guard as you would be with somebody without those patches;' says Jeremy Terhune, 26, an infantry rifleman from Saugus, Calif., who has served 3 tours in Iraq and 1 in Afghanistan. No evidence has yet surfaced that insurgents in Iraq or Afghanistan have acquired the patches.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. CUMMINGS. Madam Speaker, on October 15, 2007, due to obligations in the district, I missed the following recorded votes:

Roll No. 961, on H. Res. 738, expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon; had I been present, I would have voted "aye";

Roll No. 962, on H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Service Veterans Post Office; had I been present, I would have voted "aye"; and

Roll No. 963, on H.R. 20, the Melanie Blocker-Stokes Postpartum Depression Research Care Act; had I been present, I would have voted "aye."

HONORING THE SERVICE OF THE 643RD MILITARY POLICE COMPANY OF WESTBROOK, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. COURTNEY. Madam Speaker, I rise today to honor the 643rd Military Policy Company of the Connecticut National Guard, based in Westbrook, Connecticut. Over the weekend, I joined Connecticut's Adjutant General, MG Thaddeus Martin and other elected officials as a "Freedom Salute" in honor of the 643rd's recent return from a deployment in Germany in support of Operation Enduring Freedom, the longest of any Connecticut National Guard unit in support of ongoing military operations.

In February 2006, 130 members of the 643rd MP, commanded by Captain Santo Pizzo of Glastonbury, deployed to Germany where they provided security and military law enforcement at U.S. military facilities in Hanau, Darmstadt, and Baumholder. While there, the unit helped track terrorists suspected of planning attacks against military facilities, including the military barracks in Hanau.

In addition, the 643rd MP also tackled other challenges, such as drug and alcohol related crimes and domestic disturbances. Specialist Ryan Maynard of Franklin, Connecticut, was awarded the Army Commendation Medal for saving a 2-month old child from choking. While this is a notable achievement worthy of praise, Specialist Maynard noted in the New London Day that: "It's not one individual that makes a unit. It takes everyone coming together to make the mission successful."

Any military deployment is hard not only on our men and women in uniform, but also on their families and loved ones waiting at home for them to return. The 643rd's deployment was especially tough, as they saw their deployment in Germany extended twice—leaving them abroad for nearly 3 more months than they expected.

Extended deployments such as this have real consequences for our National Guard, not only in their readiness to respond to threats at home and abroad, but also in the strain it places on the families who selflessly support our men and women in uniform. This weekend's "Freedom Support" was a testament to their strength during this long deployment and their continued support for their loved ones in uniform.

I ask my colleagues to join me in welcoming the men and women of the 643rd MP home, and congratulating them on a safe and successful deployment.